

# Education and Business Scrutiny Commission

Tuesday 10 September 2019

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Membership

Councillor Peter Babudu (Chair)  
Councillor William Hougbo (Vice-Chair)  
Councillor Karl Eastham  
Councillor Renata Hamvas  
Councillor Eleanor Kerlake  
Councillor Lorraine Lauder MBE  
Councillor Eliza Mann  
Lynette Murphy-O'Dwyer  
Martin Brecknell

## Reserves

Councillor Humaira Ali  
Councillor Tom Flynn  
Councillor Radha Burgess  
Councillor Richard Leeming  
Councillor Michael Situ  
Councillor Leanne Werner

---

## INFORMATION FOR MEMBERS OF THE PUBLIC

---

**Access to information** You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

**Babysitting/Carers allowances** If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

**Access** The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

**Contact** Julie Timbrell on 0207 525 0514 or email: [julie.timbrell@southwark.gov.uk](mailto:julie.timbrell@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 30 August 2019



# Education and Business Scrutiny Commission

Tuesday 10 September 2019  
7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
----------	-------	----------

### **PART A - OPEN BUSINESS**

**1. APOLOGIES**

**2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT.**

In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.

**3. DISCLOSURE OF INTERESTS AND DISPENSATIONS.**

Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.

**4. INTRODUCTION TO PROCUREMENT AND SOCIAL VALUE**

1

Officer presentation by Duncan Whitfield, Strategic Director of Finance and Governance and Doreen Forester Brown, Director of Law and Democracy .A report on procurement and social value is to follow.

An officer report, to note, on business statistics on micro, small, medium and large business and employment rates is enclosed.

**5. BID PERSPECTIVE**

The following Business Improvement District representatives will attend to contribute to the scrutiny review on procurement:

- Michael Hill, Better Bankside
- Russell Dryden, Blue Bermondsey

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
<b>6.</b>	<b>REVIEW 1 - IMPROVING ACCESS TO PROCUREMENT FOR SMES AND COMMUNITY BUSINESSES</b>	<b>2 - 7</b>
	The review scoping document is enclosed.	
<b>7.</b>	<b>INTRODUCTION TO SCHOOL EXCLUSIONS AND ALTERNATIVE PROVISIONS</b>	
	Officer presentation on exclusions and alternative provisions. The following officers will present:	
	<ul style="list-style-type: none"> <li>• Nina Dohel, Education Director</li> <li>• Alasdair Smith, Director Children's and Families</li> <li>• Jenny Brennan, Assistant Director Family Early Help &amp; Youth Justice.</li> <li>• David Bromfield, Education Adviser</li> </ul>	
	A report is to follow.	
<b>8.</b>	<b>SELECT COMMITTEE REPORT - FORGOTTEN CHILDREN: ALTERNATIVE PROVISION AND THE SCANDAL OF EVER INCREASING EXCLUSIONS</b>	<b>8 - 58</b>
	The report is enclosed to support the second review.	
<b>9.</b>	<b>REVIEW 2 - SCHOOL EXCLUSIONS AND ALTERNATIVE PROVISION</b>	<b>59 - 62</b>
	The review scope is enclosed.	
<b>10.</b>	<b>WORK PROGRAMME</b>	<b>63 - 64</b>
	The draft work-plan is enclosed to agreed.	
	<b>DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.</b>	
	<b>PART B - CLOSED BUSINESS</b>	
	<b>DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b>	
	<b>DISTRIBUTION LIST 2019/20</b>	

Date: 30 August 2019

**Item No.**

**Title**

**Page No.**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**Southwark Statistics****1. Population (2018)**

<b>Southwark</b>	317,300
<b>London</b>	8,908,100

**2. Southwark employment/unemployment (April 2018 – March 2019)**

	<b>Southwark</b>		<b>London</b>
<b>Residents in employment</b>	187,300	77.7%	74.2%
<b>Residents unemployed</b>	10,800	5.4%	4.9%

**3. Businesses - Enterprises (2018)**

	<b>Southwark</b>		<b>London</b>	
<b>Micro (0-9)</b>	13,910	86.9%	458,830	90.6%
<b>Small (10-49)</b>	1,630	10.2%	37,810	7.5%
<b>Medium (50-249)</b>	370	2.3%	7,465	1.5%
<b>Large (250+)</b>	110	0.7%	2,075	0.4%
<b>Total</b>	16,020	-	506,180	-

**4. Businesses – Local units (2018)**

	<b>Southwark</b>		<b>London</b>	
<b>Micro (0-9)</b>	15,190	82.9%		
<b>Small (10-49)</b>	2,440	13.3%		
<b>Medium (50-249)</b>	575	3.1%		
<b>Large (250+)</b>	115	0.6%		
<b>Total</b>	18,320	-		

**5. Employee jobs (2017)**

<b>Full time</b>	185,000	78.7%
<b>Part time</b>	49,000	20.9%
<b>Total jobs</b>	235,000	-

<https://www.nomisweb.co.uk/reports/lmp/la/1946157256/report.aspx>

## **Scrutiny review proposal**

### **1 What is the review?**

Accessibility of procurement for SMEs and community businesses, with a particular emphasis on procurement from underrepresented groups in business across the protected characteristics.

The protected characteristics are: race, disability, sex, pregnancy and maternity, gender reassignment, sexual orientation, age, religion or belief and marriage or civil partnership.

### **2 What outcomes could realistically be achieved? Which agency does the review seek to influence?**

- Improved levels of SME procurement by council
- Even further improvements in incorporation of social value into new procurement strategy

### **3 When should the review be carried out/completed?** i.e. does the review need to take place before/after a certain time?

Informing roll out of Fairer Future Procurement Strategy and providing evidence for one year 1 review.

### **4 What format would suit this review? (e.g. full investigation, q&a with executive member/partners, public meeting, one-off session)**

Repeated sessions

### **5 What are some of the key issues that you would like the review to look at?**

- Clarify current statistics around SME procurement by protected characteristic
- Known issues and plans to address these
- Consideration of broader social value contributions in procurement decisions

## 6 Who would you like to receive evidence and advice from during the review?

Officers, including broader look at new strategy. Relevant departments and business units could include Legal, Finance, Local Economy and Regeneration.

Relevant stakeholders including SMEs which has been unsuccessful in winning contracts / accessing procurement opportunities with the council.

Best practice in procurement utilised by other councils e.g. South Tyneside.

Social Enterprise UK

Federation of Small Business

Business Improvement Districts:

- Nic Durston, South Bank BID
- Natalie Raben, We are Waterloo
- Nadia Broccardo, Team London Bridge
- Peter Williams, Better Bankside
- Russell Dryden, Blue Bermondsey

Chamber of Commerce

## 7 Any suggestions for background information? Are you aware of any best practice on this topic?

### Council

Southwark Council's Fairer Future Procurement Framework (FFPF):

<http://moderngov.southwark.gov.uk/documents/s83221/Appendix%201%20Fairer%20Future%20Procurement%20Framework.pdf>

Economic Wellbeing and Skills Strategies:

<http://www.southwark.gov.uk/business/economic-wellbeing-strategy>

<http://www.southwark.gov.uk/business/skills-strategy>

Previous scrutiny report:

<http://moderngov.southwark.gov.uk/documents/s51814/Report%20Overview%20and%20scrutiny%20recommendations.pdf>

## Supply South Tyneside

Supply South Tyneside is an initiative to support local businesses and help them to identify, bid for, and win public sector contracts. The initiative set a target to increase the amount of money the council spend with local businesses from the 2009/10 baseline of 32%, to 40% by 2013/14, then to 50% by 2016. By 2018/19, the council paid more than £207.5 million for goods and services, of which almost £115 million (55 per cent) was spent locally. One of the aims is to protect local jobs by using local suppliers.

See: <https://www.southtyneside.gov.uk/article/33534/Supply-South-Tyneside> and <https://www.lqafirst.co.uk/wp-content/uploads/2019/06/First-637-July-2019.pdf>

## Social Value

LGA: Profit with Purpose report this report particularly focuses on realising social value through the expansion of councils' commercial activity.

[https://www.local.gov.uk/sites/default/files/documents/11%20173%20-%20Profit%20with%20a%20Purpose\\_V05\\_web.pdf](https://www.local.gov.uk/sites/default/files/documents/11%20173%20-%20Profit%20with%20a%20Purpose_V05_web.pdf)

Government introduction to social value (2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/690780/Commissioner\\_Guidance\\_V3.8.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690780/Commissioner_Guidance_V3.8.pdf)

## Preston Model : Community wealth building

The "Preston Model" is a term applied to how the council, its anchor institutions and other partners are implementing the principles of Community Wealth Building within Preston and the wider Lancashire area.

The city council is committed to implementing this approach and, as the "place leader" for the city, is promoting the concept to other anchor institutions in and around Preston and to the private sector.

The implementation is something that is being shared across a range of Preston based anchor institutions, including:

- Lancashire County Council
- University of Central Lancashire
- Preston's College
- Cardinal Newman College
- Community Gateway Housing Association
- Lancashire Constabulary.

This is important as many of these institutions have significantly greater spending power and assets than the City Council and by working together the city council



can have a significantly greater impact on the future well-being of the city.

Community wealth building offers an opportunity for local people to take back control, to ensure that the benefits of local growth are invested in their local areas, are used to support investment in productive economic activities and that people and their local institutions can work together on an agenda of shared benefit.

This work is linked to an EU programme; the Procure network, which is one of 211 networks commissioned through the European Union's URBACT III programme. This seeks to enable transnational exchange and learning between cities around a particular theme. The Procure network seeks to connect cities and build success around the theme of procurement. The purpose of the Procure network is to support cities to enhance procurement processes so that they bring greater benefits for their city economy and in social and environmental terms.

The Procure network is being led by Preston City Council from the United Kingdom, supported by expertise from Matthew Jackson. Matthew is the Deputy Chief Executive of the **Centre for Local Economic Strategies (CLES)**. CLES is a think-tank and research organisation based in Manchester, the United Kingdom

Preston was joined initially in the Procure network by four cities: Lublin (Poland); Koszalin (Poland); Albacete (Spain); and Almelo (The Netherlands). Later they were joined by: Satu Mare County Intercommunity Development Association (Romania); Metropolitan City (Cimet) of Bologna (Italy); District 9 Prague (Czech Republic); Koprivnica (Croatia); Candelaria (Spain); and Nagykallo (Hungary).

<https://www.preston.gov.uk/thecouncil/the-preston-model/preston-model/>

**Centre for Local Economic Strategies CLES** is the UK's leading, independent think and do tank realising progressive economics for people and place, which aims to achieve social justice, good local economies and effective public services for everyone, everywhere.

<https://cles.org.uk>

Recent work by CLES with London local authorities:

[https://cles.org.uk/wp-content/uploads/2019/04/New-Municipalism-in-London\\_April-2019.pdf](https://cles.org.uk/wp-content/uploads/2019/04/New-Municipalism-in-London_April-2019.pdf)

## NEF

NEF have done a range of work around the value of keeping money circulating locally to grow the local economy and maximise community benefit (cf Community Wealth Building).

<https://neweconomics.org/2002/12/the-money-trail/>

<https://www.nefconsulting.com/our-services/evaluation-impact-assessment/local-multiplier-3>

They have also produced this procurement focused publication:

<https://neweconomics.org/2005/07/public-spending-public-benefit>

### **South London Procurement Network**

The South London Procurement Network (SLPN), which was established by Shell Centre redevelopers Qatari Diar and Canary Wharf Group plc, has worked with South London SMEs (small and medium sized enterprises) across a range of different sectors, generating multiple leads and contract wins in the area since its inception in 2012.

The South London Procurement Network works to ensure local businesses are part of the long term economic growth of the region by providing a service to compete with local supply chains. They are focused on making a real difference to the sustainability of local businesses.

SLPN is working in partnership with Southbank BID.

See: <http://slpn.org.uk/>

<https://group.canarywharf.com/media/press-releases/local-procurement-network-generates-over-1-5million-for-south-london-businesses/>

### **Social Enterprise**

Supply Change is a UK marketplace platform that matches public sector buyers to social enterprises. <https://www.supplychange.co.uk/>

Started in 2018 arising out of a research project for Orbit housing. This research focused on how social enterprises are accessing Orbit and other Social Housing supply chains. Research with large Social Housing organisations and social enterprises identified financial and cultural barriers. Social enterprises found it difficult to access contracts as they did not have wide visibility of opportunities because of the numerous bureaucratic processes in individual large Social Housing organisations. There was an appetite from large organisations to use social enterprises, but large organisations need information on relevant providers and assurance on viability. The supply change portal arose from this research and aims to provide visibility to Social Enterprises and assurance to large organisations.

Orbit is a founding organisation of Supply Change, which is now testing with a pool of local authorities, and there is an opportunity for Southwark to be a founding partner, who can help develop the platform.

Supply Change has shared research done with Orbit with the Commission. They are also doing work with Coventry looking at other anchor organisations, with a completion date 20 September, and could also potentially share.

Buy social campaign and specific asks of local authorities:

<https://www.socialenterprise.org.uk/Handlers/Download.ashx?IDMF=fbfcd5c3-d183-4b56-a950-c7cae98973c2>

More general guidance and asks of local authorities:

<https://www.socialenterprise.org.uk/with-councils>

### **8 What approaches could be useful for gathering evidence? What can be done outside committee meetings?**

e.g. verbal or written submissions, site visits, mystery-shopping, service observation, meeting with stakeholders, survey, consultation event

Stakeholder representation that speaks to the session and assists in framing and scoping the review e.g. a small business leader that's systematically struggled to navigate our procurement processes; a representative of SME group or network.



House of Commons  
Education Committee

---

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

---

**Fifth Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 18 July 2018*

## The Education Committee

The Education Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Education and its associated public bodies.

### Current membership

[Rt Hon Robert Halfon MP](#) (*Conservative, Harlow*) (Chair)

[Lucy Allan MP](#) (*Conservative, Telford*)

[Michelle Donelan MP](#) (*Conservative, Chippenham*)

[Marion Fellows MP](#) (*Scottish National Party, Motherwell and Wishaw*)

[James Frith MP](#) (*Labour, Bury North*)

[Emma Hardy MP](#) (*Labour, Kingston upon Hull West and Hessle*)

[Trudy Harrison MP](#) (*Conservative, Copeland*)

[Ian Mearns MP](#) (*Labour, Gateshead*)

[Lucy Powell MP](#) (*Labour (Co-op), Manchester Central*)

[Thelma Walker MP](#) (*Labour, Colne Valley*)

[Mr William Wragg MP](#) (*Conservative, Hazel Grove*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

Committee reports are published on the Committee's website at [www.parliament.uk/education-committee](http://www.parliament.uk/education-committee) and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Richard Ward (Clerk), Katya Cassidy (Second Clerk), Anna Connell-Smith (Committee Specialist), Chloë Cockett (Committee Specialist), Tommer Spence (Inquiry Manager), Jonathan Arkless (Senior Committee Assistant), Hajera Begum (Committee Apprentice), Gary Calder (Senior Media Officer) and Oliver Florence (Media Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Education Committee, House of Commons, London, SW1A 0AA. The telephone number for general enquiries is 020 7219 1376; the Committee's email address is [educom@parliament.uk](mailto:educom@parliament.uk).

# Contents

---

<b>Summary</b>	<b>3</b>
<b>1 Introduction</b>	<b>5</b>
Context	5
Policy	5
Our inquiry	6
<b>2 What's going wrong in mainstream schools?</b>	<b>8</b>
The rise in exclusions and pupils being educated in alternative provision	8
The causes of an increase in exclusions and referrals to alternative provision	10
A lack of early intervention and support	10
Behaviour policies	11
An increase in mental health needs	12
Off-rolling, Progress 8 and a narrowing curriculum.	12
<b>3 The process of exclusion and referral</b>	<b>15</b>
School powers and pupils' and parents' rights	15
Children getting to the right place at the right time	17
The right place	17
The right time	19
A lack of oversight	20
Commissioning of alternative provision	21
Fair Access Protocols	22
<b>4 What does good alternative provision look like?</b>	<b>25</b>
In-school alternatives	25
Quality of teaching	27
Recruitment and training of teachers	28
Leadership	30
Continuing professional development	30
Curriculum and school ethos	31
Outreach and collaboration	32
Unregistered provision	33
<b>5 Successful outcomes and destinations</b>	<b>36</b>
Outcomes	36
Destinations	37

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

<b>Conclusions and recommendations</b>	<b>40</b>
<b>Formal minutes</b>	<b>44</b>
<b>Witnesses</b>	<b>45</b>
<b>Published written evidence</b>	<b>46</b>
<b>List of Reports from the Committee during the current Parliament</b>	<b>49</b>

## Summary

Alternative provision is too often seen as a forgotten part of the education system, sidelined and stigmatised as somewhere only the very worst behaved pupils go. All pupils deserve high quality education, and while this is often the case, too many pupils are failed by the system and they are not receiving the education that they deserve.

Alternative provision is in fact diverse, set up to meet the needs of a wide-cross section of the pupil population, who will often arrive with complex needs and vulnerabilities. We have been led by significant evidence and concerns about the over-exclusion of pupils, but recognise that there are pupils in AP who will not have been excluded. Not all of our recommendations will be necessary for them, but it is vital that their needs are met by this provision.

Mainstream schools should be bastions of inclusion, and intentionally or not, this is not true of all mainstream schools. We have also seen an alarming increase in 'hidden' exclusions. The school environment means that schools are struggling to support pupils in their schools, which is then putting pressure on alternative providers. Pupils, parents and schools can end up in conflict, putting further pressure onto a system that should be supporting all pupils to achieve.

Going into alternative provision was the best outcome for some children we spoke to, but in order to access it children have to be branded a failure or excluded in the first place, rather than it being a positive choice.

### **A Bill of Rights for pupils facing exclusion**

The lack of information and rights for pupils facing exclusion and their parents is an obstacle to social justice and the educational ladder of opportunity. We want to see greater rights for pupils and their parents, for those who are excluded from school, internally isolated, informally excluded or on the verge of exclusion.

If all our recommendations were taken forward, this would create much stronger rights for pupils who access alternative provision, and responsibilities for schools and local authorities. Our conclusions and recommendations should be read as a Bill of Rights for pupils and their parents:

- **Schools should not rush to exclude pupils:** schools should be inclusive.
- **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.
- **Parents deserve more information when their children are excluded:** the exclusions process is currently weighted in favour of schools and leaves parents and pupils fighting a system that should be supporting them.
- **Pupils and their parents should have someone in their corner:** when 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 alternative provision that is available locally:** all organisations offering alternative provision 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 quality of alternative provision is far too variable, with some outstanding provision in places and in others far too poor. The teachers, who play the crucial role in the education of pupils, can similarly be of high quality, while in other cases they are not. Even the best teachers may be lacking in suitable training and development, which impacts on the support that children receive. There seems to be high quality AP despite the system, not because of it. There needs to be more collaboration between mainstream schools and AP settings—and we encourage schools and local areas to do this.

We don't know how well pupils achieve. Comparisons are made to pupils in mainstream schools, but this can be an unfair comparison that doesn't fully appreciate the achievements that pupils in AP make. Children are also being prevented from achieving by being unable to attend post-16 AP settings and we call on the Government to rectify this anomaly.

# 1 Introduction

---

“If you are talking about back then, if I had thought about alternative provision—as you lot would call it—the only reason why I would not have picked it myself is because my family would look bad. It would look bad on my side, being in one. So I don’t know. I don’t think I would have chosen it, but, being in it now and having experienced it, I would have 100% chosen it.”

Young person with experience of alternative provision

## Context

1. Alternative provision (AP) is a broad term and imperfectly describes a wide variety of types of school or educational settings. Our inquiry scope included Pupil Referral Units (PRUs); alternative provision academies and free schools; hospital schools; and alternative provision delivered by charities and other organisations as well as independent or un-registered schools.
2. Statutory guidance covers the use of AP. It sets out that AP can be 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, but also to ‘improve’ a pupil’s behaviour.<sup>1</sup> For the purposes of this inquiry, it does not mean elective home education. However, we have found as part of our inquiry that there is a concerning increase in the number of pupils who are being encouraged improperly or without the necessary support to be educated at home who should be educated and supported in the school system.
3. Children enter AP when they have been excluded from school; when they are unable to attend school for medical reasons; if they are pregnant or are caring for their children; when they are without a school place because they have left a custodial placement; and as we found out, if they are not in a mainstream school for other, often less legitimate reasons. In many cases, they are pupils who have been failed by the mainstream school system. The thing that unites them is their right to good quality education and support, regardless of why they are in AP. For many children alternative provision can be transformational, and has made a real difference to students’ lives. However, the challenge appears to be ensuring that the right children are receiving high quality alternative provision and entering for the right reasons at the right time.

## Policy

4. Our inquiry shines a spotlight on the unfairness that some pupils experience and the challenges that many face, and stresses where improvements are needed to ensure that pupils in alternative provision are not ignored and left to languish in poor quality provision. This is an area of policy that has had a neglect of action and oversight in recent years.

---

1 DfE, [Alternative provision](#), January 2013

5. In 2012 Charlie Taylor released his report for the Government into alternative provision,<sup>2</sup> which was followed a year later by new statutory guidance.<sup>3</sup> The 2016 Government White Paper *Educational Excellence Everywhere* set out several potential proposals for the AP sector.<sup>4</sup> However, many proposals in the White Paper were not taken forward, further pushing alternative provision to the periphery of education policy.

6. Subsequently, in January 2017, the Government published a literature review, *Alternative Provision: Effective practice and Post 16 Transition*,<sup>5</sup> which looked at ways to increase key stage 4 outcomes and post-16 transition. This was followed, in October 2017, by the Institute for Public Policy Research's (IPPR) *Making the Difference* report,<sup>6</sup> which drew attention to the stark reality that many excluded pupils in school face. At the 2017 Conservative Party conference, the then Secretary of State for Education, Rt. Hon. Justine Greening MP, announced that she would roll out changes to improve AP and make best practice consistent across the country to ensure that all pupils in AP can achieve.<sup>7</sup>

7. Six months after the launch of our inquiry, the Government announced that Edward Timpson would be leading an independent review of exclusions, and published *Creating opportunity for all: Our vision for alternative provision*.<sup>8</sup> The 'vision' paper sets out plans for tackling many of the issues that we have heard about throughout our inquiry. The Minister of State for School Standards, Rt. Hon. Nick Gibb MP, also referred to the Government's paper extensively throughout his evidence session with us. The Government has introduced the Alternative Provision Innovation Fund, a £4 million grant funding programme, and commissioned primary research to explore children's, schools', AP and post-16 providers' recent experiences of post-16 transition and what they consider to be the most effective approaches.<sup>9</sup>

8. We were also pleased that during the inquiry, the Minister told us that following the work, the Department would consider the action that is needed, "whether that is a revision to the statutory guidance or legislation."<sup>10</sup> The Government's vision, focus and commitment are welcome, but the reviews and research must be conducted swiftly to ensure that policy and practice changes are implemented as soon as possible.

## Our inquiry

9. We received over 100 pieces of evidence in response to our call for evidence to this inquiry, including responses from embassies all over the world. Witnesses to the inquiry included academics and researchers; providers of alternative provision in many of its forms; representatives of charities and organisations who work with young people who attend alternative provision; teaching and local authority representatives; Ofsted; and the Minister of State for School Standards. We held a private session on 20 March 2018 where we heard directly from young people and parents with experience of alternative

2 DfE, *Improving alternative provision*, March 2012

3 DfE, *Alternative provision*, January 2013

4 DfE, *Educational Excellence Everywhere*, March 2016

5 DfE, *Alternative Provision: Effective Practice and Post 16 Transition*, January 2017

6 IPPR, *Making the Difference*, October 2017

7 Conservative Party, 'Education and skills will unlock our nation's talent', accessed July 2018

8 DfE, *Creating opportunity for all Our vision for alternative provision*, March 2018

9 DfE, *Creating opportunity for all Our vision for alternative provision*, March 2018

10 [Q530](#)

provision.<sup>11</sup> We visited Newhaven School, a PRU in Greenwich, where we spoke to pupils, parents and teachers. We also spent a morning at SILC Training, an unregistered provider in Mitcham, where we spoke to instructors and students. The Chair visited Westside School, an alternative provision free school academy.

10. We thank all our witnesses for their time and contributions, as well as those who helped us speak directly to pupils and parents, whose input to this inquiry has been invaluable.

---

11 When we reference this session, we refer to participants as either a young person with experience of alternative provision, or a parent of a pupil with experience of alternative provision.

## 2 What's going wrong in mainstream schools?

“In the mainstream school there was absolutely nothing. Even when we asked for it—demanded it—we never received it. It was a battle. It was a war. That is what it felt like: a war against a parent. The education system should be a good experience for a parent as well as a child, but it never was. “

Parent of a pupil with experience of alternative provision

### The rise in exclusions and pupils being educated in alternative provision

11. Many pupils enter AP as a result of being excluded from school. Exclusions can be:

- Permanent, where a pupil is unable to stay at their current school;
- Temporary, where a pupil is not allowed to attend school for a certain number of days;
- Internal, where a pupil is placed in isolation and segregated from the rest of the school.

Many pupils in alternative provision haven't been excluded. These include:

- Pupils who remain on the roll of their mainstream school, but attend AP full time;
- Pupils who attend AP part time, alongside attending their mainstream school;
- Pupils whose parents have been encouraged to take their child out of school voluntarily.

12. Between 2006/7 and 2012/13, the number of permanent exclusions reduced by nearly half, but has since risen, with a 40% increase over the past three years.<sup>12</sup> In 2015/16, 6,685 pupils were permanently excluded from school. In the same year there were 339,360 fixed period exclusions.<sup>13</sup> However, the AP population is made up of a greater number of students than those who are just permanently excluded. There are 16,732 pupils who attend pupil referral units, AP academies or free schools and other provision like FE colleges. This doesn't include a further 9,897 pupils who also attend AP but have a mainstream school as the main school at which they are registered.<sup>14</sup> 22,848 pupils are also educated in other forms of AP, which includes, but is not exclusive to, independent schools and providers that are not able to register as a school.<sup>15</sup>

12 IPPR, *Making the Difference*, October 2017, pp 12–13

13 DfE, *Permanent and fixed-period exclusions in England: 2015 to 2016*, July 2017, p 3

14 Pupils are dual-registered if they attend two different schools. They are primarily registered at their main school and have a second registration at the second school. For more information see: DfE, *School census 2017 to 2018*, May 2018

15 DfE, *Schools, pupils and their characteristics – 2018 – national tables*, June 2018, Table 1b

13. This means that there are at least 48,000 pupils who are educated outside of mainstream and special schools during the year.<sup>16</sup> However, this does not include pupils who are educated in alternative provision—often directed to offsite provision to improve their behaviour or for medical reasons—but who remain on the full roll of their mainstream school.<sup>17</sup>

14. According to the Institute for Public Policy Research (IPPR), some groups of children are more likely to be educated in alternative provision, or excluded, than other children. Children in care, children in need, children with special educational needs and disabilities (SEND) and children in poverty<sup>18</sup> are all more likely to be excluded than their peers.<sup>19</sup> Pupils with SEN support are almost seven times more likely to be permanently excluded than pupils with no SEN.<sup>20</sup> Boys are more likely to be permanently excluded than girls; for every girl permanently excluded last year, over three boys were permanently excluded.<sup>21</sup> Some ethnicities are disproportionately represented in alternative provision, including Black Caribbean, Irish traveller heritage and Gypsy Roma heritage pupils.<sup>22</sup>

15. 47% of children in AP are 15 to 16 years old.<sup>23</sup> 25% of exclusions happen when children are aged 14, and half of all exclusions happen in Year 9 or above.<sup>24</sup> More broadly, when FFT Education Datalab looked at moves pupils make, they found that there were 87,000 instances of a child leaving a state-funded school during the five years of secondary school. Moves reach their highest point in Year 9, with 75% of all moves taking place in the first three years of secondary school. 67,000 moves were to another placement in the state sector; however, FFT Education Datalab found that 19,975 pupils left a mainstream secondary school and were never recorded as being on a state-funded secondary school's roll again.<sup>25</sup>

16. The demand for places, driven by the high numbers of exclusions, is greater than the sector can provide, with many alternative provision schools oversubscribed.<sup>26</sup> This in turn puts pressure on the AP sector, which then affects the quality of education that can be provided to pupils who should be able to access alternative provision. Essex County Council's written evidence said that the recent Ofsted inspections of Essex PRUs have highlighted how the lack of space that it has can impact on pupils' "attendance, safety and turnover."<sup>27</sup>

17. We acknowledge that throughout this report we reference 'mainstream schools' and it is a catch-all term covering a wide variety of schools, including maintained schools, academies, free schools, grammar schools and faith schools. The population and educational landscape will vary across the country, with some areas having different

---

16 IPPR, *Making the Difference*, October 2017, p 7

17 The Difference (ALT 94) para 3

18 This refers to eligibility for free school meals, as in schools this is the standard poverty measure.

19 IPPR, *Making the Difference*, October 2017, p 16

20 DfE, *Permanent and fixed-period exclusions in England: 2015 to 2016*, July 2017, p 5. New data was published on 19 July 2018.

21 DfE, *Permanent and fixed-period exclusions in England: 2015 to 2016*, July 2017, p 5

22 IPPR, *Making the Difference*, October 2017, p 18

23 DfE (ALT 58) para 36

24 LKMco (ALT 62) para 3.1

25 FFT Education Datalab, 'Who's left: An introduction to our work', accessed July 2018

26 Essex County Council (ALT 84) para 3.4; Q391 [Jules Daulby]

27 Essex County Council (ALT 84) para 32

types of schools making up their provision, along with variable involvement from local authorities. It is important to understand whether there are specific types of schools that are disproportionately excluding pupils.

18. *The Timpson Exclusions Review should ensure that it looks at the trends in exclusion by school type, location and pupil demographics.*

## The causes of an increase in exclusions and referrals to alternative provision

### *A lack of early intervention and support*

19. Witnesses to the inquiry described many challenges facing schools which might contribute to their inability or unwillingness to identify problems and then provide support. These include a lack of expertise in schools that would allow them to identify problems.<sup>28</sup> Schools and school representatives told us that schools no longer have the financial resources to fund pastoral support, including teaching assistants, that would often help keep pupils in mainstream schools.<sup>29</sup> This raises the possibility that financial pressures are affecting schools' capacity and ability to identify and support problems and provide the early intervention that is necessary.

20. *The Timpson Exclusions Review should examine whether financial pressures and accountability measures in schools are preventing schools from providing early intervention support and contributing to the exclusion crisis.*

21. We heard significant evidence about the increasing numbers of children with SEND being excluded. In 2015/16, there were 2,990 permanent exclusions and 148,665 fixed term exclusions of pupils with special educational needs.<sup>30</sup> Many of these children are arriving in the AP sector with unidentified and unmet needs.<sup>31</sup> In line with what we heard about funding challenges and a lack of expertise, we heard worrying evidence that some schools may be deliberately failing to identify a child as having SEND. The National Education Union told us that excluding pupils can save schools thousands of pounds,<sup>32</sup> while the Association of Youth Offending Team Managers suggested that schools could be deliberately not identifying pupils as having SEND, as it is more difficult to permanently exclude a pupil with SEND.<sup>33</sup> We also heard that 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.<sup>34</sup> This then leads to pupils with SEND being left for long periods of time in alternative provision while the assessment takes place, which does not mean that a child's needs are being met.<sup>35</sup>

22. In addition to strain being put on schools by meeting the needs of pupils with SEND, there is a greater awareness of pupils' mental health and well-being as a factor in their

28 Manchester Metropolitan University ([ALT 87](#)) para 1.1.4

29 NAHT ([ALT 29](#)) para 18; PRUSAP ([ALT 17](#)) para 5

30 DfE, *Permanent and fixed-period exclusions in England: 2015 to 2016, National tables: SFR35/2017*, July 2017, Table 6

31 Chaselea PRU ([ALT 28](#)) para 4; The Limes College ([ALT 8](#)) para 5; Headteachers' Roundtable ([ALT 13](#)) para 5.4

32 NEU ([ALT 41](#)) para 2

33 Association of Youth Offending Team Managers ([ALT 55](#)) para 2

34 Ms Joanne Southby ([ALT 78](#)) para 6; London South East Academies Trust ([ALT 43](#)) para 65

35 Ms Joanne Southby ([ALT 78](#)) paras 6–7

educational attainment. As more is understood about the impact of poor mental health and adverse childhood experiences on children, more children are being identified as needing support. Factors in children's lives outside of school affect their behaviour and ability to cope with school, and schools and wider support services struggle to support them.<sup>36</sup> This was evidenced in our report *The Government's Green Paper on mental health: failing a generation*, in which we looked at the factors impacting on young people's mental health. Among other factors, pupils told us that exam stress and subject choice, along with negative impacts of social media, all impacted on their mental health and well-being.<sup>37</sup>

### **Behaviour policies**

23. We have heard that there is an increase in zero-tolerance behaviour policies, contributing to the rise in exclusions and increase in pupils attending alternative provision.<sup>38</sup> Matthew Dodd from the Special Educational Consortium told us that "on curriculum, the same as with behaviour policies, the more rigid you make a structure the more difficult it is for children who are different to fit into that."<sup>39</sup> Jules Daulby told us that there needs to be flex in the system and reasonable adjustments should be made to accommodate behaviours that arise from a child's special educational needs, and that she does not think that zero-tolerance behaviour policies allow for that.<sup>40</sup> We were told by one pupil that at their previous mainstream school, there "are these little things you just can't do, or if you do them you can get excluded for it. I think most people are getting permanently excluded, just instantly, in my mainstream school right now. I don't think they are treating everyone fairly and evenly."<sup>41</sup>

24. While it would be reasonable of schools to take a zero-tolerance approach to drugs or weapons, a school culture which is intolerant of minor infractions of school policies on haircuts or uniform will create an environment where pupils are punished needlessly where there should be flexibility and a degree of discretion.

**25. The evidence we have seen 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.**

**26. The Government should issue guidance to all schools reminding them of their responsibilities to children under treaty obligations and ensure that their behaviour policies are in line with these responsibilities.**

**27. The Government and Ofsted should introduce an inclusion measure or criteria that sits within schools to incentivise schools to be more inclusive.**

---

36 Manchester Metropolitan University ([ALT 87](#)) para 1.3.1; NEU ([ALT 41](#)) paras 7–8

37 Education and Health and Social Care Committees, First Joint Report of the Education and Health and Social Care Committees of Session 2017–19, *The Government's Green Paper on mental health: failing a generation*, HC 642, paras 29–36

38 Mr John Watkin ([ALT 45](#)) para 1.4; National Association of Virtual School Heads ([ALT 61](#)) para 6; ASCL ([ALT 90](#)) para 22

39 [Q53](#)

40 [Qq367–370](#)

41 Young person with experience of alternative provision



### **An increase in mental health needs**

28. There are increasing numbers of children with mental health needs in schools and alternative provision.<sup>42</sup> In January 2017, 186,793 pupils in state funded mainstream or special schools had social, emotional and mental health as their primary category of SEN.<sup>43</sup> IPPR estimates this to be one in 50 children in the general population, and one in two pupils in alternative provision.<sup>44</sup> Mental health issues can affect pupils in different ways, including on pupils' abilities to cope with school, their attendance and their behaviour. Exclusion can also affect a pupil's mental health.<sup>45</sup> Evidence from The Association of Child and Adolescent Mental Health raised concerns that schools could be failing to intervene in a timely or effective manner when there are concerns about a pupil's mental health as opposed to the needs being unidentified.<sup>46</sup> Others suggested that social, emotional and mental health (SEMH) needs are going undiagnosed and teachers are unable to identify pupils with SEMH needs.<sup>47</sup> In our report on the Government's Green Paper on mental health, we recommended that the Department's review of exclusions examined the increase of excluded pupils with mental health needs and how their needs are being met and that the Government should ensure that PRUs are sufficiently resourced to meet the needs of their pupils.<sup>48</sup>

### **Off-rolling, Progress 8 and a narrowing curriculum.**

29. 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 tracks the academic 'distance' travelled by a student and takes into account prior attainment, pupils who fall behind in secondary school, for example for medical reasons or because a pupil's additional needs which were met in their smaller primary school but then become unmet in larger secondary settings, can negatively affect a school's results. Off-rolling—the process by which pupils are removed from the school's register by moving them to alternative provision, to home education or other schools—was raised by many witnesses, and we were told that the accountability system and Progress 8 was a major factor.<sup>49</sup>

30. We recognise that Progress 8 is a more nuanced and improved measure of school performance accountability than existed previously. But we were concerned to hear some headteachers including Drew Povey, Headteacher of Harrop Fold School, tell us that new Progress 8 measures give an incentive for exclusion.<sup>50</sup> Kevin Courtney from the National Education Union explained that:

With Progress 8, and many other accountability measures, you know that it is more time invested to get the same result from a child in challenging circumstances. An easier thing to do is to remove the child if you are

42 Acorn Academy Cornwall (ALT 24) para m; Gloucestershire Hospital Education Service (ALT 86) para 15

43 DfE, *Special educational needs in England: January 2017 National tables: SFR37/2017*, July 2017, Table 8

44 IPPR, *Making the Difference*, October 2017, p 16

45 Association of Child and Adolescent Mental Health (ALT 60) para 8

46 Association of Child and Adolescent Mental Health (ALT 60) para 8

47 NEU (ALT 41) paras 18–19

48 Education and Health and Social Care Committees, First Joint Report of the Education and Health and Social Care Committees of Session 2017–19 *The Government's Green Paper on mental health: failing a generation*, HC 642, para 34

49 NAHT (ALT 29) para 15; AP Network (ALT 72) para 6.2; Pavilion Study Centre (ALT 19) para 6; Qq140–141 [David Whitaker]; Q425 [Kevin Courtney]

50 Q95

thinking about the institution instead of thinking about the child. [ ... ] If we only focus on academic results, EBacc results, then that is what you get as your focus. You cannot be surprised if schools concentrate on that if that is what everybody tells them to concentrate on. For some children who are not feeling happy in that system that can lead to mental health problems and to challenging behaviour.<sup>51</sup>

31. We were told that a narrow curriculum can affect the engagement of some pupils with their education,<sup>52</sup> and Progress 8 in particular can narrow the curriculum for some pupils.<sup>53</sup> The National Education Union told us that SATs preparation can negatively impact on children with SEND and their access to a broad and balanced curriculum as their time is taken up focusing on SATs preparation, leaving little room for other lessons.<sup>54</sup> One respondent to our call for written evidence acknowledged that Progress 8 can be seen as more inclusive:

It can be argued that Progress 8 is a more inclusive standard in that it reflects the average progress of all students in a school. But it is progress in a far narrower set of subjects than would have been considered before. Creative and technical subjects, which a lower-ability child would find more accessible, have lost their validity and are disappearing from many schools.<sup>55</sup>

If pupils are experiencing a narrow curriculum, they are missing out on the wider subjects and opportunities that enable them to develop social and economic capital, which is vital for their future education and adult life.

32. The Minister told us that he did not accept the argument about Progress 8 and that it is the fairest way of holding schools to account for their academic attainment. However, he acknowledged that there may be a case for schools being accountable for the future outcomes of their past pupils.<sup>56</sup> The Department for Education has changed the methodology of Progress 8 so that the negative impact of some pupils' scores will be reduced.<sup>57</sup> However outliers still remain a problem because Progress 8 double counts maths and English, and it only takes two or three pupils to affect the overall progress outcome of a school. This needs looking at. These changes also do not reduce the incentive to off-roll pupils who will bring down the school's Progress 8 score. Philip Nye from FFT Education Datalab told us that one solution was to slightly change how league tables work:

We suggested that you could change the way the league tables work and say, "Okay, let's look at all the children who have been on-roll with you at any period of time up to Year 11 and let's allocate their results and weight them according to how much time the child spent with you. If they were there for

51 [Q425](#)

52 Manchester Metropolitan University ([ALT 87](#)) para 2, Mr John Watkin ([ALT 45](#)) paras 1.5–1.6

53 Lancashire PRU Headteachers ([ALT 36](#)) para 1.4

54 NEU ([ALT 41](#)) para 4

55 Mr John Watkin ([ALT 45](#)) para 1.11

56 [Qq450–451](#)

57 DfE, *Secondary accountability measures Guide for maintained secondary schools, academies and free schools*, January 2018, pp 12–13

one term, that would only count for a relatively small amount. If they were there up until halfway through year 10 and then left, let's say, those kids count to that extent against your results".<sup>58</sup>

This would mean that all pupils who have spent time at a school would count towards results. Retaining a degree of responsibility would reduce the attractiveness of off-rolling as a way of schools to wash their hands of pupils who will bring down their Progress 8 score. If pupils are excluded or removed for home schooling, and if schools feel that a pupil requires or would benefit from alternative provision, this would encourage the schools that are making decisions about where to send them to make choices in the best interests of their pupils and encourage greater oversight of pupils receiving education elsewhere.

33. The Minister was clear that the practice of off-rolling is unlawful:

Off-rolling is unlawful. There is only one reason a school can exclude a pupil permanently from a school, and that is due to behavioural issues. Off-rolling, to the extent that it occurs, is unlawful. Ofsted and the system as a whole will be vigilant in looking out for those practices.<sup>59</sup>

We agree that Ofsted plays a role in ensuring that schools do not off-roll pupils. Ofsted told us that it is vigilant in looking out for these practices by training its inspectors.<sup>60</sup>

**34. We do not think that Ofsted should take sole responsibility for tackling off-rolling. Off-rolling is in part driven by school policies created by the Department for Education. The Department cannot wash its hands of the issue, just as schools cannot wash their hands of their pupils.**

35. The Headteachers' Roundtable told us that schools "who retain children with challenging behaviour risk disruption, poor outcomes (significant impact on Progress 8, EBacc etc), low attendance, low staff morale, increased intervention costs [ ... ], complaints from parents, high exclusions costs and ultimately, critical and high stakes Ofsted gradings."<sup>61</sup> We acknowledge the resourcing challenges.<sup>62</sup> However, we also acknowledge that there are schools that are inclusive despite those challenges.

**36. An unfortunate and unintended consequence of the Government's strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils' social and economic capital. There appears to be a lack of moral accountability on the part of many schools and no incentive to, or deterrent to not, retain pupils who could be classed as difficult or challenging.**

**37. We recommend that the Government should change the weighting of Progress 8 and other accountability measures to take account of every pupil who had spent time at a school, in proportion to the amount of time they spent there. This should be done alongside reform of Progress 8 measures to take account of outliers and to incentivise inclusivity.**

58 [Q22](#)

59 [Q453](#)

60 [Q416](#)

61 Headteachers' Roundtable ([ALT 13](#)) para 1.5

62 The Committee has launched inquiries into school and college funding and special educational needs and disabilities.

### 3 The process of exclusion and referral

“Parents who advocate strongly for their kids are seen to be a pain and pushy. I have had letters where I am described as being a particularly difficult person to deal with, because I am advocating for my child, and because I know the system and am prepared to say what is right and what is wrong.”

Parent of a pupil with experience of alternative provision

38. There are several ways that a pupil can be referred to alternative provision. Pupils may be placed by their school, while others may be placed by their local authority. If a child is permanently excluded, it is the responsibility of the local authority to find them an alternative school. The local authority also has a duty to provide education for pupils with additional health needs where their illness will prevent them from attending school for 15 or more days and where suitable education is not arranged. Schools can commission their own alternative provision places for pupils who are being directed off-site for education to improve their behaviour. Local protocols will also affect the referral pathway. Peterborough City Council operates a Pupil Referral Service, creating a single service.<sup>63</sup> In other areas, referrals may go through a Fair Access Panel, while in others some will be directly referred by the local authority or school.

39. We already know that many pupils are in alternative provision because they are excluded from school. While we have found that many pupils are excluded from school when perhaps they should not be, there will be pupils who have been excluded from school for good reason. Where pupils have committed violent or criminal acts, exclusion may be the only viable option as pupils and teachers have the right to learn and work in safe environments. Some pupils will be too ill to attend school, or will self-exclude due to mental health difficulties. But no pupil who is excluded should be given up on, and every pupil should be educated in high quality provision that meets their need for and right to a good education.

#### School powers and pupils' and parents' rights

40. In England, only headteachers can exclude a pupil, which can only be for disciplinary reasons.<sup>64</sup> It can appear confusing who is responsible for arranging education in this case. Headteachers must tell parents of an exclusion, and in some cases, including in the case of permanent exclusions, must inform the governing boards and local authority. While governing bodies and proprietors of maintained schools and academies must arrange suitable full-time education from the sixth day of fixed period exclusions (or first day for looked after children), it is the local authority that has the duty in other cases.<sup>65</sup>

41. There are many challenges that come with exclusion, or referral to alternative provision, for pupils and parents. We heard that the decision about where a child is sent

63 Peterborough Pupil Referral Service ([ALT 30](#)) para 2.1

64 DfE, *Exclusion from maintained schools, academies and pupil referral units in England*, July 2017, p 8

65 DfE, *Exclusion from maintained schools, academies and pupil referral units in England*, July 2017, pp 16–17

to is largely out of their hands, and decisions made by the school, or local authority, will be affected by financial considerations, availability of suitable provision and whether the provision has places.<sup>66</sup> A parent told us:

When we were sat around the table with our education and care plan, putting things into place, the headmaster from my son's primary sat at the table and the only contribution from him was, "Well, this is cutting into my budget now. It is costing me £100 a day to keep this child in this AP school. What can we do quickly?" It was not about my child. The focus was about moving him on quickly because it was cutting into the budget. It was not about the welfare of my child.<sup>67</sup>

42. 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.<sup>68</sup> When a school is proposing to exclude a child, however right it may be, it is likely that it is also a time of stress or tension, with pressure on the relationship between the pupil and/or parent and the school. Jules Daulby told us:

There are so many parents that feel they get, "Oh, another call from the school", and what ends up happening is the parent and the child become against the school, and it should be the school and the parent saying to the child, "Right, this is how we're going to help". That relationship is really important, and sometimes it feels very much that the family and child are to blame, and the school will not work with them until they turn themselves around.<sup>69</sup>

Navigating the exclusions process can be difficult and parents and pupils can be left fighting a system that they do not understand and that they feel is stacked against them. In addition, we heard that parents often do not have the time or social capital to challenge schools. Dr Gazeley, Senior Lecturer in Education at the University of Sussex told us:

Some parents are very much better placed to exert their rights than others, and one of the issues is that many of the children who get tied up in all these processes have parents who do not have the knowledge, the understanding, the trust or the experience to exert their rights, and they do not have access to advocacy either. They are in a very dependent position o[f] trust for professionals, some of whom do a very good job and some of whom we know are not doing the right things. It is really important to recognise that some parents can leverage the system and some cannot, and we need to think about how we help them.<sup>70</sup>

43. Only in the case of permanent exclusion can a parent appeal against the decision. If a parent's appeal fails, they can appeal to the Independent Review Panel, but the Independent Review Panel can only be convened if parents apply within 15 school days.<sup>71</sup> Many parents will not know about their right to do so, and may lack the time and capacity to do so

66 Nacro ([ALT 69](#)) para 1.2

67 Parent of a pupil with experience of alternative provision

68 Ms Diana Robinson ([ALT 16](#)) para 5.4; The Engage Trust ([ALT 32](#)) para 7

69 [Q381](#)

70 [Q406](#)

71 DfE, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017, p 27

and meet the deadline. Responsibility for bringing together the panel rests with the local authority, or academy trust. The panel should have one lay member, a school governor and a headteacher representative, and guidance states “every care should be taken to avoid bias or an appearance of bias.”<sup>72</sup> We consider that an appearance of bias can arise, purely by the makeup and weighting of the panel. We heard from Matthew Dodd, from the Special Educational Consortium, that their power is weighted in favour of schools as the “Education Act 2011 removed the right to reinstatement, so an independent review panel cannot enforce a reinstatement.”<sup>73</sup> We do however acknowledge that if a governing body does not reinstate a pupil it must make a financial payment to the local authority.

**44. The exclusions process is weighted in favour of schools and often leaves parents and pupils navigating an adversarial system that should be supporting them.**

**45. *Legislation should be amended at the next opportunity so that where Independent Review Panels find in favour of the pupils, IRPs can direct a school to reinstate a pupil.***

**46. *Where responsibility sits for excluded children in a local area has become very ambiguous. The Timpson Exclusions Review needs to clarify whose responsibility it is to ensure that excluded or off-rolled pupils are being properly educated. This could be the local authority or it could be local school partnerships, but at the moment too many pupils are falling through the net.***

**47. *When 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.***

## Children getting to the right place at the right time

48. We were told that it is often not in the hands of the pupil or parent when decisions are made about where a pupil attends alternative provision. Where a pupil is directed off-site to ‘improve their behaviour’, a parent does not have to agree to the placement, much less the actual details of the placement,<sup>74</sup> although statutory guidance does state that “where possible, parents should be engaged in the decision taken by the school to direct a pupil off-site.”<sup>75</sup> In addition, for many pupils their journey to the right provision takes time. This can be because the permanent exclusion process takes time,<sup>76</sup> either because the process adheres to statutory timescales or because schools leave pupils to languish and struggle for too long.

### The right place

49. Of the alternative provision that is inspected by Ofsted, 88% is ‘good’ or ‘outstanding’.<sup>77</sup> However, 18% of places in maintained schools for excluded pupils are in ‘requires

72 DfE, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017, p 29

73 [Q78](#)

74 Independent Parental Special Education Advice ([ALT 74](#)) para 11

75 DfE, [Alternative provision](#), January 2013 p 12

76 The CE Academy ([ALT 14](#)) para 40.2

77 Ofsted, [Maintained schools and academies inspections and outcomes as at 31 August 2017: main findings](#), November 2017 p 1

improvement' or 'inadequate' provision.<sup>78</sup> Of the alternative provision in the independent sector, 72% of independent alternative providers have a good or better inspection rating.<sup>79</sup> However, the quality, and availability, of provision is variable. In 11 local authorities, there are no 'good' places in alternative provision, while in Dudley, Gateshead, Newcastle and Thurrock, all PRUs are 'inadequate'.<sup>80</sup> It appears that there are areas of the country, and therefore large numbers of pupils, that have no access to high quality alternative provision and therefore high quality educational opportunities for those who may be set up to fail in mainstream school.

50. We asked parents and pupils if they felt that they had a say in where they were referred to, either following a permanent exclusion or any other move. While the young people we met with seemed happy that they were in high quality provision that was working for them, none of them felt that they had been offered a choice about where they would attend school. This was also reflected in the discussion we had with parents. One parent told us "Against my wishes, they put my son in an EBD [emotional and behavioural difficulties] school, which is about the worst provision you can put an autistic child in, quite literally. It was catastrophic for him. I objected about as strongly as I could to that, and they put him in there anyway."<sup>81</sup>

51. In 2012, the Taylor Review of alternative provision found that while the DfE kept a central register of AP providers, it only contained partial, un-validated information. Taylor therefore recommended that the Department no longer maintained a central list.<sup>82</sup> While this recommendation was acted on, this had led to no clear responsibility for alternative provision oversight. Essex County Council told us that because there is no requirement on alternative provision providers to register with the local authority before they offer provision, local authorities can be unaware of the provision that is available in their area.<sup>83</sup> This was explained to us in the context of quality assurance, but if local authorities are not aware of the provision that is out there to quality assure, they will be equally unaware of providers with whom they can place children. We are unconvinced that schools and parents will be able to place pupils in the most appropriate setting for them if they do not know about the full range of alternative provision on offer.

52. Pupils who require alternative provision because their medical conditions or needs mean they cannot attend school have little control over the education that they receive. Cath Kitchen, Chair of the National Association of Hospital and Home Teaching, told us that "our children do not always have a choice about when they move into alternative provision because they are placed there because of their health needs. There is no choice for parents or for young people because they are moved to a hospital that best meets their medical needs."<sup>84</sup> She went on:

The children who have physical medical needs most often come into alternative provision because they are admitted to hospital as an inpatient. When they go into hospital, depending on which local authority and what

---

78 IPPR, *Making the Difference*, October 2017 p 35

79 FFT Education Datalab, '[What we've learnt about the independent alternative provision sector](#)', accessed July 2018

80 IPPR, *Making the Difference*, October 2017 p 35

81 Parent of a pupil with experience of alternative provision

82 DfE, *Improving alternative provision*, March 2012 pp 9–10

83 Essex County Council ([ALT 84](#)) para 5.3

84 [Q49](#)

type of hospital, whether it is a regional one or just a local hospital, they will access teaching while they are there. If they have a mental health condition that means it cannot be safely managed within the community, they also are entered into an inpatient provision; they call them tier 4 CAMHS units, where again they are accessed there. If their mental health is so severe they may be sectioned under the Mental Health Act and then put in a different type of environment. If there are no places in tier 4 units, then they may be placed in private hospitals. In private hospitals a lot of the education provision there is not regulated and you do not have a choice about where you go.<sup>85</sup>

**53. *The Government should encourage the creation of more specialist alternative providers that are able to meet the diverse needs of pupils with medical needs, including mental health needs.***

### **The right time**

54. We spoke to several young people during our inquiry, and for many of them they arrived in alternative provision after having had failed moves, having spent time in ‘inclusion’ or ‘isolation’, or having given up on attending school altogether. One young person was moved four times in three years, before arriving at their current alternative provision. Another young person told us that they spent Year 7 and Year 8 in and out of school, and it took a long time for them to get the support that they needed. One of the young people we spoke to who attended alternative provision for medical reasons told us:

I didn’t get given the choice to go to the online tuition until nearer the end of my treatment. If I had been offered that earlier, I might have been able to get more schooling in, which might have improved my results at the end. If I’d had it at the start of my treatment, that might have helped us in the long run.<sup>86</sup>

We were therefore pleased to hear from the Minister that “We want to see increasing parental and pupil engagement in terms of decisions about going into alternative provision. We want those pupils and their parents to be more engaged in that process than they perhaps currently are.”<sup>87</sup>

55. Some pupils need a different environment to learn in. Currently parents and pupils are not sufficiently involved and the process can often take too long. Where schools recognise that alternative provision is the most suitable option for a pupil, schools should feel able to find the right provision for that pupil. Parents and pupils have a tremendous stake in their education and schools and local authorities need to include them more in decisions.

**56. There is an inexplicable lack of central accountability and direction. No one appears to be aware of all the provision that is available, which impacts on both schools, local authorities and parents. Unless all providers are required to notify the local authority of their presence, not all schools or LAs will be able to make informed decisions about**

85 [Q58](#)

86 Young person with experience of alternative provision

87 [Q501](#)



placements. Without someone to take responsibility for co-ordinating and publishing information about the local provision that is available, parents and pupils will remain unable to fully participate in discussions about alternative provisions referrals.

57. *All organisations offering alternative provision 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.*

58. *Pupil Referral Units, and other forms of alternative provision, should be renamed to remove the stigma and stop parents being reluctant to send their pupils there. We suggest that the Government seeks the advice of pupils who currently attend alternative provision when developing this new terminology. Many have described AP as specialist provision, offering children a more tailored, more personal education that is more suited to their needs.*

## A lack of oversight

59. We heard that there can be little oversight of pupils in alternative provision, with The Pendlebury Centre PRU suggesting that there can be an “out of sight, out of mind mentality by some.”<sup>88</sup> The Engage Trust suggested that there is too little scrutiny of the school’s actions in placing children into alternative provision, and even when pupils are sent to registered provision like AP Academies, there is little or no oversight of the decisions made by schools.<sup>89</sup>

60. The Department’s guidance states that the headteacher of a school must, without delay, notify the local authority of:

- Any permanent exclusion;
- Any exclusion that means that the pupil would be excluded for a total of more than five school days (or more than ten lunchtimes) in a term;
- any exclusion which would mean that the student misses a public examination or national curriculum test.<sup>90</sup>

In addition, headteachers must tell the local authority and governing body termly of any other exclusions that they have not already informed them of. Where a pupil lives in a different local authority to the school from which a pupil is permanently excluded, the pupil’s home authority must be informed.<sup>91</sup> However, it is unclear what impact this reporting has and whether there is any further scrutiny undertaken of the decisions that schools are making.

61. The Department’s guidance clearly suggests that there is a role for local authorities to play in the oversight and monitoring of exclusions, as headteachers are required to notify them of exclusions.<sup>92</sup> However, we heard the diversification of the school system has caused

88 Pendlebury Centre PRU ([ALT 12](#)) para 1.6

89 The Engage Trust ([ALT 32](#)) paras 3–4

90 DfE, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017, p 15

91 DfE, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017, p 15

92 DfE, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017 p 15

the role of the local authority in alternative provision to become more difficult.<sup>93</sup> Ralph Holloway from Essex County Council told us about the challenges that local authorities can face when placing pupils in AP:

We might have had some involvement with that young person or we might not. It depends upon the individual school and the circumstances in which that young person was permanently excluded. We get a notification and within literally 24 hours we have to have that referral into one of our pupil referral units. Within six school days that young person will be starting their position with the PRU. There is not much room there for making an informed decision about what is the best provision for the young person.<sup>94</sup>

The ADCS felt that there is a role that the local authority should play when relationships between the school and parent break down.<sup>95</sup> Kevin Courtney from the NEU also told us:

You need an honest broker locally who is keeping all schools honest in these behaviours. That is the much vaunted middle tier. Everyone has their own opinion about who that middle tier should be, but there needs to be something that is robust that can challenge a headteacher. The head teacher has to make a professional decision but it should be a local authority or some other body that is in dialogue with them, rather than thinking it is parents that are going to be keeping that right.<sup>96</sup>

**62. Local authorities have statutory responsibilities to provide suitable education for pupils and yet can have little oversight or scrutiny over decisions about exclusions and placement decisions. This may be due to inadequate resourcing, which needs to be addressed. We are also concerned by the lack of transparency about exclusion rates that are available to parents about schools.**

**63. We recommend that LAs are given appropriate powers to ensure that any child receive the education they need, regardless of school type.**

**64. Schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children. Schools should also publish data on the number of pupils who have left the school.**

### **Commissioning of alternative provision**

65. Ofsted's 2016 report on alternative provision found that the commissioning of AP is varied, describing a landscape where some schools use a fully centralised system, right through to schools commissioning solely in isolation.<sup>97</sup> Ofsted also found that just less than a third of the schools they looked at systematically evaluated the quality of teaching

93 NASUWT ([ALT 57](#)) para 16; NEU ([ALT 41](#)) para 13

94 [Q115](#)

95 ADCS ([ALT 39](#)) para 8

96 [Q428](#)

97 Ofsted, [Alternative Provision](#), February 2016, p 10

and learning in the alternative provision they were commissioning,<sup>98</sup> and the majority of staff working at the alternative providers in their sample had not attended any formal child protection training.<sup>99</sup>

**66. Schools do not always have the capacity and specialist knowledge to have full responsibility for the commissioning of long-term placements for pupils who will often have complex needs. If, as we discussed in paragraph 52, local authorities are unaware of provision in their area, they too do not always have enough knowledge to make appropriate commissioning decisions. 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.**

### *Fair Access Protocols*

#### *Admissions*

67. Every local authority is required to have a Fair Access Protocol (FAP) in place, developed in partnership with local schools.<sup>100</sup> FAPs are designed to ensure that pupils who do not have a school place are able to find one quickly, so that their time out of school is kept to as little as possible.<sup>101</sup> This would include pupils who do not have a mainstream place due to exclusion, or already being in alternative provision. However, we heard that there is significant variation in how they are run and managed, and how well they work.<sup>102</sup> We heard that where providers thought FAPs were working, they said that the protocol was shared by all schools,<sup>103</sup> met regularly,<sup>104</sup> and included peer challenge.<sup>105</sup>

68. However, despite clear evidence of good practice and systems that do work, we were concerned to hear that systems can be put in place that benefit schools and disadvantage pupils:

I think there is almost a misunderstanding or a lack of willingness to understand that the purpose of fair access protocols, as far as I am aware, is as the local authority's vehicle for the most vulnerable children to be brought back, discussed and ideally put back into a mainstream school. Where those protocols are set up, which they are in some cases, to protect schools and enable them to put up barriers to taking children back, it becomes a way of keeping children in alternative provision.<sup>106</sup>

The National Association of Virtual School Heads told us that in some areas access to AP is controlled by groups of headteachers who fund and gatekeep provision and their criteria do not include looked-after children who have just arrived in the local authority.<sup>107</sup>

98 Ofsted, *Alternative Provision*, February 2016, p 28

99 Ofsted, *Alternative Provision*, February 2016, p 6

100 DfE, *Fair Access Protocols: Principles and Process*, November 2012, p 3

101 DfE, *Fair Access Protocols: Principles and Process*, November 2012, p 3

102 [Q183](#) [Emma Bradshaw]; [Q185](#) [Joanne Southby]; [Qq430-431](#) [Sue Morris-King]

103 London East Alternative Provision ([ALT 25](#)) para 15

104 London East Alternative Provision ([ALT 25](#)) para 19

105 Headteachers' Roundtable ([ALT 13](#)) para 1.2; [Q429](#) [Stuart Gallimore]

106 [Q185](#) [Joanne Southby]

107 National Association of Virtual School Heads ([ALT 61](#)) para 8

## Reintegration

69. We heard that sometimes reintegration of pupils back to mainstream school does not happen.<sup>108</sup> Reintegration can be much harder for pupils in key stage 4, who may actually benefit from staying in alternative provision.<sup>109</sup> We also heard that a lack of ambition can inhibit reintegration.<sup>110</sup> We also note that where there are selective local authorities, this can place a greater amount of pressure on schools as there are a smaller number of schools that are able to take pupils returning from alternative provision.<sup>111</sup> Ralph Holloway from Essex County Council suggested that schools can opt-out, telling us:

Our fair access protocol works very much on a district basis, so it would be equivalent to a smaller authority. It is only as strong as the individual schools within it and their commitment to the fair access protocol, and that is the difficulty.<sup>112</sup>

70. We were told that when mainstream schools are reluctant to accept pupils from AP, and where they fail to provide a rapid return to mainstream, this can lead to some pupils feeling rejected. London South East Academies Trust suggested that pupils can often be reliant on the benevolence of headteachers, rather than the system, in order to return to mainstream school.<sup>113</sup> We were privately told that there are certain types of schools that do refuse to accept pupils who are returning from AP. We further heard that there is a lack of scrutiny about decisions that are being made and no challenge about decisions that are made:<sup>114</sup>

In terms of getting kids back from alternative provision into mainstream or for a child who has been permanently excluded, there should be fair access protocols that allow in-year admission. If a child has been excluded they should be able to get back into a mainstream school using these fair access protocols. There is no scrutiny of how they are used. Basically we would say there is no scrutiny virtually at every level in this system.<sup>115</sup>

We were disappointed that the Minister was not able to tell us who was accountable when schools do not co-operate. When asked who was accountable when schools in some areas do not sign up to them, he told us that it “is about professionals co-operating together.”<sup>116</sup> When pressed further about what happens when schools do not take part, he told us that schools are not entitled to do so, and assured us that the Exclusions Review being undertaken by Edward Timpson would look at this.<sup>117</sup>

**71. The best Fair Access Protocols work well because they are local and understand the needs of their communities. However, this is not always the case, and it is not right that some schools can opt out of receiving pupils back to mainstream schools or following the Fair Access Protocol.**

---

108 Lancashire PRU Headteachers ([ALT 36](#)) para 3.2; [Q422](#) [Sue Morris-King]

109 Mr John Watkin ([ALT 45](#)) para 2.4

110 Office of the Children’s Commissioner ([ALT 79](#)) para 17

111 The Limes College ([ALT 8](#)) para 20

112 [Q127](#)

113 London South East Academies Trust ([ALT 43](#)) para 36

114 Ms Diana Robinson ([ALT 16](#)) para 1.3; [Q188](#) [Emma Bradshaw]

115 [Q73](#) [Matthew Dodd]

116 [Q458](#)

117 [Q459](#)

**72. *Government should issue clearer guidance on Fair Access Protocols to ensure that schools understand and adhere to their responsibilities and encourage reintegration where appropriate. No school should be able to opt-out and if necessary either the local authority or the DfE should have the power to direct a school to adhere to their local Fair Access Protocol.***

73. There is too little consistency around the process of exclusion and referral to AP. We have heard too much that suggests that there is not the focus on collaboration and community that is described by Dr Gazeley:

One of the issues around resource and responsibility is the sense that the schools that we looked at were sites of good practice and we scoped them very carefully, but that sense that their collective responsibility is within local communities. Sometimes the solutions do not lie solely within the grasp of the individual school, which is partly why some of the focus on alternative provision within our particular study was about co-development of solutions across local context, which was very much thinking about what is it that young people might need, with a very positive, flexible, resourceful mindset, rather than thinking about it as punitive, places overflowing because children are not wanted.<sup>118</sup>

74. We think that there is a lot to learn from the existing Virtual School Head model for looked-after children. Local authorities' duties to looked-after children include promoting their educational achievement. The Children and Families Act 2014 required local authorities to employ someone to carry out that duty: Virtual School Heads. Among other things, Virtual School Heads advise on educational provision for looked-after children; track and monitor the progress and achievements of their pupils, support and quality assure the Personal Education Plan process and advise on the use of the Pupil Premium Plus. They act as the educational champion for their virtual school cohort.

75. We see no reason why a similar role and duty should not be created with responsibility for children in alternative provision. The duties of this role would include maintaining a list of all pupils being educated in AP, ensuring that appropriate monitoring of placements takes place by the commissioning schools and where a child is placed by the local authority monitoring the quality of provision and outcomes of the pupil. It would also include supporting the commissioning of appropriate alternative provision and acting as an advocate for the best interests and views of the pupil. This role would create a mechanism by which Fair Access Protocols were consistently co-ordinated and overseen, Fair Access Panels were attended and schools challenged where they refuse to accept pupils.

**76. *There should be greater oversight of exclusions and the commissioning of alternative provision for all pupils by the local authority. These children need a champion, and schools need both challenge and support.***

**77. *There should be a senior person in each local authority who is responsible for protecting the interests and promoting the educational achievement of pupils in alternative provision, which is adequately resourced. This role and post-holder should be different from that of the Virtual School Head for Looked-After Children.***

## 4 What does good alternative provision look like?

“A good PRU delivers a lot of love and a little magic into the lives of those who have very frequently, and sadly, experienced too little of either.”

Peterborough Pupil Referral Service ([ALT 30](#))

78. AP is diverse and it would not be appropriate to set a one-size-fits-all template for what good alternative provision looks like, but in this chapter we set out some of the issues and challenges that alternative provision faces and highlight good practice. We have heard from many outstanding providers, teachers, headteachers and local authorities who offer the very best of provision to their pupils. They talk about providing supportive, flexible environments that meet individual needs and allow pupils to flourish. No provision that we have heard from or visited is the same, but no pupil is the same. There is no template for good AP, but the challenge that we set is providing consistently good AP to all pupils no matter where they are living.

### In-school alternatives

79. Learning Support Units (LSUs) were introduced in schools from 1999 as part of the Excellence in Cities partnerships and Education Action Zone partnerships. Funding was provided to schools with the intention to improve behaviour and reduce exclusion.<sup>119</sup> Ofsted found that the while a quarter of units didn't help pupils learn effectively, it did find that most LSUs were successful in reducing exclusions and promoting inclusion.<sup>120</sup>

80. There is a lack of agreement about whether in-school alternatives to alternative provision are increasing or decreasing. Some told us that schools were using in-school provision more,<sup>121</sup> in many cases the reason being funding pressures, while other witnesses said that funding pressures and a focus on Progress 8 were driving schools to reduce their in-school provision.<sup>122</sup> Two large providers of alternative provision, Nacro and YMCA Training, both argue that in-house provision may not be best for the pupil,<sup>123</sup> and Gloucestershire Hospital Education Service told us that it is opposed to in-school options for pupils with medical needs, particularly those with mental health needs.<sup>124</sup>

81. We heard about the importance of in-school alternatives needing to be good quality, but we also heard that in many cases this is not the case.<sup>125</sup> Dr Val Gillies, Professor of Social Policy and Criminology at the University of Westminster, told us that:

119 The Difference ([ALT 94](#)) para 39

120 Ofsted, *Excellence in Cities and Education Action Zones: management and impact*, May 2003, p 58

121 YMCA Training ([ALT 34](#)) para 26; Nacro ([ALT 69](#)) para 5.1; ADCS ([ALT 39](#)) para 5

122 London South East Academies Trust ([ALT 43](#)) para 53; ASCL ([ALT 90](#)) para 16; Mrs Lorraine Thompson ([ALT 67](#)) para 9; SSCYP ([ALT 5](#)) para 24

123 Nacro ([ALT 69](#)) para 5.1; YMCA Training ([ALT 34](#)) para 26

124 Gloucestershire Hospital Education Service ([ALT 86](#)) paras 26a–d

125 Ms Joanne Southby ([ALT 78](#)) para 19

Where there is that segregated model, of course they are not keeping up with what is going on in the classroom. The provision in terms of education can sometimes be very poor. They may be in a unit where there are not any trained teachers, and even where the teachers are coming into the unit, that is usually given to supply teachers. It does not tend to be a very popular job. Teachers do not want to go into the unit and teach them, so they do not have an opportunity to build a relationship with the teachers in the first place. The longer they are in those units, the harder it is then to reintegrate back in to mainstream.<sup>126</sup>

82. Many of the young people we spoke to talked about being put in isolation in mainstream school for large parts of academic years. Some of the pupils were put in isolation for behavioural reasons, while others were removed from the classroom for other reasons, including because they were victims of bullying. The young people told us about the impact that isolation had on them. One young person who was isolated because they had been bullied told us that “With that kind of support, I gave up with the school system—I chose not to go.”<sup>127</sup> Another described their experience of learning: “There were a lot of different people in the isolation room that I was put in, but it was a box, essentially. [ ... ]They would give you a textbook to copy from. There would be no real learning.”<sup>128</sup> We were also told by a young person with experience of alternative provision about their experience of isolation in mainstream school:

At first, I felt like I had been naughty and was in trouble, but I obviously couldn't work out what I'd done. They changed my time for eating my dinner. I would go and eat my dinner before everyone else even started theirs. I was isolated not just from my lessons but from everyone completely. It makes you feel bad. You feel like you're not going to have friends. Even though I was in a very bad situation at the time, I was still never allowed that freedom.<sup>129</sup>

83. Diana Robinson raised concerns about the move towards a 'sin bin' approach:

I don't think this is the 'in-school alternatives' being proposed in this question. Instead I think the 'sin-bin' or 'seclusion room' is being proposed. I have witnessed the awful environment of such facilities, where the pupil is held in isolation with no work or intervention to address whatever 'sin' had led him or her to be placed there. It does not provide education, but punishment.<sup>130</sup>

84. However, we were told about successful interventions that are delivered in-house, using inclusion style models. Drew Povey, Headteacher of Harrop Fold school in Manchester, told us that his school hadn't excluded a pupil in over ten years.<sup>131</sup> He told us that Harrop Fold has three levels of intervention rooms, and described the success of this model using the example of a pupil called Kodie:

---

126 [Q86](#)

127 Young person with experience of alternative provision

128 Young person with experience of alternative provision

129 Young person with experience of alternative provision

130 Ms Diana Robinson ([ALT 16](#)) para 5.3

131 [Q83](#)

Her progress was phenomenal. She did have her challenges at school and I am absolutely certain in many other settings she would have been permanently excluded. But we believed that she could turn a corner. We have tiers of provision within the school that are slightly different from what you might see elsewhere and it is perfect for our young people. We got Kodie through to the end. She did not break any records when it came to exam results, but she did well and she went on to college. She will be coming back to Harrop to train as an apprentice as a teaching assistant.<sup>132</sup>

Drew Povey also told us that his school's approach also included a mindset shift, moving from saying that they "cannot" exclude, to exclusion being something that they "do not" do.<sup>133</sup>

85. We also heard that in-school alternatives can also have other protective benefits. Dr Val Gillies told us about the power of mentors:

They are a great resource and they are the first to go in terms of education cuts at the moment, but because teachers are so pressured they often do not have an opportunity to get to know young people or understand the various different challenges that they might be dealing with, so mentors can operate as a really important bridge.<sup>134</sup>

We also heard that in-house AP maintains a learner's sense of connectivity with the school,<sup>135</sup> although we are concerned that this would only be the case where in-house provision is of good quality.

86. In many cases, high quality in-school alternatives can be used to prevent exclusion and provide support to pupils. In-school alternatives will not be the right provision for some pupils, and where they are poorly set up, they can cause damage to pupils and cause more harm than good.

**87. *Government should collect best practice and provide dedicated resources and guidance to schools to improve behaviour and reduce exclusion and develop appropriately resourced Learning Support Units. This guidance should include that all LSUs are staffed by at least one qualified teacher. The Government should also investigate the practice of placing students in isolation units.***

**88. *Ofsted should carry out thematic inspections of in-school alternative provision.***

## Quality of teaching

89. The Department for Education recognises the quality of teaching as the single biggest factor influencing the children's classroom experience.<sup>136</sup> This is true of all provisions, and should be true for all pupils. We were told by one young person:

The teachers at my school, in my final year of school, sat down with me at the start of the year, because they had known that I had fallen behind from

132 [Q89](#)

133 [Q83](#)

134 [Q105](#)

135 ADCS ([ALT 39](#)) para 5

136 NAO, [Retaining and developing the teaching workforce](#), September 2017 p 17



not going in and being in isolation. They sat down with me and said, “What can you do? What do you feel comfortable with? Is there anything that we need to work on?” They did listen to me with that, but they would also speak to me. They would find ways of trying to help you remember. If you wanted extra work, they would give it to you. They would say, “I’d support you no matter what.”<sup>137</sup>

## **Recruitment and training of teachers**

### **Recruitment of qualified teachers**

90. 82% of teachers in all AP providers have qualified teacher status (QTS). 60% of teachers in AP free schools are qualified, compared to 84% of teachers in PRUs. 95% of teachers in mainstream schools have QTS.<sup>138</sup> According to the Institute for Public Policy Research, the number of vacancies in the maintained AP and special sector has nearly trebled since 2011. Vacancies are 100–150% higher than in mainstream secondary schools.<sup>139</sup>

91. Alternative provision needs high quality teachers. Professor David Berridge told us:

These children need the best teachers. These children need the most skilled and the most dedicated teachers. Traditionally in England, the best teachers have wanted to work with the high flyers that may be the most academically rewarding and enriching, but how we can create a system that incentivises the best teachers to go to the areas where they are needed?<sup>140</sup>

However, as well as issues with qualified teachers, a child educated in a special or AP schools is twice as likely as a mainstream pupil to be taught by a supply teacher. We heard that a workforce staffed by supply teachers can have an impact on the development of relationships between staff and pupils, which is necessary for successful teaching and behaviour management.<sup>141</sup>

### **Quality of teaching**

92. Witnesses raised issues about the quality of teaching in alternative provision, in part linked to poor recruitment, but also linked to misconceptions about the sector. Joanne Southby, Executive Head at London South East Academies Trust, told us:

Potential candidates can be attracted for the wrong reasons including misunderstanding that PRUs are schools and teachers will be equally accountable for outcomes and progress as they would in any mainstream environment. Sometimes, potential teachers assume that teaching in a PRU would be “easier” as less might be expected of pupils and parents’ evenings/ extra-curricular activities non-existent. This can lead to reduced fields of quality candidates or unsuitable appointments which result in disrupted

137 Young person with experience of alternative provision

138 DfE (ALT 58) para 44

139 IPPR, *Making the Difference*, October 2017, p 30

140 Q27

141 The Difference (ALT 94) para 16

education for pupils due to staff absence, capability processes and higher turnover. Committed staff in PRUs have high retention, but securing them in the first place can be difficult.<sup>142</sup>

93. IPPR also found that in 80% of PRUs' Ofsted inspections that it analysed, low expectations or the quality of teaching and learning were identified as an area of improvement.<sup>143</sup> Concerns have been raised about the lack of subject specialists in AP, which has an impact on the curriculum that can be offered, but also the workload of teachers who are experts in their subject.<sup>144</sup> Managing the behaviour of pupils is clearly an important part of the role of teachers in AP, however Kevin Courtney told us:

In lots of places we are starting to think what you need on the behavioural management side of it is somebody who is good with the kids. You need that but you also need the expertise of a teacher. You need qualified teachers at the heart of the system<sup>145</sup>

### *Initial teacher training*

94. Some schools are overcoming the recruitment challenges, and training teachers in innovative ways. In Peterborough, the Executive Headteacher delivers training to PGCE students and all trainees have a placement within the Pupil Referral Service.<sup>146</sup> Acorn Academy Cornwall is developing the Multi-Academy Trust as a teaching school and is a partner in the delivery of Initial Teacher Training through local partnerships.<sup>147</sup> Education Links said that it and other providers are moving to 'grow their own', whereby they train unqualified teachers or classroom assistants.<sup>148</sup> 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. Equally, it is unfair for trainee teachers to receive initial training in such environments, ultimately having an adverse effect on their professional development."<sup>149</sup>

95. Teaching in alternative provision should be held in high regard, and attract the highest quality leaders and teachers. However, alternative provision is clearly not seen as a prospective career choice for the most talented teachers. This is likely to be down to a lack of professional development opportunities and also proper understanding of the challenges and rewards of working in alternative provision.

**96. *All trainee teachers, in order to achieve Qualified Teacher Status, should be required to undertake a placement outside of mainstream education, for example in a special school or in alternative provision.***

---

142 Ms Joanne Southby ([ALT 78](#)) para 10

143 IPPR, *Making the Difference*, October 2017, p 34

144 NEU ([ALT 41](#)) para 23

145 [Q435](#)

146 Peterborough Pupil Referral Service ([ALT 30](#)) para 5.1.1

147 Acorn Academy Cornwall ([ALT 24](#)) paras 6.1–6.2

148 Education Links ([ALT 59](#)) para 11

149 NEU ([ALT 41](#)) para 24

## Leadership

97. When there are challenges like recruitment issues, unqualified teachers and a pupil cohort that is transient and with high needs, leadership is crucial. However, according to *The Difference*, vacancies in leadership roles have more than doubled in the AP and special school sector between 2011 and 2016.<sup>150</sup> Kiran Gill told us:

The challenge that we have is we also have large leadership vacancies in alternative provision, so we need to get people in who can do that inspirational training for younger, unqualified and trainee teachers. At the moment, the latest reviews we have into continuous professional development on alternative provision show that there isn't a lot out there and that this sector is often quite isolated from the developments that are happening in the mainstream sector.<sup>151</sup>

98. In order to address these challenges, *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 in leadership roles, with the expectation of disseminating best practice and thereby reducing exclusions.<sup>152</sup> This practice of cross-fertilisation of knowledge between sectors already happens in other countries in the UK, where exclusion rates are much lower.<sup>153</sup> In 2016/17 one pupil in Scotland was permanently excluded.<sup>154</sup> In 2015/16, five pupils in Scotland were permanently excluded. This equates to 0.0007% of the school population. This compares to 6,685, or 0.8% of the school population in England.<sup>155</sup> This was further reflected by Dr Gillooly, Head of Strategic Development & Innovation at the Scottish charity Includem who told us:

[Exclusions] are reducing. There are fewer exclusions, and the length of period of exclusion is reducing. There are ways that schools can look at alternatives for young people. It is possible, for instance, to come to an agreement within a local authority that a child will attend another school within the local authority for a period of time, but there is always the presumption that they will be reintegrated back into that original school where at all possible. These situations are looked at and monitored, so that presumption of mainstreaming and presumption of inclusion is absolutely running through all of the practice around how we deal with challenging behaviour.<sup>156</sup>

## Continuing professional development

99. Paul Devereux, a Head of Hospital and Hospital Outreach Education but submitting evidence in a personal capacity, described how supply teachers often teach pupil with medical needs, and supply staff lack access to good quality training, which means that

---

150 *The Difference* ([ALT 94](#)) para 19

151 [Q27](#)

152 IPPR, *Making the Difference*, October 2017, p 38

153 IPPR, *Making the Difference*, October 2017, p 34

154 "[Scottish schools stamp out permanent exclusions](#)" TES, January 2018

155 "[Do Scotland's exclusion figures tell us the full story?](#)", TES, March 2018

156 [Q397](#)

their understanding of the curriculum can be behind current standards.<sup>157</sup> More broadly, we heard that there are challenges for schools having to provide subject knowledge training when teachers are teaching outside of their specialism, as well as broader skills needed for the setting.<sup>158</sup> We were told that schools can find themselves caught between a rock and a hard place: much as they would wish to allow their staff to attend training, the often small size of provision, and the need for high levels of staffing, means that the practicalities of releasing staff is difficult to accommodate. This training is important to ensure that staff are kept up to date with training, particularly as pupils arriving in AP can present with high risk behaviours.<sup>159</sup>

## Curriculum and school ethos

100. When we spoke to pupils in alternative provision, they told us that they valued the relationship that they have with their teachers.<sup>160</sup> They felt that teachers building relationships with pupils is not possible in mainstream schools.<sup>161</sup> We particularly noted the language they used: one young person likened their school to a family,<sup>162</sup> while another young person talked about their “school mummy.”<sup>163</sup> One young person from alternative provision told us why having that relationship with teachers was important:

they understand that maybe somebody is having a giddy day or a depressed day, or they're very tired, or a bit anxious, and then they will work around that. So it's easier for you to work when you know that they know what you're going through, and it's understanding, and then you can have a relationship with them.

When I was at mainstream, I was a bit scared of the teachers, but at [alternative provision] I'm friends with quite a few of them and they're all really nice people—the nicest people I've ever met.<sup>164</sup>

101. When asked if they feel that there are areas of the curriculum that they feel that they miss out on, they didn't agree, instead talking about the different subjects that they do get to study, like media, sociology and citizenship.<sup>165</sup> One young person who attended AP for medical reasons talked about taking fewer GCSEs being a deliberate choice, and how the decision was made to focus on maths and English as those subjects would best help them in the future.<sup>166</sup> There was a recognition that sometimes a smaller provision will not offer the wide choice that a mainstream school would,<sup>167</sup> and that the timing of their arrival in AP could affect their subject choices:

But there would be subjects like science which we could be missing out on, because students join late year, so I could have been here since Year 8 but some have joined from Year 10 or 11, and that could affect my education as

---

157 Mr Paul Devereux (ALT 64) para 11

158 Essex County Council (ALT 84) para 2.2

159 Ms Joanne Southby (ALT 78) para 12

160 Young people with experience of alternative provision

161 Young person with experience of alternative provision

162 Young person with experience of alternative provision

163 Young person with experience of alternative provision

164 Young person with experience of alternative provision

165 Young people with experience of alternative provision

166 Young person with experience of alternative provision

167 Young person with experience of alternative provision

well, because it's joining in late. So we have to start everything all over again from 15, if we missed out on something. That's the only poor thing about alternative provision, but other than that you take literally everything that mainstream school does, or my school does anyway, and you get treated nearly the same.<sup>168</sup>

We also heard from one young person that they appreciated the classes where they were taught how to control their emotions and well-being and felt that it helped them.<sup>169</sup>

102. However, while young people did not seem worried that they were missing out on aspects of the curriculum, we also heard concerns about the curriculum on offer. Written evidence echoed the young people's views that small provision can find it challenging to offer a broad and balanced curriculum.<sup>170</sup> Other concerns included insufficient stretch in the curriculum,<sup>171</sup> and only low qualifications on offer, which can result in pupils being unable to progress to further study at college.<sup>172</sup> We were told that the most effective alternative provision offers a broad and balanced curriculum that combines academic subjects with vocational options, along with teachers having high expectations for their pupils.<sup>173</sup>

## Outreach and collaboration

103. Some providers of AP told us about the outreach that they do with schools, giving support and advice to mainstream schools. One mainstream school also told us that it provides inclusion support.<sup>174</sup> Many alternative providers have significant pastoral staffing, including psychotherapists, counsellors, educational psychologists. Many are significantly aware of the many vulnerabilities that the cohort of children have, and can assess and co-ordinate support.<sup>175</sup>

104. We heard that some alternative providers build partnerships with other schools and services, which provides support and expertise to pupils that the providers alone cannot provide.<sup>176</sup> However, we think that it appears that this can often be one-sided and relies on alternative providers reaching out to mainstream schools. We are also concerned that this perpetuates an 'out of sight, out of mind' mentality and alternative provision being seen as a 'sin-bin' where only badly behaved pupils learn and failed teachers work. We consider that the work by The Difference is a step towards improving relations between mainstream schools and alternative provision.

---

168 Young person with experience of alternative provision

169 Young person with experience of alternative provision

170 Essex County Council ([ALT 84](#)) para 2.2; Headteachers' Roundtable ([ALT 13](#)) para 3.1

171 Headteachers' Roundtable ([ALT 13](#)) para 3.1

172 Office of the Children's Commissioner ([ALT 79](#)) para 13

173 NEU ([ALT 41](#)) para 27; Ms Joanne Southby ([ALT 78](#)) para 15

174 TBAP Multi Academy Trust ([ALT 46](#)) para 6.1–6.2; Acorn Academy Cornwall ([ALT 24](#)) para 5.3; Hospital and Outreach Education ([ALT 21](#)) paras 15–16; Leyland St. James' CE (Aided) Primary School Inclusion Services ([ALT 9](#)) para 2.1

175 AP Network ([ALT 72](#)) para 2.1

176 Association of School and College Leaders ([ALT 90](#)) para 38; NAHT ([ALT 29](#)) para 29; Essex County Council ([ALT 84](#)) para 2.2

## Unregistered provision

105. Unregistered provision is often used as alternative provision. It is so called because it is not required to be registered with the Department for Education. Schools that are unregistered but required to be registered are operating illegally. Schools must register if they provide full time education for five or more pupils of compulsory school age, or one or more pupils of compulsory school age with an Education Health and Care plan or one or more pupils of compulsory school age who are looked after by the local authority. There is no legal definition of ‘full time’. However, the Department for Education clarified that they would consider an establishment that is open during the day and for more than 18 hours a week to be providing full time education.<sup>177</sup> Providers that are registered with the Department are required to be inspected and this will either be by Ofsted, or an approved independent inspectorate. The Difference states that while local authorities are required to keep a register of alternative providers, even if they are unregistered, in many cases the local authority registers were partial and not validated.<sup>178</sup>

106. Many unregistered providers offer a valuable service to pupils and schools, and often offer vocational options or creativity and flexibility that is needed by pupils.<sup>179</sup> However, we were told that the quality of education and pastoral support offered by these providers is variable, and in many cases poor.<sup>180</sup>

107. We recognise that there are many excellent unregistered providers and commissioning schools that have robust quality assurance processes.<sup>181</sup> However, given what we have heard in paragraphs 60 and 66 about the lack of oversight that there can be when schools themselves commission alternative provision for pupils, we are concerned that there are pupils who are attending unregistered provision for substantial parts of their education and being put at risk of harm as well as receiving poor quality education. Sue Morris-King from Ofsted told us:

When we see pupils going out for just one day a week to something like motor mechanics that they find very engaging, that probably would not lend itself to any kind of registration or inspection. We look at that through our section 5 inspections and we hold the school or PRU to account there. However, there is a big gap between where we are now and all the unregistered providers where pupils can go for four and possibly five days a week, if they go to two different places, and nobody inspects it.<sup>182</sup>

Despite the lack of consensus around the issue of registration of provision, there was agreement that children should be in safe and high-quality provision. Some argued that all alternative provision should be registered.<sup>183</sup> Others suggested that regulation, but not registration, could be a way forward.<sup>184</sup> David Whitaker, from the Headteachers’ Roundtable, told us

177 [Correspondence from the Minister for School Standards regarding alternative provision](#), June 2018, p 3

178 [The Difference \(ALT 94\)](#) para 52

179 [Association of Youth Offending Team Managers \(ALT 55\)](#) para 9; [SSCYP \(ALT 5\)](#) para 27

180 [Essex County Council \(ALT 84\)](#) paras 5.1–5.2; [London South East Academies Trust \(ALT 43\)](#) para 58

181 [Pavilion Study Centre \(ALT 19\)](#) paras 26–29

182 [Q419](#)

183 [The Limes College \(ALT 08\)](#) para 31; [Mrs Lorraine Thompson \(ALT 67\)](#) para 11b

184 [Nacro \(ALT 69\)](#) para 6.1; [ASCL \(ALT 90\)](#) para 64

One of the problems with the system is that if everybody has to make a significant shift to be registered, we might lose some really great providers who are working with small numbers of children, who are doing some part-time, who are doing it really well. Some of them are reluctant to turn themselves into schools and I think there should be a more graduated approach to that.<sup>185</sup>

108. We recognise that requiring provision to register could be burdensome and that ASCL has said that some valuable provision could be lost.<sup>186</sup> We have also been told that there are providers that want to be registered but current guidelines means that they are unable to do so.<sup>187</sup>

**109. We do not consider that there are sufficient checks on unregistered providers. If pupils are placed in unregistered provision, without sufficient oversight, their education and safety is put at risk. We are not convinced that the quality and consistency of oversight is enough not to require there to be registration and regulation across the sector.**

***110. No pupil should be educated in unregistered provision for more than two days a week. The Government, Ofsted and independent school inspectorates should consider how this may affect different forms of alternative provision so that where providers want to accept pupils for more than two days a week, they are able to register and be subject to a suitable inspection and regulation regime. Schools that commission any alternative provision should be responsible for the quality of that provision.***

111. We were fortunate to visit and take evidence from high quality provision and meet with pupils who are clearly thriving in their alternative provision. However, we are concerned that there are too many barriers to alternative provision offering the type of high quality education we would expect pupils to be able to benefit from. We recognise that the very nature of alternative provision, often offering flexible, short-notice school places for vulnerable, disruptive and/or disengaged pupils, can often make providing this high-quality provision challenging. We are encouraged where we see providers overcoming this creatively, by working collaboratively and looking for options that enable them to support pupils holistically and provide them with a broad and balanced educational experience. However, the onus to collaborate should not rest with alternative providers. All schools have a responsibility to reach out to support the pupils in their community.

112. Alternative provision should be seen as part of a suite of options that schools have at their disposal, and this should extend beyond school places. Mainstream schools should utilise the expertise of alternative provision schools and actively seek their advice. Alternative provision will have specific expertise that mainstream schools will benefit from, just as mainstream schools will have expertise that alternative providers will benefit from. Sharing of expertise will benefit pupils and teachers in all schools and help to dispel the stigma and myths about alternative provision.

---

185 [Q135](#)

186 ASCL ([ALT 90](#)) para 64

187 Red Balloon Learner Centre Group ([ALT 48](#)) paras 13–20

***113. Mainstream schools should be more proactive in their engagement with alternative provision. All mainstream schools should be 'buddied' with an alternative provision school to share expertise and offer alternative provision teachers and pupils opportunities to access teaching and learning opportunities.***



## 5 Successful outcomes and destinations

“He has done so much to prepare him for the outside world. With that confidence and self-esteem, he is now just set through. [ ... ] He has a lot of options to look at, where 12 months ago he would never even have thought of anything. They have prepared my son for the outside world.”

Parent of a pupil with experience of alternative provision

### Outcomes

114. Pupils in alternative provision should be able to access both GCSEs and technical qualifications. However, we were told that “1% of children in alternative provision get five good GCSEs with English and maths but 99% do not”.<sup>188</sup> Further evidence told a more nuanced story of the 1% figure and the focus on measuring outcomes by five good GCSEs, the same as their peers.<sup>189</sup> The 1% figure refers only to pupils who are single-registered at their alternative provision; most pupils are dual-registered and therefore their exam grades count towards the performance of their mainstream school.<sup>190</sup> Providers told us that pupils in AP were unlikely to achieve 5 A\*-Cs at GCSE whether they were in mainstream or in alternative provision.<sup>191</sup>

115. In reporting outcomes by five good GCSEs, there is no recognition of the challenges that alternative provision and its pupils must overcome in order to achieve good exam results. We were told that it is rare for pupils to arrive with evidence of past work;<sup>192</sup> that there are challenges when pupils have been studying a number of different exam board syllabi;<sup>193</sup> and that schools often take pupils late into their key stage 4 journey.<sup>194</sup> Alternative providers have to spend time addressing issues such as poor attendance, disengagement, building relationships with families and referring pupils for assessments for unmet needs before they can begin to focus on academic education.<sup>195</sup>

116. Providers pointed out the range of successes that their pupils have achieved, even if they are not academic. We have also heard from and met pupils who are now better able to manage their anxiety or anger; are regular school attenders; are more confident and engaged with learning; and are on high quality post-16 courses or in jobs. The Education Support Centre in Hertfordshire told us:

Ex-students return to share with us their success in life such as a local postman, an owner of a barber’s shop, a blind football referee at the 2012 Olympics, an emergency services worker, a carpenter to name a few.<sup>196</sup>

117. Transition or return to mainstream can also be a successful outcome, and one that some providers work towards, particularly at key stage 3. However, as discussed in

188 [Q2](#) [Kiran Gill]

189 PRUSAP ([ALT 17](#)) para 14; The Limes College ([ALT 8](#)) para 22; ADCS ([ALT 39](#)) para 4

190 National Association of Hospital and Home Teaching ([ALT 31](#)) para 3.1; PRUSAP ([ALT 17](#)) para 16

191 The Limes College ([ALT 8](#)) para 22

192 Ms Joanne Southby ([ALT 78](#)) para 14; London South East Academies Trust ([ALT 43](#)) para 73

193 PRUSAP ([ALT 17](#)) para 15

194 Bridge Short Stay School ([ALT 23](#)) para 6

195 Ms Joanne Southby ([ALT 78](#)) para 14

196 North Herts Education Support Centre ([ALT 22](#)) para 1d

paragraphs 70 and 71, we heard that reintegration is often not a possible outcome for pupils, with some schools being reluctant to reintegrate pupils.<sup>197</sup> Sue Morris-King, a senior Her Majesty's Inspector at Ofsted told us:

Reintegration is crucial, but what we are often seeing is pupils who are in pupil referral units for the long term and are not going back into the mainstream. They can spend three, four or even more years in full-time alternative provision.<sup>198</sup>

Where pupils are reintegrated without appropriate support, schools can struggle to keep pupils in their school, and they are likely to return to alternative provision, often through permanent exclusion.<sup>199</sup> Some alternative provision offers outreach to help support pupils as they reintegrate back to mainstream provision.<sup>200</sup>

118. Fundamentally, outcomes for children in AP are not good enough and their successes and achievements often go unrecognised. Their outcomes are currently judged against mainstream performance measures and do not take into consideration the circumstances that have led pupils to be educated in alternative provision and the challenges that both pupils and teachers face. Acknowledging these challenging circumstances and their vulnerabilities should not mean that schools are able to make excuses for poor performance and all alternative providers must have high expectations for their pupils. We welcome the Government's commitment to create a bespoke performance framework for AP and the acknowledgment by the Minister that "when we come to assess alternative provision, it needs to be more than just the A to C figure, the GCSE results. It does also need to be things like attendance, behaviour and so on; all those pastoral non-qualification-related issues."<sup>201</sup>

***119. This framework should take into account the fragmented educational journey that these pupils will have had, and enable schools to demonstrate all the achievements of their pupils. We urge the Government to ensure that it uses the very broadest of measures, including softer skills that pupils have developed as well as harder outcomes like apprenticeship take up.***

## Destinations

120. 94% of Year 11 pupils from a mainstream or special school go on to a sustained education or employment or training destination,<sup>202</sup> compared to 57% from alternative provision.<sup>203</sup> Pupils from AP can face limited choices about where they can go on to based on the qualifications they achieved, or didn't achieve, at AP,<sup>204</sup> or their educational histories.<sup>205</sup> Pupils who move on from AP to college can struggle to integrate as the college is too large and presents challenges that pupils are unable to navigate and cope with.<sup>206</sup>

197 SSCYP ([ALT 5](#)) para 7c; Ms Diana Robinson ([ALT 16](#)) para 1.3

198 [Q422](#)

199 Headteachers' Roundtable ([ALT 13](#)) para 5.3

200 Essex County Council ([ALT 97](#)) para 5; Education Links ([ALT 59](#)) para 22

201 [Q477](#)

202 To count as a 'sustained' destination, the young person has to be participating for 'two terms' or 'six months' the following academic year – the period considered is October to March.

203 DfE, *Destinations of key stage 4 and key stage 5 students, England, 2015/16*, October 2017, p 21

204 Office of the Children's Commissioner ([ALT 79](#)) para 13; Mr John Watkin ([ALT 45](#)) para 4.2

205 Lancashire PRU Headteachers ([ALT 36](#)) para 3.1

206 Wac Arts College ([ALT 20](#)) para 3.3

It is important, when we are thinking about post-16: for these young people, that the transition is often very, very difficult for them. If they are coming from an alternative provider—coming from a PRU or a small special school—into a huge college they can find that transition very difficult. Sometimes we find they get the college place but don't manage to stay once they lose the really good support from their PRU or alternative provision.<sup>207</sup>

Some providers of alternative provision extend their support to pupils beyond Year 11 to help them with their transition to post-16 education, to help pupils to transition successfully.<sup>208</sup>

121. Alternative provision is not funded post-16, and the statutory duty on a local authority to provide education to pupils who are too ill to attend school also only extends to 16, despite the participation age having been raised to 18. However, some providers argue that there is a case for post-16 provision. Wac Arts College told us:

There are very few providers of alternative provision for post 16 students. However our experience is that provision such as ours meets a very specific need. Our pre 16 students have all had difficult experiences in secondary school and as a result many under-achieve at GCSE. Offering them continuity between the pre and post 16 phases gives them the opportunity to recover from that under-achievement in a familiar and secure environment.

There are students who simply are not ready at 16 to face the challenges of a large and relatively impersonal college or school. We believe, having worked with our students for more than three years, that there is a place in the system for our kind of provision.<sup>209</sup>

122. The Minister told us:

It is a power local authorities have. It is not a duty. The duty is to provide alternative provision for those of compulsory school age to 16. There are 49 PRUs, alternative settings, that do have provision beyond the age of 16, but that is a very small number compared to total provision settings. I am sure this is something that we will look at, in terms of the alternative provision review.<sup>210</sup>

**123. It is extraordinary that the increase in the participation age was not accompanied by statutory duties to provide post-16 alternative provision. Pupils neither stop being ill at 16, nor do they stop being in need of additional support that would enable them to access education. These pupils are being denied access to post-16 education because the system is not designed or funded to accommodate their additional needs. There is a clear will in the sector to provide post-16 education to pupils in alternative provision, and a clear need on the part of pupils.**

207 [Q437](#) [Sue Morris-King]

208 Ms Joanne Southby ([ALT 78](#)) para 16; The CE Academy ([ALT 14](#)) para 22; Mr David Holloway OBE ([ALT 47](#)) para 9; London East Alternative Provision ([ALT 25](#)) para 22

209 Wac Arts College ([ALT 20](#)) paras 3.2–3.3

210 [Q506](#)

***124. Given the increase in participation age to 18, the Government must allocate resources to ensure that local authorities and providers can provide post-16 support to pupils, either in the form of outreach and support to colleges or by providing their own post-16 alternative provision.***

## Conclusions and recommendations

---

### What's going wrong in mainstream schools?

1. *The Timpson Exclusions Review should ensure that it looks at the trends in exclusion by school type, location and pupil demographics. (Paragraph 18)*
2. *The Timpson Exclusions Review should examine whether financial pressures and accountability measures in schools are preventing schools from providing early intervention support and contributing to the exclusion crisis. (Paragraph 20)*
3. The evidence we have seen 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. (Paragraph 25)
4. *The Government should issue guidance to all schools reminding them of their responsibilities to children under treaty obligations and ensure that their behaviour policies are in line with these responsibilities. (Paragraph 26)*
5. *The Government and Ofsted should introduce an inclusion measure or criteria that sits within schools to incentivise schools to be more inclusive. (Paragraph 27)*
6. We do not think that Ofsted should take sole responsibility for tackling off-rolling. Off-rolling is in part driven by school policies created by the Department for Education. The Department cannot wash its hands of the issue, just as schools cannot wash their hands of their pupils. (Paragraph 34)
7. An unfortunate and unintended consequence of the Government's strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils' social and economic capital. There appears to be a lack of moral accountability on the part of many schools and no incentive to, or deterrent to not, retain pupils who could be classed as difficult or challenging. (Paragraph 36)
8. *We recommend that the Government should change the weighting of Progress 8 and other accountability measures to take account of every pupil who had spent time at a school, in proportion to the amount of time they spent there. This should be done alongside reform of Progress 8 measures to take account of outliers and to incentivise inclusivity. (Paragraph 37)*

### The process of exclusion and referral

9. The exclusions process is weighted in favour of schools and often leaves parents and pupils navigating an adversarial system that should be supporting them. (Paragraph 44)

10. *Legislation should be amended at the next opportunity so that where Independent Review Panels find in favour of the pupils, IRPs can direct a school to reinstate a pupil. (Paragraph 45)*
11. *Where responsibility sits for excluded children in a local area has become very ambiguous. The Timpson Exclusions Review needs to clarify whose responsibility it is to ensure that excluded or off-rolled pupils are being properly educated. This could be the local authority or it could be local school partnerships, but at the moment too many pupils are falling through the net. (Paragraph 46)*
12. *When 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. (Paragraph 47)*
13. *The Government should encourage the creation of more specialist alternative providers that are able to meet the diverse needs of pupils with medical needs, including mental health needs. (Paragraph 53)*
14. *There is an inexplicable lack of central accountability and direction. No one appears to be aware of all the provision that is available, which impacts on both schools, local authorities and parents. Unless all providers are required to notify the local authority of their presence, not all schools or LAs will be able to make informed decisions about placements. Without someone to take responsibility for co-ordinating and publishing information about the local provision that is available, parents and pupils will remain unable to fully participate in discussions about alternative provisions referrals. (Paragraph 56)*
15. *All organisations offering alternative provision 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. (Paragraph 57)*
16. *Pupil Referral Units, and other forms of alternative provision, should be renamed to remove the stigma and stop parents being reluctant to send their pupils there. We suggest that the Government seeks the advice of pupils who currently attend alternative provision when developing this new terminology. Many have described AP as specialist provision, offering children a more tailored, more personal education that is more suited to their needs. (Paragraph 58)*
17. *Local authorities have statutory responsibilities to provide suitable education for pupils and yet can have little oversight or scrutiny over decisions about exclusions and placement decisions. This may be due to inadequate resourcing, which needs to be addressed. We are also concerned by the lack of transparency about exclusion rates that are available to parents about schools. (Paragraph 62)*
18. *We recommend that LAs are given appropriate powers to ensure that any child receive the education they need, regardless of school type. (Paragraph 63)*

19. *Schools should publish their permanent and fixed term exclusion rates by year group every term, including providing information about pupils with SEND and looked-after children. Schools should also publish data on the number of pupils who have left the school. (Paragraph 64)*
20. Schools do not always have the capacity and specialist knowledge to have full responsibility for the commissioning of long-term placements for pupils who will often have complex needs. If, as we discussed in paragraph 52, local authorities are unaware of provision in their area, they too do not always have enough knowledge to make appropriate commissioning decisions. 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. (Paragraph 66)
21. The best Fair Access Protocols work well because they are local and understand the needs of their communities. However, this is not always the case, and it is not right that some schools can opt out of receiving pupils back to mainstream schools or following the Fair Access Protocol. (Paragraph 71)
22. *Government should issue clearer guidance on Fair Access Protocols to ensure that schools understand and adhere to their responsibilities and encourage reintegration where appropriate. No school should be able to opt-out and if necessary either the local authority or the DfE should have the power to direct a school to adhere to their local Fair Access Protocol. (Paragraph 72)*
23. There should be greater oversight of exclusions and the commissioning of alternative provision for all pupils by the local authority. These children need a champion, and schools need both challenge and support. (Paragraph 76)
24. *There should be a senior person in each local authority who is responsible for protecting the interests and promoting the educational achievement of pupils in alternative provision, which is adequately resourced. This role and post-holder should be different from that of the Virtual School Head for Looked-After Children. (Paragraph 77)*

### What does good alternative provision look like?

25. *Government should collect best practice and provide dedicated resources and guidance to schools to improve behaviour and reduce exclusion and develop appropriately resourced Learning Support Units. This guidance should include that all LSUs are staffed by at least one qualified teacher. The Government should also investigate the practice of placing students in isolation units. (Paragraph 87)*
26. *Ofsted should carry out thematic inspections of in-school alternative provision. (Paragraph 88)*
27. *All trainee teachers, in order to achieve Qualified Teacher Status, should be required to undertake a placement outside of mainstream education, for example in a special school or in alternative provision. (Paragraph 96)*
28. We do not consider that there are sufficient checks on unregistered providers. If pupils are placed in unregistered provision, without sufficient oversight, their education

and safety is put at risk. We are not convinced that the quality and consistency of oversight is enough not to require there to be registration and regulation across the sector. (Paragraph 109)

29. *No pupil should be educated in unregistered provision for more than two days a week. The Government, Ofsted and independent school inspectorates should consider how this may affect different forms of alternative provision so that where providers want to accept pupils for more than two days a week, they are able to register and be subject to a suitable inspection and regulation regime. Schools that commission any alternative provision should be responsible for the quality of that provision.* (Paragraph 110)
30. *Mainstream schools should be more proactive in their engagement with alternative provision. All mainstream schools should be 'buddied' with an alternative provision school to share expertise and offer alternative provision teachers and pupils opportunities to access teaching and learning opportunities.* (Paragraph 113)

### Successful outcomes and destinations

31. *This framework should take into account the fragmented educational journey that these pupils will have had, and enable schools to demonstrate all the achievements of their pupils. We urge the Government to ensure that it uses the very broadest of measures, including softer skills that pupils have developed as well as harder outcomes like apprenticeship take up.* (Paragraph 119)
32. It is extraordinary that the increase in the participation age was not accompanied by statutory duties to provide post-16 alternative provision. Pupils neither stop being ill at 16, nor do they stop being in need of additional support that would enable them to access education. These pupils are being denied access to post-16 education because the system is not designed or funded to accommodate their additional needs. There is a clear will in the sector to provide post-16 education to pupils in alternative provision, and a clear need on the part of pupils. (Paragraph 123)
33. *Given the increase in participation age to 18, the Government must allocate resources to ensure that local authorities and providers can provide post-16 support to pupils, either in the form of outreach and support to colleges or by providing their own post-16 alternative provision.* (Paragraph 124)



## Formal minutes

---

**Wednesday 18 July 2018**

Members present:

Robert Halfon, in the Chair

Lucy Allan	Ian Mearns
Emma Hardy	Lucy Powell

Draft Report (*Forgotten children: alternative provision and the scandal of ever increasing exclusions*) proposed by the Chair, brought up and read.

*Ordered*, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 124 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fifth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

[Adjourned till 11 September 2018 at 9.30 am

## Witnesses

---

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 21 November 2017

**Professor David Berridge**, Professor of Child & Family Welfare, University of Bristol, **Kiran Gill**, Founder, The Difference, and **Philip Nye**, Researcher, Education Datalab

[Q1–47](#)

### Tuesday 6 February 2018

**Matthew Dodd**, Co-coordinator and Policy Advisor, Special Educational Consortium, **Cath Kitchen**, Chair, National Association of Hospital and Home Teaching, and **Jane Pickthall**, Chair, National Association of Virtual School Heads

[Q48–81](#)

**Dr Val Gillies**, Professor of Social Policy and Criminology, University of Westminster, **Kevin Kibble**, CEO, The Nurture Group Network, and **Drew Povey**, Headteacher, Harrop Fold School

[Q82–113](#)

### Tuesday 6 March 2018

**Claire George**, Head of Service, Peterborough Pupil Referral Service, **Ralph Holloway**, Transformation of SEN Service Manager, Essex County Council, and **David Whitaker**, Founding Member, Headteachers' Roundtable

[Q114–173](#)

**Colin Jeffrey**, Fairbridge and Achieve Programme Manager, The Prince's Trust, **Emma Bradshaw**, Headteacher, The Limes College, **Chaz Watson**, Director, SILC Training, and **Joanne Southby**, Executive Head, London South East Academies Trust

[Q174–220](#)

### Tuesday 20 March 2018

Private session with young people and parents with experience of alternative provision

[Q221–360](#)

### Tuesday 17 April 2018

**Jules Daulby**, Director of Education, Driver Youth Trust, **Dr Louise Gazeley**, Senior Lecturer in Education, University of Sussex, and **Dr Marion Gillooly**, Head of Strategic Development & Innovation, Includem

[Q361–407](#)

### Tuesday 1 May 2018

**Stuart Gallimore**, President, Association of Directors of Children's Services, **Sue Morris-King**, Senior HMI, Ofsted, and **Kevin Courtney**, Joint General Secretary, NEU

[Q408–443](#)

**Rt Hon Nick Gibb MP**, Minister for School Standards, Department for Education

[Q444–545](#)

## Published written evidence

---

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ALT numbers are generated by the evidence processing system and so may not be complete.

- 1 Acorn Academy Cornwall ([ALT0024](#))
- 2 ADCS ([ALT0039](#))
- 3 Anonymous 2 ([ALT0011](#))
- 4 Anonymous 4 ([ALT0105](#))
- 5 AP Network ([ALT0072](#))
- 6 Association of Child and Adolescent Mental Health ([ALT0060](#))
- 7 Association of Colleges ([ALT0071](#))
- 8 Association of Educational Psychologists ([ALT0068](#))
- 9 Association of School and College Leaders ([ALT0090](#))
- 10 Association of Youth Offending Team Managers ([ALT0055](#))
- 11 Bridge Short Stay School ([ALT0023](#))
- 12 Catch22 ([ALT0063](#))
- 13 Centre for Social Justice ([ALT0092](#))
- 14 Chaselea PRU ([ALT0028](#))
- 15 Circles Alt Ed Ltd ([ALT0018](#))
- 16 CLIC Sargent ([ALT0037](#))
- 17 Department for Education ([ALT0058](#))
- 18 Dr Pat Thomson ([ALT0056](#))
- 19 Driver Youth Trust ([ALT0081](#))
- 20 Education Links ([ALT0059](#))
- 21 Essex County Council ([ALT0084](#))
- 22 Essex County Council ([ALT0097](#))
- 23 Essex Youth Offending Service ([ALT0066](#))
- 24 Essex Youthbuild ([ALT0051](#))
- 25 ForcesWatch ([ALT0095](#))
- 26 Gloucestershire Hospital Education Service ([ALT0086](#))
- 27 Headteachers' Roundtable ([ALT0013](#))
- 28 Hospital and Outreach Education ([ALT0021](#))
- 29 Independent Parental Special Education Advice ([ALT0074](#))
- 30 Individio Media Limited ([ALT0085](#))
- 31 Lancashire PRU Headteachers ([ALT0036](#))
- 32 Leeds City College ([ALT0053](#))
- 33 Leeds City Council ([ALT0027](#))

- 34 Leeds City Council ([ALT0050](#))
- 35 Leyland St. James' CE (Aided) Primary School Inclusion Services ([ALT0009](#))
- 36 LKMco ([ALT0062](#))
- 37 London East Alternative Provision ([ALT0025](#))
- 38 London South East Academies Trust ([ALT0043](#))
- 39 Manchester Metropolitan University ([ALT0087](#))
- 40 Ministry of Education and Culture, Finland ([ALT0102](#))
- 41 Ministry of Education and Research, Norway ([ALT0101](#))
- 42 Ministry of Education and Research, Sweden ([ALT0106](#))
- 43 Ministry of Education, Culture, Sports, Science and Technology, Japan ([ALT0099](#))
- 44 Ministry of Education, Singapore ([ALT0100](#))
- 45 Ministry of National Education, Poland ([ALT0103](#))
- 46 Moat House PRU ([ALT0038](#))
- 47 Mr David Holloway OBE ([ALT0047](#))
- 48 Mr John Reilly ([ALT0003](#))
- 49 Mr John Watkin ([ALT0045](#))
- 50 Mr Paul Devereux ([ALT0064](#))
- 51 Mrs Liz Hyman ([ALT0083](#))
- 52 Mrs Lorraine Thompson ([ALT0067](#))
- 53 Mrs Lynn Watson ([ALT0035](#))
- 54 Ms Diana Robinson ([ALT0016](#))
- 55 Ms Joanne Southby ([ALT0078](#))
- 56 Nacro ([ALT0069](#))
- 57 NAHT ([ALT0029](#))
- 58 NASUWT ([ALT0057](#))
- 59 National Association of Hospital and Home Teaching ([ALT0031](#))
- 60 National Association of Virtual School Heads ([ALT0061](#))
- 61 National Education Union ([ALT0041](#))
- 62 New Schools Network ([ALT0042](#))
- 63 NISAI ([ALT0065](#))
- 64 North Herts Education Support Centre ([ALT0022](#))
- 65 Nottingham Centre for Children, Young People and Families, Nottingham Trent University ([ALT0052](#))
- 66 Nurture Group Network ([ALT0040](#))
- 67 Office of the Children's Commissioner ([ALT0079](#))
- 68 Ofsted ([ALT0091](#))
- 69 Open Road West Norfolk Trust ([ALT0096](#))
- 70 Pavilion Study Centre ([ALT0019](#))

- 71 Pendlebury centre PRU ([ALT0012](#))
- 72 Peterborough Pupil Referral Service ([ALT0030](#))
- 73 Pool Academy ([ALT0098](#))
- 74 Pool Academy ([ALT0104](#))
- 75 PRUSAP ([ALT0017](#))
- 76 Red Balloon Learner Centre Group ([ALT0048](#))
- 77 Red Balloon Learner Centre Group ([ALT0049](#))
- 78 Royal College of Speech and Language Therapists ([ALT0044](#))
- 79 SCHOOLS NorthEast ([ALT0089](#))
- 80 Special Educational Consortium ([ALT0093](#))
- 81 SSCYP ([ALT0005](#))
- 82 St Georges Academy ([ALT0070](#))
- 83 TBAP Multi Academy trust ([ALT0046](#))
- 84 Teens and Toddlers ([ALT0033](#))
- 85 The CE Academy ([ALT0014](#))
- 86 The Difference ([ALT0094](#))
- 87 The Engage Trust ([ALT0032](#))
- 88 The Hawkswood Group ([ALT0026](#))
- 89 The Limes College ([ALT0008](#))
- 90 The Prince's Trust ([ALT0082](#))
- 91 TLG - Transforming Lives for Good ([ALT0088](#))
- 92 Tute Education Limited ([ALT0073](#))
- 93 Wac Arts College ([ALT0020](#))
- 94 YMCA Training ([ALT0034](#))
- 95 Young Enterprise ([ALT0080](#))

## List of Reports from the Committee during the current Parliament

---

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2017–19

First Report	Fostering	HC 340 Cm 9662
Second Report	The future of the Social Mobility Commission	HC 866 Cm 9619
Third Report	The Government's Green Paper on mental health: failing a generation: First Joint Report of the Education and Health and Social Care Committees of Session 2017–19	HC 642
Fourth Report	Appointment of the Chair of the Social Mobility Commission	HC 1048
First Special Report	Children and young people's mental health—the role of education: Government Response to the First Joint Report of the Education and Health Committees of Session 2016–17	HC 451
Second Special Report	Apprenticeships: Government Response to the Second Joint Report of Session 2016–17	HC 450
Third Special Report	Multi-academy trusts: Government Response to the Committee's Seventh Report of Session 2016–17	HC 452
Fourth Special Report	Exiting the EU: challenges and opportunities for higher education: Government Response to the Committee's Ninth Report of Session 2016–17	HC 502
Fifth Special Report	Primary assessment: Government Response to the Committee's Eleventh Report of Session 2016–17	HC 501
Sixth Special Report	Evidence check: Grammar schools: Government Response to the Committee's Fourth Report of Session 2016–17	HC 623

## Scrutiny review proposal

### 1 What is the review?

School exclusions, off-rolling and alternative provision performance

### 2 What outcomes could realistically be achieved? Which agency does the review seek to influence?

Reducing exclusions, improving coordination  
Improving outcomes for young people in PRUs, improving PRU provision

### 3 When should the review be carried out/completed? i.e. does the review need to take place before/after a certain time?

Immediately

### 4 What format would suit this review? (e.g. full investigation, q&a with executive member/partners, public meeting, one-off session)

Likely multiple sessions

### 5 What are some of the key issues that you would like the review to look at?

- Build on work of Serious Youth Violence (SYV) panel - final report and recommendations
- Clarity on numbers and data trends ; both exclusions and off-rolling
- At risk cohorts and themes: off-rolling & home schooling; SEND; young people at risk of gang involvement
- Examine information sharing ( between officers, schools, academy chains, and the police)
- Look at how far the council is utilising it's somewhat limited role and powers
- Internal exclusion / provision
- Performance of the PRU, in terms of:
  - a) young people's reintegration into mainstream education and educational outcomes
  - b) Alternative Provision good practice and meeting different young people needs (e.g. trauma, behaviour, SEND, home schooling)

## 6 Who would you like to receive evidence and advice from during the review?

- Briefing from the Education Director, Nina Dohel and Director of Children & Families Early Help, Alasdair Smith on Early Help.
- Claire Burton, Regional Schools Commissioner
- Ofsted regional inspector
- Local parent and Guardian journalist Warwick Mansell  
<https://www.theguardian.com/profile/warwick-mansell>
- Head of relevant local academy chain
- A contributor to the Timpson review
- Akala: <https://schoolsweek.co.uk/akala-schools-need-universal-code-on-exclusions/>
- FFT Education Datalab

## 7 Any suggestions for background information? Are you aware of any best practice on this topic?

**Select committee report:** Forgotten children: alternative provision and the scandal of ever increasing exclusions. July 2018.

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

### **Timpson review into exclusions**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

### **Knife Crime and Serious Violence Plan**

The theme 'PROTECTING AND EDUCATING YOUNG PEOPLE' is relevant to the commission review, and particularly the actions recognising the importance of prevention and working alongside schools:

- Point 10: Monitor exclusions data through local education arrangements and also six monthly at CSP. The aim is to improve monitoring and review; leading to more timely intervention and reducing numbers of exclusion. Lead Jenny Brennan. LBS Family Early Help & Youth Justice. Note: *This will form part of the Violent Crime dashboard discussed at the Safer Communities Delivery Group. This is only possible if we get data from schools on Fixed Term Exclusions as currently data is only sent when child is permanently excluded and the decision cannot be reversed. There are capacity and IT issues involved in monitoring this*



*data which are currently being worked through.*

- Point 2: To improve partnership works with schools. Meeting with Academy Chief Executives to be scheduled with Police Borough Commander and Council Chief Executive to discuss joint working. Improved joint working will lead to more timely response to serious youth violence with earlier discussion, implementation of prevention and intervention measures

### **Southwark Youth Violence Panel**

The Southwark Youth Violence Panel has called for more to be done to reduce school exclusions as a key way to prevent young people getting involved in crime.

Key recommendations include:

- Collective action to reduce school exclusions and ensure they are used as a **last resort**

See more summarising the work here:

<https://www.southwark.gov.uk/news/2019/jul/southwark-youth-violence-panel>

The panel sessions are detailed here:

<http://moderngov.southwark.gov.uk/mgCommitteeDetails.aspx?ID=514>

Evidence session 2: Early years and Education, Southwark Youth Violence Panel Wednesday 23 January 2019 5.30 pm is particularly relevant

<http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=514&MIId=6327&Ver=4>

### **Warwick Mansell journalist investigation**

Author of an article highlighting concerning trends re offrolling

<https://www.theguardian.com/education/2018/nov/06/academy-trusts-gcse-students-disappearing-prior-to-exams>

### **TES investigation into home education and off rolling**

<https://www.tes.com/news/rolling-fears-about-home-education-1-5-las>

### **Ofsted report**

<https://www.theguardian.com/education/2018/jun/26/300-schools-picked-out-in-gcse-off-rolling-investigation>

Investigation by FFT Education Datalab on children missing from school rolls

<https://www.theguardian.com/education/2018/jun/21/thousands-of-pupils-missing-from-english-school-rolls-study>

### **Government's statutory guidance on exclusions**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

### **Education Endowment Foundation evidence**

Report on improving behaviour in schools

[https://educationendowmentfoundation.org.uk/public/files/Publications/Behaviour/EF\\_Improving\\_behaviour\\_in\\_schools\\_Report.pdf](https://educationendowmentfoundation.org.uk/public/files/Publications/Behaviour/EF_Improving_behaviour_in_schools_Report.pdf)

### **Alternative provision**

Department for Education commissioned a literature review to explore the evidence for effective strategies that support young people in alternative provision to increase attainment at key stage 4 and to make a successful transition to post-16 provision. This includes reporting on any differential effects by pupil characteristics, including gender, ethnicity and special educational needs and disability (SEND).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/585550/Alternative\\_provision\\_effective\\_practice\\_and\\_post-16\\_transition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/585550/Alternative_provision_effective_practice_and_post-16_transition.pdf)

Case studies from NFER that are of interest

<https://www.nfer.ac.uk/publications/APSN02/APSN02.pdf>

Case studies of innovative provision:

<http://www.redballoonlearner.org/Life-at-RB-Centres-centre>

<https://www.stonesoupacademy.org.uk/about-us/>

<http://www.dallaglorugbyworks.com/what-we-do/case-studies>

## **8 What approaches could be useful for gathering evidence? What can be done outside committee meetings?**

e.g. verbal or written submissions, site visits, mystery-shopping, service observation, meeting with stakeholders, survey, consultation event

Stakeholder representation that speaks to the session and frames our work, e.g. a parent of an excluded child

Session in school in due course – e.g. a school that has had success in reducing exclusions.

Outward facing community event with high profile speakers to engage parents, carers and young people.

## Education & Business (Roving) Scrutiny Commission Workplan

### Timetable

Date	Item
Meeting 1, Tuesday 10 September	<ol style="list-style-type: none"> <li>1. School exclusions</li> <li>2. Procurement and SMEs</li> <li>3. Agreeing scope and work plan</li> </ol>
Meeting 2, Monday 7 October	<ol style="list-style-type: none"> <li>1. School exclusions</li> <li>2. Procurement and social value</li> <li>3. Procurement and diversity</li> <li>4. Agreeing additional priorities for meeting 4</li> </ol>
Meeting 3, Monday 16 December	<ol style="list-style-type: none"> <li>1. Interview of Cabinet Member for Jobs, Business and Innovation</li> <li>2. Interview of Cabinet Member for Children, Schools and Adult Care (re Education)</li> <li>3. Alternative provision performance</li> </ol>
Meeting 4, additional date TBC	<ol style="list-style-type: none"> <li>1. Schools performance</li> <li>2. Additional priority item from other topics of interest/main OSC</li> <li>3. Agreeing additional priorities for meeting 5</li> </ol>
Meeting 5, Tuesday 24 March	<ol style="list-style-type: none"> <li>1. Additional priority topic from longlist/main OSC</li> <li>2. Sign off school exclusions and alternative provision report</li> <li>3. Sign off procurement report</li> </ol>
Meeting 6, Additional date TBC	TBC – Community event (Exclusions)

### School exclusions and alternative provision

The Commission will build on work of the Southwark Youth Violence Panel and seek to understand

- the extent of permanent exclusions and quasi exclusions (e.g. forced home schooling and off-rolling) across the borough, total levels, where it is concentrated and what are the key trends
- alternative provision across the borough, its quality, its role in managing permanent exclusions and the quality of service it is providing our young people

We will explore exclusions by:

- Speaking to local school representatives, young people who have been excluded and/or their parents,
- Reviewing the prior investigations by the Council of exclusions and the extent
- Looking at best practice from beyond the borough both in terms of managing exclusions and delivering alternative provision

- Speaking to officers and the lead Cabinet member regarding what they see to be the main issues regarding current rates of exclusion in the borough and how they can move towards zero

### **Procurement: SMEs, social value and diversity**

On SME procurement, I'd like to clarify current stats around sme procurement by protected characteristic, known issues, plans to address and additional ideas from external actors on how can further improve. Officers and relevant stakeholders - let's discuss who that is.

Southwark Council is a major procurer of services and has recently introduced a new Fairer Future Procurement Framework. We will be exploring the Council's procurement strategy with a particular focus on how accessible the Council's procurement processes are for SMEs, how well the Council's procurement approach is incorporating social value legislation and the opportunities it brings, and how well the council is at being accessible to and encouraging diversity through its procurement.

We will explore procurement by:

- Exploring current data regarding procurement performance from an SME, diversity and social value perspective
- Investigating the Council's preferred approach for incorporating social value
- Looking at examples of good practice from elsewhere in encouraging procurement from elsewhere
- Speaking to historic bidders who have experienced Southwark's procurement processes
- Reviewing the new procurement process to understand potential unintended side effects to some of the policy improvements that have recently been incorporated

### **Other Topics of interest to the Commission**

As this is a roving Commission, the Commission will maintain bandwidth to either pick up additional topics of interest from the shortlist below, or to pick up urgent matters arising from main OSC.

- *Youth provision in Southwark*: Looking at the Council's plans to refresh youth provision across the borough
- *Race disparity in Southwark*: Conducting a race disparity audit for discrete parts of the Council as a precursor to a more in-depth exercise
- *Care leavers provision and support*: Looking at the Council's work to support care leavers via a dedicated trust and other pre-existing channels
- *Rogue landlords*: Council's use of new powers to discourage bad landlord practices
- *High streets*: Looking at the Council's work to strengthen high streets across the borough

**Education & Business SCRUTINY COMMISSION****MUNICIPAL YEAR 2019-20****AGENDA DISTRIBUTION LIST (OPEN)****NOTE:** Original held by Scrutiny Team; all amendments/queries to Fitzroy Williams Tel: 020 7525 7102

Name	No of copies	Name	No of copies
<b>Co-Opted Members</b>		Fitzroy Williams, Scrutiny Team SPARES	10
<b>Member</b>		<b>External</b>	
<b>Electronic Copy</b>			
<b>Members:</b>			
<b>Councillors</b>			
Councillor Peter Babudu			
Councillor William Hougbo			
Councillor Karl Eastham			
Councillor Renata Hamvas			
Councillor Eleanor Kerlake			
Councillor Lorraine Lauder MBE			
Councillor Eliza Mann			
<b>Education Representatives</b>			
Martin Brecknell			
Lynette Murphy O'Dwyer			
<b>Reserves Members</b>			
Councillor Humaira Ali			
Councillor Radha Burgess			
Councillor Tom Flynn			
Councillor Richard Leeming			
Councillor Michael Situ			
Councillor Leanne Werner			
		<b>Total: 10</b>	
		<b>Dated: August 2019</b>	