

Timpson Review of School Exclusion – May 2019

Recommendations and Conclusions

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

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

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

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

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

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

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

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

Recommendation: DfE should establish a Practice Improvement Fund of sufficient value, longevity and reach to support LAs, mainstream, special and AP schools to work together to establish systems to identify children in need of support and deliver good interventions for them. The fund should support effective partnership working to commission and fund AP, and enable schools to create positive environments, target support effectively and provide the opportunity to share their best practice successfully. This should include developing best practice on areas including: • internal inclusion units • effective use of nurture groups and programmes • transition support at both standard and non standard transition points and across all ages • approaches to engaging parents and carers • creating inclusive environments, especially for children from ethnic groups with higher rates of exclusion • proactive use of AP as an early intervention, delivered in mainstream schools and through off site placements

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

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

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

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

Recommendation: The government should continue to invest in approaches that build multi-disciplinary teams around schools, and should identify any capacity

concerns and work across Departments to ensure that schools are supported and work productively with all relevant agencies, including Health and Social Care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

take this forward so children's social care can best be involved in decisions about education and how best to ensure a child's safety and long term outcomes.

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

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

Conclusion

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

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

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

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

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

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

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

Skipping School: Invisible Children-How children disappear from England's schools - Anne Longfield, Children's Commissioner for England, (2019)

Recommendations and Conclusions

Many parents who make a philosophical decision to home educate put a substantial amount of thought and dedication into providing their children with a high quality education. But as this report has shown, there are many other families out there who have ended up home educating for other reasons, and are struggling to cope. There needs to be a cultural shift away from pressurised, hot-housing schools, to help stem the tide of children entering home education when it is not in the family's true interests or wishes.

There is also a pressing need for more immediate measures to improve the experiences, safety and wellbeing of children who do end up being home educated.

The Children's Commissioner's Office is calling for the following:

A home education register

Parents who are home educating their children should be required to register their children with the local authority. In a survey of local authorities in Autumn 2018, all 92 respondents agreed that a mandatory register would aid them in their work.

The register should include the child's name, date of birth and the address at which they are being educated. Parents should also be asked why they are home educating their child and whether they intend for the child to re-enter mainstream education at some point.

There should be a requirement for parents to inform the local authority if they move away from the area and to re-register the child with their new local authority. Councils should put information-sharing agreements in place to further ensure that children do not disappear off-grid after moving.

Strengthened measures to tackle off-rolling

The Children's Commissioner's Office supports ongoing work by Ofsted to identify and tackle off-rolling, and welcomes specific mention of the practice in its new draft inspection framework. It is our hope that Ofsted will grasp this opportunity to come down hard on schools who are letting down some of the most vulnerable children, and we will provide data to Ofsted to identify which schools have high proportions of pupils moving into elective home education.

School behaviour policies should acknowledge that poor behaviour may be linked to additional needs, such as SEND, and ensure that children with additional needs receive appropriate support.

When inspecting schools with high levels of pupil movement, Ofsted should explore if there is any link between their behaviour policies and off-rolling. If particular behaviour policies are consistently a feature of schools found to be off-rolling, Ofsted should provide the evidence to the sector to enable schools to modify their policies.

Children who are withdrawn from school should be entitled to re-register with the same school without going through the usual admissions procedures. Local authorities should have the power to direct an academy school to admit a child who is being home educated and wants a school place.

A financial penalty should be considered for schools that are found to be off-rolling pupils.

Advice and support for children and families

Within three days of a decision being taken for a child to be withdrawn from school to be home educated, the local authority should visit the child and family to provide advice and support on alternative options, including other schools the child could attend. Local authorities should provide information at this point so that parents are aware of what they are taking on, including their responsibility to meet exam costs, and offer help negotiating entry to another school if desired.

This should be followed by another visit 4-6 weeks later once the family has had the opportunity to settle in to home education and understands better what is involved.

Greater oversight of children

Council education officers should visit each child being home educated at least once per term to assess the suitability of their education and their welfare. This will require additional funding for local authorities. Where there are concerns over a child's welfare, they should be spoken to without parents present.

Decisive action against unregistered schools

The government must strengthen the law so that it is easier to prosecute illegal schools. We support Ofsted in calling for a clearer definition of "full-time education" in law, so that unregistered settings can no longer exploit this loophole to evade prosecution.