

Forgotten children: alternative provision and the scandal of ever-increasing exclusions

Introduction and background

Alternative provision (AP) is a broad term describing a wide variety of types of school or educational settings. These include: Pupil Referral Units (PRUs); alternative provision academies and free schools; hospital schools; and AP delivered by charities and other organisations as well as independent or unregistered schools. AP is commonly used by local authorities to arrange education for pupils who are unable to receive suitable education (usually due to exclusion or illness), by schools for pupils who have fixed-term exclusions, or to improve a pupil's behaviour.

Children have a right to good quality education and support, regardless of why they are in AP. For many children AP can be transformational and can make a real difference to their lives. However, not all children are entering AP for the right reasons at the right time and receiving high quality education.

This inquiry report from the House of Commons Education Committee first of all explores the recent sharp increase in exclusions from mainstream education. It sets out the key elements of successful AP and makes a series of recommendations. Over 100 pieces of evidence were received in response to the Committee's call for evidence from: academics and researchers; providers of AP in many of its forms; representatives of charities and organisations; local authority representatives; Ofsted; and the Minister of State for School Standards. A private session was held in March 2018 to gather the views of young people and parents with experience of AP.

Key points

Exclusions and their effect on AP

- Since 2012-13, the number of permanent exclusions has risen, with a 40 per cent increase over the past three years. In 2015-16, 6,685 pupils were permanently excluded from school.
- There are currently at least 48,000 pupils who are educated outside of mainstream and special schools during the year. However, this does not include the pupils who are educated in AP but who remain on the full roll of their mainstream school.
- Children in care, children in need, children with special educational needs and disabilities (SEND) and children in poverty are all more likely to be excluded than their peers. Pupils with SEN support are almost 7 times more likely to be permanently excluded than pupils with no SEN. Boys are more likely to be permanently excluded than girls; for every girl permanently excluded last year, at least 3 boys were permanently excluded.
- The demand for AP places is now greater than the sector can provide, with many AP schools oversubscribed. This leads to a lack of space which can in turn have an impact on attendance and turnover at these schools.
- Schools and school representatives told the inquiry that schools no longer have the financial resources to fund pastoral support which would often help keep pupils in mainstream schools. Financial pressures may be affecting schools' capacity and ability to identify and support problems and provide the early intervention that is necessary.
- The inquiry heard worrying evidence that some schools may be deliberately failing to identify a child as having SEND, as it is more difficult to exclude a pupil with SEND. Some schools are justifying permanent exclusions of pupils with SEND, by claiming that they will get the support that they need in alternative provision, and exclusion will speed up the assessment process.
- Some evidence heard suggests that the rise in so called 'zero-tolerance' behaviour policies is creating school environments where pupils are punished and ultimately excluded for incidents that could and should be managed within the mainstream school environment.
- There are increasing numbers of children with mental health needs in schools and AP. Mental health issues can affect pupils in different ways, including their ability to cope with school, their attendance and their behaviour. Exclusions may therefore be increasing because teachers are not sufficiently equipped to diagnose social, emotional and mental health needs.
- Pupils count towards the Progress 8 scores of schools if they are registered on the school's census in the January in which they are in Year 11. While Progress 8 takes into account prior attainment, pupils who fall behind in secondary school, for example for medical or other reasons can negatively affect a school's results. The practice of off-rolling, whereby pupils are removed from the school's register by moving them to AP, to home education or other schools—was raised by many witnesses; the

inquiry heard that the accountability system and Progress 8 was a major factor.

- There was evidence that an unintended consequence of the Government's strong focus on school standards has led to school environments and practices which have resulted in disadvantaged children being disproportionately excluded. There appears to be a lack of moral accountability on the part of many schools and no incentive to retain pupils who could be classed as difficult or challenging.

The process of exclusion

- Parents and pupils often do not know their rights regarding exclusions, and where the pupil is internally excluded or directed off-site, there is no system of redress. Similarly, parents and pupils have no say in the choice of AP provision which is made for them.
- Many parents do not have the time or social capital to challenge schools. They may not be aware of their right to appeal a permanent exclusion decision nor of the 15-day time frame within which such an appeal must be made.
- An appeal is heard by an Independent Review panel, but the Committee is of the view that the make-up of the panel is such that bias can arise. Therefore, the exclusions process is weighted in favour of schools and often leaves parents and pupils in conflict with a system that should be supporting them.
- The quality and availability of provision is variable. In 11 local authorities, there are no 'good' places in AP, while in Dudley, Gateshead, Newcastle and Thurrock, all PRUs have an Ofsted rating of 'inadequate'.
- The inquiry heard evidence about a lack of sufficient checks on unregistered providers. If pupils are placed in unregistered provision, without sufficient oversight, their education and safety is put at risk.
- Essex County Council told the inquiry that because there is no requirement for AP providers to register with the local authority before they offer provision, local authorities can be unaware of the full range of provision that is available in their area.
- There were concerns about a lack of oversight of exclusions. Although local authorities have statutory responsibilities to provide suitable education for excluded pupils, they may have little oversight of decisions about exclusions.
- Schools do not always have the capacity and specialist knowledge to assume full responsibility for the commissioning of long-term placements for pupils who will often have complex needs. A fragmented approach to commissioning responsibilities and a lack of oversight and scrutiny around decisions means that pupils are being left vulnerable to inappropriate placement decisions.
- Whereas local authorities employ a Virtual Head to have oversight of the progress and attainment of looked-after children, those in AP do not have such an advocate.

Key elements of good AP

- The inquiry heard mixed evidence about the effectiveness of in-school provision designed to reduce the number of exclusions. Concerns were often expressed about the lack of learning which took place in school 'sin bins'. However, there were accounts of successful interventions that are delivered in-house, using inclusion style models.
- Drew Povey, Headteacher of Harrop Fold school in Manchester, told the inquiry that his school had not excluded a pupil in over ten years. His school has three levels of intervention rooms. He described the success of this model using the example of a pupil who subsequently

went on to college and is training to be a teaching assistant.

- There were concerns about the quality of teaching in APs, whether linked to well-documented recruitment problems or to misconceptions about the demands of working in the sector. Some schools reported that they are meeting this challenge by training teachers 'in house'. However, the National Education Union raised concerns about the appropriateness of PRUs for initial teacher training, saying that it is 'simply inappropriate to have emerging teacher trainees working with the most vulnerable children and young people'.
- Recruitment to AP leadership roles is a problem. In order to meet this challenge, the Difference programme will recruit teachers with a minimum of three years' teaching experience and at least middle-leadership experience. These teachers will take on leadership roles in PRUs before returning to mainstream schools where they will disseminate best practice thereby reducing exclusions. This practice of cross-fertilisation of knowledge between sectors already happens in other countries in the UK such as Scotland, where exclusion rates are much lower. Just one pupil in Scotland was permanently excluded in 2016-17.

Main recommendations

- Parents and pupils have a right to know how often schools resort to exclusion: schools should publish their permanent and fixed term exclusion rates every term, including for pupils with SEND and looked-after children, as well as the number of pupils who leave the school.
- If a pupil is excluded from school for more than five non-consecutive days in a school year, the pupil and their parents or carers should be given access to an independent advocate. This should happen both where pupils are internally or externally excluded from school, or where the LA is arranging education due to illness.
- Parents and pupils should be given accurate information about the range and type of AP that is available locally: all organisations offering AP should be required to inform the local authority in which they are based of their provision. The local authority should then make the list of alternative providers operating in their local authority available to schools and parents on their website.
- Independent Review Panels should be able to direct a school to reinstate pupils: legislation should be amended at the next opportunity so that this can happen.
- The Government should change the weighting of Progress 8 and other accountability measures to take account of the proportion of time which every pupil has spent in the school. This should be done alongside reform of Progress 8 measures to take account of outliers and to incentivise inclusivity.
- All trainee teachers, in order to achieve Qualified Teacher Status, all trainee teachers should be required to undertake a placement outside of mainstream education, for example in a special school or in alternative provision.
- Ofsted should carry out thematic inspections of in-school AP.

The full document can be downloaded from:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>