

## School exclusions review: call for evidence

### Response of the Association of School and College Leaders

#### A Introduction

1. The Association of School and College Leaders (ASCL) represents over 19,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK. ASCL has members in more than 90 per cent of secondary schools and colleges of all types, responsible for the education of more than four million young people. ASCL has many members that work across the full range of school and college provision including different forms of alternative provision such as Pupil Referral Units (PRUs) and hospital schools. This places the association in a unique position to consider this issue from the viewpoint of the leaders of all types of schools and colleges.
2. ASCL welcomes the opportunity to submit evidence to this timely and important review.
3. However ASCL believes that the terms of reference are not broad enough to cover the full range of issues. We have therefore highlighted, in Section C below, a number of key areas for consideration which we believe the review should include to ensure this issue is fully addressed.
4. In our evidence we have used the term 'exclusions' to cover both fixed term and permanent exclusions. We note also that many schools use the term 'exclusion' to describe internal exclusions which they use as part of their approach to managing behaviours.
5. Our submission is organised in line with the issues identified in the call for evidence terms of reference, as follows:

##### **A Introduction**

##### **B General Points**

##### **C Other areas we believe this review should consider and why**

##### **D Issues highlighted in the terms of reference**

#### B General Points

6. ASCL believes that every school should be an inclusive school and encourages all schools in a local area to take collective responsibility for all the children and young people living and being educated in their area.
7. Evidence indicates that many areas do this really well with schools collaborating effectively and using arrangements such as managed moves, however we are aware that such practice is not consistent across the country.

8. It is our view that there needs to be a clear expectation, supported by an effective accountability process, to ensure that all schools work collaboratively and take an active interest in meeting the educational needs of all local children and young people. This should include agreeing clear policies and procedures which all schools within the local area would adhere to.
9. Examples of good practice include local agreements used by all schools in a geographical area and local schools leading fair access panels that enable ownership and positive challenge of 'at risk' and vulnerable children. Appropriate challenge must be part of local agreements, with head teachers giving peer challenge to colleagues as and when needed. We believe the Fair Access Protocol can be a good forum for discussion on these matters.
10. ASCL would like to see a duty on every school, irrespective of their designation, to work with all other local schools on exclusions. This would include single academies and MATs working closely with local authority schools, to coordinate and actively manage all managed moves and exclusions. Such a duty will require an effective accountability process to ensure that all schools work collaboratively and take an active interest in meeting the needs of all local pupils.
11. With regard to SEND pupils and exclusions, it is clear that all schools and colleges must abide by and take the law as their starting point. ASCL believes that all schools and colleges should be encouraged and supported in adopting a whole school approach to managing behaviour including those pupils with SEND.
12. We would sound a note of caution regarding any 'blanket use' or simplistic analysis of data and remind people that it is important that individual school exclusion figures should not be taken at face value.
13. We believe it is essential that any examination of exclusions should take into account the local context including the nature of the support available to the school. This should include the type and cost of any alternative provision (AP) available in the area. We are aware that there is limited availability of effective AP for some groups of children and young people in a certain parts of the country and also that some provision is extremely expensive.
14. Insufficient and/or inappropriate alternative provision in a given part of the country can impact of exclusion rates as pupils may be permanently excluded should there be no readily accessible suitable alternative provision.
15. Some alternative provision (AP) is very good but provision is patchy across the country and the quality of services is variable. We urgently need greater focus on AP for these most vulnerable children and young people and to ensure that there is high quality AP available to those who need it wherever they live. A comprehensive overarching strategy and appropriate national funding are needed. We refer you to our response to the Education Committee Call for Evidence – Alternative Provision<sup>1</sup>.
16. The issue of exclusions needs to be considered in the context of real terms funding cuts both to schools and local services. Reduced funding has meant that many schools are unable to provide sufficient in-schools support for pupils at risk of exclusion. Similarly the impact of reductions in funding to local authorities has meant that they are unable to provide the level of support to schools that would be appropriate to effectively deal with the demand from schools. Many members have told

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<sup>1</sup> [www.ascl.org.uk/policy/consultation-responses\\_news-detail.alternative-provision.html](http://www.ascl.org.uk/policy/consultation-responses_news-detail.alternative-provision.html)

us that as a result of funding cuts they are finding that, once all the finance restricted in-school and local specialist support is exhausted they have no option for some pupils but to exclude.

## **C Other areas we believe this review should consider and why**

17. **The correlation between reductions in real terms funding for schools and colleges, cuts to funding for local support services (CAMHS and other local support) and the rise in exclusions.** We believe that funding constraints are having a major impact and that there is a link between the real terms reduction in funding to schools and local authority services and the rising rate of exclusions. Members in mainstream schools tell us they are having to close or reduce the scope of in-school units and limit intervention strategies due to budget constraints. This in turn is causing a rise in placements with alternative providers (APs) because they are unable to provide the much needed in-school support for children at risk of exclusion. There are also significant variations in the level of funding to support schools reducing exclusions and to provide sufficient appropriate AP from area to area. We consider that there is almost certainly a correlation between funding cuts and rising exclusions. We believe that this is an area of investigation for the government to examine.
18. **The impact of accountability pressures including the EBacc on exclusions.** There are two strands to this. Firstly the pressure to adopt a 'fully EBacc' curriculum for nearly all pupils can lead to some young people having a curriculum which is not wholly suited to them and which they react against leading to behavioural difficulties which in some cases can lead to exclusion. Secondly, there is some anecdotal evidence of instances of inappropriate exclusions or referrals for AP from mainstream schools due to schools removing pupils that are likely to impact on the school's performance measures. These issues need further investigation.
19. **Comparing the approaches taken to exclusion and behaviour more generally in different types of schools.** It is our view that this call for evidence must include a comparison of the approaches taken by different schools to similar situations. It may well be that there are patterns for similar types of schools, for example whether there are arrangements that are common or distinct to some or all MATs, to smaller trusts, to stand-alone academies, or to Local Authority maintained schools. In particular we consider the review needs to examine how this relates to the problem of 'off rolling'. Some members believe that certain of the larger MATs may be responsible for a significant proportion of exclusions and are also removing children and young people from roll, as an alternative to exclusion, and this needs to be properly investigated. This should include examining whether as a consequence of the actions of some schools other schools have to take on a disproportionately high number of pupils with significant difficulties.
20. **The impact of 'zero-tolerance' behaviour policies on exclusions and removing children and young people from roll.** ASCL believes the review should examine the impact on exclusion rates, temporary and permanent, when schools operate a 'zero-tolerance' approach to pupils exhibiting behavioural difficulties. A study of 'zero-tolerance' approaches should specifically include examining the impact this has with children with SEND. Further we believe the review should consider what impact, if any, zero tolerance behaviour policies of some schools have on the adding pressures on alternative provision (AP), Pupil Referral Units (PRUs), Special Schools and other educational provision in a local area.

21. **The reasons for, and impact of, the recent significant and worrying rise in exclusions in primary schools.** The association believes that the review should consider why this might be, what its potential impact is and what can be done to address the issues that are causing this increase.
22. **How effectively Local Authorities are managing their responsibility to SEND pupils to ensure that they are not being unfairly or disproportionately excluded from school.** ASCL considers that the review should examine how this varies across the country, the reasons behind this variation and what actions can be taken to ensure not only consistency of operation nationally but also ways of achieving the best possible outcomes for SEND pupils.
23. **The number and type of permanent exclusions that result in appeals and the percentage of these which are upheld or overturned.** An investigation into this should provide valuable information about how effective the current system is and indicate ways in which it could be improved.
24. **What the role is of Inter Year Fair Access Panels (IYFAPs) across the country.** ASCL is aware that in some areas IYFAPs are being disbanded because some schools are pulling out of this collaborative model of working. Anecdotal evidence from members tells us that it is often mid/large size MATs withdrawing from these panels. It would be helpful to know how prevalent this is, what the impact is and what can be done to ensure all schools in a regional or local area coordinate, collaborate and actively manage all managed moves and exclusions.
25. **Other ways in which schools are, or are not, informally supporting each other.** ASCL considers the review should extend its remit to consider how, outside the 'managed move' process, schools work together and offer each other informal support with their most challenging pupils. It would be helpful to also consider how far informal support has been successful in reducing the number of exclusions. We would hope the review would be solution focussed and examine how to build on the good practice which is occurring in many parts of the country, but not yet consistently seen in all regions.
26. **Whether exclusions are less prevalent in areas with access to appropriate and sufficient alternative provision (AP).** It would be helpful to see if the accessibility of high quality appropriate alternative provision (AP) impacts on exclusion rates and how we can ensure that there is AP that meets the needs of all vulnerable children in all parts of the country.
27. **Approaches used to improve outcomes that actually increase exclusions.** Anecdotal evidence would indicate that policies such as a 'zero tolerance' or 'super strict approach' to behaviour are likely to see a rise in exclusions (see paragraph 20 above). It would be useful to see if this anecdotal evidence would be validated in a full research study.
28. **The relationship with exclusion and attendance.** Fixed term exclusions are technically absences but we are aware that some schools with large exclusion rates also have high attendance rates and we are not clear how this data correlates and therefore consider this is worthy of further investigation.
29. **Crucially ASCL believes the review must consider how to encourage and share good practice from schools where exclusion rates are low and behaviour is good.** This is especially important to support people working in areas of challenge and deprivation. Schools will be able to learn a great deal from schools with a similar intake

that are managing pupil behaviour very well and consequentially reducing the need for exclusions.

## **D Issues highlighted in the terms of reference**

- *Practice in schools in relation to behaviour management and exclusions. This includes identifying effective approaches which improve outcomes, particularly for those groups disproportionately likely to be excluded;*
30. ASCL considers that it would be helpful to frame this debate around how schools and colleges promote 'Behaviours for Learning' and avoid just looking at how they manage behaviour.
  31. School leaders rightly set great importance on protecting the learning environment of all their pupils and as a consequence the impact of pupils who exhibit poor behaviour on the learning of others can be a significant factor in determining whether a pupil should be excluded. This matter could be compounded by the considerable accountability pressures on schools and school leaders, particularly in relation to the proportion of pupils making expected or better progress and obtaining a certain set of qualifications.
  32. Whilst an emphasis on academic success is important this must be balanced by the need to help children and young people build other qualities and skills. The importance of high quality Personal Social and Health Education (PSHE) and Relationships and Sex Education (RSE) is critical to helping children and young people develop these skills. For more information on ASCL's view on PSHE and RSE see our consultation response<sup>2</sup>.
  33. There is currently inconsistency across the country on the threshold criteria used to exclude children and also variations in the criteria that enable pupils to access Alternative Provision (AP). ASCL believes that, nationally, there should be greater consistency in terms of thresholds to trigger exclusions and equality of access to AP. We are aware that whilst achieving this will not be straightforward, getting all schools in an area/region to work collaboratively to ensure consistent threshold criteria are agreed and applied would be a good first step.
  34. As stated in paragraph 6 ASCL believes that every school should be an inclusive school. To achieve this all schools need sufficient funding for the work they will need do in supporting the most challenging and complex learners. Those 'inclusive schools' that have low rates of exclusion should be recognised for their achievements and be enabled to work with other schools to share their strategies and experiences to improve the overall inclusivity of the school system.
  35. Similarly the skills and experience of Alternative Provision establishments needs to be built upon, including their ability to do outreach work and support local schools with pupils that have challenging behaviours. It should be recognised that this will require additional funding. However funding for prevention should lead to savings in the longer term given the costs, both financial and social, of dealing with the consequences of permanent exclusions.

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<sup>2</sup> [www.ascl.org.uk/policy/consultation-responses\\_news-detail.changes-to-the-teaching-of-sex-and-relationship-education-and-personal-social-and-health-education.html](http://www.ascl.org.uk/policy/consultation-responses_news-detail.changes-to-the-teaching-of-sex-and-relationship-education-and-personal-social-and-health-education.html)

36. ASCL would be supportive of a pilot scheme that placed a trained independent member on every permanent exclusion panel to see if that leads to a more consistent application of criteria for decisions related to permanent exclusions.
- *The exclusions process in schools. The review will explore how head teachers decide when to exclude and the role of governors in reviewing use of exclusion. It will not seek to curb the powers head teachers have to exclude but will examine the ways in which such powers are exercised;*
37. Information from ASCL members indicate that there are no significant issues with the processes involved with exclusions and we therefore see no advantage in looking to change them.
- *Practice in schools in relation to directing pupils to alternative provision without excluding. This will include whether this is effective and the impact on pupils who are disproportionately likely to be excluded;*
38. ASCL considers that this can work very well when part of a structured, well-thought out whole area strategy. Good partnership working between mainstream schools and alternative provision (AP) in a local area is essential. There are a range of recognised successful approaches. This includes using AP providers to do outreach work with pupils in local schools. For some children and young people attending the AP instead of their own school for a clearly defined period of time to learn the skills they need to make a positive return to their usual school is highly effective as is the implementation of a well-developed re-integration programme when a pupil returns to their home school.
39. Early identification of potentially serious behavioural issues is helpful so that appropriate support can be given, ideally initially within the school itself. Should further specialist support be required this could be provided by an outside agency or through a placement at an alternative provider (AP) for a set period of time to complete a planned programme of work before returning to mainstream school. A set period of time working with an AP establishment can be very effective in number of cases but must be appropriate for the child and provide them with a curriculum that helps them to manage their emotions and behaviour and develop the life and learning skills that will give them the best chance to succeed back at their own school on their return.
40. When support is provided for individual pupils either from an external agency or an alternative provider it is essential that an appropriate 'exit strategy' for the withdrawal of support and/or a 're-integration programme' for a return to their own school is implemented.
41. Such an approach require local schools and alternative providers (APs) to work together in a proactive way, ideally before concerns reach a serious level. Schools must identify what the issues are for individual pupils and use alternative providers to provide carefully tailored programmes to help them understand what the issues are with their learning and behaviour and how they can go about making adjustments to modify their behaviour and improve their learning. Using alternative provision in this way it is important that it is designed specifically for children and young people at risk of exclusion but who have a realistic chance of successful return to their mainstream school.
42. What must be guarded against is an alternative provision establishment becoming a place for pupils who have been 'given up on' by their home school rather than designed to enable a successful return to mainstream education whenever possible.

Whilst the vast majority of schools work to use AP appropriately there is some anecdotal evidence that this is sadly not always the case.

43. We add a note of caution here about the uses of alternative provision for younger children whose movement away from trusted adults, to whom they are attached, is fraught with 'rejection/abandonment' issues. This must be taken into account on a case by case basis.
44. There is a wider question about the availability and quality of alternative provision (AP). The AP option should not be seen as merely a way of avoiding exclusion, it should be part of a coherent, properly designed local strategy tailored to helping children and young people gain the skills they need to do well on return to their own or another mainstream school.
45. In reality we are probably looking at a number of levels of AP use. One is the use of outreach work, a second is the use of for short term placements and re-integration programmes and a third for long term/permanent placements probably with alternative curriculum provision.
  - *The drivers behind the variation in exclusion rates of pupils of different ethnic groups and other disproportionately represented groups, and the consequences of this;*
46. The reasons behind this are undoubtedly complex. We know that there are cultural and social factors that come into play and our members also acknowledge that poverty is often a key factor. In certain parts of the country the impact of a local 'gang culture' is seen as a critical issue.
47. Social issues are often a major factor some of which are cultural such as the attitude of some groups to women in positions of authority. There are also training requirements as there can be issues with staff understanding the cultural norms of some groups and knowing how best to work with pupils from these groups.
48. We also note the number of pupils with SEND that are excluded and there is a risk that some SEND pupils end up in inappropriate educational establishments for their specific needs.
  - *The drivers behind geographic variation in exclusion rates, particularly between areas with similar characteristics and the drivers behind the variation in exclusion rates between schools with a similar intake;*
49. There are a range of reasons for regional differences including the ways that schools operate in different parts of the country. This can include the different types of schools in an area (MAT, stand-alone academy or LA maintained) and the approach to behaviour of individual schools or groups of schools.
50. Schools can have different approaches to inclusion and there are variations in the ways local authorities manage their responsibilities for SEND pupils including the provision or otherwise of places at local special schools or even if the local authority is operating, or has access to, a full range of special provision.
51. Some parts of the country have selective education and the division of pupils in this way will impact on the proportion of pupils in a school that have SEND and can also lead to certain schools having a large number of pupils that display disruptive behaviours.

52. There are variations in the role played by the local IYFAP and as noted in paragraph 24 above in some areas these panels are even being disbanded. The ways in which local schools are, or are not, formally or informally supporting each other differ including whether they have a working system of managed moves and crucially what overall provision, including alternative provision, there is locally.
53. There are examples of good practice that need to be built upon and disseminated. There are a number of MATs, or other groups of schools, that have set up their own alternative provision to meet the specific needs of the pupils across their schools.
54. We would refer you back to Section C above, in particular paragraphs 17-27. It is our view that it is not possible to address the issues raised by this question without expanding the review to consider the matters raised in these paragraphs.
  - *Best practice in managing exclusions and interventions across local areas, such as the use of managed moves and fair access protocols;*
55. ASCL believes that all schools in a local area must take collective responsibility for all children and young people living in that area and that this should include regional and local coordination for actively managing all managed moves and exclusions in that area.
56. In order for managing exclusions and interventions across local areas to be successful there needs to be close collaboration between schools and alternative providers (APs). As part of their provision local APs needs to have programmes to support children who can be returned to mainstream schools usually through attendance at an appropriate AP for a defined amount of time, with an agreed curriculum and re-integration plan. As there may be adjustment issues on their return (transition being particularly difficult for some of these learners) a clear programme of reintegration is essential. This was explored in more detail in paragraphs 38-42.
57. Schools will also need to consider their tolerance thresholds for returning pupils or pupils who have come from another school via alternative provision (AP). It should be recognised that returning to mainstream school after AP will be a culture shock and children and young people need a chance to settle back in and adjust to the learning and behavioural expectations of them.
58. For some children and young people it may be too difficult for them to return to a mainstream school, particularly given the current financial constraints on schools, so alternative providers (AP) will also need to have programmes to support pupils who will remain in AP for their schooling.
59. ASCL recognises that there may be a need to improve awareness of the legal aspects around SEND and exclusions and a review of guidance on this topic would be helpful. We would urge that guidance should be concise and specific making clear what is and what is not required of schools.
60. ASCL would be happy to work with the DfE to explore different examples of when intervention and exclusions processes work well and how good practice can be shared across the country.
  - *How current exclusions practice supports effective joint working, including between schools, health services, children's social care and virtual school heads;*



61. Sadly members tell us that the simple answer to this question is that there is little effective joint working in some parts of the country.
62. ASCL would like to see a significant improvement in this area with much stronger links between EHCP panels, AP and mainstream schools so that there is a whole system collaborative approach.
63. To be effective EHCP panels may also need greater powers and resources. In most parts of the country our members tell us that there needs to be more high needs provision for pupils who need it.
64. Many school have extremely well planned programmes to support children and young people at risk of exclusion and some schools have effectively developed their own in-school alternative provision, sometimes linked with FE colleges or work-based learning providers.
65. There is little data on the use of in-school alternatives to permanent exclusion and the scale of their use. It would be helpful to improve the data collection on this as well as spreading ideas on successful strategies and approaches.
  - *How the parent and pupil experience of exclusion varies and best practice in engaging parents and pupils effectively in the exclusions process;*
66. ASCL agrees that it is important to have effective engagement of both parents and pupils in the exclusions process and that currently in a small number of cases the experiences for pupils and parents is as good as it should be.
67. When there is a move to alternative provision (AP) for a fixed period as described in paragraph 56 above it is good practice for parents to meet a senior member of the AP staff alongside someone senior from the child's school at the beginning and end of their time at the AP. It is also best practice to have regular contact throughout the time that the child spends in AP and a subsequent follow up meetings in the period after the child returns to mainstream school to monitor progress and set future goals.
  - *The steps taken by schools to ensure that their behaviour and exclusion practices are compliant with duties under the Equality Act 2010; and*
68. There is much good practice occurring around the country and it would be helpful to include good practice examples in DfE guidance. It needs to be recognised that there is a cost to ensuring that all practices are compliant and there needs to be adequate funding and resources to achieve this.
  - *The guidance in place to ensure effective use of exclusion and the safeguards to ensure exclusions do not disproportionately affect certain groups of pupils.*
69. As we indicate above guidance should require schools to collaborate with each other in the interests of all children and young people in a local area and include examples of good practice.
70. Some aspects of the current guidance have inadvertently removed some effective practices that schools used to deal with difficult situations. For example the current guidance says that you can only make a fixed term exclusion into a permanent one if further evidence comes to light. Before this requirement for further evidence was introduced schools would sometimes make a fixed term exclusion whilst they explore

other possible avenues, such as a managed move to another school or finding appropriate alternative provision. We are concerned that the requirement for new evidence may add pressure on schools to decide to make permanent exclusions more quickly, because they feel that they don't have the opportunity to explore other options first.

71. ASCL hopes that this evidence is helpful to your inquiry and is willing to be consulted further.

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