# NO EXCUSES

## A review of educational exclusion

THE CENTRE FOR
# SOCIAL
# JUSTICE

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# Contents

# About the Centre for Social Justice

The Centre for Social Justice (CSJ) aims to put social justice at the heart of British politics.

Our policy development is rooted in the wisdom of those working to tackle Britain's deepest social problems and the experience of those whose lives have been affected by poverty. Our Working Groups are non-partisan, comprising prominent academics, practitioners and policy makers who have expertise in the relevant fields. We consult nationally and internationally, especially with charities and social enterprises, who are the champions of the welfare society.

In addition to policy development, the CSJ has built an alliance of poverty fighting organisations that reverse social breakdown and transform communities.

We believe that the surest way the Government can reverse social breakdown and poverty is to enable such individuals, communities and voluntary groups to help themselves.

The CSJ was founded by Iain Duncan Smith in 2004, as the fulfilment of a promise made to Janice Dobbie, whose son had recently died from a drug overdose just after he was released from prison.

Executive Director: Gavin Poole

# Preface

The Centre for Social Justice (CSJ) commissioned this review of educational exclusion to understand and expose a hidden problem. For many years, as the CSJ has spent time in the UK's most deprived communities, the scandal of such exclusion has gradually revealed itself. In the chaotic swirl of family breakdown, welfare dependency and worklessness, addiction and severe personal debt, parts of our education system have been falling far short.

The CSJ uncovered the extent to which educational failure stifles the chances of children in our poorest areas in its 2007 report *Breakthrough Britain*. In that paper the shameful inequality within the system was highlighted, and a clear strategy for reform outlined. Building on the proposals in *Breakthrough Britain*, we welcome the Government's commitment to make education reform one of its core missions during its time in office. Policies such as free schools, academy expansion and reduced bureaucracy for school leaders could make a significant difference to schools, and improve the quality of provision for pupils currently let down by the inadequacies of the system.

Yet as the publication of this new report reveals, there is a significant minority of pupils for whom a more tailored and considered approach is required. Following a 12 month process of evidence gathering in which the CSJ encountered the best and worst examples of our education system, we have set out the often shocking treatment which befalls some of society's most vulnerable children and young people.

The CSJ believes passionately in personal responsibility and the importance of robust and fair responses to disruptive behaviour, as this paper makes clear. But we also believe in the critical importance of support and nurture, as well as the inherent potential of those often written off by society.

Many underlying causes of challenging behaviour and disengagement from education have long been neglected, or misunderstood. After outlining the national scale and nature of exclusion, our paper is littered with shocking accounts of the abuse, neglect and poor development too many children enter our school system carrying. It is, therefore, sometimes impossible to expect anything other than difficult behaviour, in view of some of the starts our children have in life. One of the main calls the CSJ makes in this paper is for a culture shift *from* only reacting to disruptive behaviour, to intervening effectively before it manifests more seriously. Within this, training and equipping staff who have to deal with these issues must become a key priority in primary, as well as secondary schools. The urgent need for

early intervention is made clear by the tragic fact that young children are being excluded, on a permanent and fixed-term basis. For instance, 320 children below the age of eight were permanently excluded in the academic year 2009 to 2010.

As we reveal, it is also vital that the unscrupulous and sometimes illegal practices some schools indulge in – often to meet targets – are confronted head on by determined political leadership. Such activities, which can involve cutting pupils adrift on pointless part-time timetables, or turning a blind eye to truancy after morning registration targets are met, are utterly unacceptable and counter-productive.

In publishing this report our thanks go to Adele Eastman, who has worked tirelessly and passionately to produce a report which could spark transformative change. I am also particularly grateful to the team of advisers that offered such expertise and insight during this process. They are: Dr Jonty Clark, David Smellie, Jerry Collins, John d'Abbro OBE, Gracia McGrath OBE and William Smith.

The injustice exposed in this report must not be allowed to persist. And as we debate the causes of the appalling disorder and rioting on our streets this summer, we should be clear in our resolve to offer something infinitely better than the hopelessness many of the young people who took part in that criminality live in. Alongside stronger families and a welfare system which rewards work, the Government could do no better than reach into the mess which is educational exclusion, to lead a process of reform which changes lives and creates a better future for our society.

**Gavin Poole**
CSJ Executive Director

# CSJ Educational Exclusion Key Advisers



### David Smellie

David Smellie is a Partner at Farrer & Co LLP Solicitors and is head of the firm's Schools Group which advises schools on all education related matters including exclusions. David is named in Chambers and Legal 500 as the leading UK schools lawyer. He is also a school governor of three schools.



### Dr Jonty Clark

Dr Clark has spent 25 years working in special education; this has included working at several schools and provisions such as the National Centre for Young People with Epilepsy and the Great Ormond Street/NCYPE assessment service. He is currently the Principal of the Nightingale and Elsley Schools Federation which is the primary, secondary and sixth form provision for children identified as having BESD. Dr Clark was recently appointed Executive Principal of the Croydon primary/secondary BESD school, Beckmead, and so is currently splitting his week between Croydon and Wandsworth. He holds Masters and Doctoral degrees in Education from the University of Sheffield.



### Gracia McGrath OBE

Gracia McGrath OBE is Chief Executive of Chance UK, an award winning early intervention mentoring programme. The programme works with five to 11 year olds who are identified as those most likely to go on to criminal, offending and anti-social behaviour later in life. Gracia has worked in the voluntary sector for more than 20 years and received an OBE in 2009. Gracia is a member of the Queen's Award for Voluntary Service Committee, was a member of Working Group for the CSJ report Dying to Belong, an in-depth review of street Gangs in Britain (2009), and is a member of Addaction's 'Breaking the Cycle Commission', which looks at ways to address the needs of the children of substance misusing parents.

Jerry Collins

After completing a degree in Economics and Social and Political Science at University College Galway, followed by Higher Diploma in Education, Jerry moved to London to fulfill his ambition of working in diverse urban schools. He has been Principal of Pimlico Academy since September 2008. The predecessor school was in special measures in 2008. Since then Pimlico has undergone a major transformation and was judged outstanding by Ofsted in December 2010. Five A*-C GCSEs with English and Maths have improved from 36 per cent to 60 per cent. Exclusions have been reduced by 75 per cent and the academy has developed an extensive programme of therapeutic support for its students.

John d'Abbro OBE

John d'Abbro is the head teacher of the New Rush Hall Group, a Redbridge Local Authority resource that works with children experiencing behavioural, emotional and/or social difficulties. In 2007, John was awarded an OBE for his services to Special Education and an Honorary Doctorate of Education from the University of East London. He was inducted as a National Leader in Education in February 2011, granted Apple Distinguished Educator status in recognition of his work in Digital Creativity and awarded a 'distinction' in the Secondary Head teacher of the Year category of The Teachers Awards. John has also given evidence to the House of Commons Education and Skills Committee, was Chair of the Pan London Back on Track Project, and was selected to be the head teacher in Jamie Oliver's Dream School for the recent Channel 4 series.

William Smith

William Smith started his career as a Teacher of Science in September 1992 at Long Eaton Community School in Derbyshire and was subsequently promoted to the roles of Head of Physics and Head of Science at other schools. He joined Greenshaw High School, an 11 to 19 mixed comprehensive school of 1,564 pupils, in April 2001 as an Assistant Head teacher and was promoted to Deputy Head teacher, Associate Head teacher and, subsequently, Head teacher from January 2010. He made a significant contribution in the School's bid to become a Maths and Computer Specialist School and, more recently, its successful application to become an Academy. He is committed to the School's outreach work and is involved in the PiXL (Partners in Excellence) programme, supporting a number of schools across London.

Adele Eastman (CSJ Senior Policy Specialist and author)

Adele Eastman read Italian at University College London, and then studied law at The College of Law, London. Before joining the CSJ, Adele was a solicitor at Farrer & Co LLP where she qualified in September 2003. Adele specialised in employment and education law (independent sector), was Secretary of the Schools Group and spoke regularly on issues affecting schools. Adele was a Trustee of the Tom ap Rhys Pryce Memorial Trust ('Tom's Trust') for over four years, a charity established in memory of her late fiancé who was robbed and killed by two youths in January 2006. Tom's Trust provides educational and vocational training opportunities to disadvantaged children and young people who might not otherwise have access to them, and helps to tackle and prevent the root causes of violent gang culture and violent street crime. Adele is a Governor of Ark Academy in Brent and sits on the Advisory Panel of the charity IntoUniversity. Adele has also been appointed on the DfE's Independent Review Panel to advise on its approach to assessing and evaluating full bids for grant funding for Children, Young People and Families, in the sum of £59 million, and other aspects during the term of the grants.

# Special thanks

The CSJ would like to thank the many individuals and organisations who gave evidence to this review, and shaped its conclusions. Founded on its commitment to experience-led analysis and policy development, the CSJ conducted many interviews, held a number of roundtables and undertook many visits. We also talked off the record to some individuals and organisations. The CSJ would like to extend particular thanks to the report's key advisers for their invaluable contribution. In addition, we would like to thank Professor Carl Parsons for his kind assistance with Chapter One of this report. Our thanks also go to the many young people who shared their experiences and insights throughout the research process. We hope this paper sparks the change that they passionately want to see.

The CSJ would also like to express special thanks to John Nash and the Regatta Foundation for their instrumental support of this paper. We are deeply grateful to them for their generosity. Finally, we extend our thanks to Autumn Forecast for her design assistance on this report.

# Executive summary

This is the Executive Summary of *No excuses: A review of educational exclusion*. To download the full report and complete list of recommendations, visit www.centreforsocialjustice.org.uk

## 1. Introduction

> *'Are you going to treat a man as he is or as he might be? Morality requires that you should treat him as he might be, as he has it in him to become...Raising what he is to what he might be is the work of education.'*
>
> William Temple

Many pupils are being profoundly misunderstood within some mainstream schools. The underlying causes of their behaviour, and their needs, are not being addressed properly. As a result, there is a near-hidden group of children and young people in our education system which is being failed. Whilst carefully and fairly administered discipline has an important part to play in managing challenging behaviour, punitive measures alone rarely, if ever, have a desirable long-term effect. These pupils also require support – within a safe, secure and nurturing environment – to understand and improve their behaviour.

> 'A society gets the children that society creates.'
>
> John d'Abbro OBE, Head of the New Rush Hall Group, in evidence to the CSJ

Educational exclusion extends far wider than what happens in schools; it is not an education-based problem alone. The underlying causes of challenging behaviour and disengagement from education are often rooted in the family environment. There are risk factors that exist in the lives of many pupils which appear to impact predominantly on their cognitive development, behavioural, emotional and social development, and on their mental health, well-being and educational attainment. It is critically important to look behind their behaviour and focus instead on their unmet needs.

We argue that pupils should be supported to the greatest extent possible to stay within mainstream schools. Whilst many schools exhaust all possibilities before regretfully administering a permanent exclusion, this is not always the case. Some schools are failing to comply with

their legal obligations in respect of official exclusions, are carrying out unofficial illegal exclusions, or are otherwise failing to provide an acceptable level of pastoral care and education. In doing so, they are also failing to comply with their child protection and safeguarding obligations in many cases. We analyse the weaknesses in the current system which are being manipulated by some schools in relation to many of society's most vulnerable children and young people. Exclusion is damaging for the pupils concerned, and for wider society.

## 2. Lifting the lid on exclusion

### 2.1 Permanent and fixed-term exclusions and truancy

Latest figures from 2009/2010 show there was an estimated 5,740 permanent exclusions, and 331,380 fixed-term exclusions, amongst a pupil population of approximately eight million.[1, 2] This is a highly significant minority. On the basis of official statistics, the previous Government's objective to reduce the number of permanent exclusions appears to have succeeded, in that they have steadily declined: from 12,300 permanent exclusions in 1997/1998 to an estimated 5,740 in 2009/2010.[3] In the academic year 2009/2010, fixed-term exclusions fell to their lowest since 2003/2004 – to 331,380.[4]

However, in view of our evidence and other research, the use of referrals, part-time timetables, managed moves and dual registration must also be considered when calculating the potential number of exclusions. An increasing number of pupils are being educated in Pupil Referral Units (PRUs) and other alternative provision by these means.[5] For example, despite the number of permanent exclusions falling by approximately one-third in the late 1990s, the number of pupils being educated in PRUs almost doubled between 1997 and 2007.[6]

Whilst many schools are using these processes appropriately, some are employing them to exclude pupils illegally. These processes are either wholly unregulated or subject to little regulation and government guidance. In addition, there is a lack of transparency in relation to their use, coupled it seems with a lack of monitoring by schools, local authorities (LAs) and the Department for Education (DfE). The DfE does not collect data, for example, on the reasons why pupils join the roll of PRUs, or on the use of referrals, managed moves or part-time timetables. Nor does it collect information on the registration status of pupils attending alternative provision. Accordingly, it does not know the capacity in which such pupils are attending that provision.

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1   Department for Education, *Schools, Pupils and their Characteristics,* January 2010, Table 2a, FINAL, added 17 June 2010 [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s000925/index.shtml (13/06/11)]; 620 from primary schools, 5,020 from secondary schools and 100 from special schools

2   Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010* London: Department for Education, 2010; the Department for Education states that 'Pupils can have more than one exclusion in a year. This release includes analysis based on the number of fixed period exclusions along with some analysis of the number of pupils with one or more fixed period exclusion' – 37,210 from primary schools, 279,260 from secondary schools and 14,910 from special school

3   This was from primary, secondary and special schools; Department for Education, *Permanent and Fixed Period Exclusions from Schools in England 2009/2010,* London: Department for Education, 2010, Table 2, p10

4   Ibid

5   Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, November 2010, pp11-13

6   Ibid, p12

Although the level of official permanent exclusions appears to be reducing, it is impossible to be clear of progress, given the uncertainty about the level of unofficial exclusions being used. It is a wholly untransparent number as no statistics exist. The same is true in relation to fixed-term exclusions, albeit unofficial exclusions in this context can be achieved through different means. In regard to truancy, although statistics reveal a marginal improvement in the rate for all schools in England in the academic year 2009/2010, truancy in primary schools reached its highest level on record.[7]

## 2.2 Causes of exclusion and truancy

The most common reason for exclusion is persistent disruptive behaviour (accounting for almost a third of permanent exclusions and nearly a quarter of fixed-term exclusions). However, by adding together the percentages for physical assault, verbal abuse or threatening behaviour (against a pupil and against an adult), these categories account for four in ten permanent exclusions and one half of all fixed-term exclusions.[8]

There is no way of determining the exact reasons for truancy, given the way that absence data is recorded by schools. However, research suggests that over two-thirds of all those who truanted did so in order to avoid a particular lesson.[9]



A group of pupils at a PRU visited by the CSJ

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7   Department for Education, *Pupil Absence in Schools in England, Including Pupil Characteristics: 2009/2010*; a persistent absentee is defined by the Department for Education 'as having 64 or more sessions of absence (authorised and unauthorised) during the year, around 20 per cent overall absence rate'. We note that the Department for Education is due to change the definition of persistent absence in school performance tables from 20 per cent to 15 per cent absenteeism. The new threshold will be published in statistical releases from October 2011 onwards, and the old threshold will be published alongside it. The statistics referred to in the narrative also confirm that the total unauthorised absence rate had increased by 42 per cent since 1996/1997

8   Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*

9   O'Keefe D, *Truancy in English Secondary Schools*, London: Department for Education/HM Stationery Office, 1994 cited in Parsons C, *Education, Exclusion and Citizenship,* London: Routledge, 1999, p57

## 2.3 Which pupils are excluded and truant?

There is a strong correlation between exclusion, poverty (as indicated by free school meals (FSM) entitlement) and disadvantage.[10] Certain groups of pupils continue to be disproportionately excluded – namely those with Special Educational Needs (SEN), particular minority ethnic groups and lower socio-economic groups.[11]

## 2.4 The cost of exclusion

There is a significant difference in the cost between educating pupils in mainstream schools, special schools and PRUs. In 2007, New Philanthropy Capital (NPC) estimated the aggregate lifetime cost of permanent exclusions from school to be £650 million, and truancy more than £8.8 billion.[12] The human cost of exclusion and truanting is also high, given the '...wealth of evidence linking exclusion from school with academic underachievement, offending behaviour, limited ambition, homelessness and mental ill health'.[13]

A recent survey of 15 to18 year olds held in custody presented appalling findings in relation to their educational background.  For example, 90 per cent of the young men and 75 per cent of the young women had been excluded from school, and more than seven in ten had truanted from school.[14]

However, a large proportion of the costs of exclusion and truancy are avoidable – many proven cost effective solutions exist, particularly in the voluntary sector. By way of illustration, it is estimated that a net saving to society of £90 million could be achieved using School-Home Support (SHS) (profiled in our report), to tackle preventable permanent exclusions.[15]

## 2.5 The root causes of exclusion

*The family environment*
Stable, healthy families are at the heart of strong societies. An individual's physical, emotional and psychological development occurs within the family environment. It is from our family that we learn unconditional love, understand right from wrong, and gain empathy, respect and self-regulation. These qualities prepare children for positive engagement at school.

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10  Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2008/2009*

11  Pupils with SEN – with or without statements are more than eight times more likely to be permanently excluded than pupils with no SEN and account for 74 per cent of permanent exclusions; they are also more likely to be fixed-term excluded than pupils with no SEN.  Black Caribbean pupils are nearly four times more likely to be permanently excluded, and are more likely to be fixed-term excluded than the school population as a whole.  Children who are eligible for FSM are approximately four times more likely to be permanently excluded and three times more likely to be fixed-term excluded than children who are not eligible for FSM

12  New Philanthropy Capital, *Misspent Youth; The costs of truancy and exclusion*, London: New Philanthropy Capital, 2007, p12 and p18 – the figures are based on 2005 prices; in calculating the figures, NPC took into account the costs to education, the cost of lower earnings, the cost to the health service, the cost of higher crime and the cost to social services

13  House of Commons Education Select Committee, *Behaviour and Discipline in Schools*, paragraph 17, 3 February 2011 [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/11)]

14  HM Inspectorate of Prisons and Youth Justice Board, *Children and Young People in Custody 2009-10; An analysis of the experiences of 15-18-year-olds in prison*, London: HM Stationery Office, 2010, p22 and p73

15  New Philanthropy Capital, *Misspent Youth; The costs of truancy and exclusion,* London: New Philanthropy Capital, 2007, p8 and p14; the figures are based on 2005 prices

> 'Challenging behaviour is a manifestation of a deeper malaise.'
>
> Jerry Collins, Principal, Pimlico Academy, in evidence to the CSJ

Yet nearly half of all children born today will experience family breakdown by the age of 16, and 15 per cent of children are born into homes without a resident biological father.[16,17] Almost 750,000 children witness domestic violence annually.[18] Furthermore, NSPCC research has found that the equivalent to almost one million secondary school children in the UK population had been physically attacked by an adult, raped or sexually assaulted, or severely neglected at home.[19] There is also a clear link between family breakdown and substance abuse: between 250,000 and 350,000 children have a parent who is a problem drug user and up to 1.3 million children have parents who abuse alcohol.[20, 21] Self-evidently, children from such broken and dysfunctional families can become profoundly damaged, which often leads to challenging behaviour in school and beyond, as well as disengagement from education.

*Impact of family breakdown and dysfunction*
YouGov polling for the CSJ found that a child not growing up in a two-parent family is, amongst other things, 75 per cent more likely to fail at school.[22] Family breakdown, fatherlessness and gang involvement are also strongly inter-linked.[23]

In one special school that the CSJ visited for boys with behavioural, social and emotional difficulties, a six year old pupil defecated in the middle of a class room – he had not been toilet trained. In the same school, we learnt of two brothers (two of eight children who have four different fathers). When they were aged five and seven, one of the fathers tied all of the children up, tortured them and then fatally shot himself in front of them. Each of these three boys had been excluded from their primary schools by Year Four.

The quality of a child's primary caregiver's support and nurture profoundly influences a child's very early formative years. Their first three years are critical in terms of the brain's social, emotional and physical development.[24] Trauma affects the brain's development and in turn a child's behaviour

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16    Bristol Community Family Trust and the Centre for Social Justice, *Family breakdown in the UK: it's NOT about divorce'*, London: Centre for Social Justice, December 2010, p1

17    Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens,* London: Centre for Social Justice and Smith Institute, 2009, p33

18    Taskforce on the Health Aspects of Violence Against Women and Children, *report from the domestic violence sub-group: responding to violence against women and children – the role of the NHS,* March 2010 p10

19    NSPCC, *Child cruelty in the UK 2011*: NSPCC, February 2011, pp3 and 11; the NSPCC states that the equivalent to almost one million secondary school children figure is 'Based on 18.6% of 5,231,300 children aged 11-17 years in the UK in 2009, source: Mid Year Population Estimate 2009, Table 1'

20    The Home Office, *Hidden Harm* [accessed via: http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/publications/drugs/acmd1/hidden-harm (07/07/11)]

21    Turning Point, *Bottling it up: the effects of alcohol misuse on children, parents and families,* London: Turning Point, 2006, p2

22    Centre for Social Justice, *Breakdown Britain,* London: Centre for Social Justice, December 2006

23    Centre for Social Justice, *Dying to Belong,* London: Centre for Social Justice, 2009, p94

24    Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008 and Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens,* London: Centre for Social Justice and Smith Institute, 2009

and learning ability.[25] One of the serious consequences of a child's inability to form strong early attachments (a core developmental need) is that they often struggle to regulate their own emotions, which in turn influences behaviour.[26] This can cause them to either act out (i.e. express distress) or internalise (i.e. inhibit emotions). Various witnesses have informed us that attachment and relationship issues lie at the root of many excluded and self-excluding pupils' difficulties.

We also heard a number of profoundly distressing accounts of the impact of domestic violence in the lives of children and young people, some of which feature in case studies in our report. Evidence indicates that domestic violence increases the risk that children, in particular boys, will have behavioural problems such as aggressive behaviour.[27] Many harrowing examples were also given to us of the neglect and abuse suffered by some children and young people, and the impact that this can have on their behaviour and educational engagement.

One in ten children and young people aged five to 16 has a clinically recognisable mental disorder, and boys are more likely to have a mental disorder than girls: with some ten per cent of boys and five per cent of girls among the five to ten age range, and 13 per cent of boys and ten per cent of girls among the 11 to 16 age range.[28] According to YoungMinds 'many children who have [SEN], particularly those who are said to have behavioural, emotional and social difficulties, will also have mental health problems'.[29]

*The local environment – street gangs*

Britain's street gang problem, which has reared its head again through some of the recent rioting and disorder, is becoming increasingly severe. We have been informed that in some gangs there are activities, behaviours and cultures which are at the highest end of gravitas. For example, in some gangs, the age of those being recruited is getting younger, the level of violence which has become normalised is much more severe, and the involvement of girls and their sexual exploitation is on the rise.[30]

This violent street gang culture is destroying communities and having a devastating influence on children and young people who witness it.

Many of those involved or at risk of being influenced are pupils in our schools and PRUs. This places considerable external pressure on professionals in terms of keeping them there, managing their behaviour and engaging them successfully. Clearly this is not a matter that schools and PRUs should be left alone to deal with. Street gangs both cause and derive from social breakdown, and we welcome the Government's recent commitment to tackle this tragic culture.

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25 Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens,* London: Centre for Social Justice and Smith Institute, 2009 p64

26 Crittenden PM and Ainsworth M, Attachment and child abuse, 1989 in Cicchetti D and Carlson V (eds.), *Child maltreatment: Theory and research on the causes and consequences of child abuse and neglect,* New York: Cambridge University Press, pp432-463 cited in Sternberg KJ et al, *Type of violence, age, and gender differences in the effects of family violence on children's behavior [sic] problems: A mega-analysis,* Developmental Review, 26, 2006, p90

27 Yates TM et al, *Exposure to partner violence and child behavior [sic] problems: A prospective study controlling for child physical abuse and neglect, child cognitive ability, socioeconomic status and life stress,* Development and Psychopathology, 15, 2003, pp199-218; Sternberg KJ et al, *Type of violence, age, and gender differences in the effects of family violence on children's behavior [sic] problems: A mega-analysis,* Developmental Review, 26, 2006, pp89-112

28 National Statistics, News Release, *One in ten children has a mental disorder,* 31 August 2005 [accessed via: http://www.statistics.gov.uk/statbase/Product.asp?vlnk=14116 (05/07/11)]

29 House of Commons Education Select Committee, *Behaviour and Discipline in Schools,* 3 February 2011, paragraph 131

30 Centre for Social Justice, Press Release, *Centre for Social Justice responds to today's launch of 'gang injunctions',* 31 January 2011 [accessed via: http://www.centreforsocialjustice.org.uk/default.asp?pageRef=293]

> Gracia McGrath OBE, the CEO of Chance UK, referred to an eight year old boy who wanted to know what it would be like to be stabbed. It transpired through the charity's mentoring programme, that there had been a rise in stabbings in his area and that he had seen a number of dead bodies and had an expectation that he would die from a knife wound at the age of eight. That is why he had wanted to know what it would feel like. The charity's target was to get him to play on the swings – they accepted that he couldn't do so in his park because he was afraid of being seen as a 'kid' and therefore a target by the other children in the area, and so took him to another park.

*Early Intervention*

The CSJ has long emphasised the crucial need for early intervention. Within this, the importance of the early years cannot be overstated. That said, the CSJ believes it is also vital for early intervention to continue throughout a child's upbringing, at whichever stage it might be required. In this regard, we have encountered a questionable culture of greater investment in secondary schools ahead of primary schools, which at times can leave secondary schools picking up the pieces of missed opportunities to intervene earlier.

In evidence to the CSJ, witnesses were in firm agreement on the paramount importance of early intervention in the context of educational exclusion. This is because it is crucial to recognise the problems that could lead to exclusion and/or disengagement from education as early as possible, before they become more entrenched. The financial savings are also indisputable. According to economic research, a comprehensive investment programme in preventative and early intervention services for children and young people could save the UK economy £486 billion over 20 years.[31]

Schools (including special schools), PRUs and other alternative providers need to be able to identify and address the underlying causes of challenging behaviour and disengagement from education as early as possible. To achieve this they need to develop informed understanding of their pupils and individual circumstances. It has been acknowledged that effective early identification of need and intervention may enable more young people with less severe needs to avoid a SEN classification at a later stage.[32] The CSJ believes a standardised, simplified and cohesive approach is required with respect to vulnerable children and young people – from an early age and across the education sector. As we outline in our report, we believe that this could involve an electronic education passport model.

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31   Action for Children and New Economics Foundation, *Backing the Future: why investing in children is good for us all*, London: New Economics Foundation, 2009, p26

32   Department for Education, *Support and aspiration: A new approach to special educational needs and disability – A consultation:* Department for Education, March 2007, paragraph 1.7

> **Recommendation:**
>
> ■ Mainstream schools, special schools, PRUs and other alternative providers need to develop an informed understanding about each pupil's circumstances and educational requirements. The CSJ believes this could be achieved through the development and introduction of an electronic education passport model. Such a model would require careful consideration and consultation in a number of crucial respects (as detailed in our report). The CSJ believes that the model could complement the Common Assessment Framework (CAF).

*Parental engagement*

A child's education must begin at home; parents should be the primary educators of children. Thus responsibility for a child's education does not rest solely with schools. Marginalised parents should be encouraged to engage with their child's education from the earliest stage possible. It is vital that schools (including special schools), PRUs and alternative providers also engage parents in their child's education and from the outset – in an effort to raise the aspirations of both parents and pupils, and to promote positive behaviour and engagement in education. However, we need to recognise the challenges presented both to and by some parents. The CSJ has seen how a significant minority are tragically either unable or unwilling to engage with their child's education, for various reasons.

A number of schools (including special schools) and PRUs (as highlighted in our report) are allocating resources to engage such parents. Voluntary and community sector organisations are also playing a crucial role in this respect. Efforts can and should also be made to engage reluctant parents, as well as the remaining core that refuse to engage despite the support offered to them. One potential solution for engaging these parents would appear to involve schools working with specialist social workers who do not have standard case-loads.

> **Recommendation:**
>
> ■ **Reaching and engaging parents with the voluntary and community sector**
> Schools (including special schools), LAs, PRUs and alternative providers should engage with effective voluntary and community sector organisations running evidence based programmes. This should involve an expansion, where feasible, of organisations like SHS and Chance UK. Furthermore, we recommend ring-fencing core 'entitlements' that may be offered to parents, and the utilisation of voluntary and community sector organisations or school-linked social workers to act as a bridge in terms of securing parental engagement.

# 3. Challenging behaviour and disengagement from education in mainstream schools

## 3.1 Safety fears

The extent to which some pupils feel unsafe in school, or on their journey to and from it, is debilitating. And the impact of weapon carrying, street gang activity and conflict on their behaviour and engagement with learning, is staggering. John d'Abbro OBE, Head of the New

Rush Hall Group, told us: 'A lot of young people will tell you that they 'tool up' because they are scared'. Some schools are not equipped to recognise or deal with the impact of street gang activity. Others are not transparent, being highly reluctant to admit to a gang problem for fear of stigmatisation.

> 'Weapon carrying is rife in schools.'
>
> Head teacher, South London, in evidence to the CSJ

This is not a matter that schools should be left alone to deal with. It is crucial that school leaders work with counterparts in their locality and professionals from external services, particularly effective voluntary and community sector organisations. We feature one such model, Leap Confronting Conflict, in our full report.

*Restorative approaches to conflict*
Restorative approaches provide an effective means of challenging and changing the behaviour of pupils, resolving conflict and reducing classroom and fixed-term exclusions, as demonstrated by research.[33] Furthermore, young people, staff and parents report high levels of satisfaction with restorative approaches and that young people are thoroughly challenged on their behaviour.[34] We have also seen how such challenges can be overcome through some Safer Schools Partnerships (SSP). Evaluation of SSPs found that there was a significant reduction in absence and truancy rates in such schools. The analysis also found that pupils in SSP schools felt safer than their counterparts in comparison schools.[35] The Islington SSP model, which we feature in our report, is an exemplar that we hold up for future policy planning.

Recommendations:

■ Dedicated police officer engagement in schools should become more specialised, and joint training should be provided.

■ Effective conflict resolution training should be provided for head teachers and as part of initial teacher training and Career Professional Development. Additional training should be provided and tailored to a school's specific local context.

■ Restorative approaches should be promoted in all secondary schools and research should be conducted with respect to its use in primary schools.

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33   Goodwin Development Trust, *Building Restorative Relationships for the Workplace,* Hull: Goodwin Development Trust, June 2011, pp9, 11 and 66
34   Youth Justice Board, *Restorative Justice in Schools,* London: Youth Justice Board for England and Wales, p10
35   Youth Justice Board, *A summary of the national evaluation of the Safer Schools Partnerships programme,* London: Youth Justice Board, 2005

## 3.2 Speech, Language and Communication Needs (SLCN)

'Communication disability...is a hidden disability. The key message that needs to come over – is that it is a basic life skill and a human right to be able to communicate.'

Jane Mackenzie, Royal College of Speech and Language Therapists, in evidence to the CSJ

Evidence suggests that half of children enter primary schools in some deprived areas without the language and communication skills that they need for the start of their formal education.[36] Furthermore, a recent study conducted in the United States has concluded that communication disability will be the number one public health challenge for the twenty first century.[37] Young children with SLCN have a high risk of literacy, numeracy and learning problems, as well as difficulty in developing social relationships. SLCN can wrongly present as being symptomatic of something else. Children's frustrations can manifest in challenging behaviour, which can also mask the humiliation they experience at being asked repeatedly to undertake tasks they cannot perform. There is no key performance indicator in schools for communication and no requirement for it to be measured. Therefore, a child could potentially move through the education system without their need being identified or addressed. This can have serious consequences for their developmental, educational and life outcomes.

Recommendations:

■ Schools nurses should check that every child entering primary school has been screened for SLCN and, if not, arrange for that to be done as soon as possible.

■ A key performance indicator should be introduced for communication competency in primary and secondary schools.

## 3.3 SEN and disability[38]

Pupils with SEN are at a greater risk of exclusion or truancy. Despite some outstanding work being done in many schools in the context of SEN and disability, as highlighted in our report, there is a lack of early identification of SEN needs in a number of schools. In addition, amongst other concerns referred to in our report, there is an issue with pupils presenting with what appears to be SEN but which could be due to a range of other factors.

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36   Locke A, Ginsborg J and Peers I, 'Development and Disadvantage: Implications for Early Years', *International Journal of Communication and Language Disorders*, 27, 1, 2002
37   Ruben RJ, *Redefining the survival of the fittest: Communication Disorders in the 21st Century*, 2000
38   SEN and disability can include SLCN depending on its severity

'A conclusion that may be drawn...is that some pupils are being wrongly identified as having [SEN] and that relatively expensive additional provision is being used to make up for poor day-to-day teaching and pastoral support. This can dilute the focus on overall school improvement and divert attention from those who do need a range of specialist support.'[39]

Falling behind matters – it can affect self-esteem, behaviour and engagement with education. A number of witnesses told us that some schools exclude to trigger the procedure for getting their needs met (in that more agencies are likely to become involved). The Government has announced plans under its *Special Educational Needs and Disability Green Paper* which aim to address a number of the concerns outlined in our report. One of its intentions is to introduce a single assessment process and 'Education, Health and Care Plan' (Plan) by 2014, to replace the statutory SEN assessment and statement.[40] It is not yet fully clear how the needs of other pupils without the proposed Plan will be met (for example those with SLCN, or indeed which of these would qualify). We believe and hope that our recommendation in relation to a possible electronic education passport model, would assist in helping to identify and address the needs of those pupils who would not qualify for a Plan. Where pupils do qualify for a Plan the passport could potentially incorporate those details.

Recommendation:

■ **Mainstream school teachers should undertake some training within outstanding BESD and other special schools, and in PRUs, to enhance their understanding and skills with respect to working with children with SEN.**

## 3.4 Literacy and numeracy

Impoverished language and communication skills hinder a child's ability to acquire literacy and numeracy.[41] Research suggests that significant literacy and numeracy difficulties are found in between 50 and 76 per cent of children who are permanently excluded from school, in 60 per cent of children in BESD schools, and in 50 per cent to 60 per cent of the prison population.[42] Many display challenging behaviour to hide the fact that they cannot read, write or keep up. Some schools are taking stock of the situation at Year Seven and focussing on improving these skills by means of providing additional support, and in some cases by disapplying the curriculum – for example ARK Schools (as featured in our report).

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39   Ofsted, *The special educational needs and disability review*, Ofsted, September 2010, p9
40   Department for Education, *Support and Aspiration: A new approach to special educational needs and disability: A consultation*, Norwich: The Stationery Office, March 2011, p5
41   Gross, J (ed), Getting in early: primary schools and early intervention, The Smith Institute and the Centre for Social Justice, *Why we need to target four-to-eight-year-olds: Getting in early: primary schools and early intervention*, London: The Smith Institute and the Centre for Social Justice, November 2008, p23
42   Ibid

They are giving pupils the critical opportunity to catch up, with a view to being able to re-engage with the curriculum at a later stage. Crucial recommendations are made in our report.

'We see struggles with all forms of written work. Their parents didn't read to them, they didn't catch up at primary school and couldn't keep up at secondary school, then they become disengaged. They may develop strategies to get out of learning because they are embarrassed that they can't do it. It's not a behaviour problem to start with – it's a literacy or numeracy problem.'

Voluntary sector organisation, in evidence to the CSJ

## 3.5 The impact of challenging behaviour on teaching and learning

Challenging behaviour can have a damaging impact on teaching: 'Members cite effects including chronic stress, depression, voice loss, loss of confidence, illness resulting in time off work, negative impact on personal life.'[43] It can also affect the recruitment and retention of teachers: 'two thirds say that negative behaviour is driving people out of the profession.'[44] Crucially, some schools (such as Pimlico Academy) and PRUs (such as the Bridge Academy PRU) offer therapeutic support to their teaching staff, in addition to their pupils and, in some cases, their families. A number of voluntary sector organisations also provide such support (such as The Place2Be).

82 per cent of people we polled agreed that counselling should be available for teachers and support staff responsible for addressing challenging behaviour.

YouGov polling for the CSJ, April 2011

Challenging behaviour can also impact on the learning of others. Schools may understandably need to remove some pupils from the classroom. Clear, consistent and fairly applied rules and boundaries are extremely important especially with respect to the pupils with whom our review is concerned, whose lives may be characterised by chaos. Discipline, where necessary, should be carefully administered and, critically, accompanied by effective support. This support should be provided within a safe, secure and nurturing environment, with a view to seeking to understand the needs of the pupils and to help them to change their behaviour and re-engage with learning. We profile the inclusion centres at Pimlico Academy and Huish Episcopi Academy as exemplars of best practice in this respect, as well as the work of Family Links (a UK charity providing national training on the Nurturing Programme).

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43  House of Commons Education Committee, *Behaviour and Discipline in Schools,* 3 February 2011, paragraph 18 and 20   [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/2011)]
44  National Foundation for Educational Research, *Teacher Voice Omnibus June 2008 Survey:* Pupil Behaviour, Department for Children, Schools and Families, 2008 cited in Department for Education, *The Importance of Teaching, 2010,* paragraph 3.1

79 per cent of people we polled agreed that children with challenging behaviour need support, not just punishment.

YouGov polling for the CSJ, April 2011



Pupils at North Primary School in Southall, London participating in the Nurture Programme run by Family Links

Recommendations:

- Schools should be able to find more innovative and clear ways of building early relationships with pupils. They should explain rules, lay the foundations for behaviour, and get to know their pupils at the outset – for those entering primary and secondary education.

- Teacher training and CPD should be provided on behaviour management, which should be multi-disciplinary in its approach. Physical intervention training should also be provided in the event of physical threat to staff and/or pupils, or if learning is jeopardised.

- Training should be given for teachers in pastoral and therapeutic support.

In our report we discuss the critical importance of relationship between pupils and teachers. There is also a concern, which we echo, about a shortage of male teachers in primary schools. Additionally, the importance of appropriately delivered mentoring both inside and outside of schools is illustrated by the case studies on City Year and Chance UK.

'All of the schools we are working with are asking us to send in young men. There are no men in many of these children's lives.'

Sophie Livingstone, CEO, City Year London, in evidence to the CSJ

We also highlight frustrations over the way that schools are currently measured and call for other aspects that are regarded as valuable for a child's rounded education to be taken into account – such as personal development, social and life skills and attitudes to learning. It is clearly vital that we seek the highest academic standards and aspirations for our pupils.

> 87 per cent of people we polled agreed that schools should be measured against the development of pupils, not just the grades they achieve.
>
> YouGov polling for the CSJ, April 2011

However, we must recognise that some will thrive and succeed in other ways – for example artistically, or through vocational learning (where it is suited to their ability and aptitude and is challenging for them). We go on to discuss the quality and flexibility of learning in schools, having received evidence that learning is often not creative, interactive or relevant. Boredom has been regularly cited as a factor in challenging behaviour and a reason for disengagement with education. We also touch on the importance of broadening horizons through education and the position with respect to insufficient and inexpert information, advice and guidance being given to pupils on their curriculum choices. As well as this, we heard about the importance of employer engagement in education establishments.

Recommendations:

- An expansion of schemes that offer pupils role models, such as the promising approach by City Year that we have featured, should be explored.

- Schools should engage more effectively with employers to enliven learning and help pupils make informed decisions about their future education and potential careers.

- School leaders should forge close partnerships with effective voluntary sector organisations, such as the award winning charity IntoUniversity, in order to raise aspiration amongst disadvantaged pupils.

# 4. Unscrupulous and illegal practices in mainstream education

## 4.1 Permanent exclusion

From the sixth school day of a permanent exclusion, a local authority is legally responsible for arranging a pupil's suitable full-time education.[45] However, a study conducted by Ofsted found

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45 Education Act 1996, Section 19(3A), as amended by the Education and Inspections Act 2006, Section 101; Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (SI 2007/1870), reg.4

that almost half of the LAs visited did not meet this legal obligation.[46] Various witnesses to our review also expressed concern over this failure.

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

Pauline Bastick, Educational Consultant and former Head of Social Inclusion, in evidence to the CSJ

It is well documented that some schools permanently exclude pupils on an illegal basis.[47] This was corroborated by many witnesses to our review. For example, it is common for some schools to unofficially exclude pupils with challenging behaviour after the Christmas term in Year 11. In the meantime, these schools avoid any permanent exclusions going against their targets and retain funding for the pupils. Another common practice involves teachers informing parents that the school will permanently exclude their child but, that if the parents decide to educate their child at home, the child in question will not have a permanent exclusion against its record. Nor of course, will it count against the school's. We are informed that some head teachers are involved in this practice.

## 4.2 Fixed-term exclusions

From and including the sixth school day of a fixed-term exclusion, schools are legally obliged to arrange suitable full-time education for pupils.[48] However, there is widespread concern that some pupils are not being provided with the requisite suitable full-time education. In a study conducted by Ofsted, almost a third of the secondary schools visited did not comply with their legal obligations in this regard.[49] This, again, was supported by evidence to the CSJ.

'It's a statutory duty. How on earth can we have some schools and LAs preaching about obeying the law, and they are not doing it? It's a scandal.'

Sir Alan Steer, Government Education Adviser 2005-2010, in evidence to the CSJ

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46  Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, London: Ofsted, 2009, p4; Ofsted states that 'The small sample size, however, means that generalisations should not be drawn from the findings'

47  See, for example, Department for Education, *Effective practice for local authorities and schools in managing and eliminating incidents of unofficial exclusion* [Accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practice-for-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion (12/08/11)]; Ofsted, *Children missing from education*, Manchester: Ofsted, 2010; Barnardo's, *Not present and not correct: Understanding and preventing school exclusions*, Essex: Barnardo's, 2010; Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*, London: Civitas, November 2010; Policy Exchange, *Best Behaviour: School discipline, intervention and exclusion*, London: Policy Exchange, 2011

48  Education and Inspections Act 2006, Section 100;] Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (SI 2007/1870), reg.3(1), (2), (3)

49  30 Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, London: Ofsted, 2009, p4; Ofsted states that 'The small sample size, however, means that generalisations should not be drawn from the findings'

Internal exclusion is primarily intended to be used as a sanction for pupils who are removed from class for disciplinary reasons. Internal exclusion units are not subject to any regulation or statutory guidance. There is currently no prescribed model for their use.[50] We understand that some schools are using inadequate internal provision as an alternative to external fixed-term exclusions (which should be recorded), and the more onerous requirements triggered by fixed-term exclusions of six days or more. Some are also using repeat fixed-term exclusions as an alternative to official permanent exclusions.

The fact that some schools illegally exclude pupils on a fixed-term basis is also well documented, and was repeatedly corroborated by witnesses to our review.[51] In these circumstances pupils remain absent from school for a variety of reasons following their school's instruction. However, their absence is not recorded as official fixed-term exclusion and does not therefore affect the schools' targets.

## 4.3 Referrals, part-time timetables, managed moves and dual registration

Pupils may be educated off-site at another educational setting (for example, a PRU or other alternative provider) by means of these processes. It must be emphasised that many schools are using these appropriately, as detailed in our report, but some are not.

*Referrals:*
Two powers exist to require pupils to be educated off-site.[52] It seems that both can be used for pupils who are at risk of exclusion but are not intended to be used as an alternative to exclusion. Our evidence reveals that some schools are contravening the law in this respect.

*Part-time timetables*
These appear to be subject to little regulation or statutory guidance. In addition, there appears to be no requirement for schools to report their use and details in a transparent manner. A lack of monitoring exists by schools and Local Education Authorities (LEAs) 'which creates the potential for significant numbers of pupils to be accessing minimal education and training opportunities and to be out of school for a large proportion of the school week, without the knowledge of the LEA.'[53] Some schools are acting in contravention of what guidance does exist by, for example, using part-time timetables for pupils who are at risk of exclusion and as an alternative to exclusion.[54]

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50  Department for Children, Schools and Families, *Internal Exclusion Guidance,* Nottingham: Department for Children, Schools and Families, 2009, p1

51  See, for example, Department for Education, *Effective practice for local authorities and schools in managing and eliminating incidents of unofficial exclusion* [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practice-for-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion (12/08/11)]; Ofsted, Children missing from education, Manchester: Ofsted, 2010, and Barnardo's, *Not present and not correct: Understanding and preventing school exclusions,* Essex: Barnardo's, 2010

52  Education Act 2002, Section 29(3); Education Act 2002, Section 29(A), as inserted by Section 154 of the Education and Skills Act 2008

53  Ofsted, *Out of School; A survey of the educational support and provision for pupils not in school,* December 2004, p30

54  Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations,* paragraph 81, issued in June 2008; Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities:* January 2009, pp6-7 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]

*Managed moves*

Although pupils may be removed from a school's roll by means of a managed move (on a 'voluntary' basis), the process is subject to no regulation and barely any statutory guidance. The process is being abused by some head teachers who engineer these moves with carefully chosen words and implicit threats to permanently exclude pupils contrary to the relevant guidance.[55] In this context they are seen by some as a creative and 'increasingly popular' way for unscrupulous head teachers to avoid permanent exclusions, and to 'massage their figures.'

*Dual registration*

This process is described in the relevant guidance as rare but mainly for pupils who are attending a PRU or a special school on a temporary basis.[56] No reference is made to an intention for this process to be used in the context of pupils who are at risk of exclusion or as an alternative to exclusion. However, again, some head teachers are acting in contravention of the guidance. One head teacher told us that 'lots' of pupils in his LA are dual registered with the PRU, at both primary and secondary phases. Some pupils are being dual registered and effectively 'dumped' in PRUs just before their GCSEs. Some can be dual registered for significant periods of time.

## 4.4 Consequences of official and unofficial exclusions

Where such processes are employed as alternatives to official permanent and fixed-term exclusions, the legal rights that would normally be available to parents by virtue of official exclusion do not apply, and the position is largely unchallenged. Some schools are taking an 'out of sight out of mind' approach to challenging pupils, and getting their behaviour 'off their hands.' All too often their learning is not carefully or adequately structured. Neither is it tailored to their abilities, aptitudes or needs. Some schools are not monitoring their attendance, progress or behaviour. In the absence of pastoral or therapeutic support, many children and young people's needs remain unmet and can become more entrenched.

This is even more disturbing given that these pupils are invariably vulnerable. There is also a lack of regulation and quality assurance of the vast majority of alternative provision supplied by independent providers. Many pupils are falling through the net – lost to the education system and, in some cases, to mainstream society. In terms of child protection and safeguarding, some schools are making it more difficult for LAs to identify pupils who are missing from education by failing to comply with the established protocols, legislation and guidance.[57] These exclusions can also have serious consequences for the pupils' community and society. For example, evidence suggests that the majority of young gang members are failing in, or have been failed by, the education system.

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55  Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p8 and 10

56  Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations,* paragraph 98, issued in June 2008

57  Ofsted, *Children missing from education,* Manchester: Ofsted, August 2010, p6

Recommendations:

- Regulation and statutory guidance should be introduced for the use of internal inclusion units or centres, Ofsted should inspect their use.

- The Government should review the use of referrals, part-time timetables managed moves, and dual registration.

- Ofsted should inspect the use of referrals and associated documentation.

- Regulation should be introduced for the use of managed moves, part-time timetables, and dual registration. Ofsted should inspect their use and associated documentation.

- The Government should produce a simplified and comprehensive guidance on exclusions, to reflect the introduction of the reforms outlined in our report.

# 5. The position outside of mainstream schools

## 5.1 Behavioural, Emotional and Social Difficulties (BESD) Schools

Some BESD schools are doing outstanding and innovative work, but where there is no BESD school in a local authority, or where such schools are under-performing, it can have serious repercussions for PRUs and the pupils they would ordinarily educate. Further problems can arise where a BESD school is at capacity. We understand there may be reluctance or a preference to place them in a PRU, depending on the LA in question. In the case of the former we are told that there is increased pressure on mainstream schools which then turn to voluntary sector organisations. We question the extent to which specialist provision exists to cater for and meet the needs of those pupils. We profile the extremely impressive model in the Nightingale and Elsley Schools Federation in our report, and make important recommendations based on our evidence.



Pupil at Elsley School

## 5.2 Alternative provision

*PRUs*

Our review has revealed profound uncertainty about the purpose of PRUs, especially in regard to the ideal duration of their provision for pupils. There is an ongoing debate, which we feature, about whether PRUs can be effective in terms of providing longer-term placements for pupils. Currently, where some LAs do not have a BESD school, or where it is full or under-performing, some PRUs are in effect operating like BESD schools.

> 'A PRU operating as it should, in partnership in its LA, is actually the missing link – the link in the chain that joins those kids back up into a mainstream environment.'
>
> Emma Bradshaw, Head Teacher, PRU

Considerable frustration was expressed about the lack of information provided by some mainstream schools to PRUs when pupils join them. This is particularly concerning given the complexity and severity of need that many PRU pupils have. Again, we argue that a new model such as that recommended above is urgently required to help address this failure.

PRUs have faced considerable criticism over the years. While sometimes justified, it is time the outstanding work of others is recognised and built upon. We feature Bridge Academy PRU in our report as an exemplar of best practice. Many PRUs are meeting the needs of some of society's most vulnerable and traumatised pupils, in very demanding circumstances. In some cases they are doing so with woefully inadequate support and resources.

*Independent providers*

There is a diverse range of alternative education supplied by independent providers, which includes charities, social enterprises and limited companies. These projects are technically required to register as independent schools but a tiny minority are registered as such.[58] Those that are not, are not required to follow the National Curriculum, are not subject to Ofsted inspections, and are not required to comply with the host of regulations or guidance that apply to schools.[59] This worrying lack of regulation and quality assurance which appears to apply to the majority of independent providers (not registered as independent schools) should be addressed urgently.

In terms of voluntary sector providers, a number expressed frustration over their struggle to obtain any or sufficient information from mainstream schools and PRUs, regarding the academic attainment and behaviour of the pupils being sent to them. Some also raised concern over problems with the completion by some schools of CAFs, with the result that they were prevented from helping the pupils who need it, leading to a bottle-neck of challenging behaviour in some schools. Again, this appears to add strength to the argument for a model such as an electronic educational passport to be introduced.

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58 Education and Skills Act 2008, Section 92; Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, 2010, p6
59 Ibid

With respect to private sector providers, we received some extremely concerning evidence that although some high quality provision clearly exists, many experiences of private provision are negative. Some witnesses were scathing about the poor quality of care and education provided. The CSJ has been informed that it has only 'scratched the surface' of a modern day scandal. For instance, we have been informed by the Principal of an Academy that one private provider proposed charging him £600,000 for 30 pupils per year in what was described as 'a low rent high street redevelopment that had been re-modelled like a school and was dirty'.

## 5.3 The exclusion trial

In the *Schools White Paper* the Government committed to piloting a new approach to permanent exclusions.[60] The CSJ welcomes the Government's proposal for schools to retain responsibility for their pupils, and the quality of their education and outcomes achieved following permanent exclusion. One of our hopes for this process is that it may encourage schools to focus more on their internal inclusion provision and work in clusters to pool appropriate resources. However, in implementing its trial, we urge ministers to keep several key issues under close attention, as detailed in our report. For example it is crucial that it does not inadvertently fuel unofficial exclusions, and that it ensures proper assessment is undertaken of pupils to meet their needs.

## 5.4 Partnership and collaboration across the community

Partnership and collaboration is integral to tackling exclusion and disengagement from education. The CSJ has discovered and featured a number of impressive and innovative models. These include Hungerford Primary School, the partnership in Sutton LA, and the New Rush Hall Group as exemplars of best practice. However, a number of witnesses expressed trepidation over the potential impact of the diminution of LA power on voluntary partnerships; others questioned the impact of any schools within such partnerships becoming academies. There is a call for the Government to clarify the exact nature of the future strategic role for LAs, as well as potential funding streams given the cuts that are being made in some LAs with respect to provision for very vulnerable pupils. Concern was also raised over potential implications for these pupils of the direct commissioning of services by schools, such as those provided by Educational Psychologists.

> Recommendations:
>
> ■ The Government should consult on the potential for teachers to train and qualify in BESD schools, and on creating a conversion course allowing teachers to transfer back to mainstream schools in the future, should they wish to do so.
>
> ■ Policy makers should define the purpose and mission of PRUs.
>
> ■ Regulation should be introduced for alternative provision run by independent providers (not registered as independent schools). Ofsted should inspect such provision.
>
> ■ The Government should clarify the proposed strategic role of LAs under the *Schools White Paper,* and potential funding streams.

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60 Department for Education, *The Importance of Teaching: The Schools White Paper 2010,* Norwich: The Stationery Office, November 2010, paragraph 3.38

# chapter one
# Lifting the lid on exclusion

'Are you going to treat a man as he is or as he might be? Morality requires that you should treat him as he might be, as he has it in him to become... Raising what he is to what he might be is the work of education.'

William Temple

## 1. Introduction

One of the five pathways to poverty identified in the Centre for Social Justice's (CSJ) 2007 publication *Breakthrough Britain* was educational failure – the others being family breakdown, worklessness and economic dependence, addiction and serious personal indebtedness.[1] It was found that those who were most likely to fail in school, or to be failed by the education system itself, were from the most disadvantaged and deprived communities. High rates of truancy and exclusion were prevalent, and once children and young people had left mainstream education they were unlikely to re-enter it.

The need for further work to be carried out in this area was reinforced by *Dying to Belong*, the CSJ's policy report in 2009 on street gangs.[2] This report echoed the findings in *Breakthrough Britain*, of the lack of effective engagement with many pupils at risk of being excluded, or who had been excluded, from their mainstream school.

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1    Centre for Social Justice, *Breakthrough Britain*, London: Centre for Social Justice, 2007
2    Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009

## Case study: Stuart

Stuart was in a gang at school. He got in with the older boys to avoid being bullied and because he felt he needed a reputation due to pressure on the streets where he lives.

*"You don't want to be the 'Billy no mates', or the quiet one in the corner, so you have to sacrifice things and do something silly to get recognised. A teacher provoked me but I over-reacted on purpose to get recognised, because I was representing my gang. So I threw something at him. I was excluded for two weeks. I just sat at home doing nothing. It didn't feel like a punishment – most people enjoy it, watching telly and sleeping. I do have regrets...Once you're in that naughty category, teachers have no faith in you and give you no support and just see you as a burden in the classroom disrupting others... I used to tell my parents, 'I'm like this because it's the way you made me, and because of how you've treated me. You can't just blame me. If you had looked after me and showed me some love, I would have been a better person...'"*

*'...As a teenager I was very shy to open up about these things...One or two teachers were very supportive but I chose not to open up to them because I didn't feel I could trust them, or that they could have helped me...If I had had a mentor it might have helped – someone who understood where I was coming from. I could have let stuff out and felt less stress. The teachers used to lock themselves in the staff room during fights and the pupils were left to fend for themselves. There were also a lot of gang fights in the area...'*

Stuart's behaviour escalated at school due to competition with boys from different gangs. He felt he needed to prove himself. He was subsequently sent to a pupil referral unit (PRU), which he attended for two days – 'it was another disaster. It didn't feel safe...You can't have two gangs colliding together'.

Stuart was subsequently allowed to return to his original school. From the age of 14, he began to sell drugs, which he stashed in his school locker. He used the school as a base. Stuart estimates that about 40 per cent of other pupils were very discreetly doing the same thing. Stuart changed his behaviour because he didn't want to attract as much attention to himself. His attendance dropped dramatically.

*'The one subject I enjoyed the most was history – it was interesting. It was one class I always used to attend and on time. The teacher liked me and was very patient.'*

Stuart was struggling with his reading and writing.

*"If they had explained to me that it was important and that they were trying to help me, then I might have accepted help, but I felt like they were taking the mickey out of me in a sneaky way. They would tell people to read in class and then point at me and say 'you can't read'."*

Stuart left school with three GCSEs, and went to a Further Education college (F/E college) after school but walked out after two hours because of a gangs issue. He then went to a sixth form college, which he used as a base to sell heroin and cocaine. Stuart passed the first year of a BTEC in business. He wanted to continue studying 'but there was more conflict on the streets'. Stuart was concerned he would get into a fight at the college and left. He started selling drugs full-time until he was 18.

*'I stopped because of my mum...I went too hungry for money...Someone pulled a gun on me, and I feared I would soon be dead or in prison, so I stopped selling drugs...I did want to go to University to study politics or history.'*

Stuart is now working for a voluntary organisation.

*'Places like this change your life...They understand where you are coming from and they want to help you...It's fun and enjoyable...The way they deal with young people is amazing. They care so much about you and have so much faith in you – that you are going to do well in life. My parents and teachers never had that faith in me. It encourages and pushes you...I see the young coming up through who are like me when I was younger, and I want to help them to be successful...If it wasn't for this place, I'd probably be in prison writing letters to my mum...My mum is very proud of me and is over the moon. Things are smooth at home now.'*

This report analyses educational exclusion. It considers key themes including self exclusion through truancy, and the implications of not supporting children or young people to stay in mainstream education. The report explores what is happening in mainstream schools, special schools, PRUs, and alternative provision. Its remit covers inner city, suburban, coastal and rural areas across England. Evidence has been taken from mainstream schools (including Academies), special schools and PRUs – from both the primary and secondary phases in each of these settings. We have met with representatives from local authorities (LAs) and voluntary and private sector organisations, as well as academics, other professionals and practitioners, young people and parents. Research has been drawn from academic studies and examples of programmes and practice operating within the UK. The CSJ also commissioned polling through YouGov in April 2011.

## 2. The policy context

During the 1990s, the rate of permanent exclusions and truancy in England was such that on taking office in 1997, the Labour Government determined to address it with some urgency, and committed to reducing the numbers by a third before 2002.[3] New guidance was issued in July 1999 to schools for permanent exclusions, in the form of Circular 10/99, which 'raised the threshold for exclusion decisions'.[4] The Labour Government's target was ultimately abolished in 2001 (although it was in fact subsequently met), and the regulations in Circular 10/99 were relaxed to some extent a year after their introduction.[5]

However, the emphasis on reducing permanent exclusions remained in that schools were encouraged, under the National Strategies programme initiated by the Labour Government, to 'put inclusion at the heart of planning and provision'.[6] The numbers of permanent exclusions also became a performance indicator. The Government guidance on exclusion from schools and PRUs produced in 2008 (the 2008 guidance), promoted the use of Learning Support Units (LSUs), and referrals (under the Section 29(3) power, as explained in Chapter Four) for

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3    Parsons C, *Education, Exclusion and Citizenship,* London: Routledge, 1999, p1
4    Ford J, Hughes M, May K, *Education Law and Practice*, Bristol: Jordan Publishing, 2010 cited in Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*, London: Civitas, November 2010, p10
5    Parsons C, *Education, Exclusion and Citizenship*, London: Routledge, 1999; Ford J, Hughes M, May K, *Education Law and Practice*, Bristol: Jordan Publishing, 2010 cited in Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*, London: Civitas, November 2010, p11
6    The National Strategies Inclusion website cited in Policy Exchange, *Best Behaviour; School discipline, intervention and exclusion*, London: Policy Exchange, 2011, p38

those at risk of exclusion, although not as alternatives to exclusion. It also promoted the use of managed moves for those at risk of exclusion, and as an alternative to permanent exclusion.[7] Further guidance issued in 2008 also provided for the concepts of dual registration and part-time timetables. The guidance, however, makes no reference to an intention for either process to be used in the context of pupils who are at risk of exclusion, or as an alternative to exclusion.[8]

The political pressure to reduce permanent exclusions, as well as the increasing pressures imposed on schools by attainment and attendance targets, and league tables, has caused many to seek alternative solutions to the challenging behaviour of some pupils. Some schools have taken a more inclusive approach and sought to address the underlying causes. Examples of exemplary practice in this respect are provided later in the report.

However, the CSJ remains concerned by the practices that some schools have developed which manipulate weaknesses in the system. Many such practices, as we outline throughout the report, are designed in an effort to meet government targets, get challenging behaviour off schools' hands and, we are informed, to retain funding allocated to their pupils.

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### What is the legal basis for exclusion?

Permanent and fixed-term exclusions from maintained schools are governed by the Education Act 2002 and regulations.[9] There are two ways in which a pupil may be legally excluded from school:

- Permanent exclusion: when a pupil is permanently removed from the school and their name is removed from the school's roll; and
- Fixed-term exclusion: when a pupil is excluded from school, for a fixed period or periods – which must not add up to more than 45 school days in a school year. The pupil remains on the school's roll because they are expected to return at the end of the fixed period.

The power of exclusion is vested in the head teacher in the case of a school, and the teacher in charge in the case of a PRU. The 2008 guidance states that:

'A decision to exclude a pupil permanently should be taken only:

(a) in response to serious breaches of the school's behaviour policy; and
(b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A decision to exclude a pupil for a fixed period should be taken, on the balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate'.[10]

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7    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, pp8-9 and10

8    Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations*, paragraph 81, issued in June 2008

9    Education Act 2002, Section 52; Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002, SI 2002/3178

10   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, pp12-13

The guidance goes on to state that 'There will, however, be exceptional circumstances where, in the head teacher's/teacher in charge's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

(a)  serious actual or threatened violence against another pupil or a member of staff;
(b)  sexual abuse or assault;
(c)  supplying an illegal drug; or
(d)  carrying an offensive weapon...'.[11]

## 2.1 What is the legal position regarding truancy?

All children of compulsory school age (five to 16) have a right to receive efficient full-time education that is suitable to their age, ability and aptitude. It must take account of any special educational needs (SEN) that they may have – either by regular attendance at school, or for example, being educated at home.[12] Under current minimum recommendations, a full-time education constitutes 21 to 25 hours per week, depending on a pupil's age.[13] While LAs are legally required to make provision for a child's suitable education, it is the parent who has primary legal responsibility for ensuring that their child receives it.[14]

If a child of compulsory school age in an area is not receiving suitable education, either by regular attendance at school or otherwise, the LA is required in the first instance to serve a notice on the parent, requiring them to demonstrate that their child is receiving a suitable education.  If a parent fails to do so, then the LA could serve a school attendance order on the parent, requiring them to register their child at a named school.[15]

There are two possible offences relating to parental responsibility to ensure regular school attendance: (i) if a registered pupil is absent from school or alternative provision without authorisation, and (ii) if the parent knows that their child is failing to attend regularly and fails to ensure that they do so.[16] However, no offence will be committed if the parent is able to prove any of the existing statutory grounds.

Where parents have failed to ensure their child's regular attendance, there are a number of legal powers available to LAs to enforce it.  These include, for example, penalty notices (as an alternative to prosecution) and education supervision orders (instead of, or as well as, prosecution).[17]  Parenting contracts can also be used to improve pupils' attendance.  However, this is a voluntary process – a parent cannot be forced to enter into a parenting contract and there is no obligation for them to be offered one.

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11    Ibid
12    Education Act 1996, Section 7
13    Department for Education and Skills, *Circular 7/90: Management of the School Day* [accessed via: http://www.education.gov.uk/schools/ adminandfinance/schooladmin/schoolyear/a0064221/length-of-school-dayyear (14/06/11)]
14    'Parent' means one parent, both parents or the child's primary carer throughout this report
15    Education Act 1996, Section 437
16    Education Act 1996, Section 444(1); Education Act 1996, Section 444(1A)
17    Ibid, Section 444A and 444B, and Section 447

# 3. The scale of the problem



Roundtable held at The
Living Well Trust, Cumbria

## 3.1 Exclusions

On the basis of official statistics, the previous Government's objective to reduce the number of permanent exclusions appears to have succeeded. As can be seen from Figure 1, they have steadily declined, from 12,300 permanent exclusions in 1997/1998 to an estimated 5,740 in 2009/2010.[18]

### Figure 1: Permanent exclusions in England, 1997-2010



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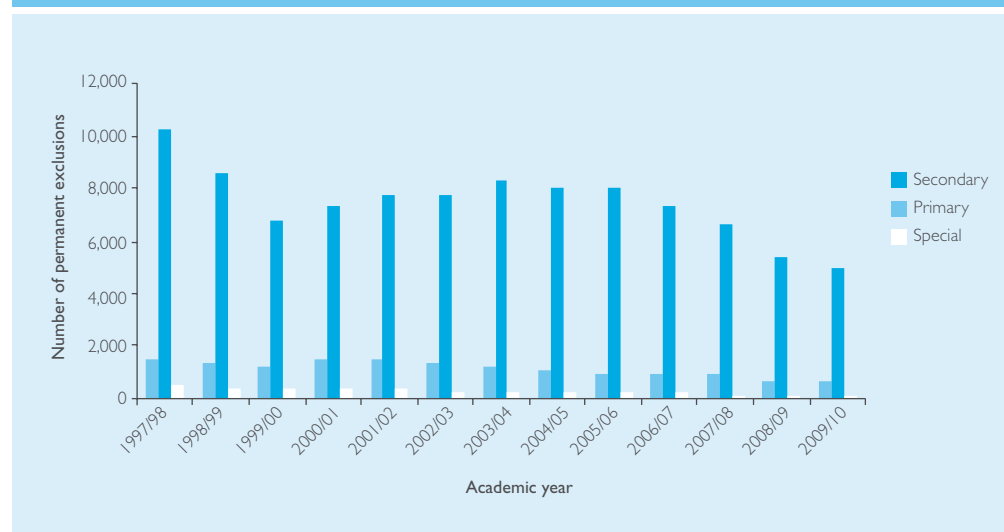
18   This was from primary, secondary and special schools; Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*

During the academic year 2009/2010, from an estimated pupil population of approximately 8.1 million in all schools in England, there were:

- An estimated 5,740 permanent exclusions: 620 from primary schools, 5,020 from secondary schools and 100 from special schools;
- 331,380 fixed-term exclusions: 37,210 from primary schools, 279,260 from secondary schools and 14,910 from special schools. It should be noted in the context of existing concerns about the repeated use of fixed-term exclusions as an alternative to permanent exclusions, that 11,250 pupils received five or more. [19, 20]

However, in view of the evidence highlighted in this chapter and discussed in detail in Chapter Four, it is widely established that these statistics do not provide an accurate reflection of what is happening in some schools. In this respect, the processes below must also be considered when calculating the potential number of exclusions. Before doing so, we give a definition of alternative provision: this is education outside of mainstream and special schools which is arranged by LAs or schools. It can involve placement in PRUs, F/E colleges, or voluntary or private sector providers. Different terms are often used to describe this type of education, including 'alternative provision', 'alternative education' or 'alternative education provision' (AEP).[21]

**Referral:** Under this process, a pupil remains on the roll of their school but is educated at another educational setting, for example, a PRU, F/E college or independent project. There are two powers to direct referrals, which lie with governing bodies of mainstream schools as discussed in Chapter Four.[22]

**Part-time timetable:** Schools must be open to pupils for 190 days each academic year, or 380 half day sessions.[23] Under current minimum recommendations, a full-time education constitutes 21 to 25 hours per week, depending on a pupil's age.[24] However, technically, schools can authorise pupils to be absent for sessions that they are not required to be in school by means of a part-time timetable. This is permitted in the case of reintegration packages (i.e. longer term planning for a pupil's return to education following exclusion), as part of a flexi-schooling agreement or in the case of illness.[25]

**Managed move:** Under this voluntary process mainstream schools can, with the consent of all parties, transfer pupils from their roll on to the roll of another educational setting. The 'move' is normally to another mainstream school, but it can be to a PRU or another alternative provider.

19   Department for Education, *Schools, Pupils and their Characteristics,* January 2010, Table 2a, FINAL, added 17 June 2010 [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s000925/index.shtml (13/06/11)]

20   Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010;* the Department for Education states that 'Pupils can have more than one exclusion in a year. This release includes analysis based on the number of fixed period exclusions along with some analysis of the number of pupils with one or more fixed period exclusion'

21   Department for Education, *What is alternative provision?* [accessed via: http://www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/a0010414/what-is-alternative-provision (22/08/11)]

22   Education Act 2002, Section 29(3); Education Act 2002, Section 29(A), as inserted by Section 154 of The Education and Skills Act 2008

23   Education (School Day and School Year) Regulations 1999

24   Department for Education and Skills, *Circular 7/90: Management of the School Day* [accessed via: http://www.education.gov.uk/schools/adminandfinance/schooladmin/schoolyear/a0064221/length-of-school-dayyear (14/06/11)]

25   Guidance on The Education (Pupil Registration) (England) Regulations 2006, paragraph 81, issued in June 2008

**Dual registration:** Pupils can be dual registered at two schools – that is retained on the roll of their mainstream school, while attending another school.[26] Pupils can be dual registered with PRUs, special schools or alternative providers that are registered as independent schools. Pupils attending alternative provision that is not established as a school – for example a F/E college, or alternative providers that are not registered as independent schools – are not regarded as dual registered.[27]

It is not possible to determine how many pupils are leaving the roll of their mainstream school through the managed move process, or how many are on the roll of their mainstream school but are attending PRUs or other alternative provision by means of referrals or part-time timetables. The Department for Education (DfE) does not currently collect this data and so there are no statistics available. The DfE does collect data on dual registration, to the extent explained in relation to PRUs below.

**Outside the education system** (i.e. not registered on the roll of a school): the last time a survey was conducted by Ofsted, in 2004, it estimated that up to 10,000 pupils were missing from school.[28] There is no contemporary estimate of this.

The position with respect to referrals and managed moves is examined in *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*:

> *"There are very few statistics to verify [this], but the story told by the LA coordinators we spoke to was clear. They told us that the use of referrals and managed moves to alternative provision, and to independent projects in particular, had grown enormously since 2000. The use of independent projects 'has changed dramatically' one LA coordinator told us. 'Over the last five years it has become massive…but prior to this there wasn't much provision' said another…The majority of LA coordinators explicitly agreed that the growth of referrals to independent projects and colleges of further education was in response to this political pressure to reduce permanent exclusions…".[29]*

This research also reveals that despite the number of permanent exclusions falling by approximately one-third in the late 1990s, the number of pupils being educated in PRUs almost doubled between 1997 and 2007. 'This statistical aberration suggests that students were increasingly being transferred to be educated at PRUs using either managed moves or referrals. But… there are no statistics available on the number of managed moves or referrals, so we simply do not know how many students have left mainstream schools through these routes. The interviews with the LA coordinators strongly suggested, however, that a great many students fall into these categories.'[30]

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26   Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities:* January 2009, pp6-7 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]
27   Guidance on The Education (Pupil Registration) (England) Regulations 2006, paragraph 98, issued in June 2008
28   Ofsted, *Out of School; A survey of the educational support and provision for pupils not in school*, Ofsted, December 2004, p3
29   Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*, London: Civitas, November 2010, p11
30   Ibid, p12

The previous Government's 2008 White Paper, *Back on Track*, estimated that at any one time one per cent of pupils (70,000) are in alternative provision. The number passing through it in a year is estimated at 135,000.[31]

In terms of the more up-to-date position, a pattern can be identified: 'Permanent exclusions have been falling considerably since their peak in 1996/97. PRU numbers seem to have peaked in 2007/08. The results of our survey, and these statistics, would therefore suggest that an increasingly large number of students are being referred to, and subject to managed moves to, independent projects and colleges of further education'.[32]

This was certainly corroborated by numerous witnesses to our review. However, as highlighted above, they informed us that some schools are also using part-time timetables, and dual registration as alternatives to permanent exclusions. The implications of this are discussed in Chapters Four and Five. However, it should be highlighted at this stage that serious concern was expressed during this review by numerous witnesses over the lack of regulation and poor quality of provision in some independent alternative provision, and its impact on many pupils placed there.

In January 2010, the number of pupils in PRUs and other alternative provision was included for the first time in the latest national statistics on Schools, Pupils and their Characteristics. The latest statistics reveal that in January 2011, there were 14,050 pupils on the roll of PRUs, including five children under the age of five.[33] However, the position is not clear. These statistics confirm the number of pupils *on the roll* of PRUs at the time of the census. This includes pupils who are sole registered *and* those who are dual main registered at the PRUs.[34] These statistics do not include 9,125 (including 55 under the age of five) pupils who are dual subsidiary registered at PRUs (i.e. on the roll of their mainstream schools but attending PRUs). Neither do they include pupils who are attending PRUs – i.e. by means of a part-time timetable or referral, while remaining on the roll of their mainstream school. The DfE does not collect this data.

In terms of the reasons why these pupils joined the roll of PRUs, *Back on Track* states that pupils who are at risk of exclusion or who have been excluded constitute the largest single group of those in PRUs, and account for 'just under 50%'.[35] However, we have no way of

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31  Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people*, Norwich: The Stationery Office, May 2008, pp10-11

32  Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights*, London: Civitas, November 2010, p13

33  Department for Education, *Schools, Pupils and their Characteristics,* January 2011, Table 1b [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001012/sfr12-2011.pdf (12/07/11)]; 13,935 of these pupils were aged up to 16 years.

34  The Department for Education states that the statistics include 'boarding pupils and pupils registered in other providers and further education colleges'. An example of 'other providers' could be a work placement or time at another provider which is directly arranged by the PRU. Pupils could be either dual main registered at a PRU and dual subsidiary registered at a mainstream school (by means of reintegration into mainstream education from the PRU), or dual main registered at a PRU and dual subsidiary registered at 'other providers and further education colleges'. An example of 'other providers' could be a work placement or time at another provider which is directly arranged directly by the PRU. Pupils attending alternative provision that is not established as a school (e.g. a F/E college, or alternative providers that are not registered as independent schools) are not regarded as dual registered under the Guidance on The Education (Pupil Registration) (England) Regulations 2006, June 2008. However, we are informed by the DfE that pupils registered in F/E colleges and other providers are included in PRU figures because it is regarded as the equivalent of a sole registration

35  Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people*, Norwich: The Stationery Office, May 2008, p11

establishing the route by which the 14,050 pupils joined the roll of the PRUs – whether as a result of permanent exclusion or by means of a managed move. Again, the DfE does not collect this data.

The statistics also reveal that in January 2011 there were 23,020 pupils in alternative provision, including 950 under the age of five.[36] We are informed by the DfE that these statistics confirm the number of pupils who were *attending* alternative provision on the day of the Alternative Provision Census. The DfE does not collect information on the registration status of pupils in alternative provision and does not therefore know the capacity in which they are attending it – i.e. whether permanently or temporarily, on a part-time or full-time basis, or whether by means of a part-time timetable, referral, dual registration or managed move. Pupils attending alternative provision could potentially be double counted and also be on the roll of a mainstream school, given that the DfE does not collect information on their registration status. Likewise, pupils who are attending alternative provision could not be included in the statistics if they were not attending the provision on that day. The DfE informed us, however, that as long as the LA is responsible for the pupil on the day of the Census, they will be included in the statistics even if they are not attending. The information received from the Alternative Provision Census is more basic than that received from the PRU Census.

> There is currently no way of knowing how many children and young people are being illegally excluded, whether on a permanent or fixed-term basis.

Many schools are using the aforementioned practices appropriately, responsibly, and in the spirit of inclusion. However, we are concerned about those which are not, and whose unscrupulous practices are currently allowed to remain hidden within systems that are either wholly unregulated, or subject to very little regulation and transparency. Although the level of official permanent exclusions appears to be reducing, it is impossible to be clear in this, given the uncertainty about the level of unofficial exclusions being used. It is a wholly untransparent number as no statistics exist.

We understand that the now disbanded National Strategies did try to establish the number of unofficial exclusions, but, as one witness to our review stated: 'they had no teeth as their remit was not statutory'. In evidence to the CSJ, Dr Jane Evans of Barnardo's informed us that:

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36  Department for Education, *Schools, Pupils and their Characteristics,* January 2011, Table 1b [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001012/sfr12-2011.pdf (12/07/11)] 21,000 of these pupils were aged up to 16 years old. There are five types of alternative provision for the purpose of these statistics: Academies, hospitals, independent schools, non-maintained special schools and 'not in school'. Figures obtained from DfE reveal that there were 9,775 pupils between the age of five and 16 attending independent schools, and 5,175 attending 'not in school' provision. Of the 950 pupils under the age of five, 120 attended independent schools and 790 attended 'not in school' provision.

*'We don't know how many, but a lot of young people say that they have spent large amounts of time outside of education and were not officially fixed-term or permanently excluded. An element of collusion between pupils and the school is taking place in some schools. The way that some young people perceive what's going on with them is blurred – they present it as truanting because then that is their choice'.*

## 3.2 Truancy

The figures in relation to truancy are also concerning. They indicate that the vast amount of money that has been spent by Government – estimated by New Philanthropy Capital (NPC) in 2007 to be in excess of £1billion during the course of the previous nine years, and the various initiatives which have been implemented to try to reduce the rate of truancy have been largely ineffective.[37] With respect to the statistics published by the Department for Children, Schools and Families (DCSF) for the academic year 2008/2009, The Guardian noted that:

*'The school truancy rate is at a record high and has shot up by 44% since Labour came to power... This rise is despite ministers taking a tougher line on absenteeism, prosecuting 9,500 parents and fining thousands more because their children regularly skip school'.*[38, 39]

Although the statistics published by the DfE for the following academic year 2009/2010 revealed a marginal improvement in the truancy rate for all schools in England, truancy in primary schools reached its highest on record.[40] The statistics also confirm that:

- The total unauthorised absence rate had increased by 42 per cent since 1996/1997; and
- The total persistent absence rate stood at 2.9 per cent. Of the 184,020 persistent absentees: 47,510 were in primary schools, 128,210 were in secondary schools and 8,300 were in special schools.[41]

It is important to highlight that although the number of children and young people who are permanently excluded or truant appears to represent a small minority of the school population, the evidence we present shows that if the underlying causes of their challenging behaviour and disengagement from education are not tackled, it can have profound consequences for individuals, society and the economy.

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37  New Philanthropy Capital, *Misspent Youth; The costs of truancy and exclusion*, London: New Philanthropy Capital, 2007, p18

38  Department for Children, Schools and Families, *Pupil Absence in Schools in England, Including Pupil Characteristics*, 2008/2009

39  The Guardian, *Truancy rate at record high*, 25 March 2010 [accessed via: http://www.guardian.co.uk/education/2010/mar/25/truancy-pupils-record-high (12/05/11)]

40  Department for Education, *Pupil Absence in Schools in England, Including Pupil Characteristics: 2009/2010*; a persistent absentee is defined by the Department for Education 'as having 64 or more sessions of absence (authorised and unauthorised) during the year, around 20 per cent overall absence rate'. We note that the Department for Education is due to change the definition of persistent absence in school performance tables from 20 per cent to 15 per cent absenteeism. The new threshold will be published in statistical releases from October 2011 onwards, and the old threshold will be published alongside it

41  Ibid

# 4. What causes exclusion and truancy?

There is no doubt that challenging behaviour has become entrenched in some of our schools, and that it is leaving many pupils at risk of exclusion, or excluded. There are also swathes of children and young people who continue to disengage from education. This can manifest itself as challenging behaviour in school, which in turn can lead to permanent exclusion.

The latest available statistics from the DfE on exclusions, for the academic year 2009/2010, reveal that:

- Persistent disruptive behaviour accounts for almost a third of permanent exclusions, and nearly a quarter of fixed-term exclusions;
- Physical assault against a pupil accounts for 17 per cent of permanent exclusions and nearly a fifth of fixed-term exclusions;
- Physical assault against an adult accounts for one in ten permanent exclusions, and verbal abuse or threatening behaviour against an adult accounts for a fifth of fixed-term exclusions.[42]

The most common reason for exclusion is therefore persistent disruptive behaviour. However, by adding together the percentages shown below for physical assault and verbal abuse or threatening behaviour (against a pupil and against an adult), it is concerning to note that these categories account for four in ten of permanent exclusions and half of all fixed-term exclusions.

| Figure 2: Permanent exclusion from school by reason of exclusion, 2009/2010[43] | |
|---|---|
| Reason for permanent exclusion | Number of pupils |
| Physical assault against a pupil | 980 |
| Physical assault against an adult | 580 |
| Verbal abuse/threatening behaviour against a pupil | 250 |
| Verbal abuse/threatening behaviour against an adult | 630 |
| Bullying | 50 |
| Racist abuse | 20 |
| Sexual misconduct | 100 |
| Drug and alcohol related | 370 |
| Damage | 80 |
| Theft | 140 |
| Persistent disruptive behaviour | 1,660 |
| Other | 870 |
| Total | 5,730 |

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42    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*
43    Ibid, Table 9

| Figure 3: Fixed-term exclusion from school by reason for exclusion, 2009/2010[44] | |
|---|---|
| Reason for fixed-term exclusion | Number of pupils |
| Physical assault against a pupil | 64,030 |
| Physical assault against an adult | 16,370 |
| Verbal abuse/threatening behaviour against a pupil | 13,410 |
| Verbal abuse/threatening behaviour against an adult | 69,190 |
| Bullying | 5,100 |
| Racist abuse | 3,900 |
| Sexual misconduct | 3,350 |
| Drug and alcohol related | 8,770 |
| Damage | 7,630 |
| Theft | 6,460 |
| Persistent disruptive behaviour | 78,760 |
| Other | 54,410 |
| Total | 331,380 |

Schools are required to take an attendance register twice a day. The register must show whether absences are authorised or unauthorised.[45]

In terms of truancy, there is no way of determining the exact reasons for pupils' unauthorised absence from school during the academic year 2009/2010. This is because schools are able to provide absence data either by using a code allocated to a general reason, or by using total figures for the number of sessions missed due to authorised or unauthorised absence. Some schools do not have the required software to provide absence data by reason, and can therefore only provide overall totals. Only a small proportion of schools provided both a breakdown of absence by reason and totals.

However, research provides some explanation for truanting, and suggests that greater variation appears to exist in the reasons for truanting than permanent exclusions. The research demonstrated that over two-thirds of all those who truanted did so in order to avoid a particular lesson.[46] They were questioned further about their dislike of particular lessons, and their reasons for avoiding them are listed in the figure below.

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44   Ibid, Table 10
45   The DCSF guidance states that: 'Authorised absence is where the head teacher has either given approval in advance for a pupil of compulsory school age to be away, or has accepted an explanation offered afterwards as satisfactory justification for absence. All other absences, including persistent lateness, must be treated as unauthorised'; Department for Children, Schools and Families, *Ensuring Children's Right to Education*, Nottingham: Department for Children, Schools and Families, 2008, pp 4-5
46   O'Keefe D, *Truancy in English Secondary Schools*, London: Department for Education/HM Stationery Office, 1994 cited in Parsons C, *Education, Exclusion and Citizenship*, London: Routledge, 1999, p57

| Figure 4: Reported reasons for lesson truancy[47] | |
|---|---|
| Reason | Per cent |
| Lessons irrelevant to their lives | 35 |
| Dislike the teacher | 29 |
| Dislike the subject | 22 |
| Coursework problems | 19 |
| Difficulty with the subject | 14 |
| Poor teaching | 3 |
| Bullying | 1 |

## 5. Which pupils are excluded and truant?

The latest statistics demonstrate that there is a strong correlation between exclusion, poverty (as indicated by free school meals (FSM) entitlement) and disadvantage.[48] Certain groups of pupils continue to be disproportionately excluded – namely those with SEN, particular minority ethnic groups and lower socio-economic groups. Home Office research confirms 'the extreme social and educational disadvantage present in the backgrounds of young people who experience permanent exclusion'.[49]



A group of pupils at a PRU visited by the CSJ

Boys are approximately four times more likely to be permanently excluded than girls, and they account for almost 80 per cent of all permanent exclusions. They are also almost three times more likely to be fixed-term excluded than girls – accounting for 75 per cent of all fixed-term exclusions.[50]

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47    Ibid
48    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*
49    Berridge D, Brodie I et al, *The independent effects of permanent exclusion from school in the offending careers of young people*; Home Office, RDS Occasional Paper No. 71, London: HM Stationery Office, 2001 cited in Abdelnoor A, *A complete guide to managed moves as an alternative to permanent exclusion*, London: Calouste Gulbenkian Foundation, 2007, p16
50    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*

## Figure 5: Groups of pupils that continue to be disproportionately excluded

|  | Permanent exclusion | Fixed-term exclusion |
|---|---|---|
| Pupils with SEN – with or without statements | More than eight times more likely to be permanently excluded than pupils with no SEN.<br><br>Pupils with SEN account for 74 per cent of permanent exclusions. | More likely to be fixed-term excluded than pupils with no SEN.<br><br>Of the 331,380 fixed-term exclusions in 2009/2010, pupils with SEN account for 217,490. |
| Traveller of Irish Heritage, Black Caribbean, Gypsy/Roma, and White and Black Caribbean ethnic groups | More likely to be permanently excluded than the school population as a whole.<br><br>Black Caribbean pupils are nearly four times more likely to be permanently excluded than the school population as a whole. | More likely to be fixed-term excluded than the school population as a whole. |
| Children eligible for FSM | Approximately four times more likely to be permanently excluded than children who are not eligible for FSM.[51] | Approximately three times more likely to be fixed-term excluded than children who are not eligible for FSM.[52] |

It seems likely from our evidence that this profile corresponds to that of pupils who are also unofficially excluded, as referred to below. Indeed, research carried out by Barnardo's revealed 'a worrying incidence of unofficial exclusions among the young people that Barnardo's works with, who are mainly from disadvantaged or vulnerable backgrounds'.[53]

The latest available statistics from the DfE on truancy, for the academic year 2009/2010, reveal that there is little difference between the proportion of boys and girls who are persistent absentees.[54] As with exclusion, truancy features disproportionately in disadvantaged groups.[55] The percentage of persistent absentees was highest for Traveller of Irish Heritage children, Gypsy/Roma, and White and Black Caribbean ethnic groups.[56] The occurrence of persistent absentees was also higher among pupils who were known to be eligible for and claiming FSM, compared with the rest of the school population.

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51  They account for 2,370 of the 5,740 permanent exclusions
52  They account for 123,000 of the 331,380 fixed-term exclusions
53  Barnardo's, *Not present and not correct: Understanding and preventing school exclusions*, Essex: Barnardo's, 2010, p53
54  Department for Education, *Pupil Absence in Schools in England, Including Pupil Characteristics: 2009/2010*
55  Of all pupils with a statement of SEN, 8.4 per cent were persistent absentees; of pupils at School Action Plus, 8.5 per cent; and of pupils at School Action, 4.6 per cent – this compares with 1.8 per cent of pupils with no identified SEN who were persistent absentees
56  The Department for Education recommends that caution should be exercised in interpreting the data for Traveller of Irish Heritage and Gypsy/Roma pupils due to potential under-reporting and small numbers for these ethnic groups

# 6. The human, social and economic costs of exclusion

## 6.1 Educating pupils outside of mainstream schools

There is a significant difference in cost between educating pupils in mainstream schools, special schools and PRUs. Clearly the more that can be done to support children and young people within mainstream schools, the more cost effective for society, and beneficial for children and young people. The longer a pupil's difficulties remain unaddressed, the more entrenched their challenging behaviour can become, often requiring more specialist and expensive provision.

Where official guides to costs do not exist, we have obtained estimates from educational specialists, for the annual cost of educating a pupil full-time in each specified educational setting:

- Mainstream school: **£4,000**.[57]
- A pupil with SEN in mainstream primary school: **£5,500**.[58]
- A pupil with SEN in mainstream secondary school: **£6,490**.[59]
- Day special school: in the region of **£24,000 to £29,000**.[60] However, if a pupil requires more support (i.e. one-to-one) we understand that this could take the figure up to the region of **£40,000**.
- Day independent special school: in the region of **£30,000 to £110,000**.
- Private residential special school: in the region of **£70,000 to £350,000**.
- PRU: in the region of **£18,000**. *Back on Track* confirms the figure as being 'around £15,000'.[61] However, we are informed that this figure is 'spurious' in light of the formula that was used to calculate it – i.e. the total number of pupils who attended PRUs, whether for a day or a term or a year, was added together, and then divided into the total cost of running PRUs. We are informed that a more accurate way of calculating the figure would have been to divide the total roll number of places available in all the PRUs in the country, and to divide that figure by the funds made available to LAs for 'education other than that at school' based work available. By using this formula and on the basis of evidence submitted, we believe that the true annual cost of a PRU placement is more likely to be in the region of £18,000.

In addition, a South London head teacher referred to the fact that in their LA, the PRU and its 'overflow' provision are both full, and "in this situation the PRUs can charge between £350 and £500 a day for 'challenging' pupils who the authority need to place on a part-time basis. Even though this provision is expensive these pupils often end up being babysat by an unqualified member of staff or a disinterested supply teacher".

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57 Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people*, Norwich: The Stationery Office, May 2008, p1; NB. £4,000 is the approximate amount which secondary schools receive for every pupil – also known as the age weighted pupil unit (AWPU). There is a slight variation in the AWPU depending on the geographical location of a school. Schools' budgets are calculated on how many pupils they have on their roll. Primary schools also receive their funding in the same way although receive a lower per pupil figure. Secondary schools receive an amount depending on whether a pupil is in KS3 or KS4 – slightly more in the latter case

58 Hansard, Written answers and statements, *Special Educational Needs: Per Capita Costs,* 29 June 2009; this is the average gross cost of educating a pupil with special educational needs during the 2008/2009 financial year, based on the Department for Children, Schools and Families records, financial data taken from Local Authorities' Section 52 Budget returns and the January 2008 School Census. This estimated figure includes planned expenditure on provision for pupils with statements and the provision for non-statemented pupils with SEN

59 Ibid – the same comment regarding calculation of the figure applies

60 A figure of £25,810 is given for a pupil with special educational needs in a special school in Hansard, Written answers and statements, *Special Educational Needs: Per Capita Costs,* 29 June 2009; the same comment in footnote 56 regarding calculation of the figure applies; the figure includes other additional costs often incurred by Local Authorities, such as support for inclusion, inter authority recoupment, fees for pupils

61 Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people,* Norwich: The Stationery Office, May 2008, p55

## 6.2 The lifetime cost of permanent exclusion and truancy

In 2007, NPC estimated the total lifetime cost of a permanent exclusion from school to be £63,851 (in 2005 prices), £49,664 of which is the cost to society, and the remaining £14,187 to the individual (future lost earnings).[62] NPC estimated the aggregate cost to be £650 million – more than three quarters of which falls to society. NPC also estimated the total lifetime cost of a persistent truant to be £44,468 (in 2005 prices); £21,906 being the cost to society, and the remaining £22,562 to the individual as above. In calculating the total figure, NPC took into account the same costs referred to above, and estimated the aggregate cost to be over £8.8 billion – approximately half of which falls to society.[63]

Yet the consequences for excluded or truanting individuals are not merely financial. The damage caused by permanent exclusion and truancy can be more profound and far reaching, which in turn can have repercussions for society. There is considerable stigma attached to permanent exclusion, and long-term outcomes for those excluded or truanting are poor. They can become disconnected from mainstream society.

The House of Commons Education Select Committee recently concluded that:

*'There is... a wealth of evidence linking exclusion from school with academic underachievement, offending behaviour, limited ambition, homelessness and mental ill health. For example, the Department for Education and Skills' 2004 Youth Cohort Study showed that only 20% of pupils with a fixed-term or permanent exclusion from school in Years 10 and 11 achieved 5 or more GCSEs at A\*–C (or equivalent), compared to 58% of children not excluded.'*[64]

'Truants are both more likely to commit crime and to become the victims of crime.'[65] A recent survey conducted by HM Inspectorate of Prisons and the Youth Justice Board of 15-18 year olds held in custody presented shocking findings in relation to their educational background. The survey revealed that:

- 40 per cent of the young men and 53 per cent of the young women reported that they were aged 14 or under when they were last in school. This figure rose to 100 per cent in one of the female establishments;
- 90 per cent of the young men and 75 per cent of the young women had been excluded from school;
- 73 per cent of the young men and 77 per cent of the young women had truanted from school. [66]

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62   In calculating the total figure, NPC took into account the costs to education, the cost of lower earnings, the cost to the health service, the cost of higher crime and the cost to social services

63   New Philanthropy Capital, *Misspent Youth: The costs of truancy and exclusion*, London: New Philanthropy Capital, 2007, p12 and p18

64   House of Commons Education Select Committee, *Behaviour and Discipline in Schools*, paragraph 17, 3 February 2011 [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/11)]

65   New Philanthropy Capital, *Misspent Youth: The costs of truancy and exclusion*, London: New Philanthropy Capital, 2007, p17

66   HM Inspectorate of Prisons and Youth Justice Board, *Children and Young People in Custody 2009-10: An analysis of the experiences of 15-18-year-olds in prison*, London: HM Stationery Office, 2010, p22 and p73

Permanent exclusion and truanting is a common feature in the educational background of young offenders.

The pervasiveness of permanent exclusion and truancy places huge demands on society. It is especially true for the NHS, social services and the criminal justice system, as well as acting as a drain on the economy in terms of productivity loss and out of work benefits.[67] There are significant savings available for those willing to reduce permanent exclusions and tackle truancy:

- An estimated potential net saving to society of £90 million, using School-Home Support (see case study in Chapter Two) as an example, and tackling the whole population of preventable permanent exclusions.[68]
- An estimated potential net saving to society of over £2.8 billion, or £250 million per annum, using The Learning Challenge in North East England as an example, and assuming that all truants could be reached through interventions such as those adopted by it.[69]

A large proportion of the costs of exclusion and truancy are avoidable – many proven cost effective solutions exist, particularly in the voluntary sector. This report will highlight some such models.

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67   New Philanthropy Capital, *Misspent Youth; The costs of truancy and exclusion*, London: New Philanthropy Capital, 2007, p6
68   Ibid, p8 and p14; the figures are based on 2005 prices
69   Ibid, p16 and p19; the figures are based on 2005 prices

# chapter two
# The root causes of exclusion

'A society gets the children that society creates.'

John d'Abbro OBE, Head of the New Rush Hall Group, in evidence to the CSJ

## 1. Introduction

The issues surrounding educational exclusion extend wider than schools. This is not an education-based problem. Whilst there are multiple and varied influences on children and young people, the underlying causes of challenging behaviour and/or disengagement from education are often rooted in the family environment. There are risk factors that exist in the lives of many children and young people which appear to impact predominantly on their cognitive development, behavioural, emotional and social development, and on their mental health, well-being and educational attainment.

'What we have to face up to, in terms of policy, is the complexity of this issue. It is hard to distinguish one single 'root of the problem'. Instead, it tends to be a collision of factors... Young people's lives have multiple points of influence, and in a globalised society there are seen and unseen influences that have a huge impact on a young person's orientation towards their neighbourhood, family life, schooling and sense of vocation.'

Dr Paul Warwick, University of Leicester, in evidence to the CSJ

Many people the CSJ met described children arriving at school utterly unprepared for the basics. This too often included children who:

■ Arrive at primary school with no concept of boundaries or rules – because they do not exist at home;
■ Cannot speak in sentences but communicate by grunting and gesturing with their hands – because there is no communication at home;
■ Cannot use a knife or fork – because they do not use them at home;
■ Are routinely aggressive or confrontational with teachers and other children; and
■ Are withdrawn and do not know how to play.

A fundamental finding from the evidence we have gathered is that many children and young people are deeply misunderstood within the education system. Neither the underlying causes of their behaviour nor their needs are being accurately or promptly recognised or addressed. Witnesses have repeatedly stressed the critical importance of looking behind the behaviour at the unmet needs.

'Social, emotional and behavioural difficulties are the main reason for referrals or exclusions – for example, tantrums, very wilful behaviour, not following instructions, running around, attacking a member of staff or children, or lots of attention-seeking behaviour... There's a lot of learnt behaviour. Domestic violence at home also plays a big part – some children want to be at home to make sure that their mother is safe. It is quite a common thing for a child to display very challenging and unsafe behaviour at school in order to get sent home. It's about schools understanding what their behaviour is all about and why children exhibit these challenges.'

Head teacher, primary PRU, London, in evidence to the CSJ

## 2. Poverty and its impact

The most recent government figures available reveal that in 2009/2010 there were two million – 16 per cent of children – living in material deprivation and low income.[1] There is a risk that this problem will worsen. A survey conducted by the Association of Teachers and Lecturers found that 40 per cent of staff reported that poverty has increased amongst pupils since the recession began three years ago.[2]

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1   Department for Work and Pensions, *Households Below Average Income: An analysis of the income distribution 1994/95 – 2009/10,* London: Department for Work and Pensions, May 2011, pp11-12
2   Association of Teachers and Lecturers, Press Release, ATL Annual Conference, 11 April 2011

"...You go round to a child's house but when you get there, the issue of truanting – forget about that. I'm more concerned with child welfare issues: look at the house; where is the food? Now what do you say to a mum standing there with a two year old sibling in the house, with no furniture and dogs running around and it's just in an appalling state? What do you do? You think no wonder the kid's like he is. So all of these other issues come out and then you're thinking 'I only came around here to try to help sort out the truancy', but suddenly you're writing reports and speaking to social services...I suppose the point is that if they're not in school then where is their home? For those kids that live on estates in poor conditions and in poor housing, who would want to be at home?"

Safer School Consultant, in evidence to the CSJ

Evidence suggests that many in the education workforce believe that poverty has a negative impact on the general well-being of their students. 80 per cent of staff in a recent survey said that children and young people living in poverty come to school tired, 73 per cent that they arrive hungry, 71 per cent that they lack confidence and 67 per cent that they come to school without the proper uniform or with worn out clothes. Furthermore, 81 per cent of the education staff believe that poverty has a negative impact on the educational attainment of their students, the main effects being under-achievement (85 per cent) and lack of pupil motivation or aspiration (77 per cent). Other significant impacts are considered to include lack of a quiet place to study at home (74 per cent), pupils not doing their homework (72 per cent), pupils unable to concentrate (66 per cent) and higher absence levels (66 per cent).[3]

A teaching assistant in a West Midlands secondary school said: 'Every day I become aware of a child suffering due to poverty. Today I have had to contact parents because a child has infected toes due to feet squashed into shoes way too small'. A teacher from Halifax, West Yorkshire, referred to a pupil that they had worked with: 'a boy with no underpants – when changing for PE, others laughed'.[4]

As highlighted in Chapter One, poverty is a risk factor in the context of exclusion and truancy. Children who are eligible for FSM are approximately four times more likely to be permanently excluded and three times more likely to be fixed-term excluded than children who are not eligible for FSM. In terms of truancy, the occurrence of persistent absentees is higher amongst pupils who are known to be eligible for and claiming FSM. The latest available statistics from the DfE on truancy, for the academic year 2009/2010, reveal that the overall rate of persistent absence remains higher in deprived areas than in other areas: 'Over half (52.3 per cent) of all persistent absentees live in the 30% most deprived areas and account for 8.3 per cent of all absence. Over a fifth (20.6 per cent) of persistent absentees lives in the 10% most deprived areas and account for 3.3 per cent of all absence'.[5]

3    Ibid
4    Ibid
5    Department for Education, *Pupil Absence in Schools in England, Including Pupil Characteristics: 2009/2010*

# 3. The family environment

Stable, healthy families are at the heart of strong societies. An individual's physical, emotional and psychological development occurs within the family environment. It is from our family that we learn unconditional love, understand right from wrong, and gain empathy, respect and self-regulation. These qualities prepare children for positive engagement at school. However, children from fractured families, who suffer emotional neglect and lack effective parental nurture, can become profoundly damaged by these experiences, which often leads to challenging behaviour in school (and beyond) and/or their disengagement from education.[6]

> 78 per cent of people we polled said that children's home lives and upbringing are very important factors in terms of causes of disruptive behaviour in schools.
>
> YouGov polling for the CSJ, April 2011

## 3.1 Family breakdown and fatherlessness

Research shows that 40 per cent of children experience family breakdown, at least half of which takes place before the age of three.[7] The number of lone parent families has risen consistently from 0.5 million in 1970 to two million in 2009.[8] Many children are growing up without their fathers, the extent to which is highlighted in *Early Intervention: Good Parents, Great Kids, Better Citizens*:

> *'...15 per cent of our children are born into homes without a resident biological father. In some cities (e.g. Nottingham) nearly 60 per cent of births are to unmarried mothers (the England and Wales average is 44 per cent) making the prospect that children will grow up with both parents increasingly unlikely. It should go without saying that whilst many single mothers do a great job, this phenomenon of absent fathers needs to be recognised and responded to, not judged'.*[9]

We know that family breakdown is particularly acute in our most disadvantaged communities, and that it is both a cause and a consequence of poverty.[10]

## 3.2 Family dysfunction

There is a dysfunctional norm spreading across some of our communities, borne out in families whose lives are characterised by the five key 'pathways to poverty': family breakdown,

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6 Centre for Social Justice, *Green Paper on the Family*, London: Centre for Social Justice, 2010, p6
7 Benson H, *Married and unmarried family breakdown: Key statistics explained*, Bristol Community Family Trust, January 2010, p1
8 Percentages can be found in the ONS General Lifestyle Survey, Table 3.6 – Family type, and marital status of lone parents: 1971 to 2009 [accessed via: http://www.statistics.gov.uk/downloads/theme_compendia/GLF09/GeneralLifestyleSurvey2009.pdf (05/07/11)]
9 Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009, p33
10 Centre for Social Justice, *Breakthrough Britain*, London: Centre for Social Justice, 2007

educational failure, economic dependence, addiction and indebtedness. Throughout the CSJ's work we have seen that this problem is not contained to the inner-cities in our poorest areas but is spreading across other communities up and down the country.[11]

Some parents struggle to provide their children with positive parenting and the relational experiences required for stable emotional health. The reasons for this are discussed extensively in several CSJ publications.[12] In short, we have seen how parents draw on their own experiences of childhood. Where these have been destructive experiences, involving for example poor relationships, insecure attachments, and neglect or abuse, their own unresolved emotional trauma can strongly affect their ability to nurture their own children.

'One of the most notable aspects of dysfunctional families is that founding members often come from a psychosocial background that also was damaging and dysfunctional. Dysfunctional families become incubators for the intergenerational transfer of mental and physical ill-health and chaotic lifestyles that inhibit children's ability to lead a fulfilled life. These damaging effects can be explained neurologically, biologically and behaviourally...'[13]

### 3.2.1 Prevalence of domestic violence, neglect and abuse

Many witnesses emphasised the impact of domestic abuse on the lives of pupils who are vulnerable to exclusion and/or disengagement from education. The latest figures show that almost 750,000 children witness domestic violence annually, and that approximately three quarters of children who are subject to child protection plans (formerly the child protection register) live in homes where domestic violence occurs.[14] Camden Borough Commander, John Sutherland, told the CSJ that:

*'Domestic violence is, in my view, the single greatest cause of harm in society. So many gang members involved in serious violence (e.g. murder) are from homes where domestic violence has existed. If I was only able to focus on one issue over the next five to ten years, without hesitation it would be domestic violence. It is at the root of so many of the problems that frontline police officers are dealing with – and everywhere I turn I see the damage caused by it'.*

Not only do many children and young people witness and experience domestic violence, but evidence suggests that many continue to be at risk of further physical and emotional harm

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11  See for example, Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009, p13
12  Ibid and Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008
13  Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009, pp33-34
14  Taskforce on the Health Aspects of Violence Against Women and Children, *Report from the Domestic Violence sub-group: Responding to violence against women and children – the role of the NHS,* March 2010, p10

due to the failure of children's social care services. Many violent fathers, for example, remain in contact with their children and in circumstances where there is a lack of assessment and information about their parenting capacity.[15]

The CSJ is currently undertaking a review of domestic abuse in the UK, which will consider its impact on children and will include policy recommendations in the context of schools. The report is due to be published in the Autumn of 2011.

The wider prevalence of child abuse and neglect in our society, particularly for the most disadvantaged and vulnerable children, is also significant. The NSPCC's study *Child Cruelty in the UK 2011* found that:

■ Almost one in five children had been physically attacked by an adult, raped or sexually assaulted, or severely neglected at home. This is equivalent to almost one million secondary school children in the UK population;

■ One in ten children suffered severe emotional neglect or lack of physical care or supervision that would place them at risk;

■ Such experiences are profoundly damaging: severely abused and neglected children were almost five times more likely to self-harm and almost nine times more likely to attempt suicide than children who had not experienced severe abuse and neglect.[16]

The study indicates that 'while abused and neglected children come from all backgrounds, some children can, at times, face greater risk of abuse, neglect and harm than others. They include children from violent families, children with separated parents, children from lower socio-economic groups and children whose parents misuse drugs, alcohol, or are mentally ill'.[17] Children with SEN (amongst other groups) 'were more likely to suffer multiple forms of maltreatment and victimisation.'[18] Furthermore, as highlighted in Chapter One, those from lower socio-economic groups and those with SEN are disproportionately excluded from school. The experience of domestic violence and parental substance misuse (amongst other risk factors) can result in challenging behaviour and disengagement from education. Persistent disruptive behaviour is the most common reason for exclusion. These children and young people are not only therefore at greater risk of abuse, neglect and harm than others, they are also amongst those who are at greater risk of exclusion and/or truanting.

*Substance misuse*
As well as many children and young people suffering from domestic violence, neglect and abuse, large numbers are growing up with substance-abusing parents. As explained later

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15   Ashley C ed, Roskill et al, *Working with Risky Fathers: Fathers Matter 3: Research findings on working with domestically abusive fathers and their involvement with children' social care services,* 2011 cited in Family Rights Group, Press Release, *First research study on how local authorities work with domestically abusive fathers,* 3 February 2011 [accessed via: http://www.frg.org.uk/family_rights_group_press_releases.html (21/06/11)]
16   NSPCC, *Child cruelty in the UK 2011*: NSPCC, February 2011, pp3 and 11 – the NSPCC states that the equivalent to almost one million secondary school children figure is 'Based on 18.6% of 5,231,300 children aged 11-17 years in the UK in 2009, source: Mid Year Population Estimate 2009, Table 1'
17   Ibid
18   Ibid, p15

in the chapter, this can have an extremely damaging impact on their behaviour and ability to engage with their education. There are between 250,000 and 350,000 children of problem drug users in the UK, and up to 1.3 million children in the UK have parents who misuse alcohol.[19, 20] We know from the evidence we gathered for this review and from our previous work that family life with a substance-abusing parent is characterised by chaos, uncertainty and lack of routine.[21] Furthermore, a significant number of children and young people suffer the consequences of their mother's alcohol abuse during pregnancy, which can again have a negative impact on their education. Research shows that 'some form of foetal alcohol spectrum disorder affects more than 6,000 children in Britain each year and is a leading cause of learning difficulties'.[22] The head of a special school informed us that he has at least one pupil in each year (from Years Six to Nine) with foetal crack syndrome.

'Challenging behaviour is a manifestation of a deeper malaise.'

Jerry Collins, Principal, Pimlico Academy, in evidence to the CSJ

## 3.3 The impact of family breakdown and dysfunction

Family breakdown can be devastating for children and young people. YouGov polling for the CSJ found that a child not growing up in a two-parent family is:

- 75 per cent more likely to fail at school;
- 70 per cent more likely to be a drug addict;
- 50 per cent more likely to have alcohol problems;
- 40 per cent more likely to have serious debt problems; and
- 35 per cent more likely to experience unemployment/welfare dependency.[23]

Family breakdown, fatherlessness and gang involvement are also strongly inter-linked. While many factors affect a young person's gang involvement, family breakdown is particularly influential. Gangs operate in areas with a high proportion of lone parent families because they provide belonging, loyalty and the 'unconditional love' that many young people lack at home.[24] Some of the other key causes of gang involvement are referred to later in this chapter. Given the recent public disorder in the UK, these issues are all the more pressing.

19    The Home Office, *Hidden Harm* [accessed via: http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/publications/ drugs/acmd1/hidden-harm (07/07/11)]

20    Turning Point, *Bottling it up: the effects of alcohol misuse on children, parents and families,* London: Turning Point, 2006, p2

21    Centre for Social Justice, *Breakthrough Britain: The Next Generation,* London: Centre for Social Justice, 2008, p95

22    National Organisation on Foetal Alcohol Syndrome estimates reported by the Department of Health [accessed via: http://www. timesonline.co.uk/tol/life_and_style/health/article1837653.ece (23/07/08)] cited in, Centre for Social Justice, *Breakthrough Britain: The Next Generation,* London: Centre for Social Justice, 2008, p41

23    Centre for Social Justice, *Breakdown Britain, London: Centre for Social Justice,* December 2006

24    Centre for Social Justice, *Dying to Belong,* London: Centre for Social Justice, 2009, p94

*(supported by School-Home Support (SHS) – see case study on SHS below)*

Cameron was in Year Six (11 years old) when he was referred to Angela, the SHS practitioner in school. Cameron refused to engage in class or have any relationship with his peers. His behaviour in and out of class was becoming uncontrollable, as disobedience towards the teacher and persistently ignoring rules were regular features in Cameron's day. He was beginning to face continued short periods of exclusion due to his behaviour and the head teacher was looking to permanently exclude him from school.

SHS practitioner Angela's first suggestion was to put together a timetable for Cameron with teaching staff that had more experience in dealing with his type of behaviour. This would at least start integrating him back into school in an active way. After a few months of a mixed support timetable, Cameron was back in school three mornings a week and even began re-engaging in the classroom and with his peers. Angela discovered that there were a lot of issues going on at home – his parents were going through a break-up and Cameron would go for long periods without seeing his father. When Angela explored Cameron's feelings about what was going on at home, he would often respond with: 'I don't care'. However, he spoke proudly of the older boys he had formed relationships with in the community, whose actions were concerning as it was leading to early stages of offending behaviour.

As Angela's work with Cameron developed he brought difficult emotions to the sessions and sometimes would say to Angela: 'You're the only one that cares.' However this also annoyed and upset him, and at times he would question Angela's motivations by asking: 'Tell me why you are bothered about me? I'm going to permanently exclude myself if you won't'. Eventually after many hours of one-to-one support sessions with Angela, Cameron gradually spoke of underlying reasons, feelings and thoughts which answered many questions as to why he had on occasions spoken of self-harming and 'hating' the colour of his skin. At this point Angela made a therapeutic referral for Cameron to receive counselling and play therapy from a trained psychotherapist.

Angela referred Cameron to a Youth Offending Team where a worker could make a long-term difference to help target the behaviour he displayed out of school. This was combined with home visits to his mother and self-esteem work at school, ensuring he had access to some curriculum-based learning. Cameron was coming to the end of his time at primary school and preparing for the step up into secondary. After all of the work with Angela and the external agencies, Cameron hadn't had any exclusions or high profile behaviour concerns in school for nearly five months. Cameron sat his Year Six SATS and went to secondary school with a fresh start. Cameron still works with the Youth Offending Team, but his experience is far more positive and his future is looking hopeful.

### 3.3.1 Neurological development

It is well established that the brain is still developing in a child's early years. Evidence demonstrates that a newborn's brain is quarter the size of an adult's, whereas by age three, it is 80 per cent formed.[25] Adult-infant interaction can shape the structure of an infant's brain and affect its long-term chemical balance, either positively or negatively. Furthermore, medical evidence suggests that childhood maltreatment and early adverse experience affect the brain's

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25    Dekaban AS, *Changes in brain weights during the span of human life: relation of brain weights to body heights and body weights*, Ann Neurol.1978; 4: pp345-356

functioning.[26] A child's first three years are critical in terms of the brain's social, emotional and physical development. The quality of a child's primary caregiver's support and nurture profoundly influences these very early, formative years.[27] We know that the brain is acutely vulnerable during these years to trauma, the impact of which can be shocking. Indeed, 'the stress hormones, such as cortisol, that are elevated during trauma, flood the brain like acid', and neurological specialists viewing '...scans of the key emotional areas in the brains of abused and neglected children have likened the experience to looking into a black hole...'.[28]

Trauma also affects the brain's development and in turn a child's learning ability and behaviour: '...children exposed to chronic and unpredictable stress – a parent who lashes out in fury; an alcoholic who is kind one day and abusive the next – will suffer deficits in their ability to learn. As a result, their IQs will be lower; in itself, a risk factor for conduct problems'.[29]

### 3.3.2 Insecure attachment

Evidence gathered for our review and previous work published by the CSJ demonstrate that core developmental needs of children include secure relational attachment and emotional responsiveness.[30] Conversely, where a child's experiences are negative, for example in the context of an abusive or neglectful family environment, their overall human development can be severely hindered. The extent of this can vary significantly depending on the existence of certain factors in their family background and surrounding environment, for example, financial security and supportive networks of friends or relatives.

'Insecure attachment in the early years has been directly associated with troubled behaviours, unhappy or tormented relationships and lack of emotional intelligence in childhood, teenage years and adulthood, including depression and anxiety; low self-esteem; a lack of confidence to explore; a lack of self-awareness; a lack of capacity for emotional regulation and a lack of empathy and compassion.'[31]

Most pertinently, we have discovered that one of the serious consequences of a child's inability to form strong early attachments is that they often struggle to regulate their emotions, which has a clear affect on behaviour.[32]

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26  McCrory E, De Brito S A and Viding E, *Research Review: The neurobiology and genetics of maltreatment and adversity*, The Journal of Child Psychology and Psychiatry, 51:10, 2010, pp 1079-1095

27  Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008 and Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009

28  Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009, pp62-63

29  Ibid, p64

30  bid, p22

31  Ibid, pp49-50

32  Crittenden P M and Ainsworth M, Attachment and child abuse, 1989 in Cicchetti D and Carlson V (eds.), *Child maltreatment: Theory and research on the causes and consequences of child abuse and neglect*, New York: Cambridge University Press, pp432-463 cited in Sternberg KJ, et al., *Type of violence, age, and gender differences in the effects of family violence on children's behavior [sic] problems: A mega-analysis*, Developmental Review, 26, 2006, p90

> 'A lot of these children enter mainstream schools without social and emotional intelligence and skills, leaving them unable to sit still in a chair or to use cutlery. They can be very withdrawn, confrontational and angry, leaving them conflicted and looking to create the only types of situation they understand – that are chaotic and full of struggle. Most of the children's behaviour is learned and/or transferred from neglectful and chaotic home environments.'
>
> Dr Jonty Clark, Principal, Nightingale and Elsley Schools Federation, in evidence to the CSJ

The CSJ has been informed by various witnesses that attachment and relationship issues lie at the root of many excluded and self-excluding pupils' difficulties. Insecure attachment can have an effect on a child's or young person's behaviour in terms of them either acting out (i.e. expressing distress) or internalising (i.e. inhibiting emotions). Individuals express distress in different ways. Children and young people in both of the aforementioned cases have problems – some who act out can be disruptive in class, potentially leading to exclusion; some who internalise can self-exclude.

> 'Some children respond differently to difficulties in their lives – for example, to violence or a death in the family. There are normally two extremes to abnormal behaviour: either not reacting – which tends to generate a 'thank God for that' reaction and is not dealt with, or over-reacting – where they tend to become incredibly violent and it is then dealt with. We need to deal with both extremes. The kids who react to an extreme tend to get excluded, and those who don't react tend to get ignored. Both need to be supported.'
>
> Gracia McGrath, OBE, Chief Executive, Chance UK, in evidence to the CSJ

Insecure attachment also reinforces the critical importance of the quality of relationship experienced by some pupils in schools and other educational settings. Many of the children and young people the CSJ met in this process told us that they wanted someone to talk to at school and to form relationships with adults of mutual trust and respect. This will be discussed in more detail in Chapter Three.

A number of witnesses emphasised that it can also be important for children and young people with insecure attachment to feel a sense of belonging to a particular place. As explained by Dr Adam Abdelnoor, Founding CEO of Inaura, the inclusion charity, and Head of Inaura's Independent School: 'It's not necessarily about where a child is but whether they belong there. You feel you belong where your needs are met – and where you meet the needs of others'. Difficulties can, therefore, be raised for some children and young people when their educational provision does not meet their emotional and social needs (for example on a part-time timetable).

'There are various kinds of attachment disorder but essentially it is about a young person protecting themselves from the emotional hurt associated with not getting their basic needs met. So you might have an 'avoidant' attachment pattern, where the child wants to stay away from adults and pushes them away, or you may have a child who has a 'clingy' attachment pattern, where they need to hold on to an adult for fear that the adult may leave, or you might get a confused or ambivalent attachment pattern – holding an adult close and then pushing them away. These patterns originate with the primary care giver but get played out through relationships with authority figures later in life. The way that young people engage with figures and structures of authority within a school is informed by those early experiences. That is why a therapeutic model – a particular way of working with children and young people with attachment issues – needs to be found to address their specific psychological needs within educational establishments.'

Chris Brown, Director of Learning, U16 Education, Kids Company, in evidence to the CSJ

### 3.3.3 Effect of domestic violence, neglect and abuse

We highlighted earlier in the chapter the prevalence of domestic violence in society, and the concerns expressed by many witnesses over its existence in the lives of children and young people who are at risk of exclusion or who have been excluded. We heard a number of profoundly distressing accounts, some of which feature in case studies in the report. Evidence indicates that domestic violence increases the risk that children, in particular boys, will have behavioural problems such as aggressive behaviour.[33] Many harrowing examples were also given to us of the neglect and abuse suffered by some children and young people, and the impact that this is having on their behaviour in school and its consequences.

In one special school that the CSJ visited for boys with behavioural, social and emotional difficulties, a six year old pupil defecated in the middle of a class room – he had not been toilet trained. In the same school, we learnt of two brothers (two of eight children who have four different fathers). When they were aged five and seven, one of the fathers tied all of the children up, tortured them and then fatally shot himself in front of them. Each of these three boys had been excluded from their primary schools by Year Four.

33 Yates TM, et al., *Exposure to partner violence and child behavior [sic] problems: A prospective study controlling for child physical abuse and neglect, child cognitive ability, socioeconomic status and life stress,* Development and Psychopathology, 15, 2003, pp199-218; Sternberg KJ, et al., *Type of violence, age, and gender differences in the effects of family violence on children's behavior [sic] problems: A mega-analysis,* Developmental Review, 26, 2006, pp89-112

We also encountered the impact that a parent's substance misuse can have on their child's behaviour and their educational engagement.

> Gracia McGrath OBE, the CEO of Chance UK (see case study below), referred to a nine year old girl whose behaviour would lead to her being excluded every Thursday. It transpired through Chance UK's mentoring programme, that the girl achieved this on purpose. Her mum collected child benefits on that day and she knew that unless she got home in time, her mum would have spent all of the money on alcohol.

Beyond the tragedy of these situations in themselves, we must also bear in mind that many children and young people who face adverse experiences in the home (for example through domestic violence or parental substance misuse) may also be young carers. Research has found that there has been a dramatic increase in the emotional support provided by young carers since 1997, and that 13 per cent of young carers of primary school age and nearly one-third of young carers of secondary school age are experiencing educational difficulties.[34] It also reveals the particular challenges faced by children caring for someone who misuses drugs or alcohol:

> *'Children caring for relatives with drug or alcohol problems are especially vulnerable to educational difficulties. We have seen that, despite an improvement in the general picture since 1997, many young carers continue to experience educational difficulties and too few of them have had a formal assessment of their needs [by social services departments]. For example, almost three quarters of children caring for parents who misuse alcohol or drugs have still not been assessed despite the fact that 40 per cent of them have educational difficulties'.[35]*

Feelings drive behaviour. Children and young people, as well as adults, demonstrate how they are feeling about themselves by their behaviour. For reasons explained above, some children and young people find it difficult to manage their emotions and do not have the inner resources to be able to cope. Some are distressed and anxious about what is happening at home. Some display behaviour at school that they have learnt in the home. One head teacher referred to a child at her school who told her 'I don't speak to my mum, I shout at her'.

The NSPCC's study *Child Cruelty in the UK 2011* found that the greater the level of maltreatment children experience, the more significant their level of trauma and delinquent behaviour.[36]

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34    Dearden C and Becker S, *Young Carers in the UK: the 2004 report*, London: Carers UK, 2004, p3
35    Ibid, p14
36    NSPCC, *Child cruelty in the UK 2011*, NSPCC, February 2011, p12

## 3.4 Bereavement

Tragically, a number of children and young people suffer bereavement. No official statistics are collected, however research has shown that every 30 minutes in the UK a child is bereaved of a parent (equating to 53 children a day and 20,000 every year), and that many more children are bereaved of a grandparent, or other relative, or school friend or another significant person in their lives such as a teacher.[37] We have been informed that bereavement is often not addressed in some schools.

It should be noted that studies suggest that the death of someone close, especially in circumstances that are already disadvantaged, can put children at increased risk of social and educational difficulties, and can threaten their mental and emotional health.[38] Research has also shown that the impact of bereavement can be delayed and might only surface one to two years after the death.[39]

> Jane Caldwell of Kids Company told us that Kids Company had run an art therapy work shop in a primary school in one of the most deprived areas of South London. Approximately a third of the children were on the 'at risk' register within the school. The workshop sought to engage children to identify the underlying causes of their behaviour, and supporting them with any issues that arose. One boy wrote 'this is my room and sometimes I sleep on my wardrobe'. When asked why he had done this, he explained that he sometimes slept up there because he was too frightened to sleep in his bed, where his brother had been fatally stabbed. The young boy's behaviour had been getting him into trouble at school. The teachers' experience of him was that he had been completely unable to regulate his emotions and was completely inaccessible. He was expressing his need for help through violence, which had involved him throwing chairs in the classroom and having angry outbursts. He has since been receiving bereavement counselling from Kids Company.

## 3.5 Mental health problems and impoverished well-being

Figures issued by the Office for National Statistics confirm that one in ten children and young people aged five to 16 has a clinically recognisable mental disorder, and that boys are more likely to have a mental disorder than girls: with some ten per cent of boys and five per cent of

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37 Harrison L and Harrington R, 'Adolescents' bereavement experiences. Prevalence, association with depressive symptoms, and use of services', *Journal of Adolescence* 24, 2, pp159-169, 2001
38 Black D, 'Bereavement in childhood' *British Medical Journal* 316 931-933, 1998
39 Worden W and Silverman PR, *Parental Death and the Adjustment of School-Age Children*, Boston: Massachusetts General Hospital and Harvard Medical School, Boston, Volume 33, Number 2, 1996

girls among the five to ten age range, and 13 per cent of boys and ten per cent of girls among the 11 to 16 age range.[40]  These figures show the severity of the issues considered here.

> More than one million children have a mental health problem and approximately one in 12 children and young people deliberately self-harm.[41,42] Almost 290,000 children and young people have an anxiety disorder, almost 80,000 suffer from severe depression, 510,000 have a conduct disorder.[43]

A number of the risk factors identified above, which can lead to challenging behaviour and disengagement from education, also feature in the context of mental health problems.  Our previous work has found that family disruption and breakdown, whether by dysfunction or parental separation, is a precursor for poor mental health in infants.[44] What is particularly important to note is that the strategies adopted by damaged young children for coping with early abuse, neglect and trauma include behaviours that present as mental illness – and are medically classified as such.[45] We believe that this reinforces the critical need to appropriately identify and address the underlying causes of challenging behaviour, and to provide more therapeutic support to emotionally damaged children and young people. This would help to avoid the potential stigma often associated with mental health problems.[46]  Bereavement can also threaten children's mental (as well as emotional) health.

In evidence to the Education Select Committee for its report *Behaviour and Discipline in Schools*, YoungMinds, the UK charity committed to improving the emotional well-being and mental health of children and young people, stated that: 'many children who have a [SEN], particularly those who are said to have behavioural, emotional and social difficulties will also have mental health problems'.[47] Again, children and young people with SEN are amongst those who are disproportionately excluded from school and who truant.

However, it is not just a child or young person's mental health problem that can have a profound impact on their behaviour and/or disengagement from education.  As we heard from a number of witnesses, a parent's mental illness can also present serious challenges in this respect for some children or young people.  This was powerfully illustrated by Jane Caldwell of Kids Company, who referred to an 11 year old boy with a mother who suffers

40   National Statistics, News Release, *One in ten children has a mental disorder*, 31 August 2005 [Accessed via: http://www.statistics.gov.uk/ statbase/Product.asp?vlnk=14116 (05/07/11)]

41   Department of Health, Department for Education and Skills, National Service Framework for Children, *Young People and Maternity Services: Medicines for children and young people: Standard* 10, 1 March 2007, 13.1

42   Brophy M, *Truth Hurts: Report of the National Inquiry into Self-harm among Young People,* Mental Health Foundation, 2006, p21 [accessed via: http://www.mentalhealth.org.uk/content/assets/PDF/publications/truth_hurts.pdf (06/07/11)]

43   Young Minds, *Statistics about children and young people*, accessed via: http://www.youngminds.org.uk/professionals/policy-and-knowledge/ statistical-information/statistics-on-children-and-young-people-with-mental-health-problems (06/07/11)

44   Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008, p92

45   Ibid, p42

46   YoungMinds, *Stigma – A review of the evidence*, London: YoungMinds, 2010

47   House of Commons Education Select Committee, *Behaviour and Discipline in Schools*, 3 February 2011, paragraph 131

from a mental illness. He took to sleeping with her every night holding on to her, because she had tried to kill herself twice before, and he was terrified he would wake up to find her dead. Jane explained:

*'You could take that child away at that point and could say that the mother is impacting her child's development to the point where she has become a danger to him. But, ultimately, you have to appreciate that this little boy has a strong attachment to his mother and severing this abruptly may well be more traumatising for him. The advantage of Kids Company is that we can support the child with a keyworker and secure home visits so we can more easily assess the child's safety and his emotional needs. If possible we will support the mother. If the child needs to be separated from his mother our keyworker can continue to support the child through this change and provide a consistent, positive attachment'.*

The CSJ is currently undertaking a review of mental health in the UK, which will include an analysis of the issues surrounding children and young people, and will recommend policies in relation to them. The report is due to be published later in 2011.

'We know that every child needs to feel worthwhile. The path to success in their education is in their well-being.'[48]

SHS Practitioner, working in Tower Hamlets

The nature of childhood is changing, particularly in disadvantaged communities. UNICEF's 2007 report on child well-being in rich countries placed the UK at the bottom of the 21 OECD countries evaluated, as well as in the bottom third of the rankings for five of the six dimensions of child wellbeing that were assessed.[49] In its annual *State of the World's Mothers* report, Save the Children ranked the UK 23 of 43 'more developed countries' for child well-being, and described the result as a 'national embarrassment'.[50, 51]

Adverse early experiences can have a profound effect on the confidence and well-being of children and young people. Many experience a sense of poor self-worth and feel helpless, distressed and alone. A lack of self-confidence can sometimes turn into false self-esteem or continue as no self-esteem. Some children and young people try to get teachers and other adults to reject them because that is what they are used to. If adults do not reject or give up on them it takes some children and young people out of their 'comfort zone', and they struggle to cope with the alien dynamic of that relationship.

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48    School-Home Support, *Annual Review 2009/2010,* London: School-Home Support, p7
49    UNICEF, *Child poverty in perspective: An overview of child well-being in rich countries,* Innocenti Report Card 7, Florence: UNICEF Innocenti Research Centre, 2007, pp2-3 [accessed via: http://www.unicef.org.uk/Documents/Education-Documents/UNICEF_Childwellbeing_Rich_Countries.pdf]
50    Save the Children, *Champions for Children; State of the World's Mothers 2011,* Connecticut: Save the Children, May 2011, p30 [accessed via: http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SOWM2011_FULL_REPORT.PDF (03/05/11)]
51    The Guardian, *UK ranks behind Slovenia in childhood wellbeing,* 3 May 2011 [accessed via: http://www.guardian.co.uk/global-development/2011/may/03/uk-behind-slovenia-childhood-wellbeing (03/05/11)]

Some children and young people also find it difficult to accept positive images of themselves because they are often fed negative messages about themselves at home and/or in their community. If confidence and a sense of self-worth are not instilled at home or in an educational setting, then the risk is that it can be achieved by conforming in other ways, for example through gang or criminal involvement (as discussed below). Sam Conniff, Managing Director of Livity, explains how this can happen:

*"I know of examples where seven year olds have had their papers at the end of the year marked with 'PIB' (pain in the bum)...From early on those kids are identified subconsciously and consciously, and they take that with them through the school process. They have several years of disrupting classes, and feeling like they are not the most supported. That most likely goes hand in hand with a lack of clear and strong parental support, which most likely goes hand in hand with their peer influence... Then by the time they are 12, in the 'real' world they have people they know of a similar age to them... who are earning £1,000s selling drugs...leading to a reaction where 'your world is telling me that this is bad and wrong, but my world is telling me that it isn't. I believe my world more than your world and so you are increasingly irrelevant'...".*

While homelessness did not fall under the remit of this report, a number of witnesses have told us that this is an issue for some young people. Unsurprisingly this presents them with even greater challenges and has a damaging impact on their education. Some are thrown out of their home, often through no fault of their own.

The harsh reality of this became only too apparent during our visit to a special school in the depths of winter. We were informed that the head had recently discovered that a 15 year old pupil had been sleeping in the wheelie bin behind the school for a few nights each week, and 'sofa surfing' at the homes of friends and relatives on other nights over a period of some months. He had been coming to school hungry, tired, had not been able to do his homework or concentrate in class very well, had fallen behind with his work, and his attendance had dropped significantly. It had also come to the Head's attention that the pupil had not been able to wash regularly and that some of the other children in the school had been teasing him for being 'whiffy'.

The challenges that homeless young people face can create serious and at times insurmountable obstacles to their ability to attend school and/or engage with learning. They may engage and disengage at different stages of their educational journey.

# 4. The local environment – street gangs

'Over the past decade British society has seen an increase in gang culture and its associated violence. In addition, the composition and nature of gang culture has shifted: gang members are getting younger, geographical territory is transcending drug territory and violence is increasingly chaotic.'[52]

Some children and young people growing up in dysfunctional families face serious challenges within their home environment, which often has a profound impact on their behaviour and/ or engagement with education. However, when they live in deprived areas where social breakdown is rife, they can also face considerable threat and danger within their local community, predominantly it seems from street gangs, the presence of which appears to be becoming more common. The impact and influence of street gang activity is pouring into some of our schools and PRUs, presenting them with serious difficulties in terms of managing the associated behaviour, as well as the pupils' disengagement from education.

## 4.1 The scale of the problem

*Dying to Belong* analysed the true nature and scale of street gang culture in Britain and found that:

- Between 600 and 700 young people are estimated to be directly gang-involved in the London Borough of Waltham Forest alone, with an additional 8,100 people affected by gangs;[53]
- At least half of the murders of young people, by young people, in London in 2007 were gang related;[54]
- Between 2003 and 2008, there was an 89 per cent increase in the number of under-16s admitted to hospital with serious stab wounds.[55]

As noted in the CSJ's January 2011 response to the Government's launch of 'gang injunctions', we have received a number of reports from some of our contacts on the frontline, that the gangs issue is becoming increasingly severe in particular areas. We have been informed that in some gangs (but by no means all) there are activities, behaviours and cultures which are at the highest end of gravitas. For example, in some gangs, the age of those being recruited is getting younger, the level of violence which has become normalised is much more severe, and the involvement of girls and their sexual exploitation is on the rise.[56]

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52    Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p19

53    Pitts J, *Reluctant Gangsters: Youth Gangs in Waltham Forest*, 2007, Chapter 3 cited in Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p19

54    *MPA Youth Scrutiny* (Metropolitan Police Authority, May 29, 2008), pp54-55 cited in Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p20

55    The Independent, *Cherie Blair: I fear for my children*, 2 July 2008 [accessed via: http://www.independent.co.uk/news/uk/crime/cherie-blair-i-fear-for-my-children-858316.html] cited in Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p20

56    Centre for Social Justice, Press Release, *Centre for Social Justice responds to today's launch of 'gang injunctions'*, 31 January 2011 [accessed via: http://www.centreforsocialjustice.org.uk/default.asp?pageRef=293]

## 4.2 Young recruits and the nature of gangs

The 2004 *Offending, Crime and Justice Survey* found gang members aged between ten and 19 years old, with the greatest prevalence being 14 to 15 years old.[57] *Children and Gangs*, a targeted study undertaken to investigate why children and young people aged ten to 14 join gangs, contains some extremely disturbing findings. Those consulted in the London Borough of Southwark "generally agreed that children are joining gangs at a younger age than ever before. For example, 'Youngers' within the PYG [Peckham Young Guns, one of the two main gangs operating within the area] are typically 14-16 years old, and the 'Tinies' are often 11 or 12 years old, and in some instances even younger". The report also found that: 'Tinies will engage in organised and chaotic violence to earn respect. The findings indicate that they will begin carrying and using their own knives and guns when they enter secondary school. Respondents reported instances where Tinies have shot rival gang members'.[58]

Patrick Regan, CEO of XLP, an urban youth charity which works in over 30 schools and communities across a number of London boroughs, refers to the apparent involvement of an even younger age group in *Fighting Chance: Tackling Britain's Gang Culture*:

> *"If it is not frightening enough thinking of thirteen- and four-teen-year-olds being encouraged into criminal behaviour, it now seems there is a growing trend for Tinies to join gangs – children as young as seven and eight. Because of their age they are less likely to be stopped by the police, so they can run drugs money for the gang, earning cash for themselves in the process. There are rumours now of even younger children getting involved in gangs. They are known as Babies. Police officers tell me that they know of gangs whose eldest members and leaders are fourteen-year-old boys. They all carry knives and their after-school activities tend to revolve around robberies. One North London police officer said, 'we see thirteen-and fourteen-year-old boys who have been stabbed four or five times. The blades go millimetres from their arteries, threatening their lives, but it doesn't shake them up. Instead they think they are invincible'".[59]*

'If someone stabbed him, we have to ride to the other side of Brixton and stab him, kill the person, or hurt the person.'

Young person, age 11

"We hear a lot of stories of sexual violence and group sex. We are talking about children whose first language is violence...they can coerce and intimidate people, I don't think it's all negotiated. There will be drinking and drugs involved. Kids as young as 13 are taken down to hotels by 'Olders'."

Child, Family and Community Professional[60]

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57  Sharp C, Aldridge J and Medina J, *Delinquent youth groups and offending behaviour: findings from the 2004 Offending, Crime and Justice Survey,* Home Office, 2006, p4 cited in Centre for Social Justice, *Dying to Belong,* London: Centre for Social Justice, 2009, p72; It is acknowledged in *Dying to Belong* that 'this data should, however, be used with caution: those most likely to be heavily involved in gangs are perhaps less likely to confirm their involvement in a Home Office survey. As with the prevalence of weapons and violence, the majority of gang involvement is likely to go unreported'
58  Qa Research, *Children and Gangs,* Summary report for Children & Young People Now magazine, York: Qa Research, January 2011, pp8 and 10
59  Regan P and Hoeksma L, *Fighting Chance: Tackling Britain's Gang Culture,* London: Hodder and Stoughton, 2010, pp32-33
60  Qa Research, *Children and Gangs,* Summary report for Children & Young People Now magazine, York: Qa Research, January 2011, pp9 and 11

## 4.3 Involvement of girls and their sexual exploitation

Although gang membership is often considered to be a predominantly male preserve, a significant number of girls are believed to be gang-affiliated, whether as 'foot soldiers' – e.g. setting up rival gangs, as 'carriers' – e.g. holding and hiding drugs and weapons, as a 'mother' – e.g. performing tasks like cooking and laundry, or as a 'girlfriend' – performing a predominantly sexual role that can often lead to their sexual exploitation.

Professor John Pitts states that 'rape by gang members, as a form of reprisal or just because they can, is said to occur fairly frequently and reports to the police are rare'.[61]

'The level of sexual exploitation of girls, and the extent to which it is becoming normalised, is one of the hidden horrors of the twenty first century.'

Camden Borough Commander, John Sutherland, in evidence to the CSJ

The past few years have seen an increase in media coverage of female gang members and violence.[62]

## 4.4 Reluctant recruits and the impact on witnesses

Some children and young people are reluctant gang members. Due to the neighbourhood in which they live, some children and young people can find themselves under a huge amount of pressure to join a gang. For example, their family and/or siblings are threatened with physical violence, which in effect leaves them feeling that they have no choice. One head teacher informed us that in his experience, rape and gang rape are used as much as violence to provoke young people into joining gangs or performing for them. This was corroborated by a number of other witnesses.

Yet, it is not only the gang members or those on the periphery that we need to be concerned about. Gracia McGrath, OBE, emphasised the impact that witnessing street gang activity can have on other children and young people:

*'If you are looking at the behaviour of a child, you have to look at both what the child is seeing in their own family and in the community. A huge percentage of kids will have seen repeated violence at home and in their local area due to gang related issues. I dealt with an isolated case of a child who took a knife into school about six years ago. So much has changed in the last few years. This is now a common occurrence'.*

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61  Pitts J, *Reluctant Gangsters: Youth Gangs in Waltham Forest*, 2007, Chapter 5, cited in Centre for Social Justice, Dying to Belong, London: Centre for Social Justice, 2009, p74
62  Centre for Social Justice, *Dying to Belong,* London: Centre for Social Justice, 2009, p75

Gracia also referred to an eight year old boy who wanted to know what it would like to be stabbed. It transpired through the charity's mentoring programme, that there had been a rise in stabbings in his area and that he had seen a number of dead bodies and had an expectation that he would die from a knife wound at the age of eight. That is why he had wanted to know what it would feel like. The charity's target was to get him to play on the swings – they accepted that he couldn't do so in his park because he was afraid of being seen as a 'kid' and therefore a target by the other children in the area, and so took him to another park.

## 4.5 The impact on schools and PRUs

Crucially, in terms of this paper, many of these children and young people are in our schools and PRUs, which therefore face considerable external pressure in terms of keeping them there, managing their behaviour and engaging them. This is particularly the case where they are gang-affiliated or operating on the periphery of street gang activity. However, as discussed in Chapter Three, they also face huge challenges in terms of understanding and addressing the issue of street gang activity itself where it affects their pupils and educational community.

A Youth Justice Board Youth Survey reveals that in 2009, almost a quarter of young people in mainstream education and over half of young people in PRUs reported carrying a knife in the previous year.[63] We were informed by a number of witnesses that a significant number of stabbings and threats of stabbings go unreported to the police. In addition, police '… acknowledge that their statistics on knife crime do not take into account the number of stabbings that take place using another sharp instrument (such as the recent trend to use the sharp edge of a broken CD to inflict serious damage)'.[64]

The extent of the challenge facing schools and PRUs is severe and becomes only too clear to the rest of society when it re-surfaces in the wider community, with what seems to be an ever increasing brutality. The murder of 15 year old Sofyen Ghailan is just one example. Sofyen was stabbed to death last year in front of commuters during rush hour at London Victoria station. More than 20 teenagers were believed to have been involved in his attack, during a fight which is reported to have taken place between pupils from rival schools, some in their school uniform, and pre-arranged on Facebook.[65, 66]

Clearly this is not a matter that schools and PRUs should be left alone to deal with. Street gangs are a product of some of our most serious social problems. These are complex and, again, certainly not education based.

63    Anderson F et al, *Youth Survey 2009: Research study conducted for the Youth Justice Board for England and Wales*, Youth Justice Board, 2010, p16
64    Regan P and Hoeksma L, *Fighting Chance: Tackling Britain's Gang Culture*, London: Hodder and Stoughton, 2010, p4
65    The Times, *Teenage gang arrested after boy, 15, is killed at London Victoria station*, 27 March 2010 [accessed via: http://www.timesonline.co.uk/tol/news/uk/crime/article7077126.ece (03/07/11)]
66    Court News UK, *Osoteku: Teenager 'hunted down' and killed by armed gang in Victoria station*, 25 January 2011 [accessed via: http://www.courtnewsuk.co.uk/online_archive/?name=youths&page=6 (03/07/11)]

'A fundamental factor in this is that history is repeating itself; a generation and a half of children who were not nurtured and properly educated are now parents themselves, with a deficit of knowledge as to how they should be nurturing and bringing up their children. The basic reaction to the lack of safety that the children feel is to bridle up and act defiantly, and so these children who seemingly feel omnipotent bring egocentric street and gang behaviour into the school environment. Consequently, many aren't willing to invest in these children financially or emotionally.'

Dr Jonty Clark, Principal, Nightingale and Elsley Schools, in evidence to the CSJ

The drivers of street gang culture include (amongst others) family breakdown and dysfunction, a lack of positive role models, mental and emotional health problems, an absence of aspiration and hope, and educational failure (i.e. exclusion and truancy). Poverty underpins all of the drivers.[67] The challenges facing some parents in this context must not be overlooked, which further emphasises how important it is to engage them in their child's education in the most rounded sense possible:

*'Family breakdown is helping to drive gang culture, but the prevalence of gangs in the most deprived neighbourhoods is making parenting very difficult, particularly for a working lone parent. Parents in our most disadvantaged communities face some of the biggest challenges in bringing up their children and yet, often having experienced poor parenting themselves, they are often the least well equipped to do so'.*[68]

*Dying to Belong* sets out a blue print for tackling street gangs in Britain, and contains a number of policy recommendations for immediate, medium and long-term action. Some of these are referred to in more detail and built upon in Chapter Three, in the context of safer schools. The report argues that, in respect of long-term action, a truly effective response to street gangs should focus on prevention – i.e. tackling the drivers of gang culture, and not just the symptoms. It recommends, for example, strengthening and supporting the family, early intervention, youth provision and diversion, education, employment and community mobilisation. We know that the voluntary sector has a critical role to perform in terms of providing support and guidance to children and young people – as well as for their families, who are gang-affiliated, operating on the periphery of gangs or have witnessed gang activity.

David Cameron stated at the CSJ Symposium on Youth Culture in 2006:

*'If the first thing we have to do is understand what's gone wrong, the second thing is to realise that putting things right is not just about law enforcement. It's about the quality of the work we do with young people. It's about relationships...it has to be about justice, as well as compassion and kindness'.*

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67   Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p189
68   Ibid, p97

The importance of relationships and therapeutic provision for children and young people who are at risk of exclusion and are disengaging from education in mainstream schools is discussed in Chapter Three. We welcome the Government's commitment to develop a coherent multi-agency approach to tackle street gangs, in response to the recent UK riots. Just as some people may think that the situation cannot get any worse, all the signs are showing that it will – and not just in deprived communities or in schools serving disadvantaged areas (which we should in any event be doing our best to help) but also in the wider community, where street gang activity is evident. In more severe cases it has been claiming lives, and there will be more if we do not get a grip on the issue. It is no longer just the people who are the least democratically engaged and have the quietest voice who are affected by this problem.

## 5. Early intervention

The CSJ has long emphasised the crucial need for prevention through early intervention. The importance of the early years cannot be overstated. The CSJ believe, however, that it is also vital for early intervention to continue throughout later years, so that it applies not just to the first three years, but up to 18 years.

The CSJ's recent briefing paper *Making Sense of Early Intervention: A framework for professionals* highlights the support given to early years intervention by Graham Allen MP, Professor Eileen Munro, Dame Claire Tickell and the Rt Hon Frank Field MP in the reports referred to below.[69] It states that 'All of these conclusions continue the thrust of advice contained in the Marmot Review *Fair Society, Healthy Lives*, which calls for a second revolution in the early years to increase the proportion of overall expenditure allocated there, starting in pregnancy'.[70]

Various witnesses giving evidence to this review voiced their concern that the potential of early intervention will not be realised if those working in early years provision are not given appropriate training to understand children's social and emotional development, their relational needs and the importance of nurture. *Next Generation* referred to the concern expressed by experts over the missing components of training for early years workers which in turn impacts on the quality of care provided by them.[71] *Early Intervention: Good Parents, Great Kids, Better Citizens*, calls for 'specialised programmes of training for all professionals whose work impacts upon children' (which grounds them in the neuroscience involved in the very early years).[72] This view is reinforced by Graham Allen MP in his 2011 report *Early Intervention: The Next Steps*, when he recommends 'that we improve workforce capability of those working with the 0-5s...by establishing a Workforce Development strategy led by the Departments for Education and Health with input from across government, to ensure that we are developing for the future enough suitably qualified candidates who wish to work with the 0-5s'.[73] The importance of raising the quality of the early years workforce is also emphasised

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69    Centre for Social Justice, *Making Sense of Early Intervention: A framework for professionals*, London: Centre for Social Justice, 2011, p3
70    Ibid
71    Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008, pp74-75
72    Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids*, Better Citizens, London: Centre for Social Justice and Smith Institute, 2009, p97
73    Allen G, *Early Intervention: The Next Steps*, London: The Stationery Office, 2011, pxix

in the Rt Hon Frank Field MP's report *The Foundation Years: preventing poor children becoming poor adults*, Dame Claire Tickell's report on the Early Years Foundation Stage, and Professor Eileen Munro's Review of child protection.[74]

'By the time you get to secondary school it is too late...it then becomes more about coping strategies...The majority of the interventions and changes have to take place at primary level.  In some senses, one might argue that the resource balance between secondary and primary school is wrong.  Where you should be putting the majority of the resource is at primary level.  But it doesn't happen, and what you end up with is a wide variation in quality and subsequent impact of intervention and support.'

Head teacher, secondary school, in evidence to the CSJ

However, it must be recognised that not all children attend pre-school provision and those that do not are likely to be vulnerable or from the most marginalised families.  Some children may therefore face even greater challenges on entry to primary school.  Save the Children's 2011 *State of the World's Mothers* report found that only 81 per cent of children under the age of five were enrolled in pre-school education.[75] Justin Forsyth, CEO of Save the Children, is quoted as saying: 'We know that pre-school nursery or playgroup access helps all children, but especially the poorest.  It is a national embarrassment that the UK lags so far behind other countries of a similar size and wealth'.[76]

In evidence to the CSJ, witnesses were in firm agreement on the paramount importance of early intervention in the context of educational exclusion.  This is because it is crucial to recognise the problems that could lead to exclusion and/or disengagement from education as early as possible, before they become more entrenched.

It seems that there is a culture of greater investment in intervention and resources in secondary schools than primary schools, effectively leaving secondary schools to pick up the pieces.  This is nonsensical; we need to strike an appropriate balance. A comprehensive investment programme in preventative and early intervention services for children and young people could save the UK economy £486 billion over 20 years.[77]

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74  Field F, *The Foundation Years: preventing poor children becoming poor adults,* London: The Stationery Office, 2010; Tickell C, *The Early Years: Foundations for life, health and learning,* London: The Stationery Office, 2011;  Munro E, *The Munro Review of Child Protection Part One: A systems analysis,* London: The Stationery Office, 2011

75  Save the Children, *Champions for Children; State of the World's Mothers 2011,* Connecticut: Save the Children, May 2011, The Complete Mothers' Index 2011 Table [accessed via: http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SOWM2011_FULL_REPORT.PDF (03/05/11)]

76  The Guardian, *UK ranks behind Slovenia in childhood wellbeing,* 3 May 2011 [accessed via: http://www.guardian.co.uk/global-development/2011/may/03/uk-behind-slovenia-childhood-wellbeing (03/05/11)]

77  Action for Children and the New Economics Foundation, *Backing the Future: why investing in children is good for us all,* London: New Economics Foundation, 2009, p26

Schools (including special schools), PRUs and other alternative providers need to be able to identify and address the underlying causes of challenging behaviour and/or disengagement from education as early as possible. They need to develop an informed understanding of their pupils and individual circumstances. It has been acknowledged that effective early intervention may enable more young people with less severe needs to avoid being labelled with SEN later on down the line (with all the human and financial expense which that entails).[78] As we outline later in the chapter, we believe that a system is required to achieve a coordinated approach in respect of vulnerable pupils, and that this could involve an electronic education passport model. This could, for instance, contain an individual's unique pupil number (when allocated) and any milestone information on their health, care and education.

However, given the number of children who are not currently accessing early years provision, the absence of any such milestone information on entry to primary school ought to trigger a prompt assessment of the child's development. This might include speech, language and communication needs (SLCN), where a child may also have slipped through the net of the Healthy Child Programme review between the age of two and two-and-a-half years old. This is discussed further in Chapter Three. We welcome steps which are being taken by the Government to support the most disadvantaged children in the early years, but we need to ensure that this continues throughout their education. We also need to ensure that information which may come to light in terms of their development reaches those who are teaching them. We need to help teachers to understand some of their pupils better – in terms of their needs and behaviour and how they can best be supported.

Individual education plans (IEPs) are used by some PRUs and other alternative providers. We are informed that not all PRUs use them, although it is considered best practice to do so. One witness who runs alternative provision told us that 'Many alternative providers are

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78    Department for Education, *Support and aspiration: A new approach to special educational needs and disability – A consultation:* Department for Education, March 2007, paragraph 1.7

commissioned by LEAs and have been made to use IEPs but it is nothing more than a box ticking exercise. One LEA is very guilty of this. As long as it gets a completed form back from the alternative provider, it is happy. It has no real assessment systems in place and everything is taken on production of a form and no real monitoring occurs'. The witness continued: 'It's a reason why we look so overpriced – in comparison with us, there are alternative providers who are doing nothing more than treading water with the kids but because they are half the price they are in business'.

IEPs are intended to build on a school's records and Common Assessment Framework (CAF). We are also informed that the completion of CAFs can be very time consuming and dependent upon whomever is responsible for it and how they build relationships with other agencies involved in CAFs. One witness described how they require good resources – they can be regarded as a very useful tool by some but others 'do not want to bother with them' and that some schools do not want to put resources into them. We discuss the use of CAFs in more detail in Chapter Five. In the meantime, we are not suggesting that a possible electronic education passport model would replace CAFs but that it would sit alongside them. At the same time, it would make them easier and quicker to complete as the passport could contain basic information to include within it. In light of concerns raised in Chapter Five, this should help more children and young people obtain the support that they need. We need to work from the other end of the spectrum and to take a preventative approach. We should focus on the start of a child's education – to build up an informed understanding, identify any risk factors at an early point and give them every possible chance to succeed in mainstream education.

> "There is...a need to encourage a culture where you don't jump to exclusions as the first solution before you have tried any other solution. That partly links to skills and professionals having the time to work with the children, and about having a child centric and family centric view. You don't think 'what solutions have I got that I can put on top of this child?' you look at the child and think 'what does this child need and how can I craft solutions around that?'"
>
> Srabani Sen, CEO, Contact a Family

The CSJ believes a standardised, simplified and cohesive approach should be taken in respect of vulnerable children and young people. Such a system should enable schools, PRUs and other alternative providers to construct more personalised learning programmes, and provide pastoral support which is tailored to their specific needs – as well as to establish the necessary parental input required in the pupils' education. This should be from the point of entry (where a pupil moves to another school, PRU or other alternative provider).

Pupils, parents and school, or PRU and other alternative provision staff need to work closely together (as some already are), along with other relevant agencies and organisations, to define solutions. This requires a change of mindset for some people, to think about effective multi-agency collaboration, and to look beyond the educational setting to draw in appropriate community support and resources. Some voluntary and community sector organisations are playing a vital role in this – intervening early and taking an approach which places the child and family at the centre, to identify and address the underlying causes.

> 64 per cent of people we polled believed that voluntary and community sector groups have a crucial role to play in helping pupils with challenging behaviour or who are not engaging with education.
>
> YouGov for the CSJ, April 2011

*Making Sense of Early Intervention* stresses the importance of LAs investing in early intervention programmes that work.[79] It also contains a strong warning against LAs focussing expenditure on the 19 top tier programmes referred to in Graham Allen's Review, at the expense of other programmes with proven track records and emphasises the importance of accepting a range of evidence for a range of outcomes. This is in light of the emphasis made by Graham Allen himself on the weakness of relying too much on the methodology proposed in his Review. The approach recommended by the CSJ also extends to the direct commissioning of such programmes by mainstream schools, special schools, PRUs and alternative providers.

It is estimated that the current generation of 16 to 18 year olds who are NEET will cost society £31 billion during their lifetime, or £4.6 billion annually. As argued in Chapter One, a large proportion of these costs are avoidable – many proven cost-effective solutions exist, particularly in the voluntary sector.[80]

## Case study: Chance UK

Chance UK's mission is: 'To improve the lives of primary school children with behavioural difficulties who are at risk of developing anti-social or criminal behaviour by offering them tailored, one-to-one mentoring with a carefully screened, trained and supervised adult.'

Volunteer mentors work on a one-to-one basis with children, and broaden their horizons through activities that the children are interested in, including sport, trips to museums, and making scrapbooks. They also raise children's self-esteem using a 'solution-focused approach', which concentrates on

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79   Centre for Social Justice, *Making Sense of Early Intervention: A framework for professionals,* London: Centre for Social Justice, 2011, pp7-12
80   Sodha S and Margo J, *Ex Curricula,* London: Demos, p13

the child's strengths and what they do well, rather than on their poor behaviour. The 12 month mentoring programme benefits children in the short-term and long-term by helping them to stay in school, make lasting friendships with peers, and improve relationships with adults and authority figures. Many of the children who are supported through the mentoring programme are at risk of exclusion from school. The charity's highly successful 'early intervention mentoring model' builds children's confidence and equips them with new ways of overcoming their challenges. According to their teachers, the children are excluded from school less frequently than before, socialise better with other children and improve their school results.

Chance UK works closely with schools and other agencies across London – in Hackney, Islington and Lambeth, and launched its mentoring programme in Westminster on 1 April 2011. During 2009/2010, a total of 140 children benefited from the mentoring programme, with their families, children in their classes and their teachers also benefiting from its impact. The charity also supports parents and carers through its ParentPlus programme, which helps to build relationships between the parent and the mentored child, and find solutions to individual problems.

In 2009, independent evaluation of the charity's London work, by the University of London, followed 100 children who had had mentors. The analysis found that:

- 98 per cent of children showed reductions in levels of behavioural difficulties;
- 51 per cent of children showed no behavioural difficulty at all by the end of the mentoring year;
- A decrease in all children in hyperactivity, emotional symptoms, conduct problems and peer problems;
- An increase in all children in pro-social behaviour; and
- The majority of children retained many of their improvements three to five years after the mentoring had ended.[81]

The CSJ has undertaken extensive work on early intervention for our most vulnerable families, and has made a series of policy recommendations across a number of reports based on the vital need to place the child and family at the centre. This includes a foundation package for early intervention with primary and secondary school programmes to improve parenting between the generations.[82] It has also recommended the establishment of Family Services Hubs in the heart of every disadvantaged community, as well as an enhanced role for the health visiting profession, greater access for children to bespoke mental health services, and the provision of relationship and parenting education.[83] In addition, the CSJ has recently suggested an early intervention framework to equip commissioners to make decisions at a local level.[84]

81 Smith K P, Howard S, *An Analysis of the impact of Chance UK's mentoring programme*, London: Goldsmiths, University of London, 2009 [accessed via: http://www.chanceuk.com/userfiles/Goldsmiths_Evaluation_-_full_report.pdf (29/03/11)]
82 Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens*, London: Centre for Social Justice and Smith Institute, 2009
83 Centre for Social Justice, *Breakthrough Britain: The Next Generation*, London: Centre for Social Justice, 2008
84 Centre for Social Justice, *Making Sense of Early Intervention: A framework for professionals,* London: Centre for Social Justice, 2011

This review will give specific recommendations for early intervention in the context of educational exclusion at the end of this chapter.

## 6. Parental engagement

95 per cent of people we polled thought that the role of parents/carers in maximising their child's participation in education and reaching their potential is important.

YouGov for the CSJ, April 2011

A child's education starts at home; parents are the primary educators of children.[85] Thus responsibility for a child's education does not rest solely with schools. The CSJ's response to the DfE's *Schools White Paper* in November 2010, called for the Government to go further in its engagement of some parents in the education of their child.[86] This has since been substantiated by the Education Select Committee which noted in its report *Behaviour and Discipline in Schools,* that the *Schools White Paper* 'made no mention of the work which schools can – and should – undertake with parents and carers to reinforce and promote good behaviour and address poor behaviour'.[87]

'For some of our parents, English is their second language and they may be illiterate in their first. A significant amount of our White British parents have needed a scribe when we hold a Parents' Forum.'

Head teacher, Vittoria Primary School, in evidence to the CSJ

We argue that parental involvement in a child's education can help not just to encourage positive behaviour or to improve behaviour where it is challenging, but also to encourage their engagement with education where a child may be lacking motivation or interest – and which can in turn impact on their behaviour.

However, we need to recognise and address the challenges presented both to and by some parents. A significant minority are either unable or unwilling to engage with their child's education due for example to low self-esteem, linguistic barriers, a negative educational

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85   Centre for Social Justice, *Breakthrough Britain,* London: Centre for Social Justice, 2007
86   Centre for Social Justice, Press Release, *Centre for Social Justice Responds to the Department for Education's Schools White Paper 2010,* 24 November 2010 [accessed via: http://www.centreforsocialjustice.org.uk/client/downloads/20101124CSJRespondsDFESchoolsWhitePaper2010.pdf (24/11/11)]
87   House of Commons Education Select Committee, *Behaviour and Discipline in Schools,* 3 February 2011, paragraph 53

experience themselves, problems at home, poor mental or physical health, or working full time (particularly in respect of single parents and those living in poverty – where they can be working a number of different jobs leaving them without the time to go into school). The impact of a negative educational experience on the part of some parents cannot be underestimated, particularly when this coincides with them only receiving negative feedback from their child's school. Indeed as one witness said, 'Some parents simply find schools overwhelming'.

Poverty of aspiration can present a further barrier to parental engagement, as the head teacher of an Academy in Cumbria explained to us during a visit. 'The school was in special measures several years ago – data for the area indicated that nearly half of the parents had a reading ability of an 11 year old. The head told the CSJ that in some cases there are four generations of the same family who have never worked in the local community, and that 'It is not a question of low aspiration – it is a question of no aspiration. If parents do not value education, it does not matter what we do during the day, the parents will reinforce that message when the child goes home...'.

Marginalised parents should be encouraged to engage with their child's education from the earliest stage possible. Health visitors (including practitioners in Family Nurse Partnership programmes) and staff in Sure Start Children's Centres and Family Services Hubs and other early years settings should ensure that all parents with whom they engage are given an informed understanding of the value of their child's education. Parents should also be provided with information regarding the ways in which they can ensure that their children are school ready. They should be given appropriate support and be equipped with the necessary skills to achieve this. We welcome the Government's support of children and families in the Foundation Years. What this would mean in practice for this agenda is that health visitors instil a sense of the value of education in parents, and identify their reticence and any feelings of insecurity in relation to their child's education, with a view to helping them overcome their negative experiences to support it.

Mainstream schools, special schools, PRUs and alternative providers should also support marginalised parents. Great emphasis was placed by a number that we visited on positive engagement with parents about their child and investing in this relationship. They received telephone calls home to convey praise for the pupil whenever appropriate and possible, for example. This improved the relationship between school and parent, by building the parents' trust and confidence in the school, so that if their support is needed with their child's challenging behaviour, they are more likely to provide it.

It is important that educational settings help to equip and empower some parents to engage with and support their child's education, where they lack the ability or motivation to do so themselves. During our review we discovered that a number (including the Academy in Cumbria) are rising to the challenges presented by a lack of parental engagement and are taking a proactive approach to this. They are allocating resources to not only engage such parents, but also to help them to develop their skills to enable them to support their child's learning. This approach appears to be an 'all win' situation. Some schools and PRUs

that we visited have devised specific parental skill-building initiatives – often in partnership with voluntary sector organisations or with their LA adult education services – which include classes in, for example, basic numeracy and literacy, IT, DIY skills and healthy cooking/food hygiene.

> ### Case study: Vittoria Primary School, Islington, London
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> Vittoria Primary School sits in the middle of an estate in an area of high deprivation. The school is in the process of constructing a 'community building' on its premises. The school believes that in order to take the children further in their learning, it needs to support their parents to develop their motivation, skills and aspiration. The school therefore plans to run classes for parents in basic literacy and numeracy, parenting, crafts, drama (for parents and their children), and for returning to work. It also runs a 'Talk for Writing' project, which engages parents to help their children with writing and encourages them to talk to their children about the books that they are given to read by the school. Every half-term the school works on one story book. By the end of the year, the children will have six stories they will know well. A lot of the children at the school will not have been read to at night. The school has been referred to as 'a haven'.

Others are providing 'parent and family support' in various forms, such as 'coffee mornings' and parenting programmes, to help adults to develop their parenting skills and to strengthen families struggling to cope. Pimlico Academy (see case study in Chapter Four) provides family therapy. Hungerford Primary School (see case study in Chapter Five) offers a 13 week 'Strengthening Family, Strengthening Community' course, with two facilitators who work in the school, a learning mentor and family support worker. As referred to below, these types of initiatives should be presented to reluctant parents as being core 'entitlements'.

Many teachers do not have the time or capacity to engage with parents effectively, with a view to getting to the root cause(s) of challenging behaviour and/or disengagement from education. However, a number of voluntary and community sector organisations are playing a crucial role in engaging parents in this respect. They are effectively acting like a bridge between the schools, PRUs, and parents and children, helping to facilitate (as previously highlighted in the context of early intervention) the early identification of any barriers to learning and engagement, and overcoming them. Jan Tallis, the CEO of SHS, a national charity which places highly trained practitioners to work with vulnerable children within the education system, told us that the lack of parental engagement in a child's education is unacceptable but knowing that families often live in difficult circumstances, the best way of tackling it is with 'supportive challenge'. Jan added: "It's not alright for children not to come to school but we need to ask parents 'what do we need to do to help you overcome the obstacles?'".

It is vital that educational settings engage parents in their child's education and from the outset – particularly those who are marginalised – in an effort to raise the aspirations of both parents and pupils, and to promote pupils' positive behaviour and engagement in education, as well as to improve their attendance and attainment. Working with the most disengaged

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parents is a matter of utmost importance. Again, it is critical that effective voluntary and community sector organisations running evidenced-based programmes are engaged in the context of a multi-agency approach. The same comments made above in relation to the commissioning of early intervention programmes also apply to those in respect of parental engagement. Many programmes will no doubt focus on parental engagement in the context of early intervention in any event.

Efforts can and should be made to engage reluctant parents. Leaders should ring fence any core 'entitlements' that they may be able to offer such parents (for example, family therapy and parental training), and arrange for voluntary sector organisations or school-linked social workers to act as a link to secure their engagement. The progress some parents have to make to help with their child's education can be significant, and voluntary sector organisations or social workers can help to bridge that gap.

However, core entitlements should not necessarily need to be provided the educational establishments by schools or PRUs, but through working in partnership with whoever can provide them locally. One core offer could be a visit from a voluntary sector organisation, or a school based or attached social worker, that could help the parent or family.

Notwithstanding this, a number of witnesses emphasised to us that while there are parents who are reluctant to engage in their child's education, there remains a core of parents who simply refuse to engage despite the support offered to them. For example, the Principal of an Academy told us about a 'bright, articulate but troubled young man' who had been permanently excluded. His mother had significant mental health needs, had been arrested for beating up her son, had physically threatened school staff and had refused to engage with all types of support that the Academy and social services offered. As the Academy could not address his needs and after a serious escalation in poor behaviour, it implored social services to intervene further as without the Academy's monitoring, it feared for the young man's well-being and future. However, his mother would not engage with social services and as he was not considered to be at immediate risk by them, they have closed the case. The Principal concluded:

> 'The message to the mother is clear – you will get away with most things by refusing to engage. The effect on her son, a young man more than capable of going to a very good university, will be a future riven with his own mental health issues, a chip on his shoulder, a deep suspicion and distrust of authority and chronic underachievement. Surely, there must be means to compel parents such as this to engage with the support that is offered? It appears to me there are some authorities that cannot offer even basic core services to any decent standard – I am not sure if this is an issue of funding or competence'.

Another potential solution to engaging parents – from those who are reluctant through to those who simply refuse to engage – would appear to involve schools working with specialist social workers (who do not have standard case-loads). Rather than waiting for children to meet the relevant thresholds and therefore be referred, social workers who are either school-based or offering a shared resource to a cluster of schools and other educational settings, can help with preventative work. Typically, at present they appear to

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work more in primary schools than secondary schools which is where we would hope the emphasis would be. A trained social worker can advise schools that have concerns about individual children. They can also engage with parents in an effort to address problems early, with a view to preventing an escalation that could lead to a situation becoming critical.



SHS practitioner with a pupil and his mother

One such example was highlighted in the press in July 2011: that of Michael Earle, a social worker, who had been piloting a new role over the course of 18 months, working directly with 18 schools (all primary and nursery except for one secondary) and a PRU in Bristol.[88] The schools and PRU would contact Mr Earle if they had a concern regarding a child but were not sure whether it required a full referral to children's services. An assessment of the project revealed that Mr Earle had been involved with families 37 times. His work was considered in seven instances to have avoided a call to the area assessment team, in 12 instances to have ensured or helped the safeguarding of a child, and in one instance to have prevented a child's potential emergency placement. Bristol City Council is planning to roll the scheme out across the rest of the city in Autumn 2011. The pilot is also considered to have helped schools with concerns about 'hard to reach' parents. Mr Earle is quoted as saying that 'Families are much more open and co-operative than they would be to a case-holding social worker or someone intervening at a later stage...The interaction has been very different...They're a lot more accepting of this role. People say I have more time to listen. They appreciate getting the time to sit down and talk'.[89] We found in *The Next Generation* that many social workers longed to work more preventatively.

In terms of improving the core entitlement for parents it has also been suggested that establishments should have management responsibility for social workers who deal with children and young people. One witness informed us that he had been involved in a pilot where the school led on the appointment process of a social worker who was based at their school:

88    The Guardian, *Social work's new role model,* 19 July 2011 [accessed via: http://www.guardian.co.uk/society/11/jul/19/social-works-new-role-model (19/08/2011)]
89    Ibid

*"This worked incredibly well and enabled us to be highly proactive. It had a massive impact on 'reluctant' parents as it was very clear that the school and social services were working jointly and would not be going away. This type of system could work very well with other services also".*

Another suggested strategy is where schools could have an impact on housing and welfare claims. In one LA, we are informed that the housing association works closely with the police and threatens eviction if parents of young people with anti-social behaviour 'do not bring them to heel'. One Academy uses this when such young people behave anti-socially around the school and it is considered to work very well. Our witness informed us:

*"I believe absolutely in a therapeutic and supportive approach but this must be matched with a no excuses culture around such families – 'We will support you with the very best core provision but you then have a responsibility to engage and make changes'. The current situation...[i.e. the riots in London and around the country] makes it abundantly clear to me that one without the other will not work".*

## Case study: School Home Support (SHS)

SHS is a national charity that places highly trained practitioners to work with vulnerable children within the education system. It works in 248 nursery, primary and secondary schools and PRUs, across 18 LAs in the country. During 2010/2011 alone, SHS has engaged with over 20,000 children (and their families), and supported nearly 750 schools to work with children in danger of being excluded or disengaging with education. By quickly and effectively building strong, trusting relationships, SHS can address problems and help to solve them before they become bigger issues. SHS creates effective links between home and school. It works within local communities, and devises individual programs of support which include one-to one and group work, child-parent support, self referrals and referrals to other agencies. Research by the Matrix Knowledge group estimated that for every pound spent on SHS services, £21.14 is saved across the whole of society.

**From depression to work, with inspired children on the way**

Jacqueline's husband had subjected her to severe domestic violence before eventually leaving her with five children and nothing to live on except her Child Benefit entitlement. Her children were understandably disengaged from their education as well as being under-nourished and sick, with the youngest, Melissa, admitted to hospital with scurvy. Jacqueline was depressed and contemplating suicide; she had no one to turn to. Through long-term engagement, her SHS practitioner helped her access benefits and supported her to move from being a potential suicide to become an engaged, educated and confident parent who has kept her children out of care to become themselves engaged and ambitious young people.

*Alison, SHS Practitioner*

*'Six years ago the school I work in got a phone call from the school nurse to say that a pupil in reception, Melissa, had been admitted to hospital with scurvy – the nurse was concerned about her and wondered whether the school could offer the parents some support. The head teacher asked me to arrange a visit to Melissa's home.*

*I telephoned the mother, Jacqueline, who sounded very defensive and definitely did not want me to visit her at home, so I arranged to see her in school. The first thing Jacqueline asked me was if I was a social worker and would her kids be taken into care. I explained my role was to support her with any difficulties she might be having in the family and that I was employed by a charity that offered support to families both through home visits and through school.*

*Jacqueline agreed to meet me at home and over the next couple of weeks opened up to me. She explained the debt her husband had left her in – the fact she was feeding a family of five children on just her child benefit and how depressed she was as a result of long standing domestic violence. I went with Jacqueline to the Benefits Agency to sort out her benefits and wrote letters on her behalf to some of the people she owed money to, offering to pay the debts regularly.*

*As Jacqueline become more confident, I encouraged her to apply to college – she did and over the years we have met up regularly and talked about her university studies. Jacqueline is also a regular speaker at the termly parenting course I facilitate for parents. She has encouraged at least eight other parents to go back to college and do access to degree courses.'*

### Melissa, daughter and pupil

*'When I was about five my mum was very depressed, she was in the house all the time – she only left the house for food or clothes shopping. Because we did not have much money she went to boot sales and to markets at the end of the day to get bargains. She never spoke about her feelings or was open with us.*

*When I was in Year One and Miss Alison started to help my mum, things started to change. She was inspired to go to college and even though she was dyslexic she got on with her work. She got lively at home and got confident. Before when she cooked it was just like a job mums have to do, then she suddenly started to cook with joy and was happy to do things round the house to help us because she wanted to love us and make us happy.*

*She realised what was important was loving your children and living your life with joy and helping other people do the same.*

*She went to college even though it was hard work because she wanted to get a job and a life for us and herself. So she carried on with her education and went to university. I used to proof read her work. She would say to us 'even though you are my children, you understand my broken English and you can change it to readable English for me'.*

*When I look at the old pictures of my mum she looked scared and sad. Then going to college gave her confidence, now in her degree pictures she looks like a qualified business woman. You would not think she has been through all the pain and the humps in the road.*

*I feel my mum is someone who deserves to be admired by people.*

*I want to be a paediatric doctor when I leave school. My mum has done so much so I can achieve the highest standards and she has told me I can do anything I want. I have her support and she will make sure I am OK no matter what path I chose.'*

### Head Teacher, Tower Hamlets

*'Working with SHS has changed the face of parental and pupil support and involvement in this school for the better. We continue to build on our good practice, striving to ensure that parents and children benefit educationally by such good offers. This would not have been possible without our highly skilled SHS worker.'*

The CSJ has emphasised the need for parental engagement in a child's education from the earliest point, and the role that Sure Start could and should play in this, as well as the potential for Family Services Hubs to equip parents.[90, 91] We have also described the importance of parenting support in the primary years, with a focus on parental involvement with the child's learning (such as family literacy classes during pre-school and primary school phases) and on parenting to encourage positive, pro-social behaviour.[92]

Further to this work, we make some specific policy recommendations for parental engagement in the context of educational exclusion, in the following section.

# 7. Recommendations for reform

## 7.1 Early intervention

■ **Early intervention should mean intervening early whatever the problem is and at whatever stage it presents itself:**

Early intervention is critical, whether to ensure that a child is school ready or during a child or young person's education. Where agencies and schools are aware that a child is from a dysfunctional family and have the opportunity to work with the child and family, even if a problem does not present itself at that stage, then the opportunity should be taken. Referring the child to the most appropriate agency at this point is vital.

■ **Redress the investment imbalance:**

The current culture of investment in the later stages of education ahead of the earlier stages, such as in secondary school over primary school, should be challenged.

■ **Mainstream schools, special schools, PRUs and other alternative providers need to develop an informed understanding about each pupil's circumstances and educational requirements:**

A standardised, simplified and coherent approach is required with respect to vulnerable children and young people – from an early stage and across the education sector. The CSJ believes this could be achieved through the development and introduction of an electronic education passport model.

Such a model – which has been supported in principle during our discussions with leading voluntary sector organisations, including one which believes it could manage it – would require careful consideration and consultation in a number of crucial respects. These include the need

90  Centre for Social Justice and Smith Institute, *Early Intervention: Good Parents, Great Kids, Better Citizens,* London: Centre for Social Justice and Smith Institute, 2009
91  Centre for Social Justice, *Green Paper on the Family,* London: Centre for Social Justice, 2010; Centre for Social Justice, *Breakthrough Britain,* London: Centre for Social Justice, 2007
92  Centre for Social Justice, *Breakthrough Britain: Educational Failure,* London: Centre for Social Justice, 2007

to devise a robust IT system, recognising that governance of the project would be key and learning from successful implementation and management of such IT systems by the private sector. In addition, an agreement would need to be reached with stakeholders about what information would be collated within the passport. It could, for instance, contain an individual's unique pupil number (when allocated) and any milestone information on their health, care, and education.

We would envisage the passport travelling with a pupil throughout their education. This should enable schools, PRUs and other alternative providers to gain and build an informed understanding of pupils and their individual circumstances. It should also enable them to provide more personalised learning programmes and pastoral/therapeutic support which is tailored to specific needs. In addition, it should help them to establish the necessary parental input required in the pupils' education. This should be from the point of a pupil's entry (where they move to another school, PRU or other alternative provider).

Careful thought should also be given to the criteria for applicability and how the system might be presented (with view to avoiding any potential stigma). We believe that there is merit in the Government exploring a wider application than for just the disadvantaged (including those who are disproportionately excluded and who truant), and given that some needs will not necessarily come to light at a very young age. It could, for example, be applied with a light touch in the early years, which should still be helpful for staff and teachers working with the children, with the potential for developing information contained within the passport where issues arise. It may be helpful to introduce such a model at the point a pupil first enters educational provision.

The CSJ believes that the model could sit alongside CAFs and could make them easier and quicker to complete, with a view to ensuring that more children and young people obtain the support that they need.

■ **Building on the best of the voluntary and community sector:**

Schools (including special schools), LAs and commissioners, PRUs and other alternative providers should seek to learn from and expand the best early intervention models delivered by voluntary sector organisations. These should include some of those we have featured in this chapter, such as Chance UK.

## 7.2 Parental engagement

■ **Engaging and informing parents from in the earliest years:**

Early years professionals, such as health visitors (including practitioners in Family Nurse Partnership programmes) and staff in Sure Start Children's Centres should ensure that parents are given an informed understanding of the value of their child's education

Parents should also be provided with information regarding the ways in which they can ensure that their children become school ready. They should be given appropriate support and equipped with the necessary skills to achieve this.

- **Mainstream schools, special schools, PRUs and alternative providers should support marginalised parents:**

  The aim should be to build high quality relationships and interactions with parents. Establishments should support parents through successful family literacy classes and other initiatives highlighted above, and equip them to invest in their child's education throughout primary and secondary phases.

- **Reaching and engaging parents with the voluntary and community sector:**

  Establishments should engage with effective voluntary and community sector organisations running evidence-based programmes. This should involve an expansion, where feasible, of organisations like SHS and Chance UK, which are so adept at changing lives and increasing parental aspiration for their children.

  Furthermore, we recommend ring-fencing core 'entitlements' that may be offered to parents, and the utilisation of voluntary sector organisations or a school-linked social workers (see below), to act as a bridge in terms of securing parental engagement.

  Efforts can and should be made to engage reluctant parents (for example in family therapy and parental training). However, core entitlements should not necessarily need to be provided by schools or PRUs, for example, but through working in partnership with whoever can provide them locally. One core offer could be a visit from a voluntary sector organisation, or school based or attached social worker, that could help the parent or family.

- **Consider and pilot the expansion of specialist school-linked social workers:**

  The CSJ has seen, in the model featured in the previous section, that there could be considerable potential in exploring the wider use of specialist school-linked social workers, as part of a broad package to reach disengaged parents.

  Such social workers (who should work without standard community case-loads) could be highly effective and should be based in, or attached to, a cluster of mainstream schools, special schools, PRUs and other alternative providers. They could advise institutions where they have professional concerns about individual children, and whether these warrant a full referral to children's services. We have also seen that they have the potential to engage parents in an effort to address problems early, to avoid situations escalating to crisis point.

- **Acting on non-compliance:**

  The DfE should develop a mechanism in which schools and relevant settings, as well as designated education officials, are given the power to compel the most reluctant parents to engage in their child's education.

# chapter three
# Mainstream schools

## 1. Safety fears

> 'Weapon carrying is rife in schools.'
>
> Head teacher, South London, in evidence to the CSJ

We heard repeatedly during evidence gathering how many pupils feel unsafe in school, or on their journey to and from it. As discussed in Chapter Two, thousands have experienced suffering the intergenerational transmission of disadvantage, emotional neglect and lack of effective parental nurture. As well as this, they live in threat and danger within their local community – often from street gangs. This is having a serious impact on behaviour and engagement with education.

> 'With some kids that Chance UK has been working with in primary schools, their level of fear and anxiety is incredibly high – for example, about going on the Tube, going into a different area, or returning home and no-one being there. Sometimes it's related to their experience. This also manifests itself in children carrying knives out of a sense of a need for protection, which is generated by fear.'
>
> Gracia McGrath, OBE, Chance UK, in evidence to the CSJ

The statistics and our own evidence demonstrate that weapon carrying, the influence of street gang activity and conflict is prevalent in some of our schools, particularly those in disadvantaged communities. A sense of fear can permeate schools where pupils are known to 'carry'. Police data reveals that between 1999 and 2005, arrests

for carrying an article with a blade or point on school premises increased by over 500 per cent.[1]

This evidence might suggest that more pupils are carrying weapons on the premises of some schools. The growth in offences might be explained by the police taking a more targeted approach to weapon carrying and some schools reporting more. However, it is revealing that there was also been a dramatic increase (89 per cent) in the number of under-16s admitted to hospital with serious stab wounds between 2003 and 2008.[2] The sense of fear harboured by many children and young people appears to be justified. Research also shows that in 2009, almost a quarter of young people in mainstream education reported carrying a knife in the previous year.[3] However, these statistics understate the true extent of knife carrying by young people in mainstream education, given that not all pupils who participated in the survey would have been prepared to report it. In addition, we are informed that some pupils avoid carrying weapons on school premises. Instead, they 'stash' them in the park or hedges nearby, and collect them at the end of the school day. A witness to our review told us that police conducting weapon sweeps in some communities are finding weapons in such places on a regular basis.

It is important to note that while knives are carried by a significant minority of young people, many of them will not be gang-affiliated. Knife carrying appears predominantly to be motivated by fear, as opposed to a desire to defend territory or reputation.[4] In fact, research reveals that a quarter of the young people who reported carrying a knife in mainstream education claimed to do so for protection.[5] This was corroborated by evidence received during our review, for example by John d'Abbro, OBE, Head of the New Rush Hall Group, who told us: "A lot of young people will tell you that they 'tool up' because they are scared".

The extent to which pupils in some of our schools are feeling unsafe and the impact that weapon carrying, street gang activity and conflict is having on their behaviour is staggering. During evidence to the CSJ, the head of a primary PRU referred to a number of examples of seven to 11 year olds being sent to the PRU for having brought knives in to their primary school. Often the children said that they had brought the knives in because they were being bullied in school, to scare someone, or because they were being bullied by older children or in one example, by someone's father, on their way home from school. One witness to our review informed us that some pupils who truant may be doing so because they are getting robbed or bullied on the way home from school.

A number of witnesses told us that some schools are not equipped to recognise or deal with the impact of street gang activity.

1    House of Commons Home Affairs Committee, *Knife Crime Seventh Report of Session 2008–09*, London: The Stationery Office, 2009, p16
2    The Independent, *Cherie Blair: I fear for my children,* 2 July 2008 [accessed via: http://www.independent.co.uk/news/uk/crime/cherie-blair-i-fear-for-my-children-858316.html] cited in Centre for Social Justice, Dying to Belong, London: Centre for Social Justice, 2009, p20
3    Anderson F et al, *Youth Survey 2009: Research study conducted for the Youth Justice Board for England and Wales,* Youth Justice Board, 2010, p16
4    Centre for Social Justice, *Dying to Belong,* London: Centre for Social Justice, 2009, pp21-22 and 64
5    Anderson F et al, *Youth Survey 2009: Research study conducted for the Youth Justice Board for England and Wales,* Youth Justice Board, 2010, p16

We were informed of one primary school in which children in Years Four, Five and Six were wearing gang colours – i.e. aligning themselves to a particular local gang by dressing entirely in a colour synonymous with that gang.  None of the teachers had realised because they had not undertaken any training in relation to gangs.  It was a teaching assistant from the local area who recognised and made the head teacher aware of this issue.  We understand that the children were more likely to be 'wannabees' rather than actually gang involved, but this shows a disturbing level of gang knowledge for children of their age.  We have also learnt that the level of grooming of young 'wannabees' is a growing problem.

It is critical that head teachers take responsibility for developing an informed understanding of weapon carrying, street gang activity and conflict, as well as the challenging behaviour and disengagement from education that is associated with it.  Teachers and other staff should be equipped with an informed level of awareness and understanding. Concern was raised by a number of witnesses to our review over the lack of training provided across the board in this respect.

'Tinies [often 11 or 12 years old, and in some instances even younger] will engage in organised and chaotic violence to earn respect.  The findings indicate that they will begin carrying and using their own knives and guns when they enter secondary school.  Respondents reported instances where Tinies have shot rival gang members...'[6]

It is not only a lack of awareness in some schools that presents a serious issue of concern, but also the approach that some take when they become aware of weapon carrying on their premises, and the impact or influence of street gang activity on their pupils and school community.  Some schools are not being transparent about the challenges that they face and are reluctant to 'own up' to having a gang problem, mainly due to fears of being stigmatised. Some are not seeking appropriate help to address their difficulties, and are not allowing those who could provide the necessary support access to their pupils and staff. This mindset must be challenged and the difficulties confronted.  Head teachers of these schools are not in control of the problem. Various witnesses explained that if a pupil 'carries' in school, then other pupils will undoubtedly be aware of it; this can fuel a sense of fear and lead some pupils to believe that they need to protect themselves by carrying a weapon, and so the problem is compounded.

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6     Qa Research, *Children and Gangs*, Summary report for Children & Young People Now, York: Qa Research, January 2011, p10

> "Some schools conceal things, we know that, but if they trust us they will tell us. Occasionally you'll get a school that will say 'can you help us with something?' and then the Head will open up a cupboard and it will have confiscated items in it. This is all good intelligence. Things go on in the community and are brought into the school and finished in the school, or they start in the school and then get finished off at night in the community. We need to know. The school needs to know if two kids get arrested on a Saturday night for stealing a car and, by the same score, the police need to know...if a school takes a knife off a pupil in school. But schools don't want the stigma, and I quite understand why, but it's about trusting each other and working in partnership."
>
> Safer Schools Consultant, in evidence to the CSJ

One witness told us: 'It's seen by some schools as easier to take something off a kid and put them in detention but a whole rigmarole to call the police in to deal with it'. We were informed that there can also be a lack of consistency in how the problem is dealt with in some schools. However, one principal who operates a zero tolerance policy on knives, told us that his pupils have come to crave the sense of security that the environment provides. He added: 'For some pupils, the school is the only place where they feel safe'.

> 'The skills and confidence of staff for managing conflict and challenging behaviour is crucial. Skilled staff will model a way of dealing with conflict that emphasises consistency, fairness, listening and emotional literacy. They will be able to help young people understand the choices available to them in any conflict situation and think through the possible consequences to any course of action...They will be coaches and role models for young people in how to manage conflict and challenge.'
>
> Leap Confronting Conflict, in evidence to the CSJ

It is imperative that schools intervene early and take preventative action to support their pupils to feel safe and secure at school, to improve their attendance and to minimise the potential for exclusions – by, for example, taking a whole-school approach through their behaviour policy. It is critical that school staff (as well as pupils) are equipped to deal with conflict, including in the context of their anti-bullying work, and that parents are given help and guidance in terms of where they can seek help if they are concerned. The issue of cyber-bullying, which can bring considerable tension from communities into schools and vice versa, should also be addressed with pupils, as well as training provided for staff. Targeted interventions should be provided for those who are at the higher end of conflict risk or involvement in offending and serious youth violence.

It is also essential for teachers and any other individuals who regularly work within the school community to feel supported and safe, and that systems are put in place to address any threats to their safety. Again, we are informed that this can be lacking in some schools and that although critical incident plans have been in existence for years, they do not always contain reference to weapon carrying, street gang activity or conflict. During evidence to the CSJ, one teacher described the following incident:

*'I was outside of the school gates at the end of the day, when a youth appeared and threatened one of the pupils. The youth indicated that he had a weapon. I stood between the youth and the pupil, and told the pupil to go inside the school building. Another teacher told the youth to leave, and threatened to call the police if he did not. I subsequently found out that there had been an incident earlier that day involving an attempted stabbing of another pupil. However, none of the teachers had been informed about this. I was fuming. I am a teacher and am there to teach in the classroom. My natural instinct is to protect our pupils but if I lose my life, the school will have a lot to answer for'.*

The teacher told us that the school has since introduced a system to deal with the threat of weapons and gang violence.

This is not solely an education based problem or a matter that schools should be left alone to deal with. Even where a robust behaviour policy is effectively operated within a school and relevant training is provided for pupils and staff, schools must recognise when they have reached their limit as an institution. It is crucial that they work in partnership with other schools, external services (including, for example, the police, youth offending services and social services), and with effective voluntary and community sector organisations.



Young people participating in a session with Leap Confronting Conflict

The charity Leap Confronting Conflict (Leap) has considerable experience in this area across schools and communities through its Pathfinder project (see case study below). Leap trains and equips pupils and staff with skills to manage conflict resolution. It works across the

spectrum of risk: with pupils at low to moderate conflict risk through to pupils at the high end of conflict risk. Many of the young people on its Pathfinder project have experienced exclusion or truancy.

## Case study: Leap confronting conflict

Leap is a national youth charity that helps young people to prevent everyday conflict from becoming violence. Leap works with young people to support them to develop the skills they need to become role models, mediators and educators in conflict resolution and in their wider communities.

Leap works across the whole spectrum of risk: from a preventative whole-school approach with young people at low to moderate risk of conflict developing into violence, through to working with young people who are already caught up in offending and serious youth violence.

The skills that young people learn from taking part in Leap's programmes help them to communicate more skilfully, and manage conflict and challenging situations more effectively and successfully. They learn about team work, negotiating with others, and basic teaching and learning skills as they begin to train other young people. They develop emotional literacy and an understanding of how to act to defuse or de-escalate harmful conflict.

**Young people at low to moderate conflict risk**
Leap stated, in evidence to the CSJ:

*'Leap's experience is that young people who are at risk of exclusion often know a great deal about conflict. It is possible to draw on this expertise and transform its effects so that the young person begins to contribute to the development of a safe learning environment within the school. This can build a bridge for the young person back into the school community and re-engage them in their education'.*

Leap recommends that schools develop opportunities for young people to take on responsibilities for helping to manage conflict within the school, either through peer mediation schemes or as peer educators in conflict management.

**Young people at the high end of conflict risk**
Leap recommends that:

- Young people should be offered a targeted intensive intervention which supports them in to confront their own attitudes and actions, as well as develop awareness of the longer term consequences;
- Schools should work in partnership with other schools, agencies (including the police, youth offending services and social services), community members and specialist providers to provide these targeted interventions.

*'Of the 14 boys completing the programme, 12 have completely turned around, achieving well and showing different attitudes and behaviours. As they had been considered most at risk in their year, this had a significant impact on the whole school.'*

Head of Year, East London school, provided by Leap in evidence to the CSJ

Leap has worked with over 10,000 young people on its Pathfinder project, across 23 schools and 30 youth sector organisations. An evaluation of the project, which analysed the results from six schools in London and Yorkshire revealed long-term benefits in the following areas:

- **Attainment:** GCSE (A – C) results have increased from 6.2 per cent to 30 per cent from 2008 to 2010 in the majority of the schools.
- **Attendance:** Over three years the levels of unauthorised absence dropped to between 3.5 per cent and five per cent a year (compared with the current national average of 7.2 per cent). Most of the schools continue to have 97 per cent attendance rates each year.
- **Behaviour:** Although difficult to quantify (as each school assesses its results differently), Leap established significant changes through school surveys and hard data. For example, one school reported a reduction in its fixed-term exclusions over three years from 63 to 22 across Years Eight to Ten.[7]

## 1.1 Restorative approaches

'When restorative approaches spread out into schools (through shared learning), and we have consistent partnership work between PRU and mainstream school heads, that should reduce the number of permanent exclusions in mainstream schools.'

Graham Robb, Consultant to the Pan London Back on Track Project, in evidence to the CSJ

Restorative approaches provide another effective means of challenging and changing the behaviour of pupils and resolving conflict. Restorative approaches has been defined as:

'A way of preventing and resolving conflict, which allows individuals to resolve differences. It develops the language of emotion and allows people the time to collect thoughts and feelings. There is a calm resolution process where everyone is listened to and usually the result is a point where issues are resolved and people can move on'.[8]

Research demonstrates that there are a number of benefits to using restorative approaches in schools, which include a significant impact on behaviour.[9] An evaluation of a pilot scheme which implemented restorative approaches in fourteen primary and secondary schools in the Riverside Area of Hull revealed that the schools reported a 70 per cent decline in classroom exclusions and an 80 per cent decline in fixed-term exclusions.[10] Endeavour High School, which took part in the

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7   The tools used for the evaluation were developed by an independent consultant. The evaluation was completed by Leap staff and trainers, and supported by school staff where the Pathfinder work was delivered

8   The term 'restorative approaches' is based on the concept of 'restorative justice,' which is used within the criminal justice system to bring offenders and victims together in an effort to repair the harm that has been caused and identify a positive way forward. However, the victim/offender role is not always clear in a school setting. Schools have used the term restorative approaches where it has not been clear who started an incident or what harm was caused. The Pan London Back on Track Project strand Restorative Approaches has provided its own definition (unpublished at the time of writing) as set out above

9   Goodwin Development Trust, *Building Restorative Relationships for the Workplace*, Hull: Goodwin Development Trust, June 2011

10  Ibid, p11

pilot, also recorded a 45 per cent decline in incidents of verbal abuse and a 62 per cent decline in staff absences (which saved the school £8,000).[11] Such has been the success of the pilot that over 3,500 people were trained in restorative approaches in Hull by early 2011 and 25 per cent of all schools in the city have implemented the scheme, which is also being used in children's homes and children's centres. In addition, the Neighbourhood Police Unit has been using restorative approaches to help tackle neighbourhood disputes, truancy in schools and anti-social behaviour.[12]

Collingwood Primary School provides another good example of the benefits provided by restorative approaches. The school was classified by Ofsted in June 2003 as being in special measures.[13] It was taken out of special measures by October 2004, and recognised as outstanding by Ofsted by 2006. A fundamental aspect of the school's improvement was due to its introduction of restorative practices.[14] A summary of the school's achievements found that by July 2008 (against a baseline set in Spring 2007) there was a:

- 98.3 per cent reduction in classroom exclusions during lessons Key Stage 2 (KS2);
- 92.0 per cent reduction in exclusions from break;
- 77.8 per cent reduction in number of 'red cards' at lunchtime;
- 75.0 per cent reduction in racist incidents; and
- 86.7 per cent improvement in punctuality (Year R and Year One).[15]

In order to use restorative approaches, it is vital that school leadership fully supports the principles, develops a school culture to support the work and invests in the proper training of staff. Critics of restorative approaches would point to the length of time restorative work takes and would say that this is a 'soft option' – i.e. individuals can say sorry and not really mean it. Evidence from the users of restorative approaches counters this by pointing to outcomes (such as those in Hull), which are far more positive than other behaviour management approaches. Modelling work with some Bristol schools showed that the time and cost of a formal restorative process was shorter and less costly than a permanent exclusion process.[16]

Furthermore, in terms of the 'soft option' accusation, young people, staff and parents report high levels of satisfaction with restorative approaches and that young people are thoroughly challenged on their behaviour. Indeed among pupils who participated in restorative approaches, 89 per cent felt satisfied with the outcome, and 93 per cent believed the process to be 'fair' and that 'justice had been done'.[17] In addition, some of the best mediators in conflict resolution are considered to be young people. Although the effectiveness of restorative approaches in secondary schools and PRUs is established, the CSJ believes that further research needs to be undertaken in primary schools to substantiate the successes that we have witnessed. This research needs to take into particular consideration how the approach is best framed in relation to children under the age of 11.

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11  Ibid

12  Ibid p66

13  Ofsted, *Inspection report Collingwood Primary School: Kingston-upon-Hull Education Authority*, 2004, p1 [accessed via: http://www.ofsted.gov. uk/provider/files/802139/urn/117928.pdf (01/08/11)]

14  Goodwin Development Trust, *Building Restorative Relationships for the Workplace*, Hull: Goodwin Development Trust, June 2011, p9

15  Hull Centre for Restorative Practices, The City of Hull: Riverside Project

16  Skinns L, Du Rose, N and Hough M, *Key Findings of the Bristol RAiS Evaluation: Report Commissioned by Restorative Solutions CIC* [accessed via: http://www.restorativesolutions.org.uk/images/RAiS_KeyFindings_Updated.pdf (18/08/11)]

17  Youth Justice Board, *Restorative Justice in Schools*, London: Youth Justice Board for England and Wales, p10

In capitalising on restorative approaches in the future, it is essential that head teachers are aware and informed of all of the options available to them for managing conflict, and challenging behaviour. The CSJ welcomes the decentralisation of education, but during this transition the DfE should ensure that support is provided to leaders, local commissioners and decision makers. For instance, our evidence gathering has highlighted concerns that detailed guidance that existed on types of bullying (which included detailed guidance on restorative approaches) has been replaced by 'a top level summary'.

Another important aspect of restorative approaches is the extent to which the same principles are now being used by the police and in the criminal justice system, as well as in some residential children's homes, special schools and PRUs. Where there is overlap, it is important that a shared vision for the process and purpose is developed, in order to provide consistency for the children and young people involved across multiple services.

## 1.2 Safer Schools Partnerships (SSPs)

A number of the above challenges presented by weapon carrying, street gang activity and conflict can also be addressed through SSP. These were piloted in 2002 and expanded in 2006. An SSP is 'a formal agreement between a school or partnership of schools and police to work together in order to keep young people safe, reduce crime and the fear of crime and to improve behaviour. In this, neighbourhood police officers regularly work at a school or across a number of schools on a full-time or part-time basis'.[18] SSP are structured in different ways depending on funding arrangements, the local police's schools strategy and the specific needs and circumstances of local schools. However, all SSPs aim to ensure:

- 'The safety of pupils, staff and the school site and surrounding area;
- Help for young people to deal with situations that may put them at risk of becoming victims of crime, bullying or intimidation, and to provide support to those who do;
- Focused enforcement to demonstrate that those who do offend cannot do so without facing consequences;
- Early identification, support and where necessary challenge of pupils involved in or at risk of offending;
- Improved standards of pupil behaviour and attendance, and less need for exclusions;
- More positive relations between young people and the police and between young people and the wider community; and
- Effective approaches to issues beyond the school site that negatively impact on pupil safety and behaviour'.[19]

### 1.2.1 The proposed changes to SSPs

A 2005 evaluation of SSPs found that there was a significant reduction in absence and truancy rates in such schools. The analysis also found that pupils in SSP schools felt safer than their

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18    Department for Children, Schools and Families, *Safer School Partnerships Guidance*, 2009 DCSF-00500-2009 [(accessed via: https://www.education.gov.uk/publications/eOrderingDownload/Safer_Schools_Guidance.pdf (30/07/11)]

19    Ibid

counterparts in comparison schools.[20] Despite such benefits, we understand some SSPs are being moved to join Safer Neighbourhood Teams (SNTs). The impact of this could be less damaging in certain areas, where, for example, the level of demand for support from schools is low. In other LAs, however, it could have serious implications: in inner city LAs where the schools have a dedicated police officer or police community support officer (PCSO) in post, such a move could severely weaken the positive links between pupils and the police, and the trust that has been built up between them and the schools could be undermined. Serious concerns about these developments were expressed during our review by a SSP partner:

> *'It is the wrong way to go about it. This is a specialised post which relies heavily on the trust which is built between the police officer and the school. This takes time and will be tested through daily incidents and how they are dealt with. By linking the SSP with SNT there is a real possibility that they will be used for other duties and the effect that they have in school will be watered down'.*

Furthermore, one head teacher we met outlined the impact of the ongoing SSP withdrawal:

'The impact of having school links with an individual school police officer is immeasurable. In the past, our support officer has helped out with relevant re-admissions, met students and parents, liaised with us over court cases and reported key issues directly back to me at school. This has not only provided a useful reactive approach to serious issues, but has also provided pro-active, pre-emptive action to prevent issues arising. Students, staff and parents got to know our police officer and she had a very big impact on the school. This way of working was stopped... It seems that it would be a far better, more effective way of making schools safe to increase this provision.'

Head teacher, secondary school, in evidence to the CSJ

The Islington SSP model, which we feature below, is an exemplar that we hold up for future policy planning.

### 1.2.2 Police training

Concern was raised during our evidence gathering about the lack of specialist training currently provided for police officers, PCSOs and schools. For example, some officers who are assigned to schools may not have been in a school for a significant period of time and may have a limited understanding of how the particular school(s) to which they are dedicated operates. Likewise, some schools do not understand what a critical incident is. We are informed that caretakers have been known to clear the blood up

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20    Youth Justice Board, *A summary of the national evaluation of the Safer Schools Partnerships programme*, London: Youth Justice Board, 2005

following a stabbing on school premises, thereby removing the crime scene. Schools in one London LA have been given critical incident bags which contain tape, a pen, a log book and a disposable camera, as well as instructions on what to do to preserve the crime scene.

**Case study:** Islington Safer Schools Partnership

**SSP**

Islington LA has an SSP which comprises one sergeant, seven PCSOs, and nine police officers.

The PCSOs work in all of the primary schools in the borough (a total of 54), where they give presentations to the children (for example on the dangers of knives) and patrol the local area. They also provide assistance to the police officers who are allocated to the secondary schools in the borough. The PCSOs are funded by Arsenal Football Club and Islington's Neighbourhood Community Safety Partnership.

The police officers work in all of the secondary schools in the borough (a total of ten, which they split between them). They spend a minimum of three days per week in their allocated secondary schools, with the remainder of their time devoted to their feeder primary schools, and investigative or administrative work. The police officers work in partnership with teachers and staff from other related agencies. They also work in three PRUs and are assisted by the youth engagement team (as referred to below), in that role.

The PCSOs and police officers also travel on the buses and other transport routes used by young people on their way to and from school, and have a presence alongside teachers at relevant bus stops.

**Youth Engagement Team (YET)**

In addition to the SSP, Islington LA has a YET, which is a partnership of police and youth workers who respond to young people who are at risk. The YET sits within the Safer Islington Partnership which aims to reduce incidents of serious youth violence and gangs.

The YET was established in October 2008. It comprises one sergeant, four police officers, and two youth workers who are attached and shared with Islington LA's Gang Prevention Strategy (a Silver and Bronze Group Structure – the Bronze Group is a multi-agency partnership and forms a central part of Islington's reduction strategy; the Bronze Group is accountable to the Silver Group which plans its strategic direction), which sits within the Youth Offending Service. These youth workers join the YET team on home visits and engage young people and their families.

There are also four police officers from the Youth Offending Service who work in partnership with the SSP and YET.

The overall objective of the YET is consistent with the objectives of the Silver and Bronze Groups (constituting the Gang Prevention Strategy) – that is to:

(a) prevent harm by young people to young people – concern is held equally for young people as potential victims as it is for young people as potential perpetrators of serious violence. Some of these young people are at risk of exclusion from their mainstream schools, and some from PRUs. Often they are victims and perpetrators of crime; and

(b) promote alternatives – through early intervention with identified young people to direct them towards alternatives to offending, and safeguards from victimisation.

A strong emphasis is placed on the importance of working in partnership. The YET essentially gathers intelligence and engages with young people in partnership with the Youth Offending Service and SSP. This relies heavily on the partners sharing information and supporting each other with the engagement of young people in a range of activities. YET officers will use enforcement tactics where necessary but only where engagement alternatives have been considered first, and are either unavailable or deemed to be inappropriate.

The YET features (along with other components of the model operated by Islington) in *A Brochure of Promising Practice in London*.[21] Chief Superintendent Mike Wise, Islington Police states that:

'Preventing youth violence remains our number one priority and we are doing all we can to protect the young people of Islington. The use of violence and/or knives by young people is not a problem that can be solved overnight. However, our sustained efforts to tackle it are starting to show positive results. Last year [2008] saw a 9% reduction in youth violence and since April this year [2009], serious youth violence has gone down by 27% and knife crime has fallen by 21%. This is the result of our partnership with Islington Council – and a combined approach of both enforcement and engagement...'.[22]

**Safer Transport Team (STT)**

A STT also operates in Islington and focuses on transport hubs like Finsbury Park tube station. This is an extremely busy hub which borders three boroughs, and where a large group of young people from different schools across the three boroughs congregate after school between the hours of 3pm and 5pm. The STT focuses on all issues including vandalism, fare evasion, anti-social behaviour, as well as robberies. We are informed that some older people in the community avoid going to appointments with, for example, their doctor or dentist during these hours, because they do not want to use the buses during these times.

The STT, working in partnership with the British Transport Police and local SNT, aims to ensure that the young people are safe and able to travel across boroughs. All of these partners, as well as the SSP, YET and police officers from YOS, are able to share intelligence with each other on local gangs, or suspected young people who cause anti-social behaviour in and around the area and on the buses.

All of the partners also work closely with the park guard who patrols nearby Finsbury Park and others in the borough. MET police teams are then tasked each week to patrol these areas, and feedback intelligence which is shared amongst the partners in the LA. School officers and PCSOs are able to feed this back to schools, and work with teachers to help any of their pupils who are identified as being potential or actual victims and/or perpetrators of crime. Where a young person is at risk of exclusion, or has been excluded from school or a PRU, this is not seen as something which can be looked at in isolation.

Some young people are known to each of the partners, who share information and agree an individual action plan for the young person when they meet. If the situation is serious, for example, a young person has brought a knife into the school or has physically assaulted a pupil or member of staff, the plan is usually agreed via the school or PRU (as relevant) or, where this is a recurring theme, they may be referred to the Bronze Group for further support.

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21  London Community Safety Partnership, *Serious Youth Violence, The London Summit, Tackling Serious Youth Violence: A Brochure of Promising Practice in London,* London: London Community Safety Partnership, November 2008, pp7-10

22  Islington Council and the Metropolitan Police, *Young and Safe in Islington 2009-2011* [accessed via: http://www.islington.gov.uk/ DownloadableDocuments/CommunityandLiving/Pdf/young_and_safe_report_nov_2009.pdf (03/05/11)]

*Dying to Belong* contains a number of policy recommendations with respect to street gang activity and education, including the delivery of Personal, Social and Health Education lessons by voluntary sector organisations in schools in street gang affected areas, and the roll out of SSPs to all secondary schools in street gang affected areas. We have some specific recommendations for addressing street gang activity, weapon carrying and conflict in the context of educational exclusion.

## 2. Challenging behaviour and disengagement from education

Challenging behaviour has a huge impact on teachers and children in classroom, yet insufficient support and training is provided for teachers and support staff in responding to it. What is also clear is that a social construction model of exclusion exists in some schools, where they are effectively excluding pupils by giving them a poor offer in respect of curriculum, pedagogy and experience. This is leading many pupils to 'vote with their feet' – i.e. to truant. Instead of a flexible approach being taken to fit the teaching, learning, and developmental needs of pupils, many are expected to work contained within a system which refuses to change. In this respect, education in some schools is operating as an ideological straightjacket for many of the children and young people with whom this report is concerned.

'Communication disability...is a hidden disability. The key message that needs to come over – is that it is a basic life skill and a human right to be able to communicate.'

Jane Mackenzie, Royal College of Speech and Language Therapists, in evidence to the CSJ

### 2.1 Speech, language and communication needs

*2.1.1 The building blocks*
Communication is integral to life. It enables individuals to form relationships, access education and employment, and play a part in society. Yet research has shown that by the age of four, children from disadvantaged families will have heard 32 million fewer words than children from professional families.[23] Some children have insufficient attention from and interaction with their parents, as discussed in Chapter Two. The level of conversation some children experience can often be superficial, resulting in poor vocabulary. The impact of this can be devastating: evidence suggests that half of children enter primary schools in some deprived areas without the language and communication skills that they need for the start of their formal education.[24] Furthermore, a recent study conducted in the United States has concluded that communication disability will be the number one public health challenge for the twenty first century.[25]

23   National Centre for Family Literacy, *Family Literacy, Family Progress* [accessed via: http://www.famlit.org] cited in Centre for Social Justice, Breakthrough Britain, London: Centre for Social Justice, 2007, p349
24   Locke A, Ginsborg J and Peers I, 'Development and Disadvantage: Implications for Early Years', *International Journal of Communication and Language Disorders,* 27, 1, 2002
25   Ruben R J, *Redefining the survival of the fittest: Communication Disorders in the 21st Century,* 2000

'Children come into school from four years old grunting at you. Some will push and pull and take a cup, as opposed to asking for it. They have not got the vocabulary as they have not been exposed to it.'

Brian Bench, Head Teacher, Hungerford Primary School and Children's Centre, in evidence to the CSJ

Young children with SLCN have a high risk of literacy, numeracy and learning problems, as well as in developing social relationships. SLCN can wrongly present as being symtomatic of something else. This can cause complications leading to misdiagnosis or uninformed responses which perpetuate the situation. Accordingly, many children have a problem expressing themselves. Their frustrations can manifest in challenging behaviour, which also masks the humiliation they feel over and over again at being asked to undertake tasks they cannot perform.

Furthermore, there is a lack of training provided for teachers of children with SLCN, even in terms of vocabulary. It is crucially important that staff members are able to tailor approaches in ways that relate to children, with words and expression they understand.

### 2.1.2 A reforming approach?

The CSJ welcomes the recent cross-party determination to put speech, language and communication difficulties much higher on the public policy agenda.

In particular we welcome the Government's proposals to identify SLCN (amongst other needs) at an early age. In realising this aspiration, however, it will be imperative that sufficient resources are made available for this work, and that local leaders are held to account on delivery of this commitment. In view of decreasing LA budgets, we hear the concerns of those who have given evidence that speech and language therapy services – along with other crucial front line services – are being threatened.

80 per cent of people we polled agreed that children should be assessed for speech, language and communication difficulties before starting school.

YouGov for the CSJ, April 2011

Alongside this, we understand that children will be screened for SLCN as part of the Healthy Child Programme review, at two to two-and-a-half years of age. Yet we must be careful that more marginalised children do not fall through the net. We have noted that currently there is no SLCN screening for children on arrival at primary school.

The Government has announced plans to introduce a new reading assessment for six year olds under the *Schools White Paper*.[26] It should be noted, however, that this does not currently

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26    Department for Education, *The Importance of Teaching: The Schools White Paper 2010,* Norwich: The Stationery Office, November 2010, paragraph 4.18

include an assessment of a child's ability to speak and listen. Nor is there is a key performance indicator for communication. In addition, given that there is no present requirement for it to be measured in schools, a child could potentially move through the education system without their need identified or addressed. This can have serious consequences for their developmental, educational and life outcomes.

## 2.2 SEN and disability[27]

The extent to which pupils with SEN are at a greater risk of exclusion or truancy, as well as the prevalence of SEN within the education system, is outlined in Chapters One and Five. Some outstanding work is being done in many schools in the context of SEN and disability, as highlighted throughout this report. In these cases, head teachers play a vital role in establishing, encouraging and supporting an inclusive approach within schools. By way of illustration, Huish Episcopi Academy told us: 'Our Head is a truly inclusive Head. He is 100 per cent behind us and takes an active interest in the [inclusion] centre. Even where we are at the depths of despair with some children, he will give us another chance'.

### 2.2.1 Early identification

Notwithstanding pockets of excellent practice, there is a lack of early identification of SEN needs in a number of schools. A leading voluntary sector Chief Executive told the CSJ that:

*'Often frontline professionals are confronted with children they don't understand. They don't understand what is causing the behaviour and they might not understand speech, language and communication problems'.*

'Very often I am astonished when I look through a child's file and find that intervention has not taken place earlier. More intervention needs to be done at primary school to recognise serious emotional, behavioural and learning difficulties, because of the ensuing chaos that these can cause. There is also enormous financial cost to the state and distress for children, their families and the people who have to work with them.'

PRU, London, in evidence to the CSJ

Too frequently in these cases situations are allowed to worsen in primary schools, resulting in many children either being excluded, sent to a Primary PRU or beginning secondary school with undetected SEN. We have received numerous reports of this from head teachers and school staff.

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27    Please note that SEN and disability can include children and young people who have SLCN depending on its severity. It is possible for a child to have SEN (as defined under the Education Act 1996) or a disability (as defined under the Equality Act 2010)

The CSJ also heard that a lack of statements can be caused by other factors including scarce resources and expertise in some SEN departments. In addition, there is a need to build up evidence over time and then the statement process itself can take about six months. We also received evidence in relation to the over-identification of pupils as having SEN. This has been recognised by the Government: 'Previous measures of school performance created perverse incentives to over identify children as having SEN. There is compelling evidence that these labels of SEN have perpetuated a culture of low expectations and have not led to the right support being put in place'.[28]

> 'The statementing process is a game... If behaviour is the issue, it is so much harder to get a statement...'
>
> Head teacher, in evidence to the CSJ

In addition, there is an issue with children presenting with what appears to be SEN but which could be due to a range of other factors. It seems that some pupils are paying the price for the poor quality of teaching and pastoral support in some schools.

> 'A conclusion that may be drawn...is that some pupils are being wrongly identified as having [SEN] and that relatively expensive additional provision is being used to make up for poor day-to-day teaching and pastoral support.' This can dilute the focus on overall school improvement and divert attention from those who do need a range of specialist support.'[29]

Falling behind matters – it affects self-esteem, behaviour and academic achievement. This can, for example, lead to pupils disengaging from education, being placed on a part-time timetable, being referred to a PRU or another alternative provider, or being excluded. We are informed that some SEN files are full of exclusion letters. A number of witnesses told us that some schools exclude to trigger the procedure for getting their needs met (in that more agencies are likely to become involved). One witness explained:[29]

> *'Sometimes I think a child does need to be permanently excluded in order to get their needs met...I know that's awful, but other people start to notice what is going on and alarm bells start to ring'.*

28   Department for Education, *Support and Aspiration: A new approach to special educational needs and disability: A consultation, Department for Education,* Norwich: The Stationery Office, March 2011, p9

29   Ofsted, *The special educational needs and disability review,* Ofsted, September 2010, p9

*2.2.2 The Government's agenda*

We welcome the Government's initial desire to address a number of the concerns raised by the CSJ and others in this chapter. Its *Special Educational Needs and Disability Green Paper* includes plans to:

- Improve early identification of SEN and intervention by ensuring that health services and early education and childcare are accessible to every child;
- Introduce a single early years setting-and-school-based category of SEN;
- Introduce a single assessment process and 'Education, Health and Care Plan' (Plan) by 2014, to replace the statutory SEN assessment and statement;
- Give parents of a child with a statement of SEN or Plan the option of a personal budget by 2014;
- Prevent the unnecessary closure of special schools by giving parents and community groups the power to take them over.[30]

These are encouraging steps. In response, the CSJ offers observations to those charged with taking the proposals forward. First, there should be clarity about how the necessary deficit reduction strategy will affect the early years' workforce and the realisation of the ideas contained in the Green Paper. In addition, it is not yet fully clear how the needs of other pupils without the proposed Plan will be met (for example those with SLCN, or indeed which of these would qualify). We believe and hope that our recommendation in Chapter Two, in relation to a possible electronic education passport, would assist to some extent in identifying and addressing the needs of those pupils who would not qualify for a Plan.

Furthermore, we urge policymakers to ensure that appropriate support is offered to families unable to manage a potential personal budget process, particularly the most marginalised. Whilst the CSJ broadly welcomes such devolution of power and choice to those directly affected by public services, it is critical that people are given the sufficient levels of support to work within such a system if required. In a similar vein, it is important that within any move to promote free schools to replace failing BESD schools, help is offered to the most disengaged parents unable to act.

## 2.3 Literacy and numeracy

Impoverished language and communication skills hinder a child's ability to acquire literacy and numeracy. Research suggests that significant literacy and numeracy difficulties are found in between 50 and 76 per cent of children who are permanently excluded from school, in 60 per cent of children in BESD schools, and in 50 per cent to 60 per cent of the prison population.[31] Many display challenging behaviour to hide the fact that they cannot read, write or keep up.

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30  Department for Education, *Support and Aspiration: A new approach to special educational needs and disability: A consultation,* Norwich: The Stationery Office, March 2011, p5

31  Gross, J (ed), Getting in early: primary schools and early intervention, The Smith Institute and the Centre for Social Justice, *Why we need to target four-to-eight-year-olds: Getting in early: primary schools and early intervention,* London: The Smith Institute and the Centre for Social Justice, November 2008, p23

'We see struggles with all forms of written work. Their parents didn't read to them, they didn't catch up at primary school and couldn't keep up at secondary school, then they become disengaged. They may develop strategies to get out of learning because they are embarrassed that they can't do it. It's not a behaviour problem to start with – it's a literacy or numeracy problem.'

Voluntary sector organisation, in evidence to the CSJ

Throughout our review the CSJ took evidenced accounts of how young people struggling with literacy feel embarrassed at being asked to read out in front of their class, causing them to throw something across the room or to leave the classroom. Having to progress with a curriculum that pupils could not access by virtue of having poor literacy skills (and with no or minimal additional support in some cases), did not nurture effective learning or engagement. Instead, it was frustrating, even devastating, for their self-esteem. Again, it is vital to look behind the behaviour, to identify where pupils are struggling with literacy and to provide appropriate support for them. Some schools are achieving this by taking stock of the situation at Year Seven and focussing on improving literacy and numeracy by means of providing additional support, in some cases by disapplying the curriculum. They are giving some pupils the critical opportunity to catch up with their literacy, with a view to being able to re-engage with the curriculum at a later stage. Amanda Spielman of ARK Schools explained the position as follows:

*'Schools are nervous about departing from the National Curriculum. When you have children who are well behind, the emphasis tends to be on trying to carry on teaching them the National Curriculum for that year group with lots of extra support in place to coach them through it. In our schools, the principle is that we should go back to the point at which they got into trouble with learning, and teach them properly from there, so that they can be accelerated back up to where they should be. You don't need to provide anywhere near as much support once they have caught up on the basic reading. However, the way that the National Curriculum is implemented, makes schools have to justify disapplying the National Curriculum from an individual child. Then, once the National Curriculum has been disapplied, there isn't a clear progression for children back into it – only if a school has a very strong concept of acceleration as ours do. Otherwise, the children can float off into the great foggy world of SEN and never emerge again...'.*

## Case study: Ark Schools

ARK Schools was created to establish top-quality schools for local children in inner cities, under the academies programme. ARK currently runs six academies in London, one in Birmingham and one in Portsmouth, and aims to have 12 fully operational academies open by 2012. Three ARK academies include primary sections and several freestanding ARK primary schools are expected to open in due course.

One of the key principles across all of ARK academies is the prioritisation of 'depth before breadth'. A strong command of English and Maths is a vital foundation for the whole curriculum. A great-deal of catch up teaching happens in all ARK secondary academies in Year Seven, using various intervention programmes, so that pupils who haven't done so in primary school secure firm foundations in these core subjects as early as possible.  Amanda Spielman of ARK Schools told us:

*'In every case, the aim is to identify the point at which the child started to come adrift and teach them from there.  For some children that alone is enough to get their motivation going and help them to enjoy school again. The first line of intervention with disaffection is to get them learning again...You don't need one-to-one attention to achieve that for most children, though some will need it...The standard SEN diagnostic model can lead to over-fragmentation with everything individualised even where class or small group approaches can be very effective, which can be wasteful of school resources'.*

### 2.3.1 The right reform?

In the *Schools White Paper* the Government announced its intention to promote the teaching of systematic synthetic phonics, providing resources to support this teaching in primary schools.  It also plans to reform initial teacher training in order to improve staff confidence and capacity for delivery.

As well as this, there are plans to introduce a new reading assessment for six year old pupils, with a view to identifying those who are struggling to learn to read as early as possible.[32] We are informed by experts that undoubtedly 'phonics is the most effective methodology for teaching reading'.  However, concern has been expressed by a number of witnesses over the need for comprehension and motivation after decoding.  One witness stated: 'even where schools get to the decoding, they can get stuck there'.Furthermore, writing lags massively behind reading in schools, and there is a significant problem with the pedagogy of writing in that teachers can find writing very difficult to teach.

Jonathan Douglas, Director, National Literacy Trust, told us:

*'There are two warnings. One is of 'wash out' – that benefits gained from the quick teaching of any skill can be quickly lost unless there is continuous development of that skill. The second is that if there is a national focus (quite correctly) on getting children to read by the age of six, will schools take their foot off the accelerator after that? Phonics is just one axis; the test at age six will be a decoding test and will have non-words in it – so in one way it is a very strong way of testing phonetic skills, but in another way it completely removes the comprehensive element of the reading activity at that age.  It is legitimate to ask:  if we are going to test children's non-comprehension of phonics, how do we examine their comprehension skills?'.*

As well as the teaching of phonics, it is critical that efforts to improve literacy and pupils' motivation to read – and thereby improve behaviour and reduce exclusions – should focus on the problem in the round, and take a long-term view.

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32    Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraphs 4.16 to 4.18

## 2.4 Discipline and behaviour

'The current support for schools to maintain discipline by the present Government is of course important. Parents, teachers and young people want to be in an ordered, civilised and disciplined environment because that is absolutely fundamental to learning taking place. However, we have to recognise that there are some children who do not come from ordered and supportive backgrounds, and who have a lot of difficulties and challenges in their lives. It is the responsibility of the education system to address those needs, not simply to want to exclude those children so that their needs have to be addressed somewhere else, outside of the mainstream system.'

Education official, in evidence to the CSJ

As referred to in Chapter One, the most common reason for both permanent and fixed- term exclusions in England is persistent disruptive behaviour. Yet such behaviour can be difficult to detect for regulators. The CSJ has seen how the Ofsted inspection process can be manipulated by schools, in order to present a false picture of the nature of discipline and behaviour in schools. The CSJ experienced this practice firsthand, during the course of our review. A planned school visit had to be postponed due to an Ofsted inspection on the same day as ours, when the KS3 pupils were going to be taken out of school on a residential trip.

One teacher who gave evidence to us confirmed:

> 'I know it happens in some schools. The pupils get taken on a trip, or put in an exclusion unit during the Ofsted inspection. Ofsted do not get an accurate picture of what is going on...If they turned up with no warning, they would get more of an accurate picture'.

### 2.4.1 The impact on teaching

Challenging behaviour can often have a damaging impact on the teaching profession: 'Members cite effects including chronic stress, depression, voice loss, loss of confidence, illness resulting in time off work, negative impact on personal life.' It also affects the recruitment and retention of teachers; 'two thirds of teachers say that negative behaviour is driving people out of the profession'.[33, 34] Challenging behaviour clearly affects teaching and the provision of learning for others. Schools may understandably need to remove some pupils from the classroom, yet what a school does at that stage is vitally important in terms of improving or exacerbating behaviour.

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33  House of Commons Education Committee, *Behaviour and Discipline in Schools,* 3 February 2011, paragraph 18 and 20 [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/2011)]

34  National Foundation for Educational Research, *Teacher Voice Omnibus June 2008 Survey: Pupil Behaviour,* Department for Children, Schools and Families, 2008 cited in Department for Education, *The Importance of Teaching,* 2010, paragraph 3.1

> 82 per cent of people we polled agreed that counselling should be available for teachers and support staff responsible for addressing challenging behaviour.
>
> YouGov polling for the CSJ, April 2011

Crucially, some schools (such as Pimlico Academy) and PRUs (such as the Bridge Academy PRU) are offering support to their teaching and support staff by way of access to the therapeutic provision available for pupils and, in some cases, also their families. A number of voluntary sector organisations also provide support for teachers and other staff. The Place2Be, for example, works in over 155 primary and secondary schools, with more than 50,000 children across the UK to enhance the emotional wellbeing of children, their families, and the whole school community. As well as its school-based service for children, the charity also provides support to adults through The Place2Think, which gives guidance to teachers and school-based staff.

### Case study: The impact of persistent disruptive behaviour

Paul is a year nine in an Academy. There are 25 pupils in one of his classes. All of these pupils are underachieving and are at risk of exclusion for challenging behaviour. All have had fixed-term exclusions, some long-term.

Paul is statemented for autism and behaviour, and is assigned with a teaching assistant for each of his classes. He needs support with literacy. Paul's behaviour in class is persistently disruptive, according to his teachers. He talks while the teacher talks, shouts out, swears at his teachers and peers, throws objects (including chairs) around the class, and punches walls and doors. Sometimes he sleeps in class, or tries to.

**The Principal's view**

The Principal believes that Paul should be in a special school but informed us that his mother is extremely resistant to the idea and is determined that he should remain in mainstream school. To the best of the Principal's knowledge, Paul's father 'has never been around'. He also told us that Paul has no friends at school because he alienates himself, and that all of the staff would say that Paul should be in a different educational setting.

One told the CSJ that 'after being humiliated in front of the class...it's very difficult to regain authority and control. It also holds up the learning process. I can't finish the lesson I've planned and it can cause delays. It definitely affects the learning in the classroom – it's not calm or focussed...'.

**Paul's view**

Paul told us 'I find school really boring, because there are too many rules each day for behaviour...I like to stress out teachers that I hate'. However, he said that he likes a few of his teachers and that he behaves in some classes because 'the teacher is fun'. He explained 'I prefer doing things, not just sitting learning'.

Paul told us that his behaviour 'has an effect on the teachers – it gets them mad, which makes me feel happy', and recognises that it has an effect on the learning of others. He told us that the week

before he had thrown a chair at someone after they had thrown something at him. Paul then told the substitute teacher 'don't you start getting involved you idiot sub', and explained how the whole class had then started to throw things at each other – 'it was the best day in school this year'. Paul feels that there are members of staff at the Academy who care about him. He told us that his mum 'never tells me she loves me – she never has'.

**Paul's peers**
We also spoke to a number of Paul's peers. They told us that Paul 'does something in every lesson', that he can sometimes stop lessons for 15 minutes, and that they get angry with his disruptive behaviour but try to control themselves. However, one admitted that he 'had had enough' the day before, and that if it wasn't for the fact that the Principal was teaching the class, he would have started swearing at Paul and had a fight.

Some pupils told us that they enjoy learning and that if Paul wasn't in their class 'it would make a big difference as we would be able to learn a lot better'. They also told us that they do not understand their homework sometimes because they did not understand it in class, due to the lesson being disrupted by Paul's behaviour.

Challenging behaviour can be disruptive and damaging for school environments. Effective and robust strategies must be put in place as a matter of urgency. Yet punishment alone is rarely effective in the long-term. Support is also required. We urge policymakers to consider this carefully as they study the *Schools White Paper* and the Education Bill as it passes through Parliament. As we have outlined in Chapter Two, it is also vital that effective strategies are established for parents to prevent or confront poor behaviour, which can lead to exclusion. As well as this, we must understand that some children have no concept of rules or boundaries – given that they experience none at home.

In the following sections we consider the importance of therapeutic interventions and relationships, as well as role models, the measurement of schools and the opportunities provided by the Government's pupil premium. Further consideration of other crucial factors within mainstream schooling, such as culture and ethos, are explored in other chapters of this report as indicated. These issues and others which have emerged during the course of our review, including the quality of teaching, the lack of male role models in primary schools and the mental health support offered by children's services will be explored even further in forthcoming CSJ policy work.

### 2.4.2 Insufficient pastoral and therapeutic support

It is vital that vulnerable pupils receive appropriate support to overcome the incredibly challenging circumstances and barriers to learning which some face. This should be undertaken within a secure and nurturing environment, where they can develop and re-engage with education. Such approaches appear to be rare and opportunities are being missed to change lives. Some pupils are wrongly identified as having SEN where an improvement in teaching and pastoral support early on may avoid additional, expensive provision being required at a later stage.[35]

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35  Ofsted, *The special educational needs and disability review*, Ofsted, September 2010, pp8-9

'Worryingly, we get quite a lot of younger children here. Last year we had a lot of children here in Year One. Their schools had asked us for an intervention placement for them in the Summer Term of reception. I had to explain to them that we do not cater for Early Years provision. I also worry about children who are permanently excluded in reception. If you have four to five year olds being permanently excluded and needing a PRU placement, that is concerning.'

Head teacher, Primary PRU, London

Clear rules and boundaries are incredibly important for children and young people, especially in regards to those with whom this review is concerned. The most effective examples of the establishment of those boundaries, in our view, are modelled when carefully administered discipline is accompanied by effective support which seeks to help pupils to change their behaviour.

79 per cent of people we polled agreed that children with challenging behaviour need support, not just punishment.

YouGov polling for the CSJ, April 2011

Accordingly, to avoid exclusions or disengagement from education, we also need to invest in therapeutic approaches. It is vital that such support is given to pupils with challenging behaviour – many of whom are not able to regulate their emotions or, in turn, their behaviour. Pupils need to know that their strong feelings can be contained. However, we appreciate that this is difficult for teachers who are focusing on learning objectives.

'Children, like those here, need boundaries and routine but do not need someone being so hard. They need nurturing and an understanding of what their special need is. They need to know that they are safe and secure.'

Brian Bench, Head Teacher, Hungerford Primary School & Children's Centre, in evidence to the CSJ

One witness explained how the term 'nurture' has been hugely misinterpreted: 'It doesn't mean mollycoddling children; it should mean providing these children with skills that they can

transfer into adulthood, so that they can learn how to behave in groups and socially...'. It is also of course important to strike the right balance. As the CEO of one voluntary sector organisation told us: 'There is a danger of too much empathy. They need help to drive through the barriers', and as one Head emphasised, 'they don't need our pity – they need our help'. We have featured the role of inclusion units and centres to help meet this need in Chapter Two.

## 2.5 The Pupil Premium



Pupils at North Primary School in Southall, London participating in the Nurture Programme run by Family Links

The Government confirmed its intention to focus more resources on deprived pupils by introducing a new pupil premium. This premium will be £625 million in 2011/2012, rising to £2.5 billion a year by 2014/2015. It is for schools to decide how they spend the pupil premium on the basis that the Government considers them 'best placed to do so. The pupil premium will be allocated to children who are currently known to be eligible for FSM, as well as children who have been looked after for more than six months'.[36] Yet during the course of our review key witnesses have raised a concern that whilst the principle of local commissioning and decision-making for the pupil premium is correct, some schools may not be well-informed about local infrastructure and unable to determine what provision will deliver the best outcomes for pupils. In view of this and other important considerations, the CSJ will be making further assessment about the implementation of the premium in its forthcoming phase of new policy development work.

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36   The Government intends to consult on the future distribution of the Pupil Premium, with the aim of extending its coverage from 2012/13 to pupils who have previously been known to be eligible for FSM

**Case study:** Family Links and North Primary School, Southall

Family Links is a UK charity which provides national training on the Nurturing Programme to foster good relationships within families, schools, and communities. The programme provides simple, effective tools to help adults and children understand and manage their feelings and behaviour. Essentially, the Nurturing Programme:

- Improves relationships by using many positive discipline strategies and skills to support the family and school environment;
- Improves emotional health and wellbeing by providing a nurturing toolkit for families, schools and communities;
- Invites parents/carers and school staff to consider their own needs (on the basis that an adult who meets their own needs is likely to be more effective);
- Develops self-confidence and self-esteem;

**School training**

Family Links runs a two day course in the Nurturing Programme. This is for all school staff to build consistency in positive behaviour management skills and to underpin the school behaviour policy. The aim is also to build children's social, emotional and behavioural skills so that they feel calm, secure and ready to learn, and improve their academic attainment, as well as to reduce staff stress. Children are taught about choices and consequences. Teaching staff are introduced to the ten week Nurturing Programme for children, and are provided with a series of handbooks with which to deliver the material.

The Nurturing Programme can be used as a framework in which to promote Personal, Social, Health and Citizenship Education. It reflects curriculum guidelines from Early Years to Year Eight, supports the aims of the National Healthy Schools Standard, and is endorsed in the DCSF (as it was) curriculum for social and emotional aspects of learning.

A matching Nurturing Programme for parents and carers also exists, which Family Links schools are encouraged to run. This is with a view to providing a consistent approach to positive behaviour management – i.e. for everyone in the child's school and family environment to speak the same Nurturing Programme language, and to use the same strategies with the child. Parents or carers who attend the ten week Nurturing Programme also have the opportunity to gain Open College Network Credit4Learning Accreditation at Level 1 or Level 2, if their Parent Group Leader (at the school) is trained to offer it.

There are currently around 500 primary schools and six secondary schools in the UK which have received training in the Nurturing Programme. North Primary School in Southall, London, is one such school. During a discussion with a number of Year Five and Year Six pupils, following their Circle Time, they were asked whether there was anything in particular that they found helpful about the Nurturing Programme.

The school staff, parents and pupils the CSJ met, who had participated in the programme, spoke extremely powerfully about the impact of the programme and how it had changed their lives, as well as improving the school environment.

## 2.6 The importance of relationships

Many schools rightly place considerable importance on getting to know their pupils and families, and building positive relationships with them, as demonstrated by various case studies in this report. Some, however, do not and as one witness argued in evidence to the CSJ: 'anonymity leads to disaffection'. Such disaffection can begin in primary school and continue

through secondary school. Many of the young people who gave evidence to our review cited poor relationships with their teachers as a factor in their challenging behaviour and disengagement from education. They often referred to teachers showing them a lack of or no respect, with many feeling that they had no-one to talk to and that they had been 'written off'.

> 'Some young people want to know you care before they care what you think. If they don't get that, they can disengage from our teaching and support. Getting to know the children well, and getting to know how to encourage and discipline them is an important priority in my view.'
>
> Dr Paul Warwick, University of Leicester, in evidence to the CSJ

Pupils need someone that they can talk to in confidence, who cares and will listen in a non-judgemental way. Particularly given the responsibilities and challenges that many are dealing with, it is hardly surprising that they value being spoken to with respect. Many have lost their childhood and are struggling to cope. Fairbridge (now merged with The Prince's Trust) operates 15 centres in some of the most disadvantaged areas of the UK, helping young people to develop their personal and social skills to enable them to return to education or enter the workforce.

> 'Some teachers say 'you're so stupid, I'm going to refer you to a PRU' and then they tell you that 'you won't be able to handle it in there'.
>
> 'My Head teacher told me that my behaviour was bad because I wasn't brought up with a dad in my life'.
>
> 'One teacher made my life a living hell'.
>
> 'In an adult world, that would be bullying'.
>
> 'The teachers used to shout at us'.
>
> Young people, in evidence to the CSJ

An independent evaluation of its work found that a number of factors in Fairbridge's approach appear to contribute to its success. These included relationships with staff: '...what stands out as particularly critical is the formation of a trusting relationship with an adult

worker. This is sometimes the first time that a young person has experienced a relationship based on mutual respect'.[37]

In view of the importance of relationships, it should be recognised that the targets that teachers are required to meet can place significant pressures on their time and resources. This can hinder them from creating and building close relationships with emotionally damaged pupils.

> 'I've taught for over 20 years...Now more than ever it's about academic achievement and targets, and the 'whole child' seems to get lost...'
>
> Head teacher, Primary PRU, London

## 2.7 Male primary school teachers and adult role models

While there are more registered teachers in England than ever before, teaching remains predominantly a female profession. Men account for one quarter of registered in-service teachers, with a higher proportion of them working in secondary schools, academies and further education. They account for just 12 per cent of registered state primary school teachers, and three per cent of registered state nursery school staff. There are no registered male teachers in nearly a third of state primary schools in England.[38] This is particularly damaging given the unstable nature of life at home for many pupils at risk of exclusion.



Pupils and City Year volunteers in a primary school in London

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37    Knight B, *Back from the Brink, How Fairbridge transforms the lives of disadvantaged young people*, Newcastle upon Tyne: CENTRIS 2010, p24
38    General Teaching Council for England, *Latest statistics on the teacher workforce from the General Teaching Council for England,* 2 September 2010 [accessed via: http://www.gtce.org.uk/media_parliament/news_comment/annual_digest030910/ (22/06/11)]

> 'All of the schools we are working with are asking us to send in young men. There are no men in many of these children's lives.'
>
> Sophie Livingstone, CEO, City Year London, in evidence to the CSJ

The importance of male primary teachers as role models for boys has been well-reported and the lack of such influences was referenced repeatedly during evidence submitted to our review.[39] There is concern that a lack of male teachers in primary schools may be putting boys off education at a young age. The importance of appropriately delivered mentoring both inside and outside of schools, as illustrated by the case studies on City Year and Chance UK, has also been emphasised to us by numerous witnesses. The CSJ will address this issue in a wider context in forthcoming education policy work.

## Case study: City Year London

Following its launch by the Mayor of London in September 2010, City Year London has trained over 60 young people to volunteer in six primary schools in Hackney, Tower Hamlets and Islington. Based on the highly successful US model, City Year has been tailored to ensure that it translates to the UK and that it is appropriate to the volunteering and education communities in London.

City Year London brings together young people of all backgrounds aged 18 to 25 to serve full time as 'corps members' with the charity for a period of 11 months. These young people are:

- Working in schools as tutors, mentors and role models;
- Leading in-school and after-school programmes and community projects; and
- Receiving training and support linked to both their service in schools and leadership after City Year.

For schools, City Year provides a team of highly visible young people to help the staff and school community by providing additional in class support, after school clubs and individual attention to those pupils who most need it. This school-based service is the heart of the City Year's Whole School, Whole Child model of helping pupils and schools to succeed.

In addition, City Year leads 'service days' that inspire a sense of community by bringing together people from all backgrounds to improve their local surroundings and resources, by creating gardens and play spaces, renovating youth clubs and schools and co-ordinating local events.

For the volunteers, City Year is an ideal opportunity to spend a year serving the local community. Drawn from all backgrounds, teams of City Year volunteers are present in schools as 'near peers', bridging the gap between pupils and teachers, becoming role models to help inspire children to focus on their studies and gain extra support and assistance at school. The volunteers are also trained in leadership, team work, project management and communications skills.

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39   See for example, The Guardian, *Male teachers are crucial role models for boys, suggests research,* 30 September 2008 [accessed via: http://www.guardian.co.uk/education/2008/sep/30/primaryschools.malerolemodels (30/08/11)]

City Year is committed to communities beyond the schools that it works in; however, schools are its focus point in the respective communities. City Year London proposes to expand initially across London, and eventually across the UK.

City Year London is being evaluated by the Institute for Volunteering Research, and the first year's report is expected in the autumn of 2011. However, the Institute's interim report from January 2011 found: '..an analysis of the data collected so far suggests that the programme is already having a considerable impact on the schools ... [who] seem genuinely, and unanimously, positive about the experience so far'.

Feedback from City Year London's partner schools is very positive:

*'Our children gain a fantastic amount...the chance to get their self-esteem and life chances enhanced further was too good an opportunity to miss'.*

Janet Sheehan, Head Teacher, St Anne's RC Primary School, Tower Hamlets.

## 2.8 Measuring schools

Many witnesses voiced their frustration about how schools are currently measured. The Government has announced its intention under the *Schools White Paper* to introduce a new measure, to place more emphasis on the progress of every pupil, with greater focus within that on disadvantaged pupils.[40]

'It surprises me how cold blooded some secondary schools are. They are not propping up the kids, but propping up the figures. They are more likely to exclude a badly behaved child who is not likely to gain good grades than a child who is known to carry a weapon but it also likely to do well in standardised tests.'

Head teacher, South London, in evidence to the CSJ

However, schools are still expected to deliver against targets which do not allow for broader outcomes for children and young people. There is currently no measurement taken of other aspects regarded as valuable to a pupil's rounded education and which enhance educational attainment – such as personal development, social and life skills, and attitudes to learning. Argument has been raised by many witnesses that schools should be judged on the 'journey travelled' by pupils, and not only on raw standards. The head teacher of an Academy told us that: 'Raw scores put the emphasis on performance in exams, not the

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40    Department for Education, *The Importance of Teaching: The Schools White Paper,* Norwich: The Stationery Office, November 2010, paragraph 6.12-6.15

development of the whole person. The emphasis should be on progress being very high academically and personally, and in doing so achieving the right results which give them a spring board for the next step. One without the other will not support a positive and productive life'.

> 'It's the way it is because we're target driven...we're trying to manage education like a business and it's not a business. We're dealing with individuals, their growth, development, aspirations, fears etc. You can't work to hard-line targets because what you end up doing is depersonalising what you're doing in order to hit the targets.'
>
> Education official, in evidence to the CSJ

In terms of the pressures such targets create, another witness argued that it will be difficult for schools to invest more in inclusion provision, given that they are now being measured more rigorously in terms of exam results. They described how this threatens to put significant pressure on head teachers to improve in these areas in a time of reduced income for schools. Many of society's most vulnerable children and young people could suffer the consequences of this.

> 87 per cent of people we polled agreed that schools should be measured against the development of pupils, not just the grades they achieve.
>
> YouGov polling for the CSJ, April 2011

### 2.9 The quality and flexibility of learning

#### 2.9.1 The flexibility of the curriculum

We received evidence that in many cases, learning is not creative, interactive, or relevant. Boredom has been regularly cited as a factor in challenging behaviour and a reason for disengagement. The importance of the context of education and consequential learning for young people is being overlooked in some schools.

There is major focus on academic attainment. The Government announced its intention under the *Schools White Paper* to introduce the English Baccalaureate, to 'promote achievement of a broad academic core at 16 and a rounded education'. It plans to encourage schools to provide the English Baccalaureate by giving them special recognition in performance

league tables.[41] Clearly, it is vital to set academic aspirations for pupils, but it should also be recognised that some pupils will thrive and succeed in other ways. This may take the form of vocational learning, as outlined by the Education Select Committee:

'...pupils who are positively engaged in learning are less likely to have behaviour problems. If the future curriculum is to have a beneficial effect on standards of behaviour in the classroom, it will need to meet the needs of all pupils and contain a mix of academic and vocational subjects, while being differentiated and enjoyable'.[42]

75 per cent of people we polled said that school curriculums not being engaging enough is an important factor in terms of the causes of disruptive behaviour.

YouGov polling for the CSJ, April 2011

There is also a lack of extended activities and opportunities in some schools. This can mean less performance and creative learning through the arts, technology, music and sport, to the detriment of pupils who would benefit from this. As the head teacher of one Academy told us:

'We need to encourage students to explore other experiences, help to raise their self-esteem and to see that their value is not based on their academic ability but how hard they work to improve their ability and attitude. If you can improve their self-esteem and help them find what they are good at, then as their confidence and interest grows their academic ability will follow'.

One deputy head teacher told us that she would like to see more sport for all children 'especially those who have lots of energy, and boys in particular. There's too much sitting down in some schools and a lack of understanding that children learn in different ways'. The CSJ published a policy report on sport in 2011, *More than a Game*, which contains a number of policy recommendations in relation to schools.[43]

*2.9.2 Broadening horizons through education*

Furthermore, some young people do not travel from their local environment because of poverty or in some areas, violent street gang rivalry. This can compound their disengagement with learning if education isn't challenging them to think creatively or challenging their perceptions.

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41   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 4.20-4.24
42   House of Commons Education Committee, *Behaviour and Discipline in Schools,* Summary, 3 February 2011 [accessed via: http://www. publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/11)]
43   Centre for Social Justice, *More than a Game,* London: Centre for Social Justice, 2011

Brian Bench, the Head of Hungerford Primary School and Children's Centre in Islington, London, taught a Year Three class on their return from the school summer holiday and asked them what they had been doing over the previous six weeks. One child after another told him that they had been to the seaside and that they had all been by train. The Head realised that what they were in fact referring to was a school organised day trip that had taken place the term before, at the end of Year Two. This day trip was what the children considered to be their summer holiday. 'Most of the children have not experienced such things as free museums. We encourage the parents to come. Some do. Sometimes they are more work than the children'.

As well as this, insufficient or inexpert information, advice and guidance is being given to some pupils on their curriculum choices. One Academy head told us about how his school combated this problem:

*'Every single Year Nine pupil has to be interviewed twice when making their GCSE choices by a senior member of staff, and once with their parents, and the impact is incredible. Students here are doing the right courses in terms of aspiration, challenge and enjoyment'.*



Pupils attending an IntoUniversity learning centre

Some pupils are being encouraged to take vocational learning courses not because they are appropriate for them, but because they are in danger of not achieving 5A* to C grades, and their school is concerned that it will not meet its targets. This affects their self-esteem, self efficacy, interest, and motivation. In addition, some schools are fuelling the poverty of aspiration that exists in some families (as referred to in Chapter Two), and selling pupils short in this process. The Principal of an Academy told us:

*'If you say to someone, you're only good enough to do a BTEC in construction, their aspiration will be matched to that. Where you've got a really bright student sitting in a BTEC construction group without ever having to write anything...and you have an equally able white middle class student in the top set of maths, what you're saying is 'we know where you're going to go because your family has aspiration, but you in BTEC construction – because of your background, we think you have no aspiration so we are going to dumb down the curriculum for you'...BTECs and vocational courses like that serve a purpose but only for the students that they are genuinely challenging for'.*

'No-one told me about the possibilities after school. People at my school just used to follow each other into things because they had no idea what else existed. One girl went on to do hair and beauty, so lots of others did the same.'

'Both of my parents are illiterate and dropped out of school. My dad has worked in construction since he was about 12 years old. Neither of my parents gave me any guidance, and I didn't get any from school either.'

Young people, Prince's Trust Ambassadors, in evidence to the CSJ

## Case study: IntoUniversity

IntoUniversity works in disadvantaged areas of London. It aims to inspire young people to achieve their potential. The programme also aims to prevent young people from becoming disengaged with education, and to support those who are at risk of exclusion to re-engage with it, through a strong pastoral programme.

There are currently seven IntoUniversity learning centres across London, with five more planned (some outside of London) by 2016. During the last academic year, IntoUniversity supported 5,000 young people. This provision consists of:

- After-school academic support;
- Undergraduate mentors, through which young people are paired with undergraduates from the University of London, who provide help with school work, social and inter-personal skills, and confidence-building; and
- Specially-designed study (FOCUS) sessions, where young people are offered learning experiences to immerse them in a single topic or subject area.

The 'Careers-in-FOCUS' programme, for 13 to 15 year olds, has been developed to provide more detailed guidance and advice for young people as they consider their future. The programme includes weekly workshops over several months which introduce young people to a variety of different careers, familiarise them with the steps needed to reach these professions and broaden their horizons.

IntoUniversity also runs a 'Business-in-Focus' programme, which brings together young people and adult staff from the charity's corporate partners for task-based activities to build key skills.

A student survey conducted in 2010 (based on a sample of 106 students) confirmed that, as a direct result of participating in such programmes, 58 per cent of students reported 'improved school grades', and 71 per cent of students 'are working better at school'. An external qualitative evaluation of the IntoUniversity programme carried out by The National Foundation for Education Research in 2007 found that: "The evidence in this report supports the conclusion that the IntoUniversity programme has a positive, transformational impact on children and young people in terms of their academic success, attitudes to learning and social skills; all of which are key elements of helping children and young people to aspire and achieve.

We have also observed how some schools are operating like islands in their community and they are disconnected from local businesses. Yet CSJ reports have found time and again that employers have an integral part to play in enlivening learning and sparking aspiration in young people. The CSJ's job creation report Creating Opportunity, Rewarding Ambition explored this in helpful detail.[44]

# 3. Recommendations for reform

## 3.1 Safer schools

- **Effective conflict resolution for school leaders and teachers:**

  Conflict resolution should be part of the leadership training undertaken by head teachers on the National Professional Qualification for Headship. Conflict resolution should also be part of initial teacher training and Career Professional Development (CPD).

- **Additional training should be tailored to a school's specific local context:**

  Training should also be provided for head teachers and school staff working in schools affected by weapon carrying and street gang activity. The focus should be on how to work with partners to maintain a current understanding of the tensions and risks, then manage the challenging behaviour and disengagement from education. Keeping up to speed with what is happening in the community is vital. Consideration should be given as to whether this training could be provided by Teaching Schools. Training should also be on-going and provided through CPD.

- **Restorative approaches should be promoted in all secondary schools and research should be conducted with respect to its use in primary schools.**

  We recommend that research is carried out into which models would work most effectively in this phase, what concepts could be grasped by the children and what language should be used. Consideration should also be given to the leadership skills of those working with children in primary schools.

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44    Centre for Social Justice, *Creating Opportunity, Rewarding Ambition*, London: Centre for Social Justice, 2011

- Securing a smooth transition to decentralisation:

It is essential that school leaders are informed of all of the options available to them for managing conflict, and challenging behaviour. The CSJ welcomes the decentralisation of education, but during this transition the DfE should ensure that support is provided to school leaders, local commissioners and decision makers in the transition to the new culture.

- **Should plans to establish elected Police and Crime Commissioners come to fruition, it is crucial that Commissioners recognise and embrace the importance of police engagement in schools, particularly through models such as SSPs.**

- **Dedicated police officer engagement in schools should become more specialised, and joint training should be provided.**

Police officers should understand the unique needs and operational factors of their particular schools. As well as this, it is crucial that schools develop an understanding of what a critical incident is. Such training could be expanded to SNTs, to raise their awareness of the risk and protective factors around young people, as well as the challenges they face.

- **Schools should engage with effective voluntary and community sector organisations, such as Leap Confronting Conflict which we have featured, to promote positive behaviour and minimise high risk behaviour.**

- **LAs should conduct a needs analysis to prioritise the areas of risk in their community and identify the top 20 schools (for example, given the current financial restraints) that require gold standard support through an SSP structure:**

Such an analysis should draw on the Islington LA as a model of best practice. This could include a primary school where it happens to be in a community with the highest level of risk, in which case the LA would need to structure the provision accordingly. To have a positive impact, this requires the responsibility of schools to work in partnership with others, particularly in respect of the wellbeing, protection and safeguarding of their pupils.

- **A process must be established to help LAs prioritise what it is that a police officer needs to do with a school at a particular time. We suggest that the Government looks to the Safer Learners Partnership:**

This could include a dynamic assessment of the risks, and the role of police and partners in dealing with those risks. The CSJ is aware that the Safer Learners Partnership is currently being developed from work undertaken by the Greater London Authority, London Councils, Metropolitan Police Service, the voluntary sector, Transport for London and the Youth Justice Board, working with schools and colleges.

One of the Partnership's key principles is to support the identification of interventions with schools and colleges in the areas of highest risk. It also seeks to support the local engagement of schools and colleges with professional partners, as well as parents, young people and other organisations.

## 3.2 SLCN

■ **Screening for SLCN in the early years:**

We understand that all children will be screened for SLCN in the Health and Development Review between two to two-and-a-half years of age. School nurses should check that every child entering primary school has been screened for SLCN and, if not, arrange for that to be done as soon as possible.

It is proposed under the *SEN Green Paper* that 'the expanded health visiting services will ensure as a priority that all families are offered the Health and Development Review for children aged between two and two-and-a-half years, so that children who need any additional support can be identified and appropriate support offered to the family'.[45]

We urge local leaders to ensure that the most vulnerable children and families do not fall through the net. We believe our recommended electronic education passport system outlined in Chapter Two, would be the most suitable opportunity to ensure such information is available as children enter and progress in school.

■ **Introduce a key performance indicator for communication competency in primary and secondary schools:**

This should also provide a safety net for those pupils who may develop SLCN at a later stage, with a view to their need being promptly identified and addressed.

■ **Lead vocabulary enrichment for all pupils:**

This could be achieved by means of a programme run by speech and language therapists, who can train teachers and teaching assistants to deliver vocabulary enrichment, who would return to assess progress.

## 3.3 SEN

■ **Retaining and building on a culture of inclusion:**

The culture of seeking inclusion within mainstream schools for children with SEN and/or a disability should be maintained as far as appropriate and practicable.

■ **Maximising EP provision:**

All schools should ensure that they have access to sufficient EP time to allow for (i) individual observations and assessments of children, and (ii) regular discussion and consultation with teachers, support staff and parents regarding concerns that they have about children.

EPs should be integral members of the team that forms the school community whilst retaining the professional independence demanded by their professional code of practice.

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45   Department for Education, *Support and Aspiration: A new approach to special educational needs and disability: A consultation,* Norwich: The Stationery Office, March 2011, p30

- The Government should introduce a statutory requirement for every mainstream school to have a policy for working with children and young people with BESD.

- Mainstream teachers should undertake some training within outstanding BESD and other special schools, and in PRUs to enhance their understanding and skills with respect to working with children with SEN.

- The Government should reform the way that funding is allocated for those with SEN:

  Schools and PRUs should be able to use the funding in more targeted and effective ways. For instance, this could mean it is used to resource the inclusion units, if that is what is deemed to be more effective provision for the relevant pupils.

## 3.4 Literacy and numeracy

- The Government should prioritise the teaching of the pedagogy of reading and writing in the teacher training curriculum, and review whether sufficient time is allocated to it.

- Schools should be able to temporarily disapply the National Curriculum in Year Seven in certain cases, to support pupils whose literacy and numeracy levels are below what they should be for their age group.

## 3.5 Improve discipline and behaviour

- Innovative clarity from the outset:

  Schools should be enabled to find more innovative and clear ways to build early relationships with pupils. They should explain rules, lay the foundations (for example with boundaries) for behaviour and get to know their pupils at the outset for those entering primary and secondary education.

- Acting early on low level disruption:

  Schools should be very tight on addressing low level disruption. Whole school behaviour policies should be clear and applied consistently.

- Support for staff on behaviour management.

  Initial teacher training and CPD should be provided on behaviour management, which should be multi-disciplinary in its approach. Physical intervention training should also be provided in the event of physical threat to staff and/or pupils, or if learning is jeopardised.

  Mainstream teachers should undertake some training in outstanding PRUs and BESD schools – to enhance their understanding and skills with respect to working with pupils with challenging behaviour, and to equip them with strategies for addressing it.

## 3.6 Improve pastoral and therapeutic support for pupils and teachers

- **Improving recognition for overall personal development:**

  The Government should place appropriate importance on soft skills, emotional well being and personal development, and allow for greater provision for the development of these in pupils within schools.

  We note that the New Economics Foundation makes the economic case for improving the well-being of children in its report *Backing The Future*, and that New Philanthropy Capital has developed a measurement tool for evaluating soft skills and emotional well being.

- **Schools should have a 'nurture policy' in place, at least up to the end of KS3:**

  This is considered to be helpful for pupils, staff, parents and Governors in terms of understanding what a school is trying to do in this respect.

- **Training should be given for teachers in pastoral and therapeutic support:**

  For example, Family Links (see earlier case study) provides the whole school with training, so that they are all using the same 'language' with the children, and they provide refreshers. The Government should consider including the Family Links model within initial teacher training and CPD, with a foundation in attachment theory, child development, emotional health, how to promote positive behaviour, and identifying and understanding social and emotional needs.

- **Teachers should be given supportive training in self-reflection and responding to their own experiences in schools.**

## 3.7 Provide role models, raise aspiration and improve access to advice

- An expansion of schemes which provide role models to pupils who lack them, such as the promising approach by City Year that we have featured, should be explored.

- Schools should engage more effectively with employers to enliven learning and help pupils make informed decisions about their future education and potential careers.

- School leaders should forge close partnerships with effective voluntary sector organisations, such as the award winning charity IntoUniversity, in order to raise aspiration amongst disadvantaged pupils.

## 3.8 Change how schools are measured

- Measuring achievement, not just attainment:

  The Government should measure pupils' development and 'distance travelled' (i.e. how well they have done from their starting point) – not just their academic attainment. It should change the focus from targets to sustainable outcomes for children and young people.

# chapter four

# Unscrupulous and illegal practices in mainstream education

'...[Exclusion] removes an alleged problem from the school, but it causes great anguish and hardship for the child and family, and increases problems for other services to deal with following exclusion. There are more effective, efficient and caring ways of managing the challenges...'[1]

## 1. Introduction

Many schools will exhaust all possibilities before a permanent exclusion. However, as highlighted in Chapter One, some schools are failing to comply with their legal obligations in respect of official exclusions, are carrying out unofficial (i.e. illegal) exclusions, or are otherwise failing to provide an acceptable level of pastoral care or education. We analyse the weaknesses in the current system which are being manipulated by some schools. We also discuss the wealth of evidence that we have gathered on the unscrupulous practices that are being operated by them in relation to many of society's most vulnerable children and young people.

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1    Parsons C, Achieving zero permanent exclusions from school, social justice and economy, *FORUM for promoting 3-19 comprehensive education,* 52, 3, 2010,  pp 395-404

> "The stigma and cost attached to excluding pupils means that some children spend their days either disrupting or missing lessons, but just so long as they are 'attending', some schools seem to be happy to let it be...On a visit to an Academy in the South of England...I witnessed a child walk in, sign the register and then walk straight back out again. The 'perfect child' remarked the Deputy Head."
>
> Anonymous, in evidence to the CSJ

We argue in this report that children and young people should be supported as far as possible to stay within the mainstream education system. We recognise, however, that the needs of a minority are likely to be so severe and complex that they would be better met in an alternative educational setting. Yet it has become apparent that some schools are holding on to these children and young people to their detriment and for the wrong reasons. For example, the CEO of a voluntary sector organisation in London told the CSJ:

> *'One of the problems is that schools don't or can't say that it's ok that they can't engage some kids, and it's also a money issue. Money is attached to every pupil and where a school gets its funding from. Heads don't want to lose that and some will do whatever they can to keep hold of it – they try to keep pupils on the roll because it keeps the money coming in, as opposed to referring them to where their needs will be appropriately met'.*

Holding on to pupils in this way can cause disaffection, challenging behaviour and truanting.

## 2. Permanent exclusions

> 'Too many children and young people fall through the net. Permanent exclusion is one of the routes to many children losing their way, and even sometimes falling out of the system altogether...They often have significant problems...Sometimes they require significantly skilled help and support. Often you will get that at a PRU, but I wouldn't like to suggest for a moment that a good number of those young people who are permanently excluded need to be out of mainstream education at all. They need to be helped to be part of the mainstream education system and not put outside of it.'
>
> Patrick Leeson, Director, Education and Care, Ofsted, in evidence to the CSJ

In 2009/2010, pupils within the 12 to 15 age bracket accounted for the majority of all permanent exclusions – almost 81 per cent.[2] There was a total of 1,040 permanent exclusions of pupils from below the age of four to the age of 11. This included 20 exclusions of children aged four and under.

Head teachers are required to have regard to the 2008 guidance when they make decisions on exclusions and administer the exclusion procedure. During the first five school days of a pupil's permanent exclusion there are certain obligations with which schools, LAs and parents are required to comply:

- Schools must send work home for their pupils to complete;
- Where a pupil's school is maintained by a different LA to the one in which they are resident, their home LA is responsible for assessing the pupil's needs and how to meet them, including any SEN which the pupil may have. They should also arrange a meeting with the parents to discuss options within the first week of their child's exclusion;
- Parents must ensure that their child is not in a public place during normal school hours without reasonable justification. Failure to do so renders them liable to a penalty notice of £50,[3] a sanction which appears to have little effect

From the sixth school day of a permanent exclusion, the LA is legally responsible for arranging a pupil's suitable full-time education.[4] This will be a pupil's home LA if they are resident in a different LA from which their excluding school is located.[5] Where a pupil has a SEN statement, suitable full-time provision must be consistent with the specifications of that statement.[6] However, a study conducted by Ofsted found that almost half of the LAs visited by inspectors did not meet their legal obligations to provide suitable full-time education for pupils from day six.[7] This was attributed by the LAs to a general lack of capacity in the PRUs. Various witnesses to our review expressed concern over the failure of LAs to fulfil their legal obligations in this respect. Given that pupils with SEN are amongst those who are disproportionately excluded, we assume that their particular needs are unlikely to be met in a number of such cases.

If a head teacher decides to permanently exclude a pupil (legally), their parents have the right to challenge the exclusion in a number of ways, as explained below.

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2    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*; there were 5,740 permanent exclusions in total. The most likely age for both boys and girls to be permanently excluded from primary, secondary and special schools, is 13 and 14 (Years Nine and Ten), with pupils from these age groups accounting for approximately 53 per cent of all permanent exclusions. However, 12 and 15 year old pupils account for a significant proportion – around 28 per cent

3    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, pp21-24, 45-54

4    Education Act 1996, Section 19(3A), as amended by the Education and Inspections Act 2006, Section 101; Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (SI 2007/1870), reg.4

5    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p24

6    Ibid

7    Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, London: Ofsted, 2009, p4; Ofsted states that 'The small sample size, however, means that generalisations should not be drawn from the findings'

## The rights of parents to challenge official permanent exclusions

**Review by governing body:** the governing body must review a permanent exclusion, regardless of whether the parents request it. The parents may make representations at the review meeting and the pupil (if under the age of 18) should be invited to participate in it. The governing body may decide to uphold the pupil's exclusion, or direct their reinstatement at the school immediately or by a specified date.[8]

**Appeal to Independent Appeal Panel (IAP)**: if the governing body decides to uphold the pupil's exclusion, their parents may bring an appeal against its decision to an IAP. The IAP must comprise three or five members, including a lay member (Chair), and at least one governor and one head teacher of a maintained school. The IAP will review the governing body's decision and conduct a rehearing of the case (including any new evidence). Parents are entitled to attend the hearing, to make representations and to be represented (legally). Again, the pupil (if under the age of 18) should be invited to participate in the hearing. The IAP may decide to uphold the pupil's exclusion, or direct their reinstatement at the school immediately or by a specified date, or decide that exceptional circumstances or another reason mean that although it would have been appropriate to direct reinstatement, it is not practical to do so.[9]

**Judicial review:** if the pupil's parents believe that the IAP's decision is unlawful or that it is not a decision which a reasonable IAP could have reached, they may apply to the High Court for a judicial review. If a judicial review is granted, the High Court will consider the lawfulness of the IAP's decision. If it is found to be unlawful or unreasonable then the High Court could quash the decision and direct the LA to hold a fresh appeal hearing before a newly constituted IAP.[10]

Under the 2011 Education Bill (progressing through Parliament at the time of writing), IAPs will no longer be able to order the reinstatement of pupils. Instead IAPs will be able to require a governing body to reconsider its decision to exclude. This constitutes a change from the Conservative Party's original proposal to abolish the right of parents to appeal to an IAP against their child's exclusion. The intention behind this proposal was to avoid the reinstatement of pupils and any such decision undermining the authority of the relevant head teacher.

However, the statistics reveal that the number of appeals that are actually brought by parents to governing bodies are relatively small. As discussed below, many of the parents in question often face significant barriers in terms of challenging the authority of their child's school. There were 5,740 permanent exclusions in the 2009/2010 academic year. Only 510 appeals were lodged by parents (a decrease of 21 per cent from the previous academic year). Of the 470 appeals which were heard, 24 per cent were determined in favour of the parents, and 27 per cent of these resulted in the reinstatement of their child.[11] Once an appeal has been determined, or the parents' rights of appeal have expired or not been initiated, the head teacher may legally remove the pupil's name from the school's roll.

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8    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, pp41-43

9    Ibid, pp42 and 45-56

10   Ibid, p56

11   Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*; the Department for Education states that 'Information on appeals against permanent exclusion from academies is not collected therefore year on year comparisons should be treated with caution'. There were 203 academies during the 2009/2010 academic year

## 2.1 Illegal exclusions

It is well documented that some schools permanently exclude pupils on an illegal basis.[12] This was corroborated by many witnesses to our review.

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

Pauline Bastick, Educational Consultant and former Head of Social Inclusion, in evidence to the CSJ

In addition to the practices discussed below, we are informed that it is common for some schools to unofficially exclude pupils with challenging behaviour after the Christmas term in Year 11. In the meantime, these schools avoid any permanent exclusions going against their targets and retain funding for the pupils.

"If a pupil with challenging behaviour is unlikely to get any results, a lot of schools will enter them early for English and Maths GCSEs in November. After the Christmas term in Year 11, there is a lot of fudging that goes on in some schools. They say to parents 'we won't permanently exclude your child but they are not coming into school anymore – sort them out at home'. They remain on the school's roll and are allowed to return to school to take their exams..."

Head teacher, in evidence to the CSJ

Another common practice involves teachers informing parents that the school will permanently exclude their child but, that if the parents decide to educate their child at home, the child in question will not have a permanent exclusion against its record. Nor of course, will it count against the school's. We are informed that some head teachers are involved in this practice.

In these circumstances, some children and young people can become lost – utterly detached from the education system. As Pauline Bastick, Educational Consultant and former Head of Social Inclusion explained:

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12   See, for example, Department for Education, *Effective practice for local authorities and schools in managing and eliminating incidents of unofficial exclusion* [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practice-for-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion (12/08/11)]; Ofsted, *Children missing from education,* Manchester: Ofsted, 2010; Barnardo's, *Not present and not correct: Understanding and preventing school exclusions,* Essex: Barnardo's, 2010; Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, November 2010; Policy Exchange, *Best Behaviour: School discipline, intervention and exclusion,* London: Policy Exchange, 2011

*'Those cases then fall back to the admissions team in the LA that the child lives in and not where they necessarily went to school. That's another big reason why children fall through the net because they might have been off the roll in a school that is not in their LA and the child's LA might not even know the child is out of school and only pick them up six months or a year later'.*

Some schools have a significant proportion of children and young people on their rolls that live 'out of borough'. Following a permanent exclusion, head teachers are required to advise the pupil's home LA (i.e. where it is different to the LA in which the excluding school is located), of the pupil's exclusion. This is to enable the home LA to make arrangements for the pupil's full-time education from the sixth school day of their exclusion. The 2008 guidance states that: 'It is essential that the home LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits...'.[13]

"Secondary schools in many LAs have to pay a penalty if they permanently exclude. I've had head teachers say to me that they won't permanently exclude because they will have to pay and some will do the dodgy deals. For example, we have heard from parents and their advocates who have been told by head teachers to 'keep your child at home and I'll give you a bit of money to employ a tutor'. Head teachers can be very creative if they want to be. More commonly, parents are told to 'give me a letter saying you'll withdraw your child or I'll permanently exclude him or her'. It has been known that schools will write the withdrawal letter for the parent and they will sign it. I have seen a few of them...I pick up a lot of these children from the 'hard to place' list...the child is taken off roll and the parent says they will home educate the child and the school knows the parent doesn't have the ability to home educate them...[the schools] cover themselves and nothing goes against their target. I think there will be a lot more of it."

Anonymous, in evidence to the CSJ

By accepting a parent's withdrawal of their child from the school roll, the relevant head teachers bypass their above-mentioned responsibility. The onus is then on the parents to arrange for their child to be home educated, in circumstances where some head teachers know full well that they do not have the means or capability of doing so. Instead of being provided with suitable full-time education by the LA within the stipulated timeframe, many of these children find themselves without any form of education – some for significant periods of time. It must be said that this

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13   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p37

can also be the case even where some LAs are informed. In addition, the parents have lost the legal rights that would have been available to them – to challenge the loss of their child's place at the school – had they opted to go through the permanent exclusion procedure.

Parents are not required to register or seek approval from the LA to educate their children at home.[14] We understand that the only rights which the home LA has are in relation to safeguarding. The school must inform their own LA's education welfare service (EWS) that the child has been off rolled and the EWS should inform the child's home EWS. The EWS has to accept the parents' written request to home educate unless they are concerned about safeguarding issues. We are informed that 'this is rare and would at any rate involve social services rather than EWS'. Many children and young people ultimately end up on the home LA's 'hard to place' lists by virtue of the above mentioned practice. Their needs remain unaddressed and unmet in the meantime. As discussed below, this places pupils at risk and raises serious safeguarding concerns.

Permanent exclusion can be a legitimate sanction in certain cases. However, it is a very reactive and punitive process which can be extremely damaging for children and young people. It can be stigmatising for them and their school. Furthermore, it often fails to address the issues which have led to the child or young person's exclusion in the first place. Many are not encouraged to take any form of responsibility for their behaviour, which they will invariably need support to be able to do. The underlying causes of their behaviour remain unaddressed and their needs unmet. They leave their school with a sense of failure, blame and rejection. However, as demonstrated throughout this report, a wealth of preventative strategies exist which schools can and should focus on instead (as many already do) with a view to preventing permanent exclusions as far as possible (see, for example, the case study on Pimlico Academy and Huish Episcopi below). There are also other means by which schools can arrange for pupils to have a genuine fresh start elsewhere, taking a forward looking and positive approach. However, these should only be considered where best efforts have already been made to support them to stay at their current school.

## 3. Fixed-term exclusions

'Fixed-term external exclusions are an issue. They are often a badge of honour and disrupt the individual's education. The law says that parents must ensure their child is supervised, but I am not sure that this is enforced or enforceable. Fixed-term external exclusions are not an effective sanction.'

Heath Monk, Chief Executive, Future Leaders Charitable Trust, in evidence to the CSJ

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14    Department for Children, Schools and Families, *Elective Home Education Guidelines for Local Authorities*, Department for Children, Schools and Families, 2007 [accessed via: http://media.education.gov.uk/assets/files/pdf/e/guidelines%20for%20las%20on%20elective%20home%20education.pdf (24/08/11)]

In 2009/2010, pupils within the 12 to 15 age bracket accounted for the majority of all fixed-term exclusions – 78 per cent.[15] There was a total of 37,850 fixed-term exclusions of pupils from below the age of four up through to the age of 11. This included 660 fixed-term exclusions of children aged four and under.

Head teachers are required to have regard to the 2008 guidance when they make decisions on fixed-term exclusions:

*'Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards...Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, headteachers...should consider alternative strategies for addressing that behaviour'.*[16]

The average length of a fixed-term exclusion is 2.5 days in secondary schools, 2.1 days in primary schools and 2.2 days in special schools. However, as can be seen from the figure below, many last for longer than 'a day or two'.[17]

| Figure 6: Duration of fixed-term exclusions in primary, secondary and special schools[18] | | |
|---|---|---|
| Number of days | Number of fixed-term exclusions | Per cent |
| One | 127,140 | 38.37 |
| Two | 84,600 | 26.53 |
| Three | 54,290 | 16.38 |
| Four | 13,540 | 4.09 |
| Five | 41,780 | 12.61 |
| Six to ten | 6,810 | 2.05 |
| Over two weeks | 3,240 | 0.98 |

Regulations currently allow for pupils to be absent for no more than 45 school days in a school year.[19] However, it is argued that: 'Enduring harm to children's educational development can follow from as short a period out of school as two weeks'.[20] Thousands of children are

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15    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010;* the most likely age for both boys and girls to be fixed-term excluded from primary, secondary and special schools, is 13 and 14 (Years Nine and Ten), with pupils from these age groups accounting for approximately 45 per cent of all fixed-term exclusions. However, 12 and 15 year old pupils also account for around 33 per cent

16    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, p12

17    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*

18    Ibid

19    Education Act 2002, Section 52(1); Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002, SI 2002/3178, reg.3

20    Kelly D, *Education and Difficult Children,* in Young Minds Magazine, 29, 1997 cited in Abdelnoor A, A complete guide to managed moves as an alternative to permanent exclusion, London: Calouste Gulbenkian Foundation, 2007, p16

being excluded for such periods – whether by means of one-off or repeat exclusions. As can be seen from the figure below, fixed-term exclusions continue to be an overused strategy in some schools. It is acknowledged that they can be an effective sanction in some situations (i.e. 'a short, sharp shock'). However, they are widely considered to be ineffective in terms of addressing the underlying causes of challenging behaviour, or improving behaviour in the long term. Regardless of what the 2008 guidance suggests, there seems to be a lack of consideration of alternative strategies to address challenging behaviour on the part of some schools.

> 79 per cent of people we polled said that sending children home on a short term basis is ineffective as a way of addressing challenging behaviour.
>
> YouGov polling for the CSJ, April 2011

### Figure 7: Total number of fixed-term exclusions per pupil enrolment in primary, secondary and special schools[21]

| Number of fixed-term exclusions per pupil enrolment | Number of pupil enrolments | Per cent |
|---|---|---|
| One | 111,910 | 62 |
| Two | 33,350 | 19 |
| Three | 15,300 | 9 |
| Four | 7,950 | 4 |
| Five to ten | 10,530 | 6 |
| More than ten | 720 | 0 |

During the first five school days of a pupil's fixed-term exclusion:

- Schools must ensure that work is set and marked for their pupils, unless they are attending alternative provision during this period.[22] However, research reveals that such arrangements are 'often ad-hoc' and that 'some teachers are even unclear as to what the correct procedure should be'.[23]
- Parents must ensure that their child is not in a public place during normal school hours without reasonable justification. Failure to do so renders them liable to a penalty notice of £50.[24] However, again, this sanction appears to have little, if any effect.

21 Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2009/2010*; the Department for Education states that 'Pupils may be counted more than once if they were registered at more than one school or moved schools during the school year... The number of fixed [-term] exclusions per pupil enrolment expressed as a percentage of the total number of pupil enrolments'
22 Department for Children, *Schools and Families, Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p20
23 Barnardo's, *Not present and not correct: Understanding and preventing school exclusions*, Essex: Barnardo's, 2010, pp15 and 27
24 Ibid, pp21-22

From and including the sixth school day (although it may be earlier) of a fixed-term exclusion, schools are legally obliged to arrange suitable full-time education for pupils.[25] This is known as 'the six day rule'. Again, where a pupil has a SEN statement, suitable full-time provision must be consistent with the specifications of that statement.[26] Where the six day rule applies, the pupils' education should normally be provided off-site.[27] However, there is widespread concern that some children and young people are not being provided with the requisite suitable full-time education by their schools. In a study conducted by Ofsted, almost a third of the secondary schools visited by inspectors did not comply with their legal obligations in this regard.[28]

> 'It's a statutory duty. How on earth can we have some schools and LAs preaching about obeying the law, and they are not doing it? It's a scandal.'
>
> Sir Alan Steer, Government Education Adviser 2005-2010, in evidence to the CSJ

Given that pupils with SEN are amongst those who are disproportionately fixed-term excluded, we assume that their particular needs are unlikely to be met in a number of such cases.

In addition, head teachers are required under the 2008 guidance to plan how the time might be used to address a pupil's problems, where they are considering issuing a fixed-term exclusion of six days or more.[29] However, evidence submitted to our review demonstrates that this is not being adhered to by some head teachers. For example, the pupils simply return to school none the wiser in how to improve their behaviour.

If a head teacher decides to fixed-term exclude a pupil (legally), parents have the right to challenge the exclusion in a number of ways, as explained below.

## The rights of parents to challenge official fixed-term exclusions

**Exclusions of up to and including five school days:** the governing body is required to consider any written representations that parents may make against their child's exclusion. Although they do not have the power to reinstate the pupil, the governing body can make a finding that they agree or disagree with the exclusion. A copy of their decision can be placed on the pupil's record. If the parents request a meeting for the governing body to review their child's fixed-term exclusion, then it has the discretion to agree to their request. It is considered good practice to do so. The pupil (if under the age of 18) should be invited to participate in any meeting convened, including those held in respect of the below mentioned exclusions.[30]

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25   Education and Inspections Act 2006, Section 100; Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (SI 2007/1870), reg.3(1), (2), (3)

26   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, p20

27   Education and Inspections Act 2006, Section 100(3)

28   Ofsted, *Day six of exclusion: the extent and quality of provision for pupils,* London: Ofsted, 2009, p4; Ofsted states that 'The small sample size, however, means that generalisations should not be drawn from the findings'

29   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, p20

30   Ibid, p40

> **Exclusions of more than five and up to a maximum of 15 school days in one term:** the governing body is only required to convene a meeting if the parents make such a request. The rights of parents are the same as those in respect of a review meeting against a permanent exclusion. The options available to governors in terms of the decision they may reach are also the same. However, parents do not have the right to appeal against their decision to an IAP or, it therefore follows, for a judicial review.[31]
>
> **Exclusions of more than 15 school days in one term:** the governing body must review (whether or not a request is made by the parents) all such fixed-term exclusions.[32] The same comments made above in relation to parents' rights and the options available to the governing body with respect to the decision they may reach also apply here.[33]

While permanent exclusions declined between the academic years of 2003/2004 through to 2008/2009, fixed-term exclusions increased by 5.4 per cent.[34] However, the latest statistics released by the DfE for the academic year 2009/2010 reveal that fixed-term exclusions have fallen to their lowest since 2003/2004 – to 331,380. This constitutes a 3.8 per cent decline from 2008/2009.[35]

> 'Most kids like it.'
>
> 'There were ten to 11 of us in my area who weren't at school. We used to go for long bike rides.'
>
> 'I slept all day until my mates got home or went up to my nan's or played on Xbox.'
>
> 'I got bored and angry. Everything kicked off at home because I was around too much.'
>
> 'I did nothing...it was positive...I hated school.'
>
> 'I lay in bed and watched telly.'
>
> 'No-one sees it as a punishment...'
>
> 'I got bored. I didn't want to go home...'
>
> **Young people's views of fixed-term exclusion, in evidence to the CSJ**

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31 Ibid, pp41-44
32 Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, pp40-41
33 Ibid
34 Department for Education, *Statistical First Release: Permanent and fixed period exclusions from schools and exclusion appeals in England, 2009/2010,* London: Department for Education, 28 July 2011
35 Ibid

The number of official fixed-term exclusions is, it seems, declining. However, as with permanent exclusions, it is impossible to judge whether it is progress because it is impossible to measure the number of unofficial exclusions. Again, there are no statistics available. Some schools have been taking a more preventative approach towards their pupils in a genuine attempt to be more inclusive and to minimise the need to issue fixed-term exclusions. Some use internal exclusion successfully in the form of, for example, 'withdrawal rooms'. However, while this provision can be of a high standard in some schools, as explained below, it is poor in others. We understand that some schools are using inadequate internal provision as an alternative to external fixed-term exclusions (which should be recorded), and/or the more onerous requirements triggered by fixed-term exclusions of six days or more. Some are using repeat fixed-term exclusions as an alternative to official permanent exclusions.

It is recognised that fixed-term exclusions can have a positive impact on what some may call 'the greater good' in schools. However, one head teacher informed us that many schools will agree that fixed-term exclusions are not good for the individual. Many witnesses to our review supported the greater use of internal exclusion (of a high quality and which is appropriately structured and supervised) in schools instead of external fixed-term exclusions of less than six days. This is with a view to preventing pupils' education from being disrupted and taking away the 'badge of honour' that can often be associated with external fixed-term exclusions. It also provides an alternative to sending pupils home to negative circumstances which may exist, or to any threats and dangers in their local communities.

The possibility of sending pupils off-site to another school for fixed-term internal exclusions in their unit, particularly for more serious behavioural incidents, was also raised with the same principles in mind. One model currently proposed by the secondary schools in Sutton, is to set up a centre for pupils who are fixed-term excluded for less than six days, with capacity for up to 20 to 30 pupils, and for the secondary schools to share the commissioning of this service (see case study in Chapter Five).

### 3.1 Illegal exclusions

The fact that some schools unofficially (i.e. illegally) fixed-term exclude pupils is also well documented.[36] In these circumstances pupils remain absent from school for a variety of reasons following their school's instruction. However, their absence is not recorded as an official fixed-term exclusion and does not therefore affect the schools' targets.

> *"These unofficial exclusions are conducted under many different euphemisms – 'extended study leave' (while others are attending school for revision classes), 'cooling-off time', 'being sent home to calm down', 'reduced timetable'... but essentially these pupils are being dealt the same experience as those on fixed-term exclusion."*[37]

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36   See, for example, Department for Education, *Effective practice for local authorities and schools in managing and eliminating incidents of unofficial exclusion* [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076496/effective-practice-for-local-authorities-and-schools-in-managing-and-eliminating-incidents-of-unofficial-exclusion (12/08/11)]; Ofsted, Children missing from education, Manchester: Ofsted, 2010, and Barnardo's, *Not present and not correct: Understanding and preventing school exclusions*, Essex: Barnardo's, 2010

37   Barnardo's, *Not present and not correct: Understanding and preventing school exclusions*, Essex: Barnardo's, 2010, p17

This was repeatedly corroborated by witnesses to our review. Again, the practice appears to be common in some schools, despite the 2008 guidance clearly stating that:

*"Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers. Where a pupil is sent home for disciplinary reasons for part of a school day, some head teachers have regarded this as a 'cooling off' period, and have not taken action to exclude the pupil formally. There is no basis in law for this. The relevant regulations do not state a minimum length of exclusion. If pupils are sent home in response to breach of discipline, even for short periods of time, this must be formally recorded as an exclusion".*

As referred to above, some schools are not even complying with their obligation to ensure that work is set and marked for pupils in the case of formal fixed-term exclusions of five school days or less, or to provide pupils on fixed-term exclusions of six school days or more with the requisite suitable full-time education. This being the case, and in the absence of any requirement to do so, we assume that pupils on unofficial fixed-term exclusions are not being provided with any form of education.

## 4. Internal exclusion units

Most secondary schools now have internal exclusion units which are known as 'isolation' rooms, 'seclusion' units' or 'inclusion units.' In primary schools, provision for internal exclusion is more likely to be in a head teacher's room or other teaching space. Internal exclusion units are not subject to any regulation or statutory guidance. Only cursory reference is made regarding their use in the 2008 guidance:

*'The internal exclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal exclusion should be for the shortest time possible and should be subject to review...'.*[38]

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38   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, pp9-10

LSUs are regarded as a completely separate resource to internal exclusion provision. LSUs are intended to help pupils to improve their behaviour, attendance and attitude towards learning by means of short-term teaching and support programmes according to their individual needs.[39] The 2008 guidance makes an important distinction between the use of LSUs and internal exclusion provision: 'For those at risk [of exclusion], additional measures could include:...temporary placement in an in-school [LSU] as part of a planned positive programme for pupils'. However, the guidance emphasises in the context of alternatives to exclusion, that '[LSUs] should not be used to provide internal exclusion...'.[40]

Internal exclusion may be used for a range of different purposes. However, it is primarily intended to be used as a sanction for pupils who are removed from class for disciplinary reasons. It is regarded as an internal process. Given that the pupil is not sent off-site for behavioural reasons, it is not considered to be a legal exclusion, in which case the legislation on official exclusions and the 2008 guidance do not apply. There is currently no prescribed model for the use of internal exclusion.[41] The guidance produced on internal exclusion by the DCSF in 2009 (2009 guidance) offered 'advice and good practice that schools may find helpful'. However, it emphasised that 'there is no requirement for schools to follow this guidance, it should just be used as a guide as to what internal exclusion should look like'.[42]

Some schools appear to be taking a very different approach to that recommended under the 2008 and 2009 guidance. One witness informed us that: 'In some primary schools, if a child is deemed unruly or problematic, they can be found filing in the school office so as to avoid excluding them and sullying their track record'. Yet this approach fails, amongst other things, to address the cause of the child's behaviour, or to support and equip the child from a young age to take steps to improve it.

> "If you know one of your kids is in seclusion, you are meant to take work down for them but sometimes you don't have time. I don't really know what they do in the seclusion unit...It depends how proactive you are as a teacher...It's a bit like 'out of sight, out of mind'."
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> Teacher, in evidence to the CSJ

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39  Department for Children, Schools and Families, *Internal Exclusion Guidance,* Nottingham: Department for Children, Schools and Families, 2009, p1 and p3
40  Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, pp8 and 10
41  Department for Children, Schools and Families, *Internal Exclusion Guidance,* Nottingham: Department for Children, Schools and Families, 2009, p1
42  Ibid

'These rooms...are often supervised by either chronically under-qualified teaching assistants, or teachers who are known to be ineffective or bad teachers, or staff who are waiting to retire... They can be shockingly unstructured, lesson plans are not transferred, and the children are just expected to complete whatever worksheets they may have been given from the class they were asked to leave.  One example of this method in action is the 'rules' room, which pupils from one school get sent to for minor disruptions, often due to being a pupil with SEN or because they are unable to speak English proficiently – for one or two hours to cool down.  If that fails to 'calm' them down, they are sent to the 'seclusion' room which is another level of inadequate provision that 'hides' troublesome kids. These provisions are strategies that are aimed at reducing the number of exclusions reported by schools as the amount of official fixed-term exclusions can have a direct impact on a schools funding. Even though reducing exclusions is important for pupils, families and schools, it should be done through increasing the breadth and quality of the educational provision, not by grouping the most vulnerable, unwanted kids with the most inept staff in the worst area of the school.'

Anonymous, in evidence to the CSJ

Where a designated area for internal exclusion does exist within schools, there can be considerable variation in its quality.  For example, pupils can be supervised by staff who have no or little experience in relation to their complex behavioural difficulties. Many of these children and young people are vulnerable, and likely to have behavioural, emotional and social difficulties (BESD), and in some cases may also or otherwise have mental health difficulties. In some schools internal exclusion units appear to operate more like holding bays. Their main purpose, it seems, is to contain pupils with challenging behaviour, without any effort being made to help them to understand and improve it.  Some are alone all day with the supervisor and are required to eat lunch in segregation.  We are even informed that some pupils are sent to their school's exclusion unit during Ofsted inspections.

Where a pupil may be struggling in class, for example, as a result of poor literacy, dyslexia, or emotional difficulties, they should be provided with skilled and tailored support during any time spent in internal exclusion. They should not just be expected to carry on with whatever

worksheets they were given from the class they were sent out from. As discussed in Chapter Three, pupils may behave disruptively to mask the fact that they are struggling with, for example, literacy. Such approaches will surely do nothing in the longer term to address the underlying causes of their challenging behaviour. They must simply return to their class with the same difficulties they were sent out with.

'It was boring. I didn't get any help.' (Young person with dyslexia and without a SEN statement)

'...We were meant to do work. We could have a five minute break. There were up to 30 pupils in it, with three members of staff.'

'It's boring. You have to work in silence and in isolation. There were no breaks and we had to go off-site for lunch.'

Young people's experience of internal exclusion, in evidence to the CSJ

However, some schools are focussing more of their resources on internal 'inclusion' provision, for example, on inclusion units and yet more ambitiously on inclusion centres – which can include learning support provision (although the distinction is kept separate). They are staffing this provision with appropriately qualified teachers and specialists who have the passion and skills to support the pupils who need it. This is with a view to providing their pupils with the most effective intervention and support possible, and to minimise the potential risk of future fixed-term and/or permanent exclusions. As Emma Bradshaw, the head teacher of a PRU, told us: 'Some schools focus more resources at their internal systems (for example, inclusion units) than others... There are very clear causal links between the amount of support put in and pastoral systems...to try to get behind the behaviour...and exclusions'.

'I do it because the driver for me is the moral purpose. Other Heads don't do it because why should they?'

Head teacher, in evidence to the CSJ

One of the most outstanding examples of internal inclusion that we are aware of is the inclusion centre at Pimlico Academy (see case study below). Another exemplar of good practice, in a rural context, is the inclusion centre at Huish Episcopi Academy in Langport,

Somerset. Various witnesses emphasised that it is a question of schools prioritising their resources or, where schools have more limited resources and restricted budgets than others, a question of thinking creatively and working in partnership with other similarly challenged schools. Some schools may wish to share their inclusion provision with other educational settings across the LA in any event, in the spirit of collaboration and efforts to ensure that all children and young people's needs are met across their educational community (as discussed in Chapter Five).

However, inclusion is not simply about schools. Voluntary and community sector organisations can also play a vital role in helping schools to enhance the quality of their inclusion provision, and as part of a multi-agency approach.

## Case Study: Pimlico Academy

Pimlico Academy is an all-ability school for 11 to 19 year olds, which opened in September 2008. Ofsted's report, following the Academy's inspection in December 2010, states that the Academy: '...is outstanding as the Principal's outstanding vision and leadership of his staff has ensured a true equality and high quality of educational opportunities for all students to excel'.

The majority of the Academy's 1,268 pupils live in wards which are amongst the most disadvantaged in the country. A third of the Academy's pupils receive FSM and a similar proportion has some form of special educational need – above the national average. Fifteen per cent of pupils are from refugee and asylum seeker backgrounds; and over half of pupils do not speak English as their first language.

The ethos of the Academy is one of equality, aspiration and hard-work, where all students are expected, encouraged and supported to achieve their very best. This is founded on a core belief that everyone, no matter what their background or personal circumstances, can and is expected to be able to achieve to the highest of their ability. There is a 'no excuses' culture.

One of the fundamental ways in which the Academy supports its pupils to achieve their full potential is through its inclusion centre. Approximately 60 per cent of pupils draw on some type of support that is offered by it. However, importance is also placed on carefully managing the understanding and expectations of pupils in this respect, as explained by the Principal:

*'Our policy has been very clear that we are going to work on the therapeutic aspect, and get to the bottom of reasons why some students malfunction at school in some way. But we are also very clear with students that we will draw a line at some stage and won't go on indefinitely'.*

The model below illustrates the huge range of support that is available, as well as the investment required in terms of full-time employees to deliver a successful inclusion strategty.

## Figure 8: Organogram of inclusion at Pimlico Academy

**Therapies Team**
**(partly funded by Westminster)**

*Main purpose of the team:* to assess mental health of students with significant BESD, to provide higher level therapeutic services to these students, to provide an expert consultation service to staff in the school.

2 x Psychotherapists (0.6 FTE)
1 x Trainee Counsellor (0.1 FTE)
3 x Assistant Psychotherapists (0.2 FTE)
1 x Art Therapist (0.2 FTE)
1 x Drama Therapist (0.2 FTE)
Family Therapist (0.2 FTE)
Hunderford Drug Worker (0.1 FTE)
School Nurse (0.2 FTE)

**Assistant Principal**
**(in charge of Inclusion) and**
**Educational Psychologist**

*Key role responsibilities:* strategic leadership of Inclusion; to champion the development of skills and knowledge across the school in all areas of Inclusion; leading a whole school SEAL approach; to manage and deliver therapies; and the assessment of students with complex needs.

**SEAL working party**

*Main purpose of the team:* to develop awareness of the Social and Emotional Aspects of learning among teachers and students in the school. To work in partnership with the whole school community in developing an emotionally aware and resilient staff and student body.

**Academy Intervention Group (AIG)**

Weekly meeting run with the pastoral team

**Inclusion Admin**

*Main purpose of the post:* to support the administrative functions of the Inclusion services

**SENCO**
**(Head of Learning Support Department)**

*Key role responsibilities:* to ensure that the needs of students with barriers to learning are met within the mainstream setting. Co-ordinating SEN interventions; championing differentiation across the school. Applying for statements, running annual reviews.

**Deputy Senco:**
with specialism in ADHD and ASD

**English as an Additional Language (EAL)**

*Main purpose of the team:* to support the language acquisition of students with EAL, and support these students in accessing the curriculum.

Learning Manager (teacher with specialism in EAL) FTE
*2.4 x Teachers (0.4 FTE)*
1 x Teaching Assistant (0.4 FTE) (position not filled)

**Student Development Centre (SDC)**

*Main purpose of the team:* to meet the needs of students with social and emotional difficulties; to provide expertise in developing EQ, to link with external respite facilities.

0.4 FTE x Teacher (specialist in BESD)
0.5 FTE intervention tutor (with specialist training in psychology)
0.5 FTE Scale 3 TTO Teaching Assistant (BESD specialist)

**Language and Communication Centre (LCC)**

*Main purpose of the team:* to meet the needs of students with social and emotional difficulties; to provide expertise in developing EQ, to link with external respite facilities.

0.4 FTE x Teacher (specialist in BESD)
0.5 FTE intervention tutor (with specialist training in psychology)
0.5 FTE Scale 3 TTO Teaching Assistant (BESD specialist)

**Assessment and Alternative Curriculum Centre (AACC)**

*Main purpose of the team:* to co-ordinate and conduct testing in: exam arrangements, reading, writing, numeracy, and CATS tests. To develop and deliver alternative curriculum including ASDAN and ALAN.

1 x Teacher (specialist in ASDAN and ALAN)
0.5 FTE Intervention Tutor (with interest in assessment)

**Bridge Groups**

*Main purpose of the team:* to support the learning of the most vulnerable (in particular with SEN) students in Year Seven, to bridge the gap in their independent learning skills.

1 x Teacher
1.5 FTE Teaching Assistants

**Individual Needs Team**

*Main purpose of the team:* to meet the needs of students with complex and persistent difficulties on an individual basis; to act as key workers for these identified students.

2 x Intervention Tutors
0.5 TA

**Curriculum TA Team**

*Main purpose of the team:* To work in partnership with subject teachers to ensure differentiation of materials and approaches. To meet the needs of all students with barriers to learning in the classroom setting.

2 x TA's (0.5)
2 x TA's in English 0.5
1 x TA in Science
1 x TA in Humanities
0.5 TA in Citizenship
0.5 x TA in MFL
0.3 x TA in Art
0.5 TA Drama and Music
Team has expertise in mediation.

**Numeracy Intervention Team**

*Main purpose of the team:* to meet the needs of students with numeracy difficulties; to organise and deliver numeracy and dyscalculia intervention groups

1 x Intervention Tutor (specialist in Numeracy and Dyscalculia)

**Literacy Team**

*Main purpose of the team:* to drive literacy across the school, to meet the needs of students with literacy difficulties; to organise and deliver dyslexia intervention groups and literacy withdrawal groups.

1 x Teacher (specialist in Dyslexia and SPLD)
2 x Scale 3 TTO Teaching Assistants (Ruth Miskin and literacy specialists)

'I don't get money for the inclusion centre. It is manned by five members of staff and costs approximately £300,000 per year to run. I could just say I won't do it, and have £300,000 for something else...But it's about our priorities as a school. The smaller your school, the more inflexible your budget...Where do I find the money for the inclusion centre? I prioritise support for our young people over other things but it's a good investment in the long term. Both in terms of individuals and outcomes for whole cohorts. We also continually review finances to make efficiency savings, for example, by not outsourcing catering and cleaning staff.'

Head teacher, secondary school, in evidence to the CSJ

## Case Study: Huish Episcopi Academy, Langport, Somerset

Huish Episcopi Academy (the Academy) is a mixed school for 11 to 18 year olds and has a specialist status in science, languages and applied learning. The Academy serves a mainly rural community. Its approximate 1,275 students are from diverse socio-economic backgrounds in an area which spans more than 200 square miles. Around half of the students live in villages and small towns.[43]

### Pastoral Support
The Academy provides a high degree of pastoral care for its students. This begins in Year Six with the transition work which is undertaken by the Head of Year Seven in all of the Academy's primary feeder schools. As pupils continue their education at the Academy, the heads of year and form tutors then build on links between the school and home. The Academy has a team of five heads of year who support form tutors and liaise with a range of outside agencies to ensure students are continually supported. Each Head of Year is supported in their pastoral work by a member of the Senior Leadership Team.

The Academy also has an inclusion centre which is situated in converted church rooms a short walk away from the main school site. It is open from 8.30am until 3.30pm. The support given to students in the inclusion centre focuses on addressing aspects of emotional literacy, attendance and subject specific difficulties. It also provides specific curriculum support at KS4. The inclusion centre is also used as a teaching base for the school's Foundation Learning Programme and the ASDAN CoPE award. Some of the pupils come down to the inclusion centre in their breaks and at lunchtime. Some have lunch there together: 'it's where they feel safe'.

*'Care, guidance and support are outstanding. The school has established a very well run inclusion centre which is helping vulnerable students cope more effectively with factors affecting their behaviour, attendance and progress. Very high levels of monitoring ensure that teachers, teaching assistants, carers and outside agencies work together constructively to keep these students in full time education. Heads of year track students' progress carefully, identify any underachieving students and check whether catch-up arrangements work.'* [44]

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43    Ofsted, *Inspection Report: Huish Episcopi School, 28 February – 1 March 2007*, Ofsted, 2007 [accessed via: http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/123868 (24/08/11)]
44    Ibid

The Assistant Principal and Head of Behaviour told us:

*'The centre...has prevented a number of potential fixed-term and permanent exclusions because it provides a safety net and an opportunity to work one-to-one and in small groups with pupils'.*

The Centre's manager added:

*'We are very privileged in the centre because we have the time to talk to the pupils and to try to understand. We don't do sympathy here, we do empathy...Most of the pupils don't want to be excluded but they need support...'.*

**REACH (Reassuring Easy and Confidential Help) Health Clinic**
The Academy also provides pupils with extended self referral support services through its innovative 'drop in' health clinic, which is held every Wednesday afternoon in the Academy's Student Learning and Guidance Centre. It offers a wide range of advice, information and support – including counselling (by the school counsellor), medical advice (by the school health advisor, employed by the local Primary Care Trust), and personal advice (by the school's personal advisor, employed by the Local Services Team). This service is available to students in all year groups. The clinic also provides career advice (by Connexions South West) as a standalone provision at KS4. Students can self refer or be put forward by form tutors or heads of year for an interview with Connexions.

# 5. Referrals

'We...asked the LA coordinators what proportion of the students who had been referred to alternative provision would have otherwise been permanently excluded...it appears that as a very rough average, around 20-30 per cent of students referred to alternative provision would have otherwise been permanently excluded. Almost all of the LA coordinators agreed that referrals were replacing permanent exclusions to an extent.'[45]

Under the referral process, a pupil remains on the roll of their school but is educated at another educational setting, for example, a PRU, F/E college or independent project. The power to direct referrals lies with governing bodies of mainstream schools, who:

- ■ 'May require registered pupils to attend at any place outside the school premises for the purposes of receiving any instruction or training included in the secular curriculum for the school' (the section 29(3) power); or
- ■ 'May require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision which is intended to improve the behaviour of the pupil' (the section 29(A) power).[46, 47]

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45   Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, November 2010, p15
46   Education Act 2002, Section 29(3)
47   Education Act 2002, Section 29(A), as inserted by Section 154 of the Education and Skills Act 2008

The section 29(3) power is not therefore intended to be used as a means of directing pupils off-site to improve their behaviour. That is the intention of the section 29(A) power.

## 5.1 Section 29(3) power

Head teachers, exercising powers delegated by the schools' governing body, can arrange for pupils to be educated elsewhere without parental consent, although they are required to notify parents.[48] However, the 2008 guidance states that this arrangement:

*'should not be continued for longer than is absolutely necessary...the school must ensure that the pupil's full-time education continues while off site. Any such arrangements do not amount to an exclusion from school on disciplinary grounds and should be kept under periodic review involving the parents'.*[49]

The guidance also makes it clear that section 29(3) power referrals can be used for those at risk of exclusion but are not intended to be used as an alternative to permanent exclusion:

'Where there is sufficient evidence to enable a head teacher...to consider exercise of the power to exclude, we would expect him or her to consider exercising that power, rather than the power in section 29(3)...It is important that, in the exceptional circumstances where the section 29(3) power...is used, the head teacher's... actions and arrangements are documented to remove any possibility of this being construed as an illegal exclusion...The more time that passes the more likely it is that the exclusion will be regarded as an improper exercise of the power'.[50, 51]

## 5.2 Section 29(A) power

Regulations were introduced in September 2010 which allow governing bodies to direct pupils to attend off-site provision until the end of the school year in which it is imposed. The regulations also contain notification requirements, provision for review meetings every 30 days for as long as the referral remains in effect, and provision for who must attend such review meetings and communication of their outcome. In addition, the regulations create an obligation for governing bodies to have regard to guidance from the Secretary of State when exercising its powers under the Section 29(A) power or under the regulations.[52] Consultation has been carried out on draft guidance relating to the Section 29(A) power. A revised and shorter version was expected to be published in Spring 2011. However, we have received confirmation from the DfE that no such guidance has yet been published. This leaves scope for confusion because schools are provided with a significant power for which there is no guidance and although perhaps it is implicit that the Section 29(A) power should be used for pupils at risk of, but not as an alternative to, exclusion, the absence of any guidance leaves this unclear.

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48   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units,* Nottingham: Department for Children, Schools and Families, September 2008, p17

49   Ibid

50   Unfortunately the 2008 guidance contradicts itself as to the purpose for which the Section 29(3) power should be used. Paragraph 33 states that it 'should not be used to direct pupils off-site for educational provision/training to improve their behaviour'. However, earlier in the same guidance at paragraph 5, it expressly refers to the Section 29(3) power as a means of placing pupils in alternative educational provision intended to improve their behaviour

51   Ibid

52   The Education (Educational Provision for Improving Behaviour) Regulations 2010

Some schools commit considerable thought and careful planning to their use of referrals, ensuring that their pupils benefit from a tailored, supportive and high quality offer. However, some do not. We are informed that some schools are using the power to refer in order to avoid permanent exclusions going against their targets, contrary to the 2008 guidance (which clearly applies expressly to the Section 29(3) power and also by implication to the Section 29(A) power). Instead of sending pupils who will genuinely benefit from, for example, vocational programmes, some schools are sending their pupils with the most challenging behaviour. They are also sending them to programmes (run by alternative providers) that are not properly resourced or staffed by people qualified to address challenging behaviour. This is discussed in more detail below.

'I set up a full-time vocational programme...One head promised me that he would not send his most difficult students but would send really good ones who would particularly benefit from the programme. But when they arrived they were an extremely challenging cohort. One had to be excluded from the programme for fighting. He was a very aggressive student indeed. The Head was totally resistant to this because it would affect his exclusion target. He refused to accept it and shuttled the boy off somewhere else. That was the clearest indication I have had that, in order not to have those students down as exclusions, they were down as doing alternative provision.'

Anonymous, in evidence to the CSJ

## 6. Part-time timetables

Schools must be open to pupils for 190 days each academic year, or 380 half day sessions.[53] Under current minimum recommendations, a full-time education constitutes 21 to 25 hours per week, depending on a pupil's age.[54] However, as Professor Carl Parsons informed us: '...I know all over the place they provide less'.

Technically, schools can authorise pupils to be absent for sessions by means of a part-time timetable. This is permitted in the case of reintegration packages (i.e. longer term planning for a pupil's return to education following exclusion), or as part of a flexi-schooling agreement, or in the case of illness.[55] We understand that the use of part-time timetables is subject to very little regulation or statutory guidance. In terms of what does exist, Ofsted found that:

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53    Education (School Day and School Year) Regulations 1999
54    Department for Education and Skills, *Circular 7/90: Management of the School Day* [accessed via: http://www.education.gov.uk/schools/adminandfinance/schooladmin/schoolyear/a0064221/length-of-school-dayyear (14/06/11)]
55    Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations,* paragraph 81, issued in June 2008

*'Schools are unclear about the guidance provided by the LEAs [Local Education Authorities] regarding part-time attendance. Most depend on advice from their EWO [Education Welfare Officer]. In the few cases where written guidance is available, not all schools, or all staff in schools, are aware of this'.*[56]

The Guidance on The Education (Pupil Registration) (England) Regulations 2006 makes it clear that part-time timetables should not be treated as a long-term solution:

*'Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time and be agreed by/with the pupil's parents/carers'.*[57]

The guidance note issued by the DCSF in 2009 on the use of codes to record pupil attendance and absence in schools (2009 guidance), states that:

*'Whilst part-time timetables are a useful technique to help pupils adapt or re-adapt to the school setting, they have the effect of reducing the sessions on offer to those pupils to under the minimum 380 sessions. Such timetables should be a short term measure'.*[58]

There appears to be no requirement for schools to report the use and details of part-time timetables in a transparent manner. They are simply required to record them as 'Registration Code B' or 'Registration Code C'. We made enquiries to the DfE and were informed that if a pupil is on a part-time timetable but is taking part in an approved education activity then they are recorded under Code B. In addition, if some pupils are receiving a few hours of learning at their mainstream school and can still gain 100 per cent attendance then we are informed this is likely because they are taking part in an approved educational activity. The existence of part-time timetables becomes lost in the description of 'Educated off site (Not dual registration) and 'Approved Educational Activity'. Code B also states that 'Schools should not use this code if a pupil has an agreed part-time timetable as part of reintegration or transition. The school are [sic] authorising the absence for the sessions that the pupil is not required to be in school and the pupil should be recorded as Code C for those sessions...'. [59]

'Full attendance for a part-time timetable can be shown if the programme has been agreed by the EWO and signed off by the parent/carer.'

Head teacher, in evidence to the CSJ

The DfE informed us that if a pupil is on a part-time timetable and they are not attending approved educational activity then this should be recorded under Code C. Again, the existence

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56 Ofsted, *Out of School; A survey of the educational support and provision for pupils not in school,* December 2004, p30

57 Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations,* paragraph 81,issued in June 2008

58 Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities:* January 2009, pp6-7 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]

59 Ibid, p8

of part-time timetables becomes lost in the description of 'Other authorised circumstances' and of 'Authorised Absence'. Part-time timetables will be included under Code C amongst other reasons for absence. As such, the DfE does not know what proportion of the figure collected for a school's census part-time timetables account for.

We note the DCSF's definition of 'Special occasions at the discretion of the school'. However, as demonstrated below, the context in which some part-time timetables are being used certainly does not correspond with this definition. In addition, based on our evidence, there appears to be confusion amongst some head teachers, as to whether a pupil on a reduced (or even significantly reduced) educational timetable would appear in the statistics as absent.

'There are schools where that happens, and I think they are increasing numbers. There are two reasons for this. The first is that it is an easy option. They are effectively removing the issue from school and not having to use any school based resource, the rest of the students are getting on ok, and it is a headache out of the way. The second reason is that it is an issue which is not driven by a school policy, it is an issue which is driven by the implementation and interpretation of a national policy. We are expected to hit targets and do well – everything is measured in terms of attendance and attainment targets. If a pupil takes three weeks off school, you take a hit on the attendance data, but if you say they are receiving alternative provision, you'll put alternative provision in the register and the student gets a mark. Everything is set up to force schools to work in this way. Unless you have someone with a high bar on the moral scale, they will use the flexibility that national policy allows. They are not doing it as an abusive head or someone who wants to be divisive and malicious; they will do it as it is the easiest way of solving the problem...As a Head, what you'll do as a default position is let the pressures release at the point which causes the staff and school least stress. The point at which it causes you less stress is if the pupil is not in school and is out of the way.'

Head teacher, secondary school, in evidence to the CSJ

Ofsted's 2004 report found that 'Schools are not requested by LEAs to send routine returns on the number of pupils attending part-time. In only one LEA do all schools consider that the LEA monitors this practice at an adequate level. The limited monitoring by both schools and LEAs creates the potential for significant numbers of pupils to be accessing minimal education

and training opportunities and to be out of school for a large proportion of the school week, without the knowledge of the LEA'.[60] The apparent resulting lack of transparency in the absence statistics makes it extremely difficult either for governors, LAs, Ofsted or the DfE to assess the extent to which part-time timetables are being used.

'Part-time timetables are ineffective and a cop-out. They pander to the idea that a child cannot manage a full day in school and reinforce this idea in the child's and teachers' heads. In my experience they are rarely effective and once started it is very hard to re-engage the child on a full-time basis…I do not think there should be anything called a part-time timetable. Why should the child only be educated on a part-time basis? If there is a shared timetable with an alternative provider, it should be called a 'co-curriculum' to emphasise its holistic nature and the school must be accountable for its effectiveness (i.e. for the pupil's attendance and achievement).'

Head teacher, secondary school, in evidence to the CSJ

From the evidence submitted to our review, it is clear that some schools are not using part-time timetables as a short-term measure, they have no intention of some pupils reintegrating and are using this system instead for pupils who are at risk of exclusion. and as an alternative to permanent exclusion. In these circumstances, some pupils are receiving minimal education.[61]

In other cases, schools' actions in placing pupils on part-time timetables appear to be well intentioned and based on pragmatism. A number of witnesses emphasised that some children and young people are just 'not available' to take up learning in the traditional sense, for the requisite number of hours each week due, for example, to being too traumatised by experiences within their home and/or local environment. Some schools approach these cases by putting together an holistic package of education and support for their pupils. This can involve them attending their school for a certain number of days or part days each week, as well as external agencies for anger management and mentoring, and perhaps vocational learning in another setting for the remainder of the school week. Such schools also have systems in place to closely monitor their pupils' attendance and behaviour across the whole timetable. However, one head teacher told our review that the use of part-time timetables was wrong and ineffective.

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60    Ofsted, *Out of School; A survey of the educational support and provision for pupils not in school,* December 2004, p30 – LEA inspections were carried out in 21 authorities. Of these, ten agreed to participate in a detailed survey of the education of pupils out of school, including a scrutiny of support for behaviour and attendance
61    This is contrary to the The Education (Pupil Registration) (England) Regulations 2006 and 2008 guidance

> 'A lot of our kids are on short timetables. You would know by which school they go to whether you can trust that or not.'
>
> Charity working with primary school pupils, in evidence to the CSJ

In the view of one former LA Head of Social Inclusion:

> 'The bottom line is that when children and young people have terrible home lives, if the provision you put in place for them is right, their attendance will be good – because they would rather be there than at home.'

## 7. Managed moves

Under this process, mainstream schools can, with the consent of all parties, transfer pupils from their roll on to the roll of another educational setting. The 'move' is normally to another mainstream school, but it can be to a PRU or another alternative provider. Presumably because of the requirement of consent by all parties there is no specific statutory power to do this, but the practice is referred to in the 2008 guidance:

> 'For those at risk [of exclusion], additional measures could include:...a managed move to another school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion'.[62]

The guidance then makes brief reference to the use of managed moves, suggesting that they be made to another school to enable pupils to have a fresh start in a new school, and stating that:

> 'The head teacher may ask another head teacher to admit the pupil. This should only be done with the full knowledge and co-operation of all the parties involved, including the parents, governors and the LA, and in circumstances where it is in the best interests of the pupil concerned. In order to fully address the pupil's difficulties it may be helpful for schools within an area to have a protocol in place for the pupil. Parents should never be pressured into removing their child from the school under threat of a permanent exclusion...'.[63]

Two methods exist by which pupils may be removed from a school's roll: permanent exclusion on a mandatory basis, and managed moves on a 'voluntary' basis. While the former is highly regulated and accompanied by comprehensive government guidance (albeit both contravened by some schools), the latter is subject to no regulation at all and barely any statutory guidance. The only comprehensive guidance on managed moves which we are

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62    Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p8

63    Ibid, p10

aware of is that produced by Dr Adam Abdelnoor.[64] This guidance covers timing managed moves when there are chronic problems (i.e. repeated incidents) and when a critical event has occurred (e.g. a pupil brings a knife into school and threatens a teacher).

It seems that the managed move process is being abused by some head teachers. Concern also exists over the quality of practice being applied, which appears to vary considerably. This is resulting in inconsistency, unfairness and an understandable degree of scepticism by some towards the process itself. We are informed, and other research reveals that some head teachers engineer managed moves with carefully chosen words and implicit threats to permanently exclude pupils contrary to the 2008 guidance.[65] In this context they are seen by some as a creative and 'increasingly popular' way for unscrupulous head teachers to avoid permanent exclusions and to 'massage their figures'. Zenna Atkins, CEO of Wey Education and former Chairman of Ofsted, informed us:

> '...If the exclusion rate is too high, Ofsted and the LA will be alerted and the school will have serious black marks against its record and incur financial penalties. However, if the school undertakes a managed move there is no consequence for it. If you are quick and clever about it, there's never a black mark against the school's name. Permanent exclusions from schools are scrutinised by LAs, Ofsted and the DfE. To avoid this level of scrutiny schools can orchestrate managed moves. These reflect far better and are far less transparent, making them an attractive option for schools'.

Concern has also been expressed that children can end up in very unpopular, failing schools because only they are likely to have the space. In addition, a witness from a charity working with primary school pupils informed us that many people who she deals with in the teaching profession feel that managed moves 'are a way for one school to off-load pupils they do not want onto schools 'who can be bothered to cope with them'. She added 'I know this is the case in some areas and this is a problem. It is often used by LAs, as an excuse, not to do it'. Another problem is that if managed moves are not properly conducted, and insufficient support is provided for the pupil at their receiving school, they can subsequently be excluded fairly soon thereafter. This is even more unsettling for them and is likely to compound their sense of rejection and failure.

'Our academies and secondary schools work in partnership in the main. However, quite a lot of managed moves go on that we don't know about. We have resisted brokering managed moves because the pupils tend to end up in a PRU and there they remain.'

Jane Bailey, Assistant Director, Children's Services, in evidence to the CSJ

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64  Abdelnoor A, *Managed Moves: A complete guide to managed moves as an alternative to permanent exclusion*, London: Calouste Gulbenkian Foundation, 2007
65  See, for example, Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, November 2010, pp15-16 and Policy Exchange, *Best Behaviour: School discipline, intervention and exclusion*, London: Policy Exchange, 2011, p39

We are informed that some schools are not being transparent over their use of managed moves, and that some are not working in partnership with the LA.

Managed moves can sometimes be viewed by staff, pupils and parents as a 'soft option', in that children and young people are not made accountable for their actions during the process. However, as argued by Dr Abdelnoor, when a managed move process is conducted effectively: 'the restorative approach allows schools to request reparation and atonement by the pupil, providing a good example for others'.[66] Such restorative approaches are discussed in further detail in Chapter Three.

Notwithstanding these concerns, managed moves were considered to be a positive model by the vast majority of witnesses to our review – where properly conducted. This requires the process to be genuinely voluntary, fair, transparent and supportive, with the pupil's best interests in mind, and with a view to providing them with a fresh start, without the stigma attached to a permanent exclusion. Some head teachers are taking a morally responsible approach to managed moves, having tried everything possible to meet the needs of the child at their own school.

> 'Managed moves can be incredibly positive...They give children the chance to re-invent themselves in a new environment and for the receiving school to do early interventions that perhaps they didn't get at their previous school...'
>
> Heath Monk, Chief Executive, Future Leaders Charitable Trust, in evidence to the CSJ

It appears that managed moves are being arranged through a number of different structures. Some schools work in partnership – some with the LA, others exclusive of the LA. Some schools operate reciprocal arrangements. Examples given to us in evidence included a 'Securing Education Board' in Islington which focuses on hard to place children, a 'Vulnerable Pupils Panel' in Sutton which focuses on pupils who are at risk of exclusion from secondary schools, and a voluntary partnership of secondary head teachers (including a number of academies) in Westminster, which predominantly focuses on avoiding exclusions and improving behaviour. These are discussed in further detail in Chapter Five. Some PRUs are playing an important role in partnership with mainstream schools, by brokering managed moves on their behalf. Where they are given sufficient notice, they are also putting support in place to help settle pupils in to their new school.

We recognise that that there are particular challenges for rural schools with respect to managed moves, where schools may be a considerable distance away from each other. This illustrates, however, the importance of schools focussing their resources on inclusion support with a view to minimising the need to use managed moves – for example, Huish Academy (see case study above).

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66    Abdelnoor A, *Managed Moves: A complete guide to managed moves as an alternative to permanent exclusion*, London: Calouste Gulbenkian Foundation, 2007, p23

# 8. Dual registration

Pupils can be dual registered at two schools – that is retained on the roll of their mainstream school (main-dual registration), while attending another school (subsidiary-dual registration).[67] Pupils can be dual registered with PRUs, special schools or alternative providers that are registered as independent schools.

'If a child is dual registered with a PRU it is unlikely to be classified as exclusion from the mainstream school. The pupil is told they will be assessed regularly as to their suitability to return to the school. However, the reality of what is going on on the ground is exclusion. The pupil may well see out their education in the PRU.'

Zenna Atkins, CEO of Wey Education and former Chairman of Ofsted, in evidence to the CSJ

Guidance issued in 2008 provides for the possibility of dual registration. It is described as rare but mainly for pupils who are attending a PRU or a special school on a temporary basis.[68] No reference is made to an intention for this process to be used in the context of pupils who are at risk of exclusion or as an alternative to exclusion. It also emphasises the importance of attendance information being shared between both establishments at which a pupil is registered. Both must be a party to an agreement which should contain specific details.[69] The 2009 guidance states that:

> "Schools should ensure that they have in place arrangements whereby the school where the pupil is scheduled to be can notify the 'other' school of any absences by individual pupils so that both schools can record the pupil absence using the relevant absence code. For safeguarding and educational reasons, one of the schools must follow up all unexplained and unexpected absence in a timely manner, such as through 'First Day Calling' procedures'".[70]

Pupils attending alternative provision that is not established as a school – for example, a F/E college, or alternative providers that are not registered as independent schools – are not regarded as dual registered. However, many of the principles are the same, particularly in respect of monitoring a pupil's attendance.[71] The 2009 guidance states that:

> 'For educational and safeguarding reasons, schools should ensure that they have in place arrangements whereby the provider of the alternative activity provided 'off site' can notify

67  Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities*: January 2009, pp6-7 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]

68  Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations*, paragraph 98, issued in June 2008

69  Ibid, paragraph 99

70  Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities: January 2009*, p10 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]

71  Department for Education and Skills, *Keeping Pupil Registers – Guidance on applying the Education Pupil Registration Regulations*, paragraph 98, issued in June 2008

*the school of any absences by individual pupils so that the school can record the pupil absence using the relevant absence code'.*[72]

However, we have received evidence that any such agreements or procedures can be severely neglected by some schools, PRUs and other alternative providers. The attendance of some pupils is not being monitored and in some cases their absence is not being followed up on as required. This is discussed in more detail in Chapter Five. In addition, far from the use of dual registrations being rare, one head teacher informed us that 'lots' of pupils in his LA are dual registered with the PRU, at both primary and secondary phases.

Dual registration can be used for a variety of reasons, but we understand that it is commonly used in the case of pupils who are at risk of permanent exclusion. These pupils are often dual registered at a PRU which they attend on 'respite' – for example, for a period of six to nine weeks, although the timeframe appears to vary considerably. There is certainly a genuine intention on the part of some schools to reintegrate their pupils, and careful consideration and planning is given by them and the receiving PRU to their placements. However, we are informed that this is far from always the case. There is an issue, for example, over some pupils being dual registered and effectively 'dumped' in PRUs just before their GCSEs. Some can even be dual registered for significant periods of time.

Head teachers are required by law to have regard to the 2008 guidance when making decisions on exclusions and administering the exclusion procedure. The guidance states that: '...whilst [it] does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it'.[73] It seems to us that not only should the 2008 guidance be revisited to address the practices highlighted above, but that those involved in taking decisions – not only on exclusions and administering the exclusion procedure but also on referrals (i.e. any authorisation to attendance at alternative provision) part-time timetables and dual registration – should be obliged to have regard to the 2008 guidance.

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72  Department for Children, Schools and Families, *Absence and Attendance Codes; Guidance for Schools and Local Authorities*: January 2009, p6 [accessed via: http://www.education.gov.uk/schools/pupilsupport/behaviour/attendance/schoolattendancedata/a0010008/pupil-registration-regulations-and-guidance (12/05/11)]

73  Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, p5

# 9. Consequences of official and unofficial exclusions

## Case study: A catalogue of failures

Simon is 16 years old. Between the age of two and eight, his home environment was extremely traumatic. His father subjected his mother, Julie, to severe domestic violence which Simon also became a part of. Julie told us: 'Simon witnessed more than I realised...and probably experienced more than I realised'.

No concerns were expressed about Simon's behaviour at his primary school until Year Six when it was regarded as 'difficult and rebellious'. Simon was fixed-term excluded for one or two days on at least two occasions. Having initially been told by CAHMS that 'Simon seemed ok and that they did not want to dig around too much,' Julie and Simon returned for assistance towards the end of his time at primary school. Julie was informed that there was a waiting list of over a year and decided to go private. Simon was diagnosed with ADHD, dyslexia and Oppositional Defiance Disorder. He has never been statemented.

During his first year at secondary school, Simon was constantly in trouble – mainly for fighting, defiance and verbal abuse. He also truanted. Yet, no help was offered to him in relation to his anger problems and no steps were taken to try to address what was causing his challenging behaviour. Julie was told by teachers that Simon was very bright and that he had potential. However, she told us that at secondary school 'he just switched off and was not engaged at all'. When he was sent out of class, Simon liked going to the Learning Support Room because he received one-to-one support there.

Following two fixed-term exclusions, the final straw came in the first term of Year Eight when Simon 'walked through the arm of a teacher' who had told him not to leave the class. Julie was told that a managed move would be arranged for him to another school:

*'In some ways I felt...the school was just massaging its figures...that it did not address any of the issues that had got Simon into the situation in the first place...they described it to us as a positive thing, that... Simon had some quite serious anger issues which the school did not feel able to deal with... and that he could start afresh and leave the past behind...'.*

However, it was at least eight weeks before Simon was able to start at his new secondary school. Julie explained that during this time:

*'...he stayed in bed for most of the day, was getting quite depressed and was isolated from his mates. Some of his other mates were getting fixed-term exclusions for three or four days, and they would all pile around to each other's houses. This became quite a worry for all the mums going out to work in the morning, not quite knowing how many lads would be in the house. By then they were drinking and smoking cannabis and causing disruption to the neighbours... So it was a really stressful time for the whole family. I could see Simon sinking into this lack of routine and sense of purpose. By the time he got into his second school he was even more frustrated and pent up...'.*

Julie explained that although Simon's new school tried to put in place several measures to support him, it did not have a lot of 'problematic' children and lacked the resources to deal with someone like Simon.

For example, Simon would have to stand in the corridor or sit in the deputy head teacher's office when he was sent out of class, rather than go to a Learning Support Room because the school did not have one. Within six weeks Simon got into a fight. As a result, Julie and Simon were called in to see the head teacher and head of year who 'painted a positive picture' of the situation. They suggested

that Simon should attend an intense six week programme at a PRU. This would involve an anger management course, following which Simon would re-integrate back into the school. Julie told us 'we rightly or wrongly went along with it'.

However, it transpired that the PRU did not have an anger management course set up and it took two months for it to do so. During this time 'everything deteriorated' in terms of Simon's behaviour. Julie believes that Simon 'desperately wanted it all to work but was getting more frustrated and angry'. Julie was given no help and went to several agencies as she felt she could not deal with the situation on her own. With Simon getting bigger and older (at the age of 16, he was six feet two inches), his violence was more difficult to contain by the teachers. The police were brought in and Simon became involved with the Youth Justice system. Julie recalled:

> 'I really felt we were just headed for this cliff and I could see what was happening but I didn't feel able to have any control over it'.

Simon remained at the PRU and eventually started its anger management course. However, Julie told us that the woman who ran it did not explain the limitations of confidentiality clearly enough to Simon. He believed that everything he said would go no further: 'Simon always wanted someone he could trust, he's very much a one-to-one person'. He told the youth worker about his use of alcohol and cannabis, who then reported it to Julie: 'she blew the relationship with Simon completely'. Simon went off the rails again and his violence escalated.

In the meantime, Simon's secondary school asked for reports from the PRU and said that if there were no angry outbursts it would take Simon back. However, there were outbursts which Julie explained were due to Simon feeling frustrated, not receiving help and being restrained. She told us:

> "He still can't bear any sort of physical touching. I told the PRU 'I know he has these violent outbursts and I want to help your relationship with him. If you just leave him for five minutes and let him calm down, he'll become a lot more rational. But...it's a whole different ball game if you try to touch him or restrain him because it's a reminder of the past and he'll react to that...' The PRU had this 'great new policy' on how to restrain and they liked to use it a lot – they were always restraining him and he was always hitting and kicking out and smashing furniture. I honestly believe that if they had just let him go to a quiet place he would quickly have become rational again but it wasn't to be...".

Simon's secondary school decided that it could not see any improvement in his behaviour and he was told that he could not return. Having been at the PRU for 18 months by this stage, until the end of Year Nine, Simon went to another PRU for Years Ten and 11. His secondary school said that if Simon remained out of trouble for half a term, he could return. Although Simon remained out of trouble at the PRU, he got into trouble with the police outside of the PRU day on several occasions. Simon's secondary school told him that he could not return.

Simon's behaviour then spiralled. He became involved in anti-social behaviour, shoplifting, fighting and ABH. He continued to smoke cannabis and to drink. He was truanting so much that a targeted intervention was introduced at the end of Year Ten. This was to provide Simon with lessons in Maths, English and Science, and to build up his self-esteem and social skills. Simon was allocated a mentor to provide him with one-to-one support. However, the mentor had an accident. She was never replaced, despite efforts on Julie's part to address this. Simon was held on the scheme, however he received no teaching. Julie asked the LA about the possibility of home tutoring but was told that he could have half an hour each week: 'Simon was spending a lot of time in bed and was drifting'. Julie persuaded him to return to the PRU for a few months but he stopped going and only returned to sit four GCSEs. He achieved two E grades. Simon told us: 'I hated school the whole way through. The only class I was good in was Geography. I liked the teacher...'.

> We were informed that Simon remained on the roll of his secondary school all the way through: 'Only because they thought I had good potential... they thought I would get good results that would count for them'. Julie said:
>
> *'On reflection, I can see the effect of Simon feeling let down by adults that he wanted to trust as being quite a crucial theme that went through the whole experience for him'.*

The position with respect to part-time timetables, dual registration, and referrals (under either the Section 29(3) power or Section 29(A) power) is blurred. We suspect that in some cases the different classifications can either become confused or are open to manipulation. That being the case, schools and governing bodies should obviously heed the 2008 guidance – that exclusions, whether fixed-term or permanent should only be achieved through the official exclusion procedures.

The 2008 guidance states that:

> *'[permanent exclusion]...will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgment by schools that they have exhausted all available strategies for dealing with the child and should normally be used as a last resort'.*[74]

The practices discussed above can be employed as alternatives to official permanent and fixed-term exclusions. Where this happens it means that the last resort of exclusion has in effect been reached without exhausting all available strategies. As such, the legal rights that would normally be available to parents by virtue of official exclusion do not apply, and the position is largely unchallenged. Many parents are no doubt unaware that schools that operate the practices discussed above are doing so illegally.

> 'The standard of care amongst schools varies. Some are pro-active to keep kids engaged and outsource them to alternative provision. It's the part of school which is flexible and offers a learning programme which is more practical from 13 onwards. However, we have had some 12 year olds. Other schools are very keen to get rid of pupils. Last year, one high achieving school in the area outsourced a young person to us to discharge their responsibility. They didn't follow up on the young person's attendance or progress. The kid didn't attend for a whole term except once...'
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> **Voluntary sector organisation, in evidence to the CSJ**

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74   Ibid, p12

Some schools are taking an 'out of sight, out of mind' approach to pupils. This can happen on-site – in poorly resourced internal exclusion units, as well as off-site – in some PRUs and other alternative provision.

According to our evidence, all too often a pupil's learning is not carefully or adequately structured. Neither is it tailored to their abilities, aptitudes or needs. Some schools do not properly monitor attendance, progress or behaviour. Too many pupils are being sent to provision which is not sufficiently resourced or skilled to address their challenging behaviour and its underlying causes. In the absence of any pastoral and therapeutic support being given to them, many children and young people's needs remain unmet and can become more entrenched.

The head teachers' decisions are rarely subject to scrutiny. In addition, the periods for which some children and young people can be off-site are (save to the limited extent highlighted above) not subject to any maximum period or regular review. The managed move process is also being abused by some schools. All of this is even more disturbing in light of the lack of regulation and quality assurance of the vast majority of alternative provision supplied by independent providers. Serious concerns were raised by many witnesses to our review over the quality of education and care provided in some cases. This is discussed in detail in Chapter Five.

There is a strong correlation between official exclusion, poverty and disadvantage.[75] It seems likely from our evidence and other research that this profile corresponds to that of pupils who are also unofficially excluded.[76] As highlighted in Chapter Two, these children are likely to be growing up in impoverished families with low aspiration, and in some cases intergenerational worklessness. These are the very pupils and families to whom the value of education and importance of attending school regularly needs to be reinforced. Instead, permanent and fixed-term exclusions – official and unofficial (even more so in the latter case) strongly convey the opposite message. Many of these pupils will already suffer from low self-esteem, poor resilience and a lack of capacity to persevere. These exclusions can be very damaging in such respects and can compound pupils' disaffection and disengagement with education. They can also lead to their barriers to learning becoming more established and impede their ability to improve their behaviour. In addition, they can exacerbate the negative experience that some parents may have had at school and their sense of alienation from the education system.

Evidence submitted to our review confirms that many children and young people are being left without any suitable full-time education for weeks, months or even years, following official and unofficial permanent exclusion. We are informed that in one LA, those who have been officially excluded, without statements for BESD, and who ought to be re-integrated into mainstream school quickly, receive home tuition – 'on average, some...for a couple of years'. This is because there is no room in the PRU. The failure by some LAs to provide excluded pupils with suitable full-time education can also be due to the lack of a BESD school in the borough or other alternative provision. This is discussed in further detail in Chapter Five.

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75    Department for Education, *Permanent and Fixed Period Exclusions from Schools in England, 2008/2009*
76    Barnardo's, *Not present and not correct: Understanding and preventing school exclusions,* Essex: Barnardo's, 2010, p53

A number of witnesses commented on how some parents are too trusting of or intimidated by schools to question their decisions or authority. Even when they are aware of their legal rights, some parents may not have the confidence to challenge their child's school. Some may be single working mothers who are holding down a number of jobs and may not be able to commit the time to address the problem. Some may understandably struggle to understand the complexity of educational exclusion, especially where they have poor literacy skills. Some may simply not value education and may not understand the detrimental impact that their child's permanent exclusion is likely to have on their self-esteem or future life outcomes. Some may not be in a position to challenge the school due to struggling with, for example, domestic violence or substance misuse. In these circumstances many vulnerable children and young people are falling through the net – lost to the education system and, in some cases, to mainstream society.

Unofficial exclusions also deny children and young people an opportunity to participate in the exclusion process to the limited extent permitted. This is despite concern expressed by the UN Committee on the Rights of the Child that the:

*'...Participation of children in all aspects of schooling is inadequate, since children have very few consultation rights, in particular they have no right to appeal their exclusion...The right to complain regarding educational provisions is restricted to parents, which represent a problem especially for looked after children for whom local authorities have, though mostly do not use, parental authority'.*[77]

The practices operated by some schools not only contravene the law but also the rules of natural justice which are supposed to apply under the formal exclusion process. Many young people who gave evidence to our review had a strong sense of fairness and natural justice. Although they were not aware of their parents' legal rights in any detail, a number of young people informed us that their school had 'broken the law' or 'not followed the right procedure' in relation to them losing their school place. Young people can carry this distrust of authority and sense of injustice into their adulthood. It can be damaging for them and for society.

A child has a right to education under the European Convention of Human Rights.[78] The UN Committee on the Rights of the Child has expressed the following concerns (amongst others):

*'...that significant inequalities persist with regard to school achievement of children living with their parents in economic hardship. Several groups of children have problems being enrolled in school or continuing or re- entering education, either in regular schools or alternative educational facilities, and cannot fully enjoy their right to education... Furthermore, the Committee is concerned that:...The number of permanent and temporary school exclusions is still high and affects in particular children from groups which in general are low on school achievement...'.*[79]

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77    UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: United Kingdom of Great Britain and Northern Ireland,* 20 October 2008, CRC/C/GBR/CO/4, p15 [accessed via: http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf (15/08/11)]

78    Article 2 Protocol 1, European Convention of Human Rights

79    UN Committee on the Rights of the Child (CRC), *Consideration of reports submitted by States parties under Article 44 of the Convention: Convention on the Rights of the Child: concluding observations: United Kingdom of Great Britain and Northern Ireland,* 20 October 2008, CRC/C/GBR/CO/4, p15 [accessed via: http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf (15/08/11)]

We welcome the enquiry that has been launched by the Children's Commissioner into school exclusions, to examine whether the current system and proposed changes to it are consistent with the United Nations Convention on the Rights of the Child.

Given the 'creative' ways in which some schools are dealing with pupils with challenging behaviour, it is not necessarily just a school's very high 'official' exclusion rates that should raise questions and be seen as an indicator of behaviour management, but also its 'unofficial' exclusion rates. These need to be brought to the surface. Under reforms of the Ofsted inspection framework proposed under the *School's White Paper*, there will be more focus on behaviour and safety (including bullying), as one of four key areas of inspection.[80] It is clearly extremely important to examine the standards of behaviour in schools.

'Very high exclusion rates in a school's inspection would invite some investigation, but that is seen as an indicator of behaviour management being an issue in a school, and is not a look at individual cases and the justice of those cases. So Ofsted would not be able to judge how well the school responds to those issues case by case. But if exclusion figures are high it does raise questions about the way in which a school manages its discipline and behaviour, and manages and supports its pupils. There is something in the inspection framework that at least can, if there is an issue, result in some further scrutiny of those kinds of things in a particular school.'

Patrick Leeson, Director, Education and Care, Ofsted, in evidence to the CSJ

However, it is also vital to examine the reasons why children and young people are not in lessons or school on a full-time basis, as well as for inspectors to dig deeper in terms of how a school manages discipline and behaviour. The guidance for pilot inspections of maintained schools this summer required inspectors to look at a range of rates, patterns and issues in the context of permanent and fixed-term exclusions, behaviour and attendance. We emphasise the importance of Ofsted conducting an holistic inspection of all the means by which children and young people can be internally and unofficially excluded by schools. In light of the recommendations made in relation to EPs in Chapter Three, we believe that EPs should also be interviewed by Ofsted inspectors on the school's management of behaviour, and identification of and action taken to address the needs of its pupils.

Unofficial exclusions also raise extremely uncomfortable questions for the governing bodies of some schools. These include whether governors possess sufficient awareness about their school's legal obligations and the delegated powers being operated by their head teachers in

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80   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 3.6

this area. Also, it questions the extent to which they understand that the practices identified above are at best unsatisfactory and at worst unscrupulous or illegal. Finally, it must be asked whether governing bodies are aware that such practices may also amount to failure by the school to comply with its relevant child protection and safeguarding obligations.

We welcome the proposals contained under the *School's White Paper* in respect of governing bodies being helped to both challenge and support head teachers. We suggest that the high quality training proposed for chairs of governors includes a component on exclusion – both official and unofficial. The '10 key questions for governors to ask' listed in the *School's White Paper*, include 'Do we keep children safe...?' and 'How is pupil behaviour? Do we tackle the root causes of poor behaviour?'.[81] Where schools exclude unofficially, the answer to these questions must be no. The next question is, what should governors do about it?

Another consequence of illegal permanent exclusions is that they can make it even harder for some schools that serve disadvantaged areas to have a balanced intake and can increase the pressures they face. As one witness told us:

> *"where pupils are told 'it's not working for you here, you'll be happier down the road', certain schools down the road receive more children with more challenging circumstances...The risk is that some schools which serve the most disadvantaged will end up hugely disadvantaged... and carry the can...for schools which exclude via the back door and get away with it".*

## 10. Child protection and safeguarding

The 2008 guidance refers, in the context of unofficial exclusions, to the legal duty of care that should be met by head teachers when sending pupils home for disciplinary reasons and the formal records that should be kept. It also refers to the child protection concerns that head teachers should ensure that they take account of: 'e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets...'.[82] However, this is clearly not being complied with in some cases – seemingly without consequence for the relevant head teachers.

'Children and young people who are not being educated quickly become at risk of failing academically and socially. If their whereabouts then become unknown, they may be particularly at risk of physical, emotional and psychological harm.'[83]

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81   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraphs 6.28 – 6.30
82   Department for Children, Schools and Families, *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Nottingham: Department for Children, Schools and Families, September 2008, pp 15-16
83   Ofsted, *Children missing from education,* Manchester: Ofsted, August 2010, p4

Various witnesses to our review raised concern over the family and local environments that some children and young people return to following official or unofficial exclusion. Many are likely to be struggling with chaotic home lives and adverse life experiences. Research has found that almost one million (19 per cent) secondary school children have been severely abused or neglected during childhood. With only approximately 46,000 children of all ages currently on child protection plans or registers, this finding suggests that the great majority of abused and neglected children are not receiving the critical support that they need.[84] Many of these children and young people are in our schools and while some are undoubtedly provided with appropriate support, it is clear that many are not.

> 'A lot of incidents occur when children are supposed to be in school, and although there are systems in place to report these incidents it does not always happen. It is a huge issue. Those under 16 years of age are reluctant to report incidents to us for a number of reasons, which include a lack of willingness, and a fear of reprisal.'
>
> Safer Schools Consultant, in evidence to the CSJ

Under the Children Act 1989, LAs are under a duty to safeguard and promote the welfare of children within their area. Under the Education Act 2002, LAs and the governing bodies of maintained schools are obliged to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. Under the Children Act 2004, LAs are obliged to set up Local Safeguarding Children Boards whose remit includes working to safeguard and promote the welfare of grounds of children who are potentially more vulnerable than the general population including children missing from school and children and young people affected by gangs.[85]

*Working Together to Safeguard Children,* which is the leading government guidance on inter-agency working to safeguard children states that if a child or young person goes missing from education, for example ceasing to attend due to exclusion (e.g. illegal unofficial exclusions) or withdrawal, they could be at risk of significant harm.[86] This is the threshold at which the whole child protection machinery is intended to engage. However, some schools are making it more difficult for LAs to identify children who are missing from education by virtue of failing to comply with the established protocols, legislation and guidance. Research has revealed that:

> *'Even when the local authorities had clear policies and processes, with a strong emphasis on safeguarding, if schools disregarded them, this could quickly result in children and young people becoming lost to the system. Officers in all the authorities surveyed gave examples of schools which had not followed the agreed procedures for exclusions. The vulnerability*

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84    NSPCC, *Child cruelty in the UK 2011*, NSPCC, February 2011, p14

85    Department for Children, Schools and Families, *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children,* Nottingham: Department for Children, Schools and Families, issued March 2010, paragraph 3.9

86    Ibid, paragraph 11.103

*of such pupils was significantly increased because they were out of school unofficially and preventative agencies were not aware of their potentially increased exposure to drugs, alcohol misuse, crime, pregnancy or mental health problems'.*[87]

## 11. Implications for communities and wider society

The advantage to schools that operate the unscrupulous and illegal practices discussed above is that they get challenging behaviour off their hands, avoid permanent exclusions going against their targets and avoid potential investigation by Ofsted. In some cases they also retain funding for the pupils. However, the children and young people in question are paying a heavy price. So too is society. Official and unofficial exclusions move the problem on for others, like the police, to have to deal with.

> 'To have kids on a part-time timetable or excluded is just a gateway to even more issues because the parents aren't there to look after them. They are totally unsupervised, roaming the streets, or sitting around at home, and then they can become victims. If they start roaming the buses there are older kids out there...if they live on an estate around where we are, then there's a good chance they'll just ultimately get locked up due to predatory influences, or they'll be stopped and turned over by police on a regular basis. Until you talk to someone, you can't discern whether they are a victim or just roaming the streets.'
>
> **Safer Schools Consultant, in evidence to the CSJ**

These exclusions can also have serious consequences for the pupils' community and wider society. Evidence suggests that the majority of young gang members are failing in, and have been failed by, the education system.[88] Research also reveals that nearly two-thirds of the active gang members interviewed in Waltham Forest had been permanently excluded from school.[89] It is likely that many gang-involved young people have few, if any, qualifications. With bleak employment prospects, selling drugs and other criminal activity may appear an attractive alternative. In *Dying to Belong,* Dr Derrick Campbell describes how 'back door exclusions' are pushing young people onto the streets:

> *'Hundreds of young people, even thousands across the city and neighbouring boroughs, who are just idly walking the streets because they've been excluded or suspended from school and no-one seems to be making an effort to help these kids...These young people, what chance have they got?'.*[90]

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87    Ofsted, *Children missing from education,* Manchester: Ofsted, August 2010, p6
88    Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p78
89    Pitts J, *Reluctant Gangsters: Youth Gangs in Waltham Forest, 2007*, Chapter Five, cited in Centre for Social Justice, *Dying to Belong*, London: Centre for Social Justice, 2009, p78
90    Ibid, p79

In light of the above, we share some of the concerns expressed by witnesses to our review in relation to proposals contained in the *School's White Paper* to grant greater autonomy and freedom to schools.[91] Whilst the majority of schools will no doubt greatly benefit from the advantages offered by this and will not abuse it, we are concerned about those that are already contravening the law and seemingly without consequence. We fear that granting such schools greater freedom and autonomy will only increase the risk to their more vulnerable pupils. A balance therefore needs to be struck between the reduction in regulation for the benefit of the majority whilst clarifying what regulation there is and introducing regulation where required, in order to hold the minority to account. However, we hope that the recommendations set out in this chapter will help to address these concerns and to ensure that such schools remain properly accountable.

# 12. Recommendations for reform

## 12.1 Permanent exclusions

■ **Change the approach to permanent exclusions:**

Permanent exclusions should only be used in the most serious of cases, or when a school has genuinely exhausted all appropriate alternatives in respect of pupils. The Government and local leaders should consult with schools to inform this change.

■ **Ofsted should inspect permanent exclusions:**

Inspectors were required to examine the rates and patterns of permanent exclusions during the pilot inspections of maintained schools over the summer. We recommend that inspectors also examine the details of permanent exclusions, with a view to ensuring compliance by schools with their legal obligations. We also recommend that EPs should be interviewed in Ofsted inspections on the school's management of behaviour and identification of and action taken to address its pupils' needs.

■ **Minimise the stigma of permanent exclusion:**

During the permanent exclusion process it is vital that pupils are required and supported to take responsibility for their actions. As part of such a process, however, we urge those involved to manage this in a way that does not detrimentally compound a sense of rejection and failure on the part of pupils. It is crucial that we do not extinguish the potential of children and young people who are permanently excluded. Every effort should be made to ensure that permanent exclusions are authorised with a view to finding more effective ways of engaging children and young people, through alternative models of education which will better meet their individual needs.

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91   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 16

## 12.2 Fixed-term exclusions

■ **Ofsted inspect fixed-term exclusions:**

Inspectors were required to examine the rates and patterns of fixed-term exclusions during the pilot inspections of maintained schools over the summer. We recommend that inspectors also examine the details of fixed-term exclusions, with a view to ensuring compliance by schools with their legal obligations.

■ **Regulate and introduce guidance on the use of external shared units for fixed-term exclusions, and Ofsted inspect the provision:**

Schools should be required, for example, to record the reasons why pupils access this provision, how often and for how long, as part of Ofsted's inspection regime.

■ **Make the six day rule a visible issue by raising its profile and linking it to Ofsted inspection.**

## 12.3 Internal exclusion units

■ **Reclassify internal exclusion units and centres as inclusion units or centres, to send a clear signal about a change in culture and approach.**

■ **Regulate and introduce guidance for the use of internal inclusion units or centres:**

Units and centres should be standardised and raised to a quality that reflects best practice. They should be appropriately structured and holistic support should be offered to pupils according to their individual needs. The provision should be staffed by individuals who are skilled to teach (as appropriate), manage the behaviour and address the needs of the pupils who access it.

■ **Ofsted inspect the use of internal inclusion units or centres:**

Schools should be required, for example, to record the reasons why pupils access the provision, how often and for how long, as part of the Ofsted inspection.

■ **Maximising budget value:**

We recommend that schools seek to commit greater resources on developing and managing effective inclusion units or centres, when making budget allocation decisions.

For schools with smaller budgets, we recommend that they work in partnership, including to pool resources with other schools in the community and their PRU whilst drawing support from voluntary and community sector organisations.

## 12.4 Referrals and associated documentation

- Ofsted should inspect the use of referrals and associated documentation.

- Clarify the guidance:

  We recommend amending the 2008 guidance to clarify what power (i.e. Section 29(3) or Section 29(A)) should be used in specific circumstances, and that clear concise guidance is provided on the use of each. This would be more simple than introducing new and separate guidance for the Section 29(A) power.

- The Government should review the use of referrals:

  Alongside enacting the reforms outlined above, the Government should consult with schools (including special schools), and PRUs and other alternative providers and LAs, in relation to the appropriate circumstances in which referrals should be used, and how they can most effectively secure the best outcomes for pupils.

## 12.5 Part-time timetables

- The Government should review the use of part-time timetables:

  The Government should consult with schools (including special schools), PRUs and other alternative providers, and LAs regarding the appropriate circumstances in which part-time timetables should be used, and how they can be structured most effectively to secure the best outcomes for children and young people. This should include developing effective regulation and inspection, and the adoption of a whole-child approach.

- Ofsted should inspect the use of part=time timetables and associated documentation.

## 12.6 Managed moves

- We recommend the regulation and Ofsted inspection of managed moves and associated documentation.

- Introduce clear but concise guidance on the use of managed moves:

  We suggest this could be achieved within the 2008 guidance.

- The Government should review the use of managed moves:

  The Government should consult with schools (including special schools), PRUs and other alternative providers and LAs in relation to the appropriate circumstances in which managed moves should be used and how they can most effectively secure the best outcomes for children and young people. In addition, the Government should consider the most appropriate and effective means by which managed moves should be arranged. We believe this could be through the LA.

## 12.7 Dual registration

- We recommend the regulation and Ofsted inspection of the use of dual registration and associated documentation.

- Revise the 2008 guidance on the use of dual registration:

  It should be made clear that dual registration should not be used as an informal means of achieving exclusion either on a temporary or permanent basis.

- The Government should review the use of dual registration:

  The Government should consult with schools (including special schools), PRUs and other alternative providers, and LAs in relation to the appropriate circumstances in which dual registration should be used and how it can most effectively secure the best outcomes for children and young people.

## 12.8 Advice and advocacy

- We recommend that parents are provided with access to advice and advocacy support where their children are not in class or in school on a full-time basis:

  This would include official and unofficial permanent and fixed-term exclusions, including where schools or LAs fail to provide suitable full-time education from the sixth school day of a fixed-term or permanent exclusion respectively. This should help to eradicate non-compliance with legal obligations, as well as unscrupulous and illegal practices, and to make schools and LAs more accountable.

## 12.9 A coherent policy on exclusion

- The Government should produce a simplified and comprehensive guidance on exclusions, to reflect the introduction of the reforms outlined above:

  There is an inevitable tension between the need to regulate or provide guidance in the areas identified by this chapter, and the need to reduce the burden of bureaucracy and regulation on head teachers and governors. Presently, the 2008 guidance runs to 80 pages, and cross refers to 42 separate pieces of legislation, regulation or guidance. Therefore, we recommend the publication of one comprehensive guide in this area which is clear enough to follow, sufficiently detailed to eliminate unacceptable practices but be more accessible than the proliferation of materials which head teachers are currently expected to read.

# chapter five
# Outside mainstream schools

## 1. Introduction

In this chapter we consider the position outside mainstream education for pupils who are at risk of exclusion or who have been excluded. In this respect we focus on special schools for behavioural, emotional and social difficulties (BESD schools), although we recognise that all special schools might have children with challenging behaviour, and on alternative provision including PRUs and independent providers.

The CSJ argues that the promotion of partnership and collaboration across the education community is key to resolving the issues around exclusion and disengagement from education, and to meeting the needs of the often vulnerable and traumatised pupils concerned. We appreciate that some mainstream schools and PRUs are of course already placing significant emphasis on the need to train teachers and provide expertise in supporting BESD issues.



Pupil at Elsley School

## 2. BESD schools

There are currently 506 special schools approved for BESD provision in England. As of January 2011, 12,810 pupils had SEN with statements, with BESD identified as their primary needs. 315 were classified as School Action Plus on the same basis.[1]

We have seen that where there is no BESD school in some LAs, it can have serious repercussions for PRUs and the pupils they would ordinarily educate. This was illustrated by a witness who referred to the example of one LA in the North of England:

> 'At the younger end, the PRUs are jam packed with children who are statemented for BESD. That is not what PRUs are for. PRUs are designed to be a short-term stay provision. The children who have been permanently excluded from school without statements for BESD, and who you would hope to re-integrate into mainstream school quickly, receive home tuition as there is no room for them in the PRUs. Their needs are not being met. On average, some of those children can have home tuition for a couple of years. It is appalling. With home tuition you cannot do some intensive work with the child, for example anger management, and reintegration is far harder to manage. In addition, the needs of the children in the PRU with BESD are not being met either. They need specialist teachers, a curriculum structured to meet their needs and long-term provision. It is not only in this local authority...There are a number of local authorities with no BESD schools, who use their PRUs like a special school, and where children's needs are not being met'.

Concerns have been raised during our review over the inadequate quality of care and education provided by some BESD schools. One witness told us that she had 'never found that BESD schools deal with the problems that the children have', and referred to the lack of therapeutic support provided by them. We have discovered otherwise in our review. For example, The New Rush Hall Group's BESD school employs three child and family therapists via The Tavistock Clinic. Their work is regarded as integral to the workings and ethos of the school's work. Concerns have also been raised over child protection and safeguarding issues in some BESD schools. Examples given in relation to one particular BESD school included a lack of appropriate training, pupils being allowed to roam the building or to leave it without any adult accompanying them, and no-one knowing which pupils were on the school site. This is particularly alarming considering the needs of the pupils. One witness referred to a lack of leadership in some BESD schools and to staff putting 'their own needs before those of the children'.

It seems that the quality of some BESD schools can also have implications for PRUs, which tend to pick up the pieces of failure. As explained by one key witness:

> 'We had a particularly difficult situation for a few years where it was felt that our special school for boys with BESD was not performing well enough to cope with certain children, so the special needs panel were recommending a PRU placement rather than a special
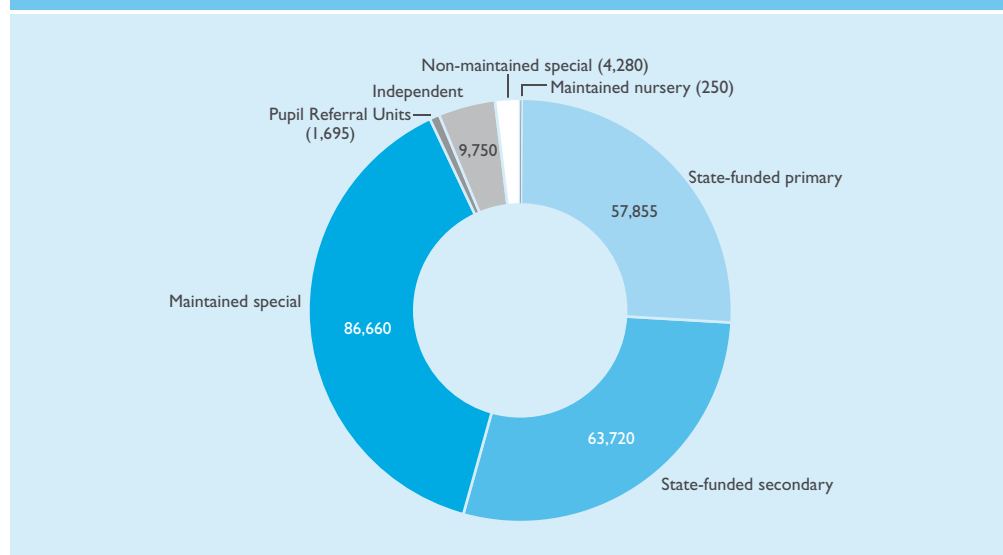
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1   Department for Education, *Statistical First Release: Special Educational Needs in England*, January 2011, Table 11 [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001007/index.shtml (19/08/11)]

*school placement... In order to give the PRU a clear vision, we've had to be quite firm about appropriate placements – through creative problem solving...If we have a boy that no-one knows what to do with and who is liable to attack, the last thing we would want is for him to be sent to the PRU. We would lobby special needs to find another BESD special school (out of borough), or one of our alternative providers which might be in a much smaller setting. But with shrinking budgets, the drive is to have young people placed in the borough wherever possible. We need to have the best quality provision and a good set of alternatives, because I don't think there is ever going to be one solution that suits all'.*

Some BESD schools, however, are doing outstanding and innovative work. We found an excellent model in the Nightingale and Elsley Schools Federation, as shown in the case study below. The school characterises itself by 'authoritative yet nurturing approaches, shunning punitive actions in favour of consistent, insistent and persistent role modelling and teaching'.

Further problems can arise where BESD schools, whether performing well or inadequately, are not in a position to take on any further pupils. We understand that there may be a reluctance or a preference to place them in a PRU, depending on the LA in question. In the case of the former we are told that there is increased pressure on mainstream schools which then turn to voluntary sector organisations – we question the extent to which specialist provision exists to cater for and meet the needs of pupils. In Sutton, 'opportunity bases' have been created for pupils with statements (see case study below).
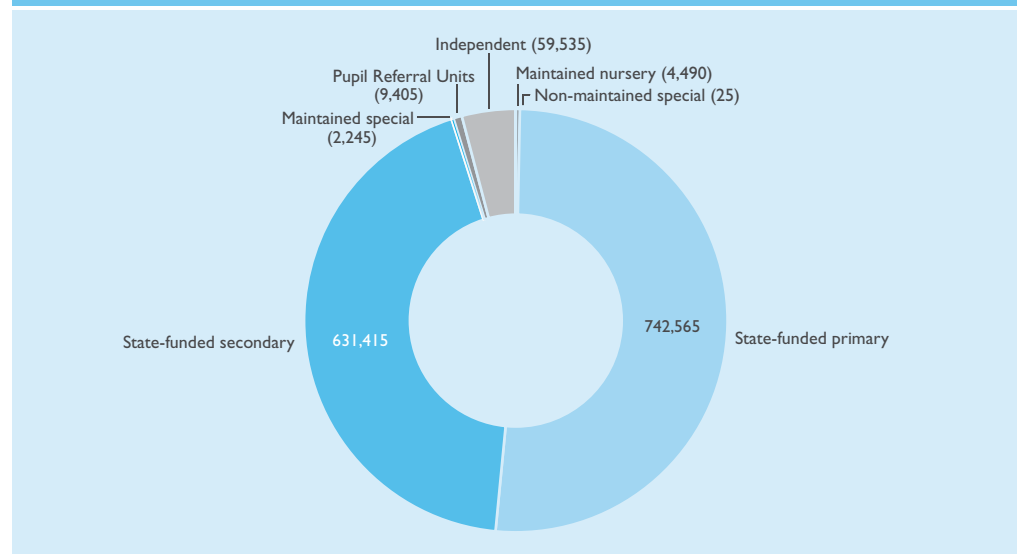


**Figure 9: All schools: Pupils with statements of SEN[2]**

Non-maintained special (4,280)
Maintained nursery (250)
Independent
Pupil Referral Units (1,695)
9,750
State-funded primary
57,855
Maintained special
86,660
State-funded secondary
63,720

In January 2011, there were 224,210 pupils with statements of SEN across all schools in England. As can be seen from the above figure, more of these pupils were placed in mainstream schools than in special schools.

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2    Ibid, Table 1A

Figure 10: All schools: Pupils with SEN without statements[3]

More than one million pupils with SEN do not have statements. The above figure shows where these pupils were placed across the education sector. We believe that this emphasises the important role that well performing special schools can and should play in supporting mainstream schools and PRUs – sharing their expertise and carrying out preventative work to help schools support vulnerable pupils and where possible, to prevent exclusion.

## Case Study: The Nightingale and Elsley Schools Federation

The Nightingale and Elsley Schools Federation in Wandsworth, South London, comprises two community day special schools, situated on the same campus, for boys with BESD. The schools share a governing body and principal. The circumstances and needs of the pupils are wide ranging and, in most cases, complex and acute. Most have chaotic home environments, and have suffered or are suffering from severe neglect or abuse.

■ Elsley School: has capacity for 19 boys aged five to 11 years. All of the pupils are vulnerable, and almost all have involvement with social services. Eighty per cent of the pupils are eligible for FSM. The Elsley school is:

 '...outstandingly successful and effective in re-engaging disaffected pupils with learning. At the same time it helps them to understand the consequences of their actions and gives them strategies and skills to help overcome their problem'.[4]

■ Nightingale School: has capacity for 72 boys in the secondary provision and 24 boys in the sixth form provision, aged 11 to 18. Again, all of the pupils are vulnerable. The vast majority are known to the Youth Justice Board, over 85 per cent have involvement with social services on an ongoing basis, 80 per cent are eligible for FSM and the number of looked after children is above average.[5]

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3    Ibid, Table 1B
4    Ofsted, *Inspection Report: Elsley School, 10-11 March 2010,* Ofsted, p4 [accessed via: http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/131024 (22/08/11)]
5    Ofsted, *Inspection Report: Nightingale School, 22 January 2009*, Ofsted, p4 [accessed via: http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/131594 22/08/11)]

*'Nightingale is an outstanding school where students make exceptional progress in their academic and vocational studies as well as in their personal development.'* [6]

Teaching in both Elsley and Nightingale Schools is recognised in their most recent Ofsted inspections as being outstanding. When pupils join the schools they invariably come with very depressed academic achievement. When they have settled and feel safe many of them make outstanding progress in KS2 and KS3 with their National Curriculum levels improving dramatically, particularly in fundamental areas such as reading and numeracy. Alongside social and academic progress in KS4, many of the pupils gain GCSE passes in a variety of subjects including Maths, English and ICT; these achievements are consolidated or improved in the sixth form which in 2011 will progress two pupils onto university courses.

Achievement and attainment are dependent on two main factors: the age at which a pupil joins the school and the quality of teaching. Almost all of the pupils who join the schools before Year Nine make outstanding progress in all areas. Much of the work that can be done with boys who join after the age of 14 is palliative, and interrupted by pupils and staff having to put a huge amount of time and energy into breaking down embedded barriers to learning.

These most vulnerable of pupils require highly effective teaching and support. The schools have a minimum target (consistently met) of at least 80 per cent of lessons to be judged as outstanding.

The Federation also offers an excellent range and quality of vocational learning opportunities through its on-site provision (as well as off-site) – for example, the bricklaying room, the mechanics workshop, the painting and decorating flat, the hairdressing and beauty salon, and the boxing gym. There is also a farm provision with a menagerie of animals, which provides further learning opportunities for the pupils and supports their personal and therapeutic development.

Young people from the Nightingale sixth form or from outside the school can become apprentices in a variety of vocational and academic areas, which provides an invaluable stepping stone into the world of employment. Pupils at Elsley School benefit from vocational 'taster' sessions across these resources, which enhances their engagement in learning and progress. Pupils from the majority of local mainstream secondary and special schools use the Federation's vocational provision, including children with learning difficulties like autism and hearing impairment. This helps to create a vibrant, inclusive school community that encourages tolerance and the celebration of diversity. The Federation also works in partnership with the LA and external agencies to enhance links with mainstream schools and support services. In addition, it employs an 'extra mile' policy in respect of engaging parents or carers.

The Principal explains the Federation's approach to meeting the behavioural, emotional and social needs of its pupils as follows: "The Federation is characterised by directive yet nurturing approaches. It shuns punitive actions in favour of consistent, insistent and persistent role modelling and teaching... Boundaries make children feel safe and secure. Punitive measures alone rarely, if ever, have a desirable long-term effect, whereas consistent 'tough love' allows children to feel valued and safe at the same time. To be physically and emotionally in front of the children is key''.

Attachment to adults, other pupils and the school is vital. An example of how important the Federation perceives this to be is the recent redesign of the school layout to ensure that there are toilets close to the classrooms. Minimising the time it takes for a pupil to walk to and use the toilet means that their attachment to the lesson they have left and must rejoin is preserved.

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6    Ofsted, *'Ofsted 2010-2011 survey inspection programme: leadership of more than one school'* [accessed via: http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/131594 (25/08/11)]

Nurture is linked to therapy at the Federation. There is an interactive services department which advocates the use of music, drama, art and play therapy. The Federation also works in partnership with the Primary Care Trust which employs clinical professionals within the schools, such as speech and language therapists, occupational therapists, a family counsellor and a GP. The GP has registered the pupils as temporary residents during the school day so she can prescribe for them. As well as working with pupils and families on their primary health needs (some of them have no experience of accessing a doctor), the GP holds and coordinates specific clinics and projects on areas such as drugs, alcohol, pregnancy awareness and sexual health.

Breakfast is formally held each morning for the pupils in KS 1, 2 and 3, which provides the opportunity for them to develop their social and communication skills – for example, teaching them how to eat properly, how to talk to each other, sit together and share. All of these skills and positive experiences (which so many of us take for granted and pick up naturally in a nurturing environment), have to be explicitly taught and modelled thousands of times to the traumatised children who have grown up surrounded by conflict and chaos. Ofsted stated that:

*'[There are] exceptional skills of strategic and operational thinking, empathy, reconciliation, vision and risk-taking that have enabled...two poor and failing schools...to [become] a remarkable and outstanding federation. The two schools now engage in such a seamless fashion that one would assume that only one school existed. Senior staff give exceptional support. Teachers and support staff respond and embrace this ethos and develop their exceptional motivational and engagement skills with students. Governors provide strong support and challenge to management and to the federation's continued development and sense of ambition'.*[7]



Pupils at Elsley School participating in a 'taster session' on a construction site

## 3. Alternative provision

LAs have a duty to provide 'suitable education at school or otherwise than at school' for children of compulsory school age who cannot attend school due, for example, to medical reasons or exclusion – it should be noted that this is not full-time.[8] Suitable education

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7    Ibid
8    Education Act 1996, Section 19(1)

is defined as 'efficient education suitable to...age, ability and aptitude and to any special educational needs...' a child or young person may have.[9] Serious concerns exist over the lack of education that often vulnerable children and young people are receiving in this context. We welcome the Government's intention to address this, as confirmed in the *Schools White Paper,* by requiring all LAs to provide full-time education with effect from September 2011.[10]

'What enrages me is the variation that we have in this country in alternative provision. In parts of the country we accept and have accepted for years that some children only get one hour of home tuition each week. This has been totally off the radar, so that we can only guess at scenarios because no-one has actually taken statistics on this. It would be perfectly reasonable to guess that some of those vulnerable teenagers have gone in to prostitution, drugs and crime. I would be surprised if they hadn't.'

Sir Alan Steer, Government Education Adviser 2005-2010, in evidence to the CSJ

The Government intends, as announced in the *Schools White Paper*, to improve the quality of alternative provision by increasing its autonomy, accountability and diversity.[11] It also plans to open up the alternative provision market to new providers, to enable PRUs to become Academies and providers of alternative education to become Free Schools, and to support more voluntary sector providers alongside Free Schools. The Government sees alternative provision and Free Schools in particular 'as a route for new voluntary and private sector organisations to offer high-quality education for disruptive and excluded children and others without a mainstream school place'; it expects LAs 'to choose the best provision and replace any that is unsatisfactory'.[12] The Education Bill (progressing through Parliament at the time of writing) contains provisions allowing the Secretary of State to close inadequate PRUs and to specify what sort of provision will replace it. The Government's intention is 'to use competitions to open the way for high quality new providers to enter the market'.[13] We comment on these proposals below.

The previous Government's 2008 White Paper, *Back on Track*, estimated that 135,000 pupils pass through alternative provision each year – mostly secondary school age pupils. Approximately one-third of placements are in LA run PRUs, with the remaining two-thirds in other forms of alternative provision which is commissioned by LAs and schools. For example,

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9    Ibid, Section 19(6)
10   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 3.30
11   Ibid, paragraph 3.32
12   Ibid, paragraph 3.34
13   Ibid

they may be placed in F/E colleges or in provision run by voluntary or private sector providers and in independent schools.[14] It is estimated that less than half of alternative provision is currently provided by the voluntary sector.[15]

## 3.1 PRUs

'Although there is a wide variety of [PRUs], they face similar barriers in providing children and young people with a good education. These may include inadequate accommodation, pupils of different ages with diverse needs arriving in an unplanned way, limited numbers of specialist staff to provide a broad curriculum and difficulties reintegrating pupils into mainstream schools. The success of [PRUs] depends on their responses to these challenges and the support they receive from their [LA].'[16]

PRUs are established and maintained by LAs to satisfy their statutory obligations to provide suitable education, as referred to above.[17] They are not required to follow the National Curriculum but are inspected by Ofsted. There were 448 PRUs in England in 2008.[18] In January 2011, there were 14,050 pupils on the roll of PRUs.[19] As can be seen from Figure 11, the vast proportion of those on the roll of PRUs were aged between 11 and 15. Of the 14,050 pupils, 5,050 (35 per cent) were eligible for FSM.[20]

We have no way of establishing the route by which these pupils joined the roll of the PRUs – whether as a result of permanent exclusion or by means of a managed move. However, pupils who are at risk of exclusion or who have been excluded constitute the largest single group of those in PRUs, and account for 'just under 50%'.[21]

The 14,050 figure represents the number of pupils on the roll of PRUs at the time of the census. This includes pupils who are sole registered and those who are dual main registered at the PRUs. However, these statistics do not include 9,125 pupils who are dual subsidiary registered at PRUs (i.e. on the roll of their mainstream schools but attending PRUs). Neither does it include pupils who are attending PRUs by means of a part-time timetable or referral,

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14 Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people*, Norwich: The Stationery Office, May 2008, pp10-11

15 Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 3.33

16 Ofsted, *Pupil referral units: Establishing successful practice in pupil referral units and local authorities,* London: Ofsted, September 2007, p4

17 Education Act 1996, Section 19(2)

18 Hansard, *Written answers*, 3 March 2008

19 Department of Education, S*tatistical First Release: Schools, Pupils, and their Characteristics*, London: Department for Education, January 2011, Table 1b [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001012/sfr12-2011.pdf (25/08/11)]

20 Ibid, Table 3b

21 Department for Children, Schools and Families, *Back on Track; A strategy for modernising alternative provision for young people,* Norwich: The Stationery Office, May 2008, p11

while remaining on the roll of their mainstream school. These pupils will invariably be attending the PRUs due to their challenging behaviour, and some may be doing so by means of an unofficial exclusion from their mainstream schools.

Figure 11: Pupils in PRUs[22]
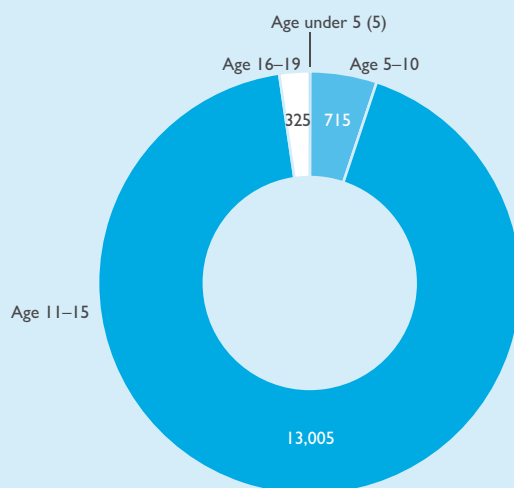


As can be seen from Figures 9 and 10 above, in January 2011 of the 14,050 pupils on roll, 11,095 (79 per cent) had SEN, of which 1,695 had statements of SEN.[23] We query how many of the 9,125 pupils who are attending PRUs (in a dual subsidiary registered capacity) and others on part-time timetables or referrals, have SEN with or without statements, and the additional pressure placed on PRUs, their staff and other resources as a result.

'We're about outcomes for young people. We are not a dumping ground for schools.'

PRU, London, in evidence to the CSJ

PRUs can face significant challenges even before pupils are admitted. The perception that some young people have of PRUs can be very negative. One young witness described being 'scared' of going to the PRU following her exclusion from school. A number of young witnesses told us that their teachers had tried to coax them into improving their behaving by 'scaring them' about PRUs and the pupils who attend them. Attending a PRU can be stigmatising for young people. They can be perceived by some as a punishment rather than a positive environment which can offer them an education. One young witness referred to it as

22   Department for Education, *Schools, Pupils and their Characteristics*, January 2011, Table 1b [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001012/sfr12-2011.pdf (12/07/11)]
23   Department for Education, *Statistical First Release: Special Educational Needs in England*, January 2011 [accessed via: http://www.education.gov.uk/rsgateway/DB/SFR/s001007/index.shtml (19/08/11)]

'the naughty boys' school'; most other witnesses referred to it as the 'centre' (as one witness told us, 'this carries with it a sense of exclusion').

Some PRUs, however, provide pupils with a very positive experience and a number of young witnesses spoke fondly of the PRUs that they had attended. Many referred in particular to the quality of relationship that they had enjoyed with teachers and other members of staff. They recalled how they felt the staff had the time to listen to them and to help them. Some regarded the provision as an alternative family. One witness in particular was fiercely protective of the PRU she had attended when another young witness on a roundtable organised by the CSJ voiced her preconceptions about them.

'At the PRU, you've got teachers, but you've also got mentors, youth workers...everything to...help you and be a family for you. Teachers are teachers, they've only been trained to teach, they haven't been trained to....notice if there's something wrong with the kids, or if the kids are having family problems. At the PRU, they're teachers but they're so much more than that – they can see signs, like body language etc...'

'The big difference between a PRU and school is sincerity. Schools don't care, but PRUs want to help you.'

'It's more personal.'

'In the centre the teacher is a friend and a teacher.'

Young people's experience of PRUs – in evidence to the CSJ



Head teacher of The John
Barker Centre, PRU

*3.1.1 What is the purpose of a PRU?*

As mentioned above, 11,095 of the 14,050 pupils on roll in PRUs as at January 2011 had SEN, of which 1,695 had statements of SEN. In its 2007 report, Ofsted found that:

> *'Commonly, pupils with statements were admitted to PRUs without decisions being made about the length of their stay or their next placement, and stayed indefinitely. In four of the PRUs, some pupils' statement of [SEN] named the PRU as the pupil's school. This does not fully comply with DCSF guidance for schools and LAs that states that if a pupil's long term needs cannot be met in a mainstream school, a special school rather than a PRU should be named on a statement of [SEN].*[24]

The report also found that, at times, PRUs are unable to meet the requirements of the pupils' statements of SEN – for example, they hardly taught the full National Curriculum, or the pupils were not receiving a full-time education.[25] In addition:

> *'At least two of the LAs visited had policies which stated clearly that pupils with a statement should not be placed in a PRU but, nevertheless, they had such pupils on the PRUs' rolls. Most monitoring by LAs of the progress made by pupils with statements was minimal and consisted only of the LA's attendance at the annual review meeting'.*[26]

Some pupils do indeed require specialist, longer stay provision. However, where some LAs do not have a BESD school, or where it is full or performing inadequately, some PRUs are in effect operating like a BESD school This can, depending on whether the PRU is sufficiently well resourced to deal with and meet the needs of the relevant pupils, place more pressure on PRUs. Furthermore, where a PRU does not have the specialist skills or resources to support these pupils, their needs remain unaddressed and unmet.

A number of witnesses expressed frustration about the number of pupils who arrive from mainstream schools with no assessment or SEN statement, in circumstances where they feel it was obvious that this should have been done. It appears that a number of pupils spend time needlessly in PRUs which can act like a holding bay while they are assessed, and a statement requested, with a view to ultimately placing them in a BESD school. Not only does this place additional pressure on PRUs but it can mean that the pupil can suffer in the interim if the PRU does not have the specialist skills or resources to support them.

Some witnesses told us that they do not consider PRUs to be a good place for pupils in the long-term, but others felt that if they were sufficiently well resourced and offered therapeutic provision then they could be. John d'Abbro, OBE, Head of the New Rush Hall Group, made the following distinction: 'My view would be that pupils in PRUs are more disaffected with school and their behaviour can be disturbing; whereas in a BESD school the pupils tend to be more disturbed. However an effective PRU can work with them if it has the right resources'.

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24  Ofsted, *Pupil referral units: Establishing successful practice in pupil referral units and local authorities,* London: Ofsted, September 2007, p16
25  Ibid
26  Ibid

This all raises questions about the purpose of PRUs and the nature of their use.

We visited a number of PRUs which are doing outstanding work. Many have strong leadership on the part of the head teacher, with a clear vision in terms of the PRU's purpose, strategy and role within the education community. Most insist on working in partnership with mainstream and BESD schools, and feel that they have successfully positioned themselves on an equal footing with the head teachers of those schools (as discussed further below).

Some PRUs in the primary and secondary phases are providing outreach work to mainstream schools. They offer advice to schools about any pupils of concern, and help them to devise strategies. In one London LA, the primary PRU has overseen the establishment of 'pupil development centres' in all of the primary schools. The school staff have been trained to work in a more therapeutic way and to think more creatively in terms of what will calm a child. Staff from the primary PRU carry out outreach work at the pupil development centres.

However, not all PRUs have strong leadership, management and a clear sense of purpose. Some are operating at the mercy of their mainstream schools and LAs, who effectively decide what the PRU's purpose is by how they use it. We are told that 'a lot of head teachers feel isolated and that their PRU is a dumping ground'. Partnership and support is key to helping those PRUs which are failing. It has been suggested to us that The Pixl Club (a collaboration of school leaders, headed by Sir John Rowling) would be well-placed to lead this. There is also the issue of equipping PRUs with appropriate resources. For example, we are informed that there are a lot of pupils in PRUs with statements for BESD, but that the PRUs often do not receive the additional money required for those pupils.

### 3.1.2 Information on admission

Considerable frustration was expressed about the lack of information provided by some mainstream schools to PRUs when pupils join them. In its 2007 report, Ofsted found that although nearly all of the LAs that they visited had clear admissions policies in place regarding the information that schools were required to provide to PRUs, the PRUs 'generally received sparse information about pupils' academic progress indicating a marked gap between policy and practice'. In some cases the information required by the LAs was considered to be 'insufficient', or their expectations 'too vague'.[27] However, even when the LA required academic information from schools, what they provided was generally focussed on the pupil's behaviour as opposed to academic attainment and attendance.

> 'This dearth of academic information inhibited the PRUs in finding the right starting point for pupils' learning. PRUs that did receive good quality, timely information were quickly able to plan an appropriate programme. This limited the disruption to a pupil's education and helped to ensure a smooth and positive start.'[28]

We argue that a new model such as that recommended in Chapter Two is urgently required to address this failure.

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27   Ibid, p13
28   Ibid

*3.1.3 The severity and complexity of need in PRUs*

**Case Study:** Sophie

Sophie, 13, had an abortion aged 12. She had now been a pupil at a PRU for six months. She had BESD (with violent and angry outbursts) but had no learning difficulties. The head teacher of the PRU informed us: 'how she was never assessed for a SEN statement is beyond me'. Sophie had a boyfriend who was in his mid-twenties. He was the suspected father of her unborn child and a local drug dealer. Sophie drank spirits and smoked cannabis. She had had a contraceptive implant in her arm but had made noises about wanting to take it out. The PRU was trying to educate her, along with external agencies, about the risks of a sexual relationship, while at the same time trying to help her understand that she should not legally be having one. The head teacher added: 'The point...is that she should have had support long ago. Often PRUs pick up all that has not been picked up in the system previously and have a massive job to do with the most disengaged and vulnerable'.

What is particularly striking from our research is the complexity and severity of need many PRU pupils have. This is illustrated by the National Children's Bureau report which involved an audit of 268 children attending PRUs in four LAs across England. By way of example, half the children lived with a lone parent, domestic violence was an issue for nearly a fifth of the children, the same proportion had a parent who misuses drugs or alcohol, and a quarter had a parent with a mental health problem. More than half of the children had behaviour problems at home and almost three-quarters at school. Over a third had been excluded and nearly half had problems with attendance. Over a quarter had been involved in offending behaviour. Almost a half of the children had poor social skills.[29] However, the following further findings are even more sobering:

- 41 per cent of the children were not having these needs met;
- 62 per cent of these unmet needs were considered to be significantly affecting the children's health and development;
- PRU staff were worried about the pupils' future – 14 of 26 children in the Year 11 PRU did not have a clear post 16 destination.[30]

The report also uncovered a distinct lack of multi-agency partnership.

It is critical that PRUs are not left alone to have to deal with the particularly complex needs of their pupils. The underlying causes of exclusion and disengagement from education are not simply education related. It is essential that PRUs are firmly included within the fold of the education community, and given opportunities to provide support to and draw on support from others within it.

Considering the extent of need of many of their pupils and the fact that their need will often have gone unaddressed and unmet in their mainstream schools, PRUs are invariably left

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29  Brown L, National Children's Bureau, *An audit of the needs of 268 children attending Pupil Referral Units in 4 local authority areas,* ryantunnardbrown for National Children's Bureau, p16
30  Ibid, p3

with a small window of opportunity to equip pupils with the skills (emotional, academic and practical) that they need for their futures. It should not simply be left to PRUs to do what they can in the time that they have left, and in some cases with minimal information being provided on their entry. Again, we need to be working from the other end of the spectrum, whilst also ensuring that PRUs are given the appropriate support that they need to provide their pupils with an excellent education and to best meet their needs.

'The biggest issue for our kids is alcohol – access to and drinking too much of it – not just high strength cider, but stuff like vodka. They are drinking spirits. Then they get drunk, then they end up around someone's house, and then they find themselves in a position where they are being raped. Those are the dynamics we are dealing with and you have to deal with that in partnership...the local mainstream school does not have the resources that I have, in my key worker and multi agency team...I pay for those additional things because I have to have them – to be able to send the kids out into society, minimising the risk to themselves and to others, alongside attainment and getting them the golden ticket which gets them into college and into a job.'

Emma Bradshaw, Head Teacher, PRU, in evidence to the CSJ

### Case Study: The challenges PRUs face

A child in Year Eight (aged 12 years old) was due to join a PRU within a few weeks, having been permanently excluded from his mainstream school. It was clear from the paper trail that there had been ongoing difficulties. The fact that the child did not have a statement in Year Three was regarded by the PRU as being 'absolutely extraordinary'. The child entered his secondary school with no support in place 'as there was nothing to say he needed additional support', although the situation was complicated by the PRU's belief that the parents took the child out of the country for a period of time.

The child came to the PRU's attention when he was in Year Seven (aged 11 years old), when his secondary school recognised that he had severe emotional and behavioural difficulties, and that a mainstream school setting was not appropriate for him. The school approached the PRU to seek its support in obtaining a statement for the child, and the PRU contributed some of its Educational Psychologist (EP) time for him. The PRU believed that it was in everyone's interests to provide and secure support for the child, and to work with the school to try to secure a positive outcome for him. The child was initially dual registered between the school and the PRU. However, an assault by the child on another pupil resulted in him being permanently excluded from his mainstream school.

The child was considered by the PRU to have 'enormous emotional and behavioural difficulties', and to be 'completely out of control'. The child had a history of 'violence towards staff and other pupils, a

complete disregard for any boundaries, vandalism, total disrespect for property and anyone else, and a complete lack of empathy'.

Social services believed the child needed to be placed in a secure residential therapeutic provision, and probably outside of London due to his gang involvement. There was considered to be very little of this available, and what did exist was considered to be 'enormously' expensive. The head teacher summarised the challenge as follows: 'Although social services say that is what is needed, it doesn't mean to say that is what will be provided. The LA will only provide some funding – for the educational side, and only if the statement comes through; social services then need to provide funding for the care side. They have to be in agreement with each other. That can be very difficult. The social services case worker has just changed...Our real fear in this case is that we will be starting from the beginning again...Even if his statement is issued, there may not be appropriate provision for the child because social services will need to agree that this funding is available to support a residential placement'.

The PRU believed that the child needed support in a small group, in a therapeutic setting rather than a purely educational one. However, the PRU did not have a therapeutic setting. In the past, if the PRU had sufficient money, it would try to offer one-to-one support and sometimes use other agencies to provide some of the full-time provision in these types of cases. However, the PRU did not have the spare funds to offer such support to the child in question.

'Just having a child like that on site creates havoc...and exacerbates the fears and needs of others who would otherwise be more relaxed... We have to maintain the safety of the site...He presents enormous difficulties and challenges for the PRU...If the statement comes through then SEN will probably fund the PRU to support the child, but until that happens the PRU will need to withdraw services from others to, for example, provide one-to-one support...But we won't be able to give him his primary need, which is love.'

### 3.1.4 Staffing, resources and curriculum

The quality of education provided by PRUs is considered to be mixed, 'with significant proportions of PRUs judged outstanding by Ofsted and many others judged inadequate'.[31]

'Some PRUs are frequently found to be empty. In one London borough there are three PRUs with hardly any children. On the whole, sexually abused and neglected kids come in for the connection but for the most part the children run on the streets, or with gangs. Some PRUs are manned with low quality staff and do not have the resources to ensure attendance. In addition, some PRUs have a very limited curriculum on offer, and practically no on-site vocational training or foundation learning tier. It is impossible to bring a sense of inclusion and cohesion into such places – they are broken down and depressing.'

Anonymous, in evidence to the CSJ

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31  Ofsted, *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills* 2009/2010 cited in Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 3.31

Specialist skills are required to educate many of PRU pupils, but they are not necessarily always available. A lack of staff can be a particularly significant challenge for some PRUs. Emma Bradshaw, the head teacher, of a PRU told us that:

*'A lot of people went into PRUs years ago because they couldn't cope in mainstream, so what you then get is the least able working with the most needy...Historically, LAs moved failing teachers and stuck them in PRUs, as the LA viewed them as dumping grounds too'.*

Conversely, the regular turnover of staff also presents a major obstacle. PRUs can face challenges in terms of finding suitably skilled replacements or temporary staff to manage and address the needs of their pupils. Adam Knuckey, Chief Officer, Volunteer Centre Sutton/ MAPS Mentoring told us that:

*'One needs to strike the balance between a mix of staff who are equipped and sufficiently experienced to deal with behaviour, whilst providing holistic support and being responsible for managing interaction with other specialist services'.*

PRUs can also be faced with difficulties in terms of their limited resources. One PRU that we visited had had to construct a portacabin on the playground, due to a lack of space in its existing premises. In recent years Ofsted reports have found that PRUs lack adequate accommodation.[32] Due to a lack of teaching space at one of the PRUs, pupils attended part-time.[33]



Pupil at The Bridge Academy, PRU

However, a number of the PRUs we visited were ambitious and maximise every resource available to them. They are focussing on providing pupils with a flexible curriculum, personalised according to their particular interests and needs. Some are offering pupils the choice of

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32  For example, a 2007 Ofsted report found that at the 16 PRUs that were visited 'inadequate accommodation limited the curriculum which could be taught on site' like no or insufficient space to teach PE, 'no specialist teaching rooms for science, ICT, design and technology, art or music, no playground for recreation and no dining room' cited in Ofsted, *Pupil referral units: Establishing successful practice in pupil referral units and local authorities,* London: Ofsted, September 2007, pp8-9

33  Ibid

purely academic or vocational learning options, as well as opportunities to develop their social and emotional skills. Some such options are provided at the PRU or off-site at a voluntary sector organisation or F/E college, for example. Certain PRUs are developing innovative ways of engaging pupils. The most impressive example of this that the CSJ encountered is The Bridge Academy PRU (see case study below). As with schools, it is essential for PRUs to carefully assess and establish the most appropriate learning setting for pupils and the ways in which their needs will be best met. Seamus Oates, Executive Head Teacher, The Bridge Academy PRU, explained the challenge and balance that needs to be struck in this regard:

*'All of our young people's needs differ... For a large number of them you need to have a very agile and flexible school to meet their needs. Some of them – a small number – may thrive in small, third sector therapeutic environments but by doing that you are almost condemning them to a space where the learning takes back seat, and where they will get intense input around the issues that are going on in their lives. Sometimes they don't need intense input, they need some targeted input and then they need to be able to get on with things, and succeed and achieve, with the knowledge that the safety net is still there for them if it all becomes too much and goes wrong. Which is what we have here, and we've come to that through experience and trying different models'.*

*3.1.5 Reintegration*

Another hurdle which PRUs must overcome is that of reintegrating pupils into mainstream schools. According to Ofsted, reintegration procedures have tended to be unclear, without specific reintegration targets, clear data or placement end dates.[34] Tragically, these difficulties are faced by the head teachers of primary PRUs as well as secondary PRUs.

'In some cases we have found it hard to get a child back into primary school. The teachers and the school can be very wary of them, a child's reputation can go before them and sometimes we have had situations where our child has been labelled as a 'PRU child', yet they have been the best behaved in the mainstream class that they are transferring to... However, once a school trusts you, you're okay... You have to have that trust and build up those links. We are very honest about our children. Once schools realise that the support package is in place and that we are all working together to reintegrate the child back into a mainstream setting it then makes it easier for the school to feel that they have 'ownership' of the child. Real collaboration is the answer to access to mainstream provision for pupils who have been through the alternative provision system.'

Head teacher, primary PRU, in evidence to the CSJ

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34   Ibid, p15

Most of the PRUs we visited take a different approach to their KS3 and KS4 pupils in terms of reintegration into mainstream school. The majority tend to focus on reintegrating their KS3 pupils where possible, brokering a solution with mainstream schools or through a Fair Access Panel. However, they are more likely to experience problems integrating KS4 pupils due to the resistance on the part of mainstream schools to take them back into GCSE groups. They therefore take a seemingly pragmatic approach and try to engage them in the longer term instead and to find the right pathway for them to post-16 provision. Again, this also highlights the dual nature of some PRUs in operating as a 'Short Stay' and 'Long Stay' provision.

### 3.1.6 Official and unofficial exclusions, and unscrupulous practices

It is possible to be excluded from PRUs, as well as schools. If this happens we are told that 'young people tend to end up in libraries', and that 'in London, Kids Company picks up a lot of them but the others remain out of the system'.

> 'Our local PRU is very quick to outsource the ones it knows it can't do anything with – the ones that are more difficult to engage. It's happy to ship them out. Their registration form with us states 'Home Study' or 'Outsourced', or a combination of the two.'
>
> Voluntary sector organisation, in evidence to the CSJ

We received evidence that some PRUs are also operating unscrupulous practices and unofficial exclusions, although the evidence we have gathered in this context is limited. Some PRUs are referring some of their most challenging pupils to other alternative providers – for example 14 to 16 year old pupils to F/E colleges, some of which we are informed effectively act like a 'holding bay'. Some schools are also doing the same. However, they are not selling their pupils to the F/E colleges that way. Concerns have been expressed over the quality of provision in some F/E colleges for this age group. Most of the teachers in F/E colleges are not trained to teach 14 to 16 year olds. Seamus Oates told us that:

> 'A neighbouring authority commissioned the local F/E college to deliver KS4 provision. The reality is that the lecturers do not want to teach PRU kids – they want to teach 16 to 19 year olds. There is a very poor offer at KS4. The KS4 PRU provision that the F/E college was commissioned to provide received an unsatisfactory grade in its last Ofsted inspection'.

Concern has also been raised over the lack of pastoral care provided for 14 to 16 year olds (particularly in inner city F/E colleges). Responsibility for this remains with their referring school or PRU. We are informed that the standard of behaviour can be poor in some F/E colleges, which often lack the resources to deal with some of the more challenging pupils from schools or PRUs. The vulnerability of these young people is likely to increase; even more so in circumstances where they are receiving little or no pastoral support. There can be a continued failure to address the underlying causes of their

challenging behaviour and disengagement with education. This is particularly concerning in the context of F/E colleges given their greater freedom and the influences that may exist around them.

'At the beginning of the year we had hundreds of 16 to 18 year olds coming in, and we would know that there would be a core of them who had no intention of ever completing their course, or ever having anything to do with their course. We knew that a few would come in simply to set up their drug contacts and clientele, as they were dealers, or they would come in to check on their 'turf' due to gang involvement. This is almost certainly completely consistent across all inner city F/E colleges…They know they don't have to be there as it is not a legal requirement. However, once that group of learners do have to be there, it won't be an easy situation to manage on the ground, nor will it be good for other learners who are there trying to learn.'

Anonymous, in evidence to the CSJ

Yet one witness highlighted the positive learning experience that can be provided for KS4 pupils at F/E colleges, whilst emphasising the importance of support being provided by PRUs and schools for both their pupils and F/E college staff:

*'When I was managing 14 to 16 year olds in the F/E college…we used to work with a PRU (one of our sources of learners coming in to the 14 to 16 programmes). The PRU's students were the best students we had. There is a very good reason for that. They had fantastic structures and support, they knew what they wanted to do, and the teachers that came in were in a superior bracket to teachers that the schools sent in – some of whom were not strong. But those PRU teachers were fantastic. They really knew about what the pupils needed and were caring. They were there for the individuals and they were there for us'.*

We believe the recommendations outlined in Chapter Four would begin to address these issues.

The *Back on Track* White Paper contained plans for improvements in the quality of alternative provision and £11 million of funding was invested in England for a range of pilots to explore innovative ways of this being offered. The DfE appointed the National Foundation for Educational Research (NFER) to carry out an evaluation of Back on Track alternative provision, which is due to be published in 2012. We understand that the report is currently in draft form and would expect it to contain details of any best practice and lessons learned.

PRUs have faced considerable criticism over the years. While sometimes justified, it is time the outstanding work of others is recognised and built upon. Many are meeting the needs of some of society's most vulnerable and traumatised pupils in very demanding circumstances. In some cases they are doing so with woefully inadequate support and resources. We welcome the proposals under the *Schools White Paper* to provide PRUs with the same governing powers as community schools, including in respect of staffing and finance.[35] However, they need a clear sense of purpose from the Government, and support from their LAs and others in the education community, in order to achieve their potential.

> 'A PRU operating as it should, in partnership in its LA, is actually the missing link – the link in the chain that joins those kids back up into a mainstream environment.'
>
> Emma Bradshaw, Head Teacher, PRU, in evidence to the CSJ

Following the recent UK riots, it has been suggested that courts should be able to send young people aged 11 to 15 who are convicted of criminal involvement in them, to PRUs.

However, the CSJ has serious concerns about this proposal and its likely counter-productive impact. Removing pupils from their mainstream school is not considered to be an appropriate response. Pupils should be supported to improve their behaviour within their mainstream schools as far as is practicable – using such techniques as restorative approaches as we have recommended in chapter three. Many PRUs are under considerable pressure due to the challenges they face with some existing pupils and many London PRUs are already oversubscribed. A sudden influx of pupils those who have been involved in the riots could also be destabilising for PRUs and those already in them. As well as increased investment, they would need to develop new bespoke programmes to deal with the pupils whose needs would likely differ from the usual PRU pupils. In addition, there are concerns over the standards of teaching, behaviour management and pastoral care in some PRUs as we have outlined.

The Principal of one Federation we contacted in regards to this proposal said:

> *'...if these kids are removed from their school...this will be problematic...The quality of PRUs is to say the least inconsistent and some of the ones I have seen have ineffectual staff who do not have the experience and dedication to boundary the kids they are sent. If PRUs are over used then one of two things will happen... lots of kids will get minimal provision and will not attend and will be on the street where we do not want them and where they do not need to be; or anarchy will take over in the PRUs with the kids setting the culture...'.*

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35   Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 3.32

## Case Study: The Bridge Academy (the Academy)

The Academy (a PRU for 11 to 16 year olds) in Hammersmith and Fulham, regards itself as an 'alternative secondary school'. It supports 175 pupils, all of whom have SEN (its number of pupils with a SEN statement is significantly above average); many are expected to gain either few or no qualifications on entry; and a well-above average number of pupils are in care.[36]

The Academy has high aspirations for pupils and staff. As its head teacher explained:

*'We believe that all young people have the potential to succeed...The Academy uses the best teachers available and delivers some of the best teaching using the most up-to-date pedagogy...Our pupils are entitled to as broad a curriculum as possible..., coupled with an environment that shows that they are valued. We have very supportive and therapeutic resources. Our pupils need to have support networks around them...The Bridge Academy looks and feels like a school'.*

The Academy is able to manage poor behaviour through clear expectations and a rewards system. It also uses a pupil information management system, which enables it to monitor all behaviour and to intervene as appropriate by focusing on the pupils' needs.

The Academy pays special attention to developing relationships between pupils and key adults to ensure that pupils are ready to learn and that trust can develop. Every pupil has a learning guide who acts as their personal tutor. They may also be assigned a learning mentor from the Academy's mentoring department, the main aim of which is to address disaffection, improve attendance and minimise exclusions. Some may also be offered one-to-one support from a learning support assistant.

Therapeutic support is also offered, for example through the Academy's counselling service (also available for staff), and art and music therapists.

*'In these highly exceptional circumstances, the progress pupils make in their education, and in their social and emotional development, is quite staggering. The outcomes are far in excess of what might have been expected given the pupils' starting points.'[37]*

Every pupil has an individual learning plan following a comprehensive baseline assessment comprising various components. Personalised targets are then drawn up which are reviewed at least once a term. The Academy provides pupils with a flexible curriculum. Pupils can study what they are interested in – whether purely academic subjects or vocational subjects provided in the Academy or at partner F/E colleges. It has also created a very active on-line learning environment. In addition, it offers varied extra-curricular activities which aim to promote healthy lifestyles and increase confidence through activities such as bicycle repair, gardening and boxing. An innovative example of this is the project developed with Fulham Football Club to improve pupils' literacy. The Academy also engages pupils in the summer holidays by organising a summer sports camp and arranging activities such as trips to the cinema, football, table tennis, hair and beauty lessons, and catering lessons.

By offering pupils a safe learning environment with targeted support, the Academy supports them to develop learning and new skills. This enables pupils to either reintegrate back into mainstream education, or to continue with further education and eventually enter employment. On average, a third of KS3 pupils (mainly in Year Nine) return to mainstream schools annually. The Bridge Academy's predominant aim for KS4 pupils is to help them to achieve accreditation – at least five A-G GCSEs or equivalent. At the end of the 2011 academic year, 100 per cent of the pupils had progression routes post-16; none of them were NEET. A few have gone on to study at university.

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36   Ofsted, *The Bridge Academy Inspection Report,* June 2010, pp3-5 [accessed via: http://www.bridge.lbhf.sch.uk/pdfs/ofsted/Bridge_Academy_ Ofsted_Report_2010.pdf (26/07/11)]
37   Ibid, p4

## 3.2 Independent providers

There is a diverse range of alternative education supplied by independent providers, which can include charities, social enterprises and limited companies. These projects are technically required to register as independent schools but a tiny minority are actually registered as such.[38] Those that are not registered are not required to follow the National Curriculum, are not subject to Ofsted inspections, and are not required to comply with the host of regulations or guidance that apply to schools.[39]

We visited a number of projects run by voluntary and private sector providers, supplying high quality, tailored and in some cases niche provision. A recurring theme across these projects is the importance of relationships, positive role modelling, small groups, and learning experiences which are flexible and structured to the individual's particular needs – including academic subjects, vocational learning and opportunities to improve self-esteem and life skills. There also tends to be an emphasis on therapeutic approaches, dealing with practical need and parental engagement. Many focus on getting beneath the challenging behaviour to identify and address its root causes in an effort to remove the barriers to and re-engage the child or young person with learning.

We highlight the London Boxing Academy (LBA) as an exemplar of best practice in the alternative provision market (voluntary sector) below. LBA offers pupils who have 'maxed out' all of their fixed-term exclusions and are facing permanent exclusion, an opportunity to continue in education. The Academy offers pupils a unique learning experience – combining academic studies with the discipline of boxing. Its results are extremely impressive.

### 3.2.1 Lack of regulation and quality assurance

Serious concern has been raised by many witnesses to our review over the lack of quality regulation and quality assurance which appears to apply to the majority of independent providers (not registered as independent schools). In addition, concern exists over the quality of care and education offered by some.

We suggest that independent providers should be subject to Ofsted inspections. The inspection framework would need to be carefully tailored in light of the particular nature of work carried out by independent providers. However, the inspection should be rigorous and the same standards in terms of attendance, punctuality and achievement should be expected and judged. A number of witnesses with whom we spoke from the voluntary sector said that they would welcome being Ofsted inspected.

In light of existing concerns referenced above, the introduction of the pupil premium (discussed in Chapter Three), and the Government's proposal under the *School's White Paper* to run an exclusion pilot, we suggest that the Government considers expanding the use of Back on Track's London Quality Assurance Framework (LQAF) for alternative providers. This has been produced to inform commissioners to make the right decisions in LAs but we are told that it could also be used in individual schools and in academy networks. We believe

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38   Education and Skills Act 2008, Section 92; Civitas, *A New Secret Garden? Alternative Provision, Exclusion and Children's Rights,* London: Civitas, 2010, p6
39   Ibid

that this would be preferable to introducing a quality assurance mark which would have to be regularly updated, whereas the LQAF would need to be reviewed but less regularly.

A number of further fundamental concerns raised during our review in the context of independent providers are referred to below.

### 3.3 Voluntary sector providers

'We need to start with some schools and PRUs being honest about what they can and can't cope with. We never go beyond a child's needs at this organisation. There is a quality of conversation between schools, PRUs and us that we don't yet have.'

Voluntary sector organisation, in evidence to the CSJ

A number of voluntary sector organisations raised concern over their struggle to obtain any or sufficient information from mainstream schools and PRUs, regarding the academic attainment and behaviour of the pupils being sent to them. Although information should be provided, there is no legal instruction or requirement on the part of either mainstream schools or PRUs in terms of what this should be.[40]

With respect to CAFs, we are informed that their use across the country is patchy. One witness told us that their LA does not even have them online yet. Others from a national voluntary sector organisation explained how the prerequisite for a CAF under commissioning contracts with the LA in which he works is causing problems. The CAF is required to be completed by referring schools before a pupil's placement. However, some schools are refusing to do this on the grounds that they do not have time. Alternatively, 'others will say they will have a go but they don't know the parents and there is no way they will get them to sign off, so they may not be able to refer the child'. As discussed in Chapter Two, we are informed that the completion of CAFs requires good resources and is time consuming. CAFs are considered by some as a great tool and by others as something they would rather not have to bother with. One witness told us that he is 'hearing a lot of mainstream colleagues say they don't want to instigate a CAF as they feel they will be charged with the responsibility of auctioning everything around it'. This means that those pupils who should be referred are not. There are negative implications for all parties, in that this causes a bottle-neck of challenging behaviour in some schools where voluntary sector organisations are prevented from helping those pupils who need it.

It was suggested to us by witnesses that the prerequisite to have a CAF on referral should be removed from LA commissioning contracts, and that there should be a condition instead that a CAF be completed during or at the end of provision for the pupil. However, we believe that if schools want to refer pupils to external provision, then they should take responsibility for completing the CAFs. It may well be that teachers are not best placed to do so. However, there

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40    Policy Exchange, *Best Behaviour: School discipline, intervention and exclusion*, London: Policy Exchange, 2011, p47

are other options. For example, as part of the service provided to schools, SHS practitioners complete CAFs. One of the advantages of this is that the practitioners are independent and more likely to get the CAFs signed off by the parents, thereby securing the necessary support for the pupils. It has been suggested to us that SENCOs or a parent/school liaison employee, for example, could take responsibility for completing CAFs. This also seems to add strength to the argument that we need to re-think the process and fast. Again, we refer to the recommendation made in Chapter Two on the introduction of a model, such as an electronic education passport, at an early stage, and across the education and alternative provision sector. PRUs and other alternative providers should have an informed understanding of a child or young person on their arrival. Rather than having to waste precious time chasing up information and filling out documentation, they should be able to start their critical and tailored work with the child or young person immediately. We propose that such a model would sit alongside CAFs and should help to alleviate some of the apparent problems that we have highlighted above.

Many of these children and young people may well have already been denied the appropriate care and support they desperately need and, in some cases, over significant periods of time. It is alarming that once pupils finally have an opportunity to receive effective support, the system continues to work against them and the organisations that are trying to help. It seems that for some vulnerable young people the system compounds their neglect, frustration, and alienation.



Pupils at the London Boxing Academy

## Case Study: The London Boxing Academy

LBA has two centres: one in each of the London boroughs of Tottenham and Hackney. It offers the opportunity for pupils who have 'maxed out' all of their fixed-term exclusions and are facing permanent exclusion to continue in education. Pupils stay for two or three years, where they are enrolled into a class (pod) with no more than six students and given a 'pod leader' – usually an amateur or professional boxer. Pupils remain on roll at their mainstream school while attending LBA, which avoids 'the stain of permanent exclusion' on their educational record.

Its success lies in both the strength of the adult role models and the nature of the LBA's leadership. Pupils benefit from a very small staff-pupil ratio of one-to-three. It not only offers academic lessons (GCSEs in Maths and English, BTEC First Certificate in Sport and a qualification in ICT) but also life skills, anger management and sports sessions. This gives the students a chance to re-focus their ambitions by working through issues they have faced and may continue to face and to build their self-esteem.

### Secrets to Success

Boxing is integral to LBA's ethos. It is used as a tool to capture the imagination of pupils facing exclusion. It gives them the opportunity to expend their energy in a purposeful manner, to channel their aggression and to learn teamwork, discipline and the acceptance of authority. The need for this physical discipline is central to turning around the pupils' lives.

Discipline is strict, but pupils are involved in establishing rules at the start of the year. Those rules are firmly enforced. Pod leaders have been known to go to a student's home to collect them and, with a parent's consent, go into their room to wake them up.

### Carlos

Carlos was 14 and had received a number of fixed-term exclusions from school before he was referred to LBA. Once there, he discovered that the sport training helped him to focus. The guidance of the coaches and the desire to get some GCSEs helped him to change his attitude and really knuckle down and progress. He described the training as follows:

> '…boxing teaches you discipline…you get your energy out there, so when you go into lessons you are more chilled out. Of course boxing teaches you to fight better, but it also teaches you to avoid fighting'.

Carlos completed his time at LBA with GCSEs in English and Maths, and a Merit in BTEC Level 2 Sport. He has since done a Level 3 Diploma in Sports and is working as a fitness instructor for a national chain of health clubs.

### Measuring Success

- Since 2006, 50 students who were predicted U Grades at school have achieved four A, 20 B, 29 C, 24 D and 34 C grades at GCSE or equivalent;
- Over 50 per cent of students leave the Academy with one A* to C grade at GCSE;
- 90 per cent of students leave LBA and go on to training, apprenticeships or further education;
- Students who arrive with low literacy levels upon arrival improve by three years' reading ability within six months of attending the Academy;[41]
- Evaluation demonstrates that for every £1 invested in the Academy there is a £3 return to society;[42]
- A full time place at the Academy costs 50 per cent less than the equivalent at a PRU, where the Academy's pupils would otherwise most likely be.

## 3.4 Private sector providers

The CSJ has long recognised the potential of private sector providers and the part they can play in social policy. During this process we visited high quality alternative provision by some private sector providers – the Vox Centres run by A4E for instance. However, it appears from our evidence that many witnesses' experience of private sector provision is

41    Lachtman S A, *From in Danger of Exclusion to Achieving Normative Qualifications: Understanding the Benefits of Participation and Mechanisms for Student Success in The Boxing Academy*, Los Angeles: University of California, 2010, p51

42    Nevill C and Poortvliet, *Teenage Kicks: The value of sport in tackling youth crime,* London: Laureus Foundation and New Philanthropy Capital, March 2011 cited in The Boxing Academy, Evaluation [accessed via: http://www.theboxingacademy.co.uk/evaluation.html (29/07/11)]

negative to say the least. Some were scathing about the poor quality of care and education offered. Head teachers feel they have no other option but to use private providers in light of the targets that they are required to meet, the need to manage behaviour within their schools, the need to provide their staff with respite and in the absence of any other available provision.

'How would I become a millionaire in education? I would open up alternative provision. I would be full immediately and could probably charge £100 per pupil per day. One private provider tried to charge me £150 per pupil per day. All of the private providers I have associated with have been the same...There is no learning that takes place in some of these places, kids' education standards drop and I don't see any change in their behaviour...The member of staff who deals with alternative provision here was told by one provider that 'if you get the Head to sign up to this [contract], there'll be something in it for you'. It's just money to them and is immoral beyond words. It's happening all over the country.''

Anonymous, in evidence to the CSJ

Even where there is a multiplicity of provision on-site, some schools have to rely on private sector providers. One of the Academies that we visited has separate provision on its premises for disaffected pupils with learning difficulties, as well as separate provision for internal fixed-term exclusions. The Principal informed us: 'we want to keep the children in school, otherwise they will just be on the streets'. This Academy set up its own provision off-site for Year 11 pupils who are at risk of permanent exclusion which we were informed 'is very expensive'. The Principal also spent £300,000 on alternative provision run by private providers during the 2010/2011 academic year for 50 to 60 pupils who were at risk of permanent exclusion. He was charged between £50 to £100 per day per pupil. Some of the providers charged him £50 per day 'whether the pupils were there or not'. The Principal described the private providers he uses as 'sharks', the quality of their provision as 'appalling' and that 'there is no quality of care'.

The CSJ has been informed that it has literally 'scratched the surface' of a modern day scandal.

He explained: 'We regularly monitor the provisions but we have nowhere to put the students. We have withdrawn students but we have nowhere to educate and care for them.' However,

he said that he is in a difficult position because the PRUs in the area are 'oversubscribed'. The Principal explained: 'schools are forced to use and pay for this provision, otherwise there is no respite for the staff. We've got nowhere else to put the kids. We're under immense pressure from targets, these kids incite negative behaviour and the staff don't want to work with them and tell me they will resign if they have to keep teaching them'.

We were informed by the Principal of an Academy that one private provider proposed charging him just short of £600,000 for 30 pupils per year in what was described as 'a low rent high street redevelopment that had been re-modelled like a school and was dirty'. In one authority, three mainstream secondary schools have spent approximately one million pounds between them in the last year on alternative provision which is run by private sector providers:

> 'This represents a small number of their pupils with challenging behaviour. The 'space' that is created within the schools by accommodating these pupils elsewhere is quickly filled by other children who act out to increase their 'standing' in the hierarchy. These schools continue to spend on the alternative provision in spite of their dissatisfaction with its quality'.

The main concerns about the standards of the alternative private provision used by the three schools include: poor attendance and lack of follow up; a narrow, de-motivating curriculum; a poor environment and lack of resources; unqualified, inexperienced staff; high staff turnover; and poor communication with placing schools.

Several LAs and clusters of schools are seeking to establish their own alternative solutions to this issue, which poses quality and budgetary challenges. This is problematic in that it is difficult to source the correct management and structures to run centrally provided alternative provision. We were informed by one witness that some schools and, for example, academy sponsors and PRUs, are often reluctant to commit to managing alternative provision because of the high profile issues that the young people who attend this provision can potentially cause:

> "Some do not wish to be associated directly with working with 'difficult to engage youngsters' either because it is too difficult, and/or because of the possible ramifications of being directly associated with this group of youngsters – especially if it goes wrong".

'As a Principal I feel that the issue of high quality AEP is my most pressing issue. I'm desperate for support. I'm on my knees trying to get the best outcomes for my students and for my families. These children are not going to disappear. They are entitled to a great education and we are failing these children, by sweeping them under the carpet and hoping it will go away. It's time now to make a difference, it's time now to face those children that we left behind.'

Principal, Academy, in evidence to the CSJ

## 4. The exclusion trial

In the *Schools White Paper* the Government committed to piloting a new approach to permanent exclusions. This involves schools being responsible for the funding and commissioning of alternative provision for permanently excluded pupils. The Government proposes to devolve funding for alternative provision from LAs to schools, to enable them to directly commission the alternative provision that 'they think will best suit disruptive children'.[43] Schools which permanently exclude pupils will be held accountable for them. Their academic performance will count in their school's performance tables. This is intended to 'create a strong incentive for schools to avoid exclusion where possible, and ensure that where it does happen it is appropriate and pupils receive good alternative provision'.[44] We understand that the trial will involve up to 20 LAs, and is due to start in September 2011 and run until July 2014. The CSJ welcomes the Government's proposal for schools to retain responsibility for their pupils, the quality of their education and outcomes achieved following permanent exclusion. One of our hopes for this process is that it may encourage schools to focus more on their internal inclusion provision and work in clusters to pool appropriate resources. In implementing its trial, we urge ministers to keep several key issues under close attention. We outline these factors below.

First, if existing pressures remain on schools – such as targets – there is a risk that the Government could inadvertently fuel unofficial exclusions. Recommendations are proposed in Chapter Three in relation to changing the way in which schools are measured. Whether or not the Government decides to implement these recommendations, it should ensure that there are mechanisms in place to prevent the potential for fuelling unofficial exclusions, and for children and young people to fall out of the education system. Checks and balances should be devised carefully.

Second, schools could potentially overspend the budget allocated to them for alternative provision whether through numerous permanent exclusions or using expensive alternative provision, in which case we understand no further funding will be available. However, if they need to permanently exclude another pupil, then we understand that this would need to come out of the school's own budget (perhaps at the expense of employing a new teacher). Again, we query whether this could inadvertently encourage unofficial exclusions.

Third, problems already exist with a lack of potential destinations for permanently excluded pupils. Under the pilot, the responsibility for the permanently excluded children remains with their school – but a lack of options, such as BESD schools or 'at capacity' PRUs, may hinder effective work. A lack of alternative may fuel default placements in poorly performing independent establishments.

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43   Department for Education, *The Importance of Teaching: The Schools White Paper 2010,* Norwich: The Stationery Office, November 2010, paragraph 3.38
44   Ibid, paragraph 3.39

Fourth, proper assessment should be undertaken to ensure a school's decision to commission provision for these pupils is sufficiently analysed. This should include full assessment of the children in question. One witness explained that 'the initial assessment is so important, as it writes the prescription'.

In considering this need for a thorough assessment of a pupil's circumstances, we refer to our recommendation to establish a model – such as an electronic passport – to build an accurate picture. We believe the careful introduction of such a scheme would assist these decisions significantly.

'As the Government tries to open up the market in alternative provision, one of the critical things is that it remains cost effective. What might be enough provision for one pupil could cost £18,000 per year and only be needed for six months as opposed to, for example, another pupil with a significantly higher level of need requiring provision which costs £40,000 per year for the remainder of their school career. We need to find some way at the point of permanent exclusion of carrying out a proper, though light touch, assessment – of the nature of the level of need, what will meet that need, and for how long that additional provision might be required – so that we ensure that the choice given is for the most cost effective provision against that need...

It also requires head teachers to be morally responsible and ensure pupils are placed in the most appropriate provision, not the cheapest provision. Therefore the funding must properly follow the individual pupils' level of need and not be based on generic formula assumptions. Equally, without an outline assessment of need some providers could be unscrupulous and place pupils in their higher cost provision rather than the provision that most cost effectively meets their needs...If we are not careful we could end up in a situation where those with a high level of need will not receive the appropriate support if pupils with lower levels of need are placed in higher cost provision than is necessary.'

**Private sector provider, in evidence to the CSJ**

Fifth, some private providers may create models of alternative provision offering 'segmented support' as opposed to an holistic package to schools in an effort to undercut what is offered

by other alternative providers. Schools could be given the option to pick and choose which elements of support they wish to commission for pupils. This could lead to their needs being inappropriately addressed and potentially unmet. Such a model also raises quality concerns and that some head teachers will opt for the cheaper option.

## 5. Partnership and collaboration across the community

A statutory requirement was introduced by the Apprenticeships, Learning and Skills Act 2009 for all secondary schools (including academies), to participate in a local Behaviour and Attendance Partnership. The purpose of these partnerships was to promote good behaviour and attendance through, for example, shared expertise and best practice, resources, and operating managed moves and fair access protocols (which include provision for hard to place pupils). These partnerships were voluntary prior to the Act and a large proportion of secondary schools were participating in them.[45] However, the Labour Government wanted to make the partnerships mandatory. The Government has since revoked the commencement order that would have made such a requirement.

The Education Select Committee revealed that evidence from the witnesses to its report on *Behaviour and Discipline in Schools* confirmed that:

> *'Working in partnership with other schools, local services and the wider community to draw on local expertise and resources [is] of critical importance in addressing challenging behaviour, including exclusions'.*[46]

'It is hard to deal with educational exclusion in isolation. Behaviour that leads to being excluded or self-exclusion is normally a symptom of other issues and problems rather than a cause. By the time young people behave in this way they may already be in need of a radical intervention. They may be involved in anti-social behaviour on the streets and neighbourhoods around the school. They may be experiencing conflict in their family and with their peers. They may be starting to get caught up with gang or group offending. As such this is a whole community issue rather than simply an issue for a school – it can be part of the solution but other partners and agencies will need to be involved.'

A conflict resolution charity, in evidence to the CSJ

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45 Department for Children, *Schools and Families, Guidance on school behaviour and attendance partnerships,* Department for Children, Schools and Families, March 2010

46 House of Commons Education Select Committee, *Behaviour and Discipline in Schools*, paragraph 115, 3 February 2011 [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/11)]

Evidence submitted to our review is consistent with this. A number of primary schools that we visited are also participating in such partnerships. Many witnesses emphasised how vital it is that schools, PRUs and other alternative providers collaborate and work together in partnership, as well as with other services and voluntary sector organisations. A collective responsibility should be taken for every vulnerable child and young person in the community. The underlying causes of challenging behaviour and disengagement from education are often too complex for schools or other educational settings to address alone. However, concern exists over the apparent nervousness of some schools regarding their new expenditure responsibilities.

'Whilst a few schools appear to be responding to the localism agenda, we're finding that many are in a paralysis around their new expenditure responsibilities. They have little confidence or skill at knowing what or how to commission. Despite evidence that our work improves behaviour, attendance and achievement, schools seem to have lost their nerve when it comes to buying services that manage conflict among their pupils...and this is the first of three years of cuts so we are very concerned about the next few years.'

Tom Lawson, CEO, Leap Confronting Conflict, in evidence to the CSJ

Some schools work in partnership with the LA, others exclusive of the LA. Some have control over and are directly commissioning services which would have previously been commissioned by the LA. For example, they are employing social workers or EPs. Some schools are developing particularly innovative partnerships, as demonstrated by the case study below on Hungerford Primary School. They are positioning themselves at the centre of their community and developing an extensive range of partnership and community initiatives, aimed at maximising support for the pupils and their families. Another exemplar of best practice that we have discovered is the partnership operating in Sutton LA. This comprises the head teachers of all of the secondary schools, the PRU and the BESD school. They have developed a very positive collaborative working relationship and share a strong sense of the importance of 'community ownership' – that of owning their local children, whatever their needs. New Rush Hall Group operates a different and equally impressive type of collaboration across the Redbridge borough. It is a federation which provides education in a range of educational settings for children and young people with BESD. The New Rush Hall Group aims to provide a joined-up strategic and management approach to meeting these needs. It measures its outcomes in terms of the very low number of NEETs in Redbridge, use of residential BESD places and permanent exclusions. Exam outcomes and economies of scale obtained by working as part of a federation are also taken into account.

Witnesses to our review had mixed opinions on the Government's decision not to go ahead with mandatory Behavioural and Attendance Partnerships, again, in accordance with

evidence submitted to the Education Select Committee.[47] Some expressed regret over its decision, others felt that voluntary participation is more effective. The head teachers with whom we spoke who participate in voluntary partnerships remain keen for those to continue on an informal basis. However, some expressed anxiety over the potential sustainability of those partnerships in light of various Government proposals under the *Schools White Paper*.

> 'We need a generation of Heads who feel a responsibility to serve every child in the community.'
>
> Chief Executive, voluntary sector organisation, in evidence to the CSJ

For example, some questioned the potential impact of the diminution of LA power on voluntary partnerships; others questioned the impact of any schools within the partnership becoming academies. LAs will of course continue to have a role – 'a strong strategic role as champions for parents and families, for vulnerable pupils and of educational excellence'.[48] However, a number of witnesses felt that the exact nature of its role is unclear and that it needs to be clarified. One witness queried:

> *'There is nothing in the White Paper which seems to fly in the face of schools being able to retain these partnerships but it's quite vague and broad. Is there anything in the detail that could disrupt that, given that the LA still has a role?'.*

Another question raised was what LAs are going to give schools in terms of, for example, social work and EP time. Schools and PRUs already face considerable difficulties in terms of trying to address challenging behaviour and disengagement from education. As a result of the strategic review and cuts, LAs now have significantly less money for the very types of provision which are often so desperately needed by vulnerable pupils. This includes provision for behaviour strategy, speech and language therapists, educational welfare officers and EPs.

> 'Workforces in LAs are being cut so dramatically without any thought to the White Paper or education – just slashed across the board.'
>
> Anonymous, in evidence to the CSJ

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47    House of Commons Education Select Committee, *Behaviour and Discipline in Schools*, 3 February 2011, paragraph 115 [accessed via: http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51602.htm (04/02/11)]

48    Department for Education, *The Importance of Teaching: The Schools White Paper 2010*, Norwich: The Stationery Office, November 2010, paragraph 5.28 to 5.44

As noted, some head teachers participating in partnerships are already employing their own specialists and sharing the cost of that with each other. This also provides them with more choice as to who they appoint. It was felt that where strong partnerships already exist, working in this way could potentially strengthen such partnerships. However, questions were raised over where the funding would potentially come from. It was felt that the pupil premium could legitimately be used for certain types of provision, although we understand that SEN (including EPs), social workers and EWOs are all core budgets which are believed to be staying with LAs:

*'There is an issue about budgets which needs to be unpicked if the White Paper is going to be transparent. If LAs pass money over to schools for provision like social workers, then fine – it gives them more scope to do things within the partnership'.*

However, as highlighted by Kate Fallon, General Secretary, Association of Educational Psychologists, the direct commissioning of services such as those provided by EPs is not without potential implications for vulnerable children and young people:

*"We have to ensure that all children are able to have access to services in the future. It would need careful thought. At the moment EP services within LAs are able to work with a range of children and young people, including those who are not attending schools or are in between school placements or whose schools wouldn't necessarily prioritise for 'their' EP time. If schools become the direct commissioners of EP time the excluded children will need some protection".*

## Case Study: Hungerford Primary School and Children's Centre

Hungerford Primary School incorporates a Children's Centre. Sixty-three per cent of the 459 pupils are eligible for FSM, which is considerably above the national average; and 41 per cent have some form of SEN and/or disability, which is above the national average – these are mainly behavioural, and speech and language difficulties, or related to autism. The majority of pupils are from minority ethnic groups and about half the pupils are learning English as an additional language. Most pupils enter the nursery and early years foundation stage with very impoverished language and communication, literacy and social skills. It has been commended by Ofsted for its extensive range of partnership and community initiatives, which are aimed at maximising support for the pupils and their families, include that of:

- A 13 week 'Strengthening Family, Strengthening Community' course, with two facilitators who work in the school, a Learning Mentor and family support worker;
- A Children's Centre, part of which is situated on the school's premises. This has a nursery provision (for those of six months of age through to the end of reception), and offers a broad range of other services, including, parent mental health ('well-being') sessions and individual counselling;
- Mixed events held between pupils and older people at The Drovers Centre near the school;
- Volunteering initiatives, for example where parents and volunteers work with the children to grow food, which is cooked in the school kitchen, shared with the children and some produce given away to the community;

- A health centre (accessed via the school's back gate). The school provides space for some the surgeries to operate within its Children's Centre. This link helps to build a relationship with the broader community. Expertise from the health professionals, for example in relation to new mothers, is passed on to staff which widens their experience and understanding and is often considered to be the best form of INSET;
- A community centre next door to the school, which it uses for workshops. The school and the centre share resources. Overflow sessions from the Children's Centre for outreach are held by the school in the community; and
- Bridge School, a special school for children with autism and specific and multiple learning difficulties, which is adjacent to Hungerford Primary School. The schools work very closely with each other, and Bridge School provides support and expertise through its outreach team to Hungerford Primary School's children with autistic spectrum disorder.[49]

*'We consider ourselves to be at the centre of the community. The pubs and churches have all gone. The only thing that is left that is consistent is the school... Before our last Ofsted inspection, the local shop owners put banners up in their windows, and residents hung sheets out of their windows, wishing the school good luck.'*

**Brian Bench, Head Teacher, Hungerford Primary School and Children's Centre**

## Case Study: Partnership and collaboration in Sutton

There are 14 secondary schools in Sutton, one PRU and one BESD school. Sutton contains a number of the most deprived wards in England.

The heads of all of the secondary schools, the PRU and the BESD school have a very positive collaborative working relationship. They also share a strong sense of the importance of 'community ownership' – that of taking responsibility for local children, whatever their needs. The PRU is funded through the LA.

Emma Bradshaw, Head Teacher of the PRU, told us:

*'Historically...it's like the LA had a rug that it swept the difficult stuff under. I think that's a very good description of how a lot of PRUs feel and are treated in LAs. They are not working in partnership with their local schools... but it's all about building partnership. PRUs need to take their place...The secondary school Heads see me as a colleague...I attend the Heads Board meetings and their away day...A PRU operating as it should, in partnership in its LA, is actually the missing link – the link in the chain that joins those kids back up into a mainstream environment. My passion... is for every youngster that comes here to have a positive destination'.*

The vulnerable pupil panel meets once a month, and is attended by all of the head teachers or leadership team representatives, to discuss pupils who are at risk of exclusion, with a view to placing them where their needs will be best met.

Referrals and managed moves are dealt with formally under the Fair Access Protocol. Every four to five weeks, data on exclusions is circulated by the LA to each of the heads, which allows them to benchmark.

49    Ofsted, *Inspection Report: Hungerford Primary School and Children's Centre, 18–19 March 2009,* Ofsted, 2009, pp5,8 [accessed via: http://www.ofsted.gov.uk/inspection-reports/find-inspection-report/provider/ELS/100435 (25/08/11)]

The following secondary schools in Sutton also run opportunity bases, which are like mini special schools within each school, and provide access to predominantly statemented pupils who have a range of needs:

- Greenshaw High School: has, as part of its SEN provision, a base for pupils with speech, language and communication needs, with capacity for 30. Virtually all of them attend mainstream lessons, and receive additional therapeutic support in the base from speech therapists and specialist teaching assistants (who are trained through ELKLAN and who in turn train teachers). The base is also supported by ICAN. The pupils previously had to attend a specialist and very expensive facility for this support. The speech therapists also carry out an element of outreach work, attending the local primary and secondary schools;
- Stanley Park: has a base for pupils with high functioning autistic spectrum disorder, with capacity for 35;
- Overton Grange: has a base for pupils with hearing impairment, with capacity for 40. The Base is called the Hearing Support Department, to make it more integrated into the main school. The school's aim is to enable its hearing impaired pupils to gain the fullest possible access to the curriculum and life of the school, whilst meeting their hearing impairment needs;
- Glenthorne: has a base for pupils with lower functioning autistic spectrum disorder, with capacity for 30.

The opportunity bases promote the notion of inclusive education – i.e. students with specific SEN being part of mainstream education, with access to specialised resources. Funding for the bases is provided by the LA and replaces the money the schools would otherwise have received for individual statements.

The partnership is currently considering whether to create a further opportunity base for pupils with BESD to enable the PRU to fulfil more of a 'short stay' function, and in view of the fact that the special school for children with BESD is at full capacity.

The partnership and LA recognise the cost efficiency of making this provision for its young people, avoiding the need for them to be educated in special residential schools outside of the borough, at a far greater expense. The partnership and LA also recognises the personal benefits to its young people – that of allowing for a relationship to be built up with them again, within their community, and with the opportunity of simultaneously working with their families.

The Head of Greenshaw High School has also recently submitted a proposal to the partnership to set up a pan-Sutton centre for pupils who are fixed-term excluded for less than six days, with capacity for up to 20 to 30 pupils. The idea is for the secondary schools to share the commissioning of this service, which would be staffed and funded by them, and located within an existing building provided by the LA. The LA is very supportive of this idea.

All of the heads of the secondary schools in Sutton made an approach to the Government for their schools to become academies as a partnership. They are still autonomously governed and funded schools, but will continue to have a strong sense of common purpose. Currently all except two of the schools will have converted by 1 September 2011. This includes the special school; the two remaining schools are faith schools for whom the process is slightly more complex. They have also reaffirmed their commitment to continue to work in partnership with each other, and with the LA, for the benefit of all their students and the young people of Sutton.

## Case Study: The New Rush Hall Group

The New Rush Hall Group is a federation based in Redbridge, which provides education in a range of settings for children with BESD. The Group aims to provide a joined-up strategic and management approach to meeting these needs, and comprises:

### An early years provision

The provision caters for up to 16 Foundation and KS1 (12 on site) pupils (aged four to seven) with challenging behaviour. It carries out preventative work within a nurturing environment for children 'who mostly all need attention and are trying to get it in their own ways'. This is in the hope of avoiding the children's potential exclusion from mainstream school, and/or the need for subsequent placement in a special school. The children attend for mornings only and return to their respective mainstream schools after lunch. A Learning Support Assistant from their mainstream school also attends the provision one morning a week to train and learn new techniques alongside the school's staff. Since the provision opened in the Summer of 2008, it has worked with 26 children from 17 different primary schools. Of these children, one per academic year has transferred to a full time Year Three place at New Rush Hall School (referred to below), while the rest have successfully returned to mainstream school.

### A Special BESD School

New Rush Hall School is a day special school for pupils aged five to 16 years with BESD. The school has capacity for 64 pupils: 24 in primary and 40 in secondary. The school also provides training, in conjunction with the Tavistock and Portman Trust, to teachers, Learning Support Assistants and other educationalists in Redbridge and beyond. The school's most recent Ofsted inspection report, dated January 2008, stated that it is '...outstanding and innovative...where leadership and management promote high quality care and education, and put pupil achievement at the heart of all decision making'.

### A Behaviour Support Outreach Service

The New Rush Hall Outreach Service comprises both a primary and secondary team with its own coordinator. The service consists of 10.5 teachers who offer comprehensive support for 350 pupils aged five to 16 years with BESD and to mainstream staff. This aims at enabling the pupils' needs to be met within their mainstream schools and minimising the need for placement in a special school. The range of interventions includes consultation, observation, joint planning, giving feedback and advice to staff, individual work, small group work, in-class support and delivering INSET.

### Three PRUs

- The John Barker Centre: has capacity for 16 pupils in Years 7 to 9 (aged 11 to 14). The centre was judged to be outstanding by Ofsted in its most recent inspection in March 2010; providing: '... exceptional education for pupils'.
- The Constance Bridgeman Centre: has capacity for 42 pupils in Years Ten and 11 (aged 14 to 16). The centre was deemed to provide an 'excellent education for its students' by Ofsted in November 2009.
- The Redbridge Tuition Service: has capacity for 48 children aged five to 16. The service's most recent Ofsted inspection report from November 2008, evaluated 'the quality of the curriculum and partnership work' as 'outstanding'. The Tuition service also provides home tuition for children who cannot attend school due to medical reasons.

### Provision within Adolescent Psychiatric Unit

Brookside, is an adolescent Psychiatric Unit which caters for up to 30 young people aged 13 to 18, who attend as day or in-patients. The Group provides and manages the education provision within Brookside. Referrals of young people can be made at any point during the academic year, from periods of four weeks up to one year. Many older students go on to college when they leave Brookside.

The Governors and Management Committee of the Group, in conjunction with the LA, manage and oversee all of the above resources and services.

# 6. Recommendations for reform

## 6.1 BESD schools

- **Increase BESD provision where required:**

  The Government should consider, in the context of any recommended review of the purpose of PRUs (see below), establishing new BESD schools (particularly at primary phase) in areas where they do not currently exist.

- **Link BESD provision with mainstream education:**

  We recommend that policymakers work to link BESD schools with mainstream schools, with a view to them performing an intervening role, as opposed to being viewed as 'the end of the road' for pupils and their families who feel stigmatised by their attendance. Cross-borough and a Pan London Federation should be encouraged.

- **The Government should recognise the specialist skills that are required to work with children and young people with BESD:**

  The Government should consult on the potential for teachers to train and qualify in BESD schools, and on creating a conversion course allowing teachers to transfer back to mainstream schools in the future, should they wish to do so. The best BESD schools should be allocated with a 'Kite' mark, entitling them to provide such training.

- **All BESD schools should work in partnership with mainstream schools, PRUs and other alternative providers, and provide outreach support in those settings:**

  In doing so they should draw on the best practice of others like The New Rush Hall Group.

## 6.2 Alternative provision

■ **Accountability on full-time provision:**

The Government should clarify as soon as possible how it will ensure enforcement of the requirement for all LAs to provide full-time education for all children in alternative provision with effect from September 2011.

## 6.3 PRUs

■ **Define purpose and mission:**

Policymakers should provide clarity of purpose to the PRU sector. This should be based on the understanding that BESD schools are supposed to provide long term placements, but currently some PRUs are effectively also running as BESD schools. Consideration should be given as to whether all PRUs are in a position to meet the needs of these children and young people. We also received evidence on a PRU which had been used as a PRU and as a special school. The mix of children with severe learning difficulties and behavioural difficulties was described as 'toxic'. This indicates the importance of keeping each specialism separate in order to maximise their efficacy.

■ **Formally rename PRUs:**

It should be recognised that a PRU is not a unit, it is an alternative school and should be part of the continuum of education. PRUs should be renamed 'Alternative Primary' or 'Alternative Secondary' schools – which would send a vital signal to all concerned and begin to change the culture. In addition, we recommend that the title 'Teacher in Charge' is replaced with that of 'head teacher'.

■ **Learn from the best PRU examples when planning future policy:**

It is crucial that we recognise and build on the finest examples of those which are demonstrating best practice. We have included models in this paper, such as the Bridge Academy, and the Government should seek out others in order to best serve the young people within them.

■ **Foster relationship building and partnership between head teachers of mainstream schools, BESD schools, and PRUs and other alternative providers:**

See, for example, the case studies on Sutton and Redbridge above. PRUs should provide outreach support to mainstream schools, BESD schools and other alternative providers.

■ **Restorative approaches should be promoted in all PRUs.**

■ **Schools should engage with effective voluntary and community sector organisations, such as Leap Confronting Conflict which we have featured, to promote positive behaviour and minimise high risk behaviour.**

- **Build on Back on Track:**

  It is imperative that we learn from and build on the experience and knowledge built up through Back on Track (including in relation to mainstream schools) and any examples of best practice identified by the NFER evaluation.

  We cannot waste time. We must avoid a situation where the value of knowledge and experience built up through Back on Track is lost, particularly in light of the findings in our review and concerns expressed about some aspects of alternative provision.

## 6.4 Independent providers

- **Regulate and Ofsted inspect alternative provision run by independent providers:**

  Whilst we acknowledge the potential valuable contribution independent providers can offer as part of society's response to exclusion, we have encountered and outlined shocking levels of negligence and bad practice in some establishments. It is therefore crucial that such providers are regulated and inspected.

  The Ofsted inspection framework should be carefully tailored in light of the particular nature of work carried out by independent providers. However, the inspection should be rigorous and the same standards in terms of attendance, punctuality, and achievement should be expected and judged.

- **The Government should introduce guidance for mainstream schools, special schools and PRUs with respect to engaging alternative providers.**

## 6.5 Partnerships

- **The Government should provide further details on the proposed strategic role of LAs under the *Schools White Paper*, and clarify the position with respect to potential funding streams.**

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