

Education and Business Scrutiny Commission

Thursday 13 February 2020

7.00 pm

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

Supplemental Agenda

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Distribution List 2019/20



Education and Business Scrutiny Commission

MINUTES of the OPEN section of the Education and Business Scrutiny Commission held on Monday 16 December 2019 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Peter Babudu (Chair)
Councillor William Hougbo
Councillor Karl Eastham
Councillor Renata Hamvas
Councillor Eleanor Kerslake
Councillor Eliza Mann
Lynette Murphy-O'Dwyer
Martin Brecknell

OTHER MEMBERS PRESENT: Councillor Jasmine Ali, Cabinet member for Children, Schools and Adult Social care
Councillor Stephanie Cryan, Cabinet Member for Jobs, Business and Innovation

OFFICER SUPPORT: Nina Dohel, Education Director
Jenny Brennan, Assistant Director Family Early Help & Youth Justice.
David Bromfield, Education Adviser
Genette Laws, Director of Commissioning , Children and Adults Services
Julie Timbrell, scrutiny Project Manager

1. APOLOGIES

There were no apologies.

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

There were none.

3. DISCLOSURE OF INTERESTS AND DISPENSATIONS.

Councillor William Hougbo declared he is a Parent Governor at Tower Bridge Primary School and Councillor Karl Eastham declared he is a teacher at Globe ARK secondary school.

4. MINUTES

The minutes of 7 October will go to the next meeting.

5. REVIEW: SCHOOL EXCLUSIONS - WANDSWORTH ALTERNATIVE PROVISION

The following Wandsworth alternative provision leads gave a presentation:

- Eileen Shannon, Head Teacher, Victoria Drive PRU
- Carol Self, Nurture Provision lead, Wandsworth Council.

The chair then invited questions and comments:

- A member commented that it was very helpful to hear about the work with parents and families, and then asked if there were any challenges? The presenters said there can be stigma attached to a PRU and its not uncommon to hear initial comments such as 'hell can frieze over before my child attends' . The PRU give parents a choice; which really changes the dynamic. Parents often feel judged. The work with parents focuses on stress busting and being very honest and open about problems. The explicit emphasis is being there for the child – and as such the PRU are prepared to challenge both school and family.
- How do the pupils cope with transition to secondary school? At year 6 they work with Francis Barber PRU. Wandsworth primary PRU have done a tracking exercise and this shows that between years 6 -10 these children have not resurfaced as excluded children later in their secondary education .This does rely on having good ECHP plan in place in many cases as the children and young people remain vulnerable.
- How many children are excluded? Wandsworth have not had any permanent exclusions at primary level, this year or last year. The primary PRU can increase attendance at the PRU to up to 50 %. They also go into home schools, setting up other activities. The provision is very flexible and able to hold children during episodes.
- Members asked about the statement that the PRU tell the families that they will walk away if do not get the green light from families ; however what if the parents are very vulnerable? The PRU lead said the reality is if families do not give permission it will not work. They explained that the provision has a systemic family worker who is very good at engaging families. Many parents have had lots of negative experiences, including often attending a PRU when they were younger.

When they give parents a choice they do not walk away. For families who are working with social workers they will also work to persuade them. They also work with extended family as that can be persuasive. They explained to members that they do work with parents with significant mental health problems, in a collaborative way.

- A member said in their educational experience the news that a child has to attend a PRU is awful for the student and their parents; how does this stigma get overcome? The PRU lead said obviously people often feel rejected. Often children can feel fear and stress - so they act out (and get a reward of missing education). In the sessions they have with us the children have a different experience, and because of that they are able to unlock learning.
- Why do PRU often fail? Wandsworth said that they funded by the high needs funding, that is top sliced. This means that the Wandsworth provision is needs led, rather than placement funding led. There is no incentive to keep the pupils at the PRU and as such often a short term intervention is effective. The model of the children remaining very much part of their home school helps with the socialisation and friendship. The PRU also manages to achieve 96% attendance, which is important, and to secure that the provision has a service to pick them up from home to take them to school, which really helps.
- What are the common underlying issues that lead to children being at risk of exclusion? They explained that these can vary; undiagnosed mental health (ADH etc.) is fairly common and they work well with St George's Hospital and take us seriously. A lot of disruptive behaviour is the result of the impact of domestic violence - trauma stunts development. Other issues are marriage breakup and neglect.

The chair and commission members thanked Eileen Shannon, Head Teacher, Victoria Drive PRU, and Carol Self, Nurture Provision lead, Wandsworth Council for their valuable contribution.

6. INTERVIEW: CABINET MEMBER FOR CHILDREN, SCHOOLS AND ADULT CARE (RE EDUCATION)

RESOLVED

Officers and cabinet member will provide:

- Update on work with 16/ 17 year olds persistently missing from school / NEET (Cabinet member offered to attend a future meeting once this is complete)
- Analysis arising from tracking the cohort of 300 children who have used Southwark's Summerhouse provision for primary school children. This will look at outcomes of those children, and if they were later excluded at secondary school etc

- Follow up on forensic work on off-rolling and how this can be tackled more effectively
- A concern raised regarding some Kurdish girls not going to school after puberty

7. INTERVIEW: CABINET MEMBER FOR JOBS, BUSINESS AND INNOVATION

RESOLVED

Officers will provide :

- number of apprenticeships that led to jobs
- performance report on portfolio

8. REVIEW: SCHOOL EXCLUSIONS - SCHOOL REPORTS

The reports were noted and will be discussed at the next meeting when the dioceses will send representatives to present.

9. REVIEW: SCHOOL EXCLUSIONS - OFFICER BRIEFING

Nina Dohel, Education Director, Jenny Brennan, Assistant Director Family Early Help & Youth Justice and David Bromfield, Education Adviser addressed the following questions on the briefing provided.

- What are the reasons for growing home education? Officers said that they need to do some more drilling down. There is anecdotal evidence that this could in part be either to avoid an exclusion or because parents cannot find a suitable school.
- Do you track when children enter home education? Is this happening at transitions? Officers said that they need to do a deep dive. There are some trends. Could be that some families are home educating in the hope of a better school. There is no peek at transition time, but it is growing at key stage 3 and 4. Some children dip in and out of school. The council need to know more as clearly the trend of home-schooling is increasing.
- Could the rise in home schooling be because schools are not meeting children's cultural needs? The new inspections framework is looking more at cultural needs. It is likely that schools are meeting these at least in part, even if not always fully.
- The data shows 59 children missing 20 days, how is this addressed. Officers said they do trace missing children and it is rare that they do not find the child. Reasons include moving house.
- The data suggests that home-schooling is over represented amongst child from minority ethnic backgrounds; are there also more disabled children home-schooled. It is a concern that the parents may not always have adequate

resources, particularly if many come from disadvantaged backgrounds.

- How is the council addressing off -rolling. Officers said that they are now using the same methodology as Ofsted use to conduct analysis. Ofsted have identified two schools where they have concerns in Southwark.

10. REVIEW: PROCUREMENT - CHILDREN AND ADULTS SERVICES

Genette Laws, Director of Commissioning, Children and Adults Services presented on engagement with hubs, with reference to a report that was tabled. Members asked when this approach would be used and the Director responded in a limited way for particular issues, as resource intensive.

11. REVIEW:PROCUREMENT - SOUTH TYNESIDE COUNCIL

The report was noted.

12. WORK PROGRAMME

The workplan was noted.

Meeting ended at 10.00 pm

The education inspection framework

Framework for inspections carried out, respectively, under section 5 of the Education Act 2005 (as amended), section 109 of the Education and Skills Act 2008, the Education and Inspections Act 2006 and the Childcare Act 2006

The education inspection framework sets out how Ofsted inspects maintained schools, academies, non-association independent schools, further education and skills provision and registered early years settings in England.

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Introduction

1. The education inspection framework has been devised by Her Majesty's Chief Inspector for use from September 2019. It sets out the principles that apply to inspection, and the main judgements that inspectors make when carrying out inspections of maintained schools, academies, non-association independent schools, further education and skills providers and registered early years settings in England.¹
2. The education inspection framework ('the framework') applies to the inspection of different education, skills and early years settings to ensure comparability when learners² move from one setting to another. It supports consistency across the inspection of different remits.
3. The framework reflects relevant legislation for each type of setting.³ It is accompanied by an inspection handbook for each of the four remits:
 - early years
 - maintained schools and academies
 - non-association independent schools
 - further education and skills.
4. These handbooks set out how inspectors will make each of the inspection judgements. They reflect the needs and expectations of different phases and the differences between various age groups. Inspectors will inspect types of provision for which they have appropriate expertise and training.

¹ Paragraph 20 contains a full list of the settings covered by the education inspection framework.

² We use the term 'learners' for expediency throughout this framework to encompass in a single word those attending education, skills and registered early years settings. It should be read as including: 'children' in early years provision, 'pupils' in all schools, 'students' in sixth forms and colleges, and 'apprentices', 'trainees' and 'adult learners' in the range of further education and skills providers. Greater distinction is made in each of the inspection handbooks.

³ These inspections are carried out under section 5 of the Education Act 2005 (as amended); www.legislation.gov.uk/ukpga/2005/18/contents; the Education and Inspections Act 2006; www.legislation.gov.uk/ukpga/2006/40/contents; section 109 of the Education and Skills Act 2008, The Education (Independent School Standards) Regulations 2014; www.legislation.gov.uk/uksi/2014/3283/contents/made; and the Childcare Act 2006; www.legislation.gov.uk/ukpga/2006/21/contents. All inspections carried out using the new common inspection framework will continue to meet relevant legislative requirements.

Principles of inspection and regulation

5. We are required to carry out our work in ways that encourage the services we inspect and regulate to improve, to be user-focused and to be efficient and effective in their use of resources.⁴
6. Inspection provides independent, external evaluation and identifies what needs to improve in order for provision to be good or better. It is based on gathering a range of evidence that is evaluated against an inspection framework and takes full account of our policies and relevant legislation in areas such as safeguarding, equality and diversity.
7. Inspection provides important information to parents, carers, learners and employers about the quality of education, training and care. These groups should be able to make informed choices based on the information published in inspection reports.
8. The framework sets out the judgements that apply to all education, skills and early years provision. These are underpinned by consistent, researched criteria for reaching those judgements. Inspectors will take comparable approaches to gathering evidence in different settings, although there may be some variation, for example depending on the age of learners and the type of provision. Inspectors will comply with relevant guidance and codes of conduct,⁵ but they will always try to be curious.
9. Inspection provides assurance to the public and to government that minimum standards of education, skills and childcare are being met; that – where relevant – public money is being spent well; and that arrangements for safeguarding are effective.

A force for improvement

10. Ofsted exists to be a force for improvement through intelligent, responsible and focused inspection and regulation.⁶ This is our guiding principle. The primary purpose of inspection under this framework is to bring about improvement in education provision.
11. Through the use of evidence, research and inspector training, we ensure that our judgements are as valid and reliable as they can be. These judgements focus on key strengths, from which other providers can learn intelligently, and

⁴ As set out in the Education and Inspections Act 2006;
www.legislation.gov.uk/ukpga/2006/40/contents.

⁵ Such as the 'Powers of entry: code of practice', Home Office, March 2015;
www.gov.uk/government/publications/powers-of-entry-code-of-practice.

⁶ For more information see 'Ofsted strategy: 2017 to 2022', Ofsted, September 2017;
www.gov.uk/government/publications/ofsted-strategy-2017-to-2022.

areas of weakness, from which the provider should seek to improve. Our inspections act as a trigger to others to take action.

Helping to protect learners

12. Inspectors will always take into account how well learners are helped and protected so that they are kept safe. Although inspectors will not provide a separate numerical grade for this important aspect of a provider's work, they will always make a written judgement under 'leadership and management' about whether the arrangements for safeguarding learners are effective.
13. 'Inspecting safeguarding in early years, education and skills settings'⁷ sets out the approach inspectors should take to inspecting safeguarding in all the settings covered by the framework. It should be read alongside the framework and handbooks.
14. Inspectors are also required to be familiar with the statutory guidance about safeguarding. They should take this into account when inspecting:
 - 'Keeping children safe in education: statutory guidance for schools and colleges on safeguarding children and safer recruitment'⁸
 - 'Working together to safeguard children'.⁹

The Equality Act 2010

15. The framework is intended to be a force for improvement for all learners. The framework and remit-specific criteria are clear that the expectation is that all learners will receive a high-quality, ambitious education.
16. Inspectors will assess the extent to which the provider complies with the relevant legal duties as set out in the Equality Act 2010,¹⁰ including, where relevant, the Public Sector Equality Duty and the Human Rights Act 1998.¹¹

Expectations of inspectors

17. It is important that inspectors and providers establish and maintain a positive working relationship based on courteous and professional behaviour. We expect our inspectors to uphold the highest professional standards in their work, and

⁷ 'Inspecting safeguarding in early years, education and skills settings', Ofsted, October 2018; www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015.

⁸ 'Keeping children safe in education', Department for Education, March 2015; www.gov.uk/government/publications/keeping-children-safe-in-education--2.

⁹ 'Working together to safeguard children', Department for Education, August 2018; www.gov.uk/government/publications/working-together-to-safeguard-children--2.

¹⁰ The Equality Act 2010 www.legislation.gov.uk/ukpga/2010/15/contents.

¹¹ The Human Rights Act 1998 www.legislation.gov.uk/ukpga/1998/42/contents.

to treat everyone they meet during inspections fairly and with respect and sensitivity.

18. In meeting this expectation, inspectors will:

- evaluate objectively, be impartial and inspect without fear or favour
- uphold and demonstrate Ofsted values at all times¹²
- evaluate provision in line with the framework, inspection handbooks, national standards or regulatory requirements
- base all evaluations on clear and strong evidence
- declare all actual and perceived conflicts of interest and have no real or perceived connection with the provider that could undermine the objectivity of the inspection
- report honestly and clearly, ensuring that judgements are fair and reliable
- carry out their work with integrity, treating all those they meet with courtesy, respect and sensitivity
- take all reasonable steps to prevent undue anxiety and to minimise stress
- act in the best interests and well-being of learners, prioritising the safeguarding of learners at all times
- maintain purposeful and productive communication with those being inspected and inform them of judgements sensitively, but clearly and frankly
- respect the confidentiality of information as far as possible, particularly when the information is about individuals and their work
- respond appropriately to reasonable requests
- take prompt and appropriate action on any safeguarding or health and safety issues
- use their title of Her Majesty's Inspector, Early Years Regulatory Inspector or Ofsted Inspector only in relation to their work for Ofsted.

Expectations of providers

19. In order to establish and maintain a positive working relationship, we expect providers to:

- be courteous and professional, treating inspectors with respect and sensitivity
- enable inspectors to carry out their visit in an open and honest way

¹² For more information about our values, see 'Ofsted strategy: 2017 to 2022', Ofsted, September 2017; www.gov.uk/government/publications/ofsted-strategy-2017-to-2022.

- enable inspectors to evaluate the provision objectively against the framework, handbooks and national standards or regulatory requirements
- provide evidence – or access to evidence – that will enable the inspector to report honestly, fairly and reliably about their provision. This includes the opportunity for inspectors to meet with learners
- work with inspectors to minimise disruption, stress and bureaucracy
- ensure the health and safety of inspectors while on their premises
- maintain purposeful and productive communication with the inspector or the inspection team
- bring any concerns about the inspection to the attention of inspectors promptly and in a suitable manner
- recognise that sometimes inspectors will need to observe practice and talk to staff and users without the presence of a manager or registered person.

Provision inspected under the education inspection framework

20. The framework applies to inspections of:

- maintained schools and academies under section 513
- non-maintained special schools (as approved by the Secretary of State under section 342 of the Education Act 1996)
- pupil referral units
- non-association independent schools¹⁴
- further education colleges, sixth-form colleges and independent specialist colleges

¹³ This includes all sponsor-led academies, academy converter schools, academy special schools, free schools, special free schools, maintained nursery schools and alternative provision academies. University technical colleges and studio schools, 16 to 19 academies and 16 to 19 studio schools are also inspected under this framework.

¹⁴ An independent school is defined in section 463 of the Education Act 1996, as amended as:

'any school at which full-time education is provided for—
 (a) five or more pupils of compulsory school age, or
 (b) at least one pupil of that age for whom a statement is maintained under section 324, or who is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and which is not a school maintained by a local education authority or a special school not so maintained.'

This definition brings into the scope of inspection a number of very small independent schools, many of which have dual registration as an independent children's home and provide exclusively for vulnerable looked after young people who may also be disabled or have a special educational need.

- independent learning providers
- community learning and skills providers
- employers funded by the Education and Skills Funding Agency to train their own employees
- higher education institutions providing further education
- providers of learning in the judicial services
- National Careers Service – careers advice and guidance
- registered early years settings.

The grading scale used for inspection judgements

21. We will use a four-point grading scale in all inspections to make the principal judgements:
- grade 1 – outstanding
 - grade 2 – good
 - grade 3 – requires improvement
 - grade 4 – inadequate.

Judgements made by inspectors

22. The framework ensures that inspectors make a coherent set of judgements across the different education, skills and early years settings. The remit handbooks set out the methods inspectors use to gather evidence and the main criteria they use to make judgements. In most instances, these methods and criteria are common across the different remits, but there will inevitably be some variation.

Overall effectiveness

23. Inspectors will use all the available evidence to evaluate what it is like to be a learner in the provision. In making the judgements about a provider's overall effectiveness, inspectors will consider whether the standard of education, training or care is good or outstanding. If it is not at least good, inspectors will consider whether it requires improvement or is inadequate.

Key judgements

24. Inspectors will also make graded judgements on the following areas using the four-point scale:
- quality of education
 - behaviour and attitudes
 - personal development

- leadership and management.

What inspectors will consider when making judgements

25. Inspectors will use the following criteria to make each of the graded judgements. These criteria are common for all the types of provision covered by the framework. Inspection remit handbooks explain how these criteria are applied in each context.

Quality of education

26. Inspectors will make a judgement on the quality of education by evaluating the extent to which:

Intent

- leaders take on or construct a curriculum that is ambitious and designed to give all learners, particularly the most disadvantaged and those with special educational needs and/or disabilities (SEND) or high needs, the knowledge and cultural capital they need to succeed in life
- the provider's curriculum is coherently planned and sequenced towards cumulatively sufficient knowledge and skills for future learning and employment
- the provider has the same academic, technical or vocational ambitions for almost all learners. Where this is not practical – for example, for some learners with high levels of SEND – its curriculum is designed to be ambitious and to meet their needs
- learners study the full curriculum. Providers ensure this by teaching a full range of subjects for as long as possible, 'specialising' only when necessary

Implementation

- teachers¹⁵ have good knowledge of the subject(s) and courses they teach. Leaders provide effective support for those teaching outside their main areas of expertise
- teachers present subject matter clearly, promoting appropriate discussion about the subject matter they are teaching. They check learners' understanding systematically, identify misconceptions accurately and provide clear, direct feedback. In doing so, they respond and adapt their teaching as necessary, without unnecessarily elaborate or differentiated approaches

¹⁵ Throughout the framework, the term 'teachers' should be read as including early years practitioners, lecturers, trainers and assessors.

- over the course of study, teaching is designed to help learners to remember in the long term the content they have been taught and to integrate new knowledge into larger concepts
- teachers and leaders use assessment well, for example to help learners embed and use knowledge fluently or to check understanding and inform teaching. Leaders understand the limitations of assessment and do not use it in a way that creates unnecessary burdens for staff or learners
- teachers create an environment that allows the learner to focus on learning. The resources and materials that teachers select – in a way that does not create unnecessary workload for staff – reflect the provider’s ambitious intentions for the course of study and clearly support the intent of a coherently planned curriculum, sequenced towards cumulatively sufficient knowledge and skills for future learning and employment
- a rigorous approach to the teaching of reading develops learners’ confidence and enjoyment in reading. At the early stages of learning to read, reading materials are closely matched to learners’ phonics knowledge

Impact

- learners develop detailed knowledge and skills across the curriculum and, as a result, achieve well. Where relevant, this is reflected in results from national tests and examinations that meet government expectations, or in the qualifications obtained
- learners are ready for the next stage of education, employment or training. Where relevant, they gain qualifications that allow them to go on to destinations that meet their interests, aspirations and the intention of their course of study. They read widely and often, with fluency and comprehension.

Behaviour and attitudes

27. Inspectors will make a judgement on behaviour and attitudes by evaluating the extent to which:
- the provider has high expectations for learners’ behaviour and conduct and applies these expectations consistently and fairly. This is reflected in learners’ behaviour and conduct
 - learners’ attitudes to their education or training are positive. They are committed to their learning, know how to study effectively and do so, are resilient to setbacks and take pride in their achievements
 - learners have high attendance and are punctual
 - relationships among learners and staff reflect a positive and respectful culture. Leaders, teachers and learners create an environment where bullying, peer-on-peer abuse or discrimination are not tolerated. If they do

occur, staff deal with issues quickly and effectively, and do not allow them to spread.

Personal development

28. Inspectors will make a judgement on the personal development of learners by evaluating the extent to which:
- the curriculum extends beyond the academic, technical or vocational. It provides for learners' broader development, enabling them to develop and discover their interests and talents
 - the curriculum and the provider's wider work support learners to develop their character – including their resilience, confidence and independence – and help them know how to keep physically and mentally healthy
 - at each stage of education, the provider prepares learners for future success in their next steps
 - the provider prepares learners for life in modern Britain by:
 - equipping them to be responsible, respectful, active citizens who contribute positively to society
 - developing their understanding of fundamental British values
 - developing their understanding and appreciation of diversity
 - celebrating what we have in common and promoting respect for the different protected characteristics as defined in law.

Leadership and management

29. Inspectors will make a judgement on the effectiveness of leadership and management by evaluating the extent to which:
- leaders have a clear and ambitious vision for providing high-quality, inclusive education and training to all. This is realised through strong, shared values, policies and practice
 - leaders focus on improving staff's subject, pedagogical and pedagogical content knowledge to enhance the teaching of the curriculum and the appropriate use of assessment. The practice and subject knowledge of staff are built up and improve over time
 - leaders aim to ensure that all learners complete their programmes of study. They provide the support for staff to make this possible and do not allow gaming or off-rolling¹⁶

¹⁶ There is no legal definition of 'off-rolling'. However, we define 'off-rolling' as the practice of removing a learner from the provider's roll without a formal, permanent exclusion or by encouraging a parent to remove their child, when the removal is primarily in the interests of the provider rather than in the best interests of the learner. Off-rolling in these circumstances is a form of 'gaming'.

- leaders engage effectively with learners and others in their community, including – where relevant – parents, carers, employers and local services
- leaders engage with their staff and are aware and take account of the main pressures on them. They are realistic and constructive in the way that they manage staff, including their workload
- leaders protect their staff from bullying and harassment
- those responsible for governance understand their role and carry this out effectively. They ensure that the provider has a clear vision and strategy and that resources are managed well. They hold leaders to account for the quality of education or training
- those with responsibility for governance ensure that the provider fulfils its statutory duties, for example under the Equality Act 2010, and other duties, for example in relation to the 'Prevent' strategy and safeguarding, and promoting the welfare of learners
- the provider has a culture of safeguarding that supports effective arrangements to:
 - identify learners who may need early help or who are at risk of neglect, abuse, grooming or exploitation
 - help learners reduce their risk of harm by securing the support they need, or referring in a timely way to those who have the expertise to help
 - manage safe recruitment and allegations about adults who may be a risk to learners and vulnerable adults.

30. Inspectors will always report on whether arrangements for safeguarding learners are effective.

Arrangements for different types of provision

31. In addition to the judgements set out in the framework, inspectors will need to make a variety of other judgements and carry out regulatory activity in different types of provision. This section sets out those additional judgements and activities.

Early years

32. The framework sets out how we will inspect providers on the Early Years Register. In addition to inspection, we are also responsible for the registration and regulation of these providers. Details about the registration and regulation of settings on the Early Years Register can be found at:

www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england

and

www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted.

Non-association independent schools

33. Non-association independent schools are subject to the Independent School Standards: www.legislation.gov.uk/uksi/2014/3283/contents/made. Inspectors will check that schools meet these standards during inspection.
34. We give maintained schools, academies and non-association independent schools that have early years foundation stage provision a separate grade for that provision as part of school inspections carried out under section 5 of the Education Act 2005 (as amended by the Education Act 2011) or section 109(1) and (2) of the Education and Skills Act 2008. We inspect provision for two- and three-year-olds in schools as part of a school inspection. This contributes to the judgement about the overall effectiveness of the school.

Schools with sixth forms

35. We give maintained schools, academies and non-association independent schools a separate grade for sixth-form provision as part of school inspections carried out under section 5 of the Education Act 2005 (as amended by the Education Act 2011) or section 109(1) and (2) of the Education and Skills Act 2008. This contributes to the judgement about the overall effectiveness of the school.

Settings with residential and boarding provision

36. The inspection of boarding and residential provision will be carried out under the Children Act 1989, as amended by the Care Standards Act 2000, regarding the national minimum standards for boarding or residential provision, as appropriate. Further details of how these boarding or residential inspections will be carried out can be found at:

www.gov.uk/government/publications/the-framework-for-inspecting-boarding-and-residential-provision-in-schools

and

www.gov.uk/guidance/social-care-common-inspection-framework-sccif-residential-provision-of-further-education-colleges.

Further education and skills provision

37. Further education and skills providers will also have the following types of provision graded where appropriate: education programmes for young people; adult learning programmes; apprenticeships; and provision for learners with high needs. These contribute to the judgement about the overall effectiveness of the provider.



The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory and Support Service (Cafcass), schools, colleges, initial teacher training, further education and skills, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for children looked after, safeguarding and child protection.

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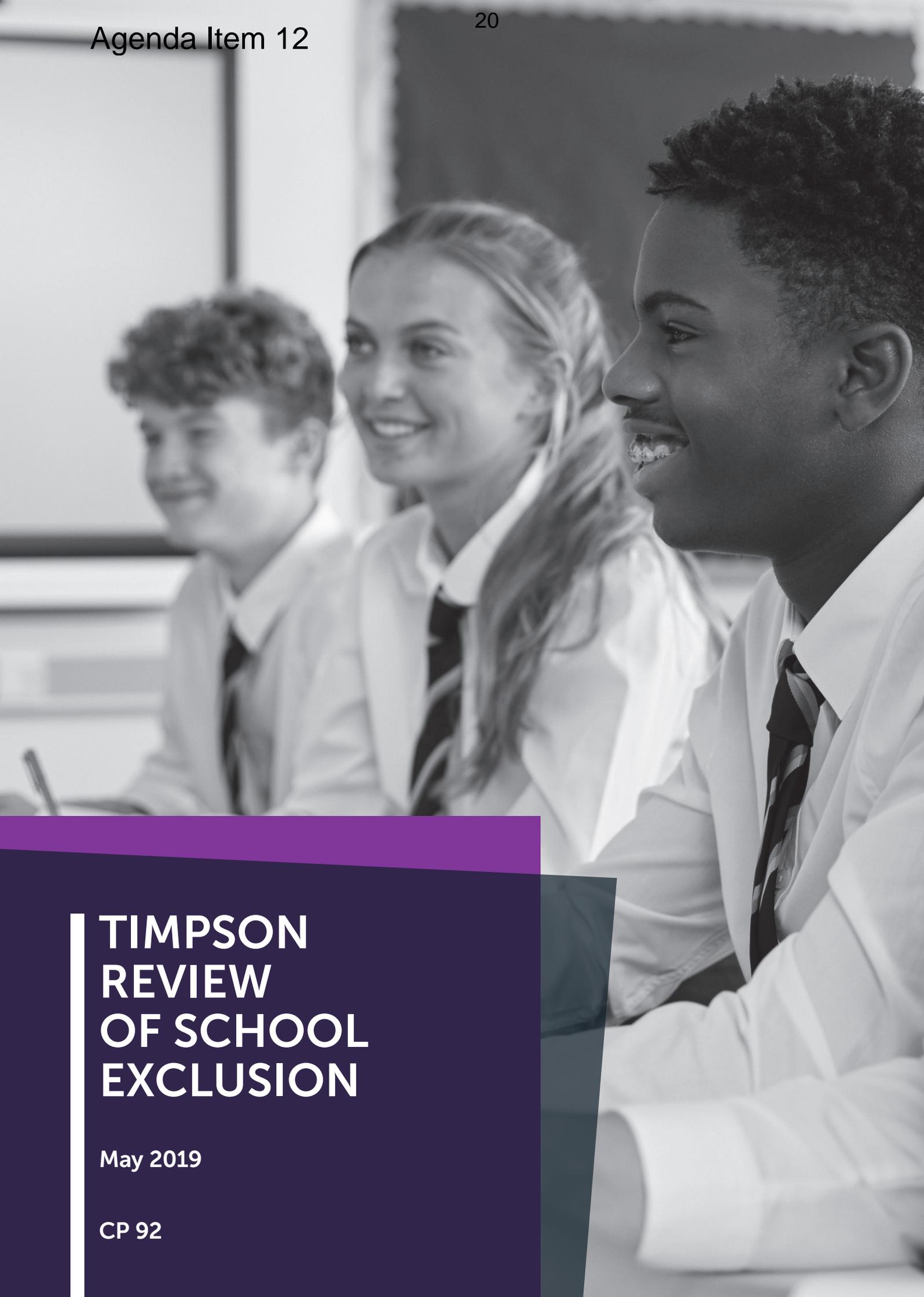
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TIMPSON REVIEW OF SCHOOL EXCLUSION

May 2019

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TIMPSON REVIEW OF SCHOOL EXCLUSION

Presented to Parliament
by the Secretary of State for Education
by Command of Her Majesty

May 2019



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Foreword



In March 2018, I was commissioned to review school exclusion by the Secretary of State for Education, the Rt Hon Damian Hinds MP.¹ This followed the Prime Minister's announcement that the government would commission

a review of exclusion practice, to explore how head teachers use exclusion in practice, and why some groups of pupils are more likely to be excluded.²

I am grateful to all those who have taken the time to contribute to this review, including nearly 1,000 people who responded to my call for evidence, and over 100 organisations and individuals I visited or met with, including schools, local authorities, parents, carers and children. I want also to thank experts from across the education system, school and local authority leaders, and other practitioners who advised me as part of my reference group; the teacher and head teacher unions; Anne Longfield OBE, the Children's Commissioner for England; and Amanda Spielman, Her Majesty's Chief Inspector, among others, all of whom have shared with me their insight, reflections and proposals. Their collective input has ensured this report incorporates not only my own views, but also the expertise and experience of those working in our schools and with children and their families.

Schools must be calm and safe places, and it is right that we fully support head teachers in using exclusion where this is appropriate. Head teachers considering exclusion have a tough choice to make, having to weigh the profound implications that it can have on a young person's life with the interests and needs of pupils and staff in the wider school community. We must support school leaders in this difficult task, whilst making sure no child gets left behind.

My review has identified excellent practice across the school system. However, it has also found too much variation in exclusion practice and concludes there is more we can do to ensure that every exclusion is lawful, reasonable and fair; and that permanent exclusion is always a last resort, used only where nothing else will do.

In response, I have made a number of recommendations that seek to ensure that exclusion is used consistently and appropriately, and that enable our schools system to create the best possible conditions for every child to thrive and progress. After all, that is what teachers, parents and children themselves tell me they want too.

A handwritten signature in blue ink, appearing to read 'Edward Timpson'.

Edward Timpson CBE
May 2019

Executive Summary

No parent sends their child to school believing they will be excluded. Similarly, no teacher starts their career wanting anything other than to help children achieve their potential. While permanent exclusion is a rare event – 0.1% of the 8 million children in schools in England were permanently excluded in 2016/17 – this still means an average of 40 every day. A further average of 2,000 pupils are excluded for a fixed period each day.³

I was asked to conduct a review of school exclusion by the Secretary of State for Education, the Rt Hon Damian Hinds MP, in March 2018. This followed the Prime Minister’s announcement⁴ that the government would commission a review of school exclusion, to explore how head teachers use exclusion in practice, and why some groups of children are more likely to be excluded, including Children in Need, those with special educational needs (SEN), children who have been supported by social care, are eligible for free school meals (FSM) or are from particular ethnic groups.

DfE statutory guidance on exclusion says:

- Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds
- A pupil may be excluded for one or more **fixed periods** (up to a maximum of 45 school days in a single academic year), or **permanently**
- Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school’s behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- The decision to exclude a pupil must be lawful, reasonable and fair

The terms of reference for this review did not include examining the powers head teachers have to exclude. It is the right of every head teacher to enable their staff to teach in a calm and safe school, just as it is the right of every child to benefit from a high-quality education that supports them to fulfil their potential. It is clear that the task teachers have

in managing behaviour is a tough one, and we must support teachers to deal effectively with poor and disruptive behaviour by equipping them with the right tools to achieve this task. That is in the interest of both teachers and pupils in every school.

Through the review, it is clear that the variation in how exclusion is used goes beyond the influence of local context, and that there is more that can be done to ensure that exclusion is always used consistently and fairly, and that permanent exclusion is always a last resort, used only where nothing else will do. Exclusion – both fixed period and permanent – is an important tool for head teachers as part of an effective approach to behaviour management. However, there is more we can do to support schools to understand and respond to individual children – particularly children with SEN, Children in Need of additional help and protection and children who are disadvantaged – who may need additional support, and who might otherwise find themselves at risk of exclusion. We must also take the necessary steps to ensure exclusion from school does not mean exclusion from education, so that all children are getting the education they deserve.

The findings and recommendations in this review are underpinned by the following key principles:

- every child, regardless of their characteristics, needs or the type of school they attend, deserves a high-quality education that allows them to flourish and paves the way to a successful future
- we should expect schools consistently to have the right systems in place and teachers to have the right skills to manage poor behaviour and provide support where children need it – but we must equip them with the right tools, capability and capacity to deliver against this expectation
- schools must be calm and safe environments and it is right that we support head teachers to establish strong school behaviour cultures, including by making use of exclusion where appropriate
- there is no optimum rate or number of exclusions – exclusion rates must be considered in the context in which the decisions to exclude are made. A higher rate of exclusion may reflect local context and be a sign of effective leadership in

one school, whilst in others a lower exclusion rate may signal strong early intervention strategies that have been put in place. In contrast, higher rates of exclusion could demonstrate schools not putting in place effective interventions for children at risk of exclusion, and indeed lower rates could be indicative of children being pushed out of school without the proper processes being followed

- alongside considering the best interests of the wider school community, head teachers, with the support of their staff, should make decisions about how to address poor behaviour, based on their knowledge of individual children and what specific support, interventions or sanctions are needed
- schools must be places that are welcoming and respectful, where every child has the opportunity to succeed. To ensure this is the case, they should understand how their policies impact differently on pupils depending on their protected characteristics, such as disability or race, and should give particular consideration to

the fair treatment of pupils from groups who are vulnerable to exclusion

- it cannot be the job of schools alone to take action to understand and address the complex underlying needs that children may have
- we should not accept that exclusion comes at the cost of a child getting a good education

This review sets out how we can improve the standards in schools for every child, creating the conditions in which we can be confident that schools have the support they need to ensure that every decision to exclude is lawful, reasonable and fair.

Why and how often do schools exclude

Following many years of decline in use, rates of both fixed period and permanent exclusion have risen since 2013/14. However, exclusion rates are not exceptionally high by historic standards – the rate and number of permanent exclusion is lower than in 2006/07, when comparable records began, and have not reached the levels reported in the late 1990s and early-mid 2000s (figures 1 and 2).

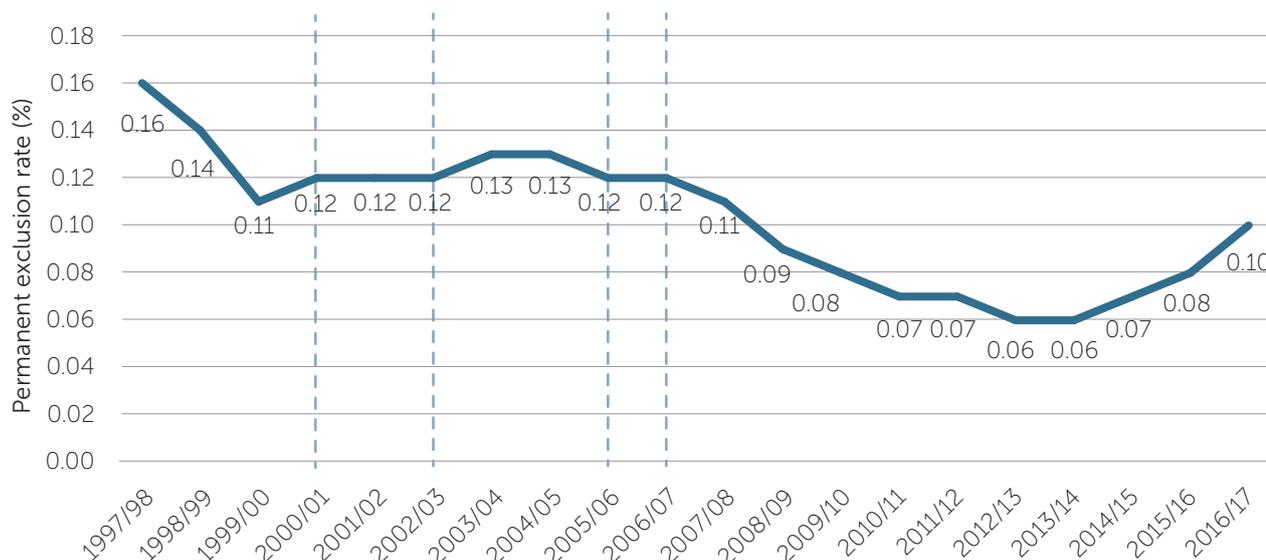


Figure 1: Permanent exclusion time series for all state-funded primary, secondary and special schools. (Changes in methodology marked as dashed lines mean this is not a continuous time series⁵)

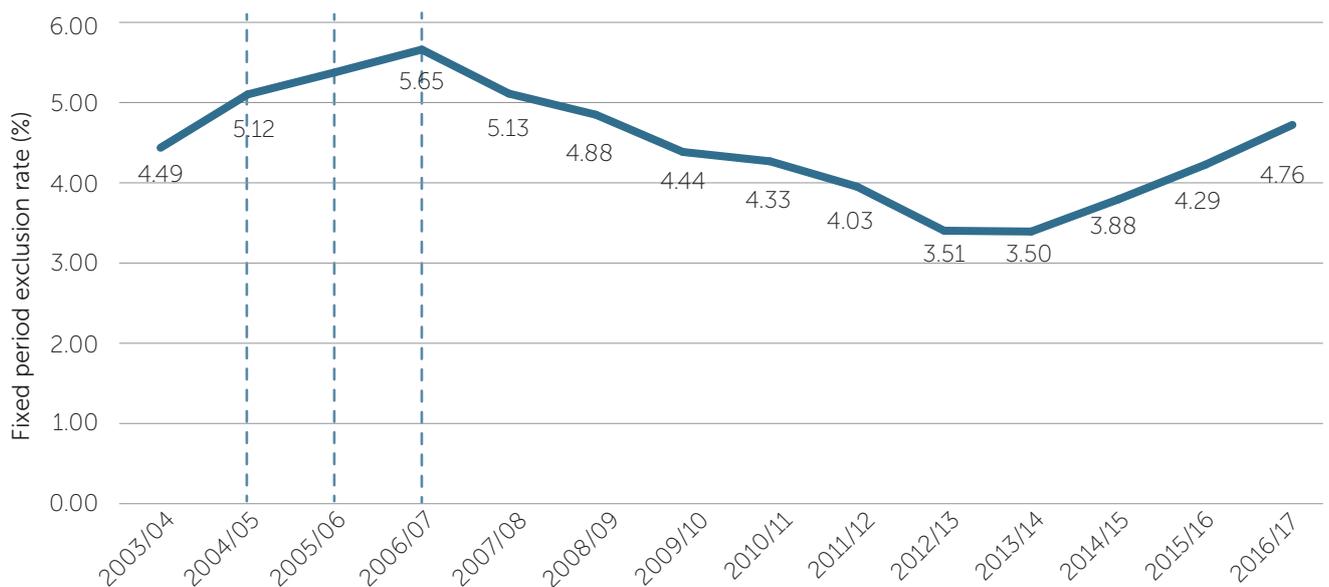


Figure 2: Fixed period exclusion time series for all state-funded primary, secondary and special schools. (Changes in methodology marked as dashed lines mean this is not a continuous time series⁶)

Source: <https://www.gov.uk/government/collections/statistics-exclusions>

The roots of challenging behaviour have long been debated by educational experts, and the debate can sometimes become deeply polarised. At one end are those who see challenging behaviour as either a choice or the inevitable consequence of a lack of boundaries and, at the other, are those who perceive it as the communication of unmet needs. The truth is, as ever, more complex, which is why this report covers both the need for effective behaviour management in schools (to establish and maintain high expectations) and the need to understand and respond to individual children (so they are supported to meet those expectations).

Whatever lies behind poor behaviour, schools need to be places where children learn and the school workforce can teach, without disruption. A report by Policy Exchange found the impact of poor behaviour on those working in our schools is profound: almost two-thirds of teachers are currently considering, or have previously considered, leaving the profession because of poor behaviour.⁷ At worst, poor behaviour can put teachers at risk, as evidenced by the 745 permanent exclusions and 26,695 fixed period exclusions for physical assault against an adult issued in 2016/17.⁸ We cannot expect this kind of behaviour to be tolerated in our schools, and we should support head teachers in developing and delivering effective cultures, systems and strategies to manage behaviour.

While others have produced more thorough reviews of behaviour and its effective management than this review was asked or attempts to do, it is important to recognise the necessity of well-ordered environments that promote positive behaviour. Not only those in schools, but parents, carers and pupils reiterate how important this is. Pupils who took part in research for this review often supported the use of exclusion – one commented: “People don’t have to sacrifice their learning time because of someone else’s actions”.⁹ Similarly, schools have pointed out the value of effectively tackling poor behaviour for all children with one teacher noting, “it is not inclusive to have one child severely disrupt the education of twenty-nine others in the class”.

Outcomes of excluded children

While exclusion is an important component of effective behaviour management in schools, outcomes of excluded children are often poor. It is therefore right that head teachers carefully consider when this is the right choice or if there are other, more effective, ways to address the underlying causes and put in place the support a child may need to improve their behaviour, without the need to exclude.

New analysis of those reaching the end of Key Stage 4 in 2015/16 shows just 7% of children who were permanently excluded and 18% of children who

received multiple fixed period exclusions went on to achieve good passes in English and maths GCSEs, qualifications that are essential to succeeding in adult life.¹⁰

These children may have many other characteristics that could lead to poor attainment, or poor behaviour itself may be a factor, so these findings do not imply that exclusion is the root cause of low attainment (or vice versa). However, many parents and carers of excluded children who spoke to this review highlighted the disruption poorly managed exclusion can create for children. I have also heard and seen that the education they go on to receive is too often not of the standard they would have had in mainstream schools. Despite the dedication of many settings that offer education after exclusion, there is much variation in the quality of the offer within alternative provision (AP), with not enough support to attract high-quality subject specialist staff, invest in good facilities or remove the stigma attached to being educated in these settings. Overall, children who are educated in AP – many of whom will have been excluded – do much worse than their peers. While the factors leading to exclusion can contribute to the low attainment of these children, we should not accept that just 4.5% of pupils educated in AP achieve a good pass in English and maths GCSEs in 2016/17.¹¹

The available evidence also suggests that excluded children have worse trajectories in the long term. Over one third of children who completed Key Stage 4 in AP go on to be NEET (not in education, employment or training).¹² Exclusion is a marker for being at higher risk of becoming a victim or perpetrator of crime¹³ – 23% of young offenders sentenced to less than 12 months in custody, in 2014, had been permanently excluded from school prior to their sentence date.¹⁴ However, it would be wrong to suggest that we have evidence that exclusion of any kind *causes* crime or that preventing the use of exclusion would, in itself, prevent crime. There are many factors that may lead a child to becoming involved in criminal activity, and for some children these factors may well have been the cause for them to have been excluded from school. However, it is right to recognise exclusion as one indicator, among others, of a higher risk of exposure to and involvement in crime, and we should therefore fully consider the form and content of the education a child receives following exclusion, in efforts to prevent and tackle serious violence.

Evidence seen by this review

This review has sought to move on the often emotive and incendiary discussion about exclusion, drawing on a broad evidence base. It is, therefore, informed by research and new analysis as well as detailed and extensive consultation with those in the schools system, parents whose children have been excluded, children and young people themselves, schools, local authorities (LAs) and other organisations.

- the review began with a call for evidence which received almost 1,000 responses. The majority of these were from parents of excluded children, but they also came from young people, carers, schools, teachers, LAs, and other interested individuals and organisations who shared their experiences and views on exclusion
- my team and I undertook over 100 fieldwork visits to schools of all types and phases, LAs, parent groups and charities. This included extensive and in-depth discussions in eight LAs, made up of four pairs of areas 'matched' using Department for Education (DfE) data because they shared characteristics including: their size, whether they were urban or rural, characteristics of pupils (such as levels of SEN and numbers of looked after children), the make-up of schools (that is, the proportion that were academies), and the proportion rated good or outstanding by Ofsted, but they differed in their rates of exclusion. Discussions with schools, LAs and others in these areas allowed the review to understand how practice drove the use of both fixed period and permanent exclusion
- I have met a range of leaders and experts from across the school system and established a reference group to provide expertise on exclusion and behaviour, as well as perspectives of pupils more likely to be excluded (membership listed in annex E)
- I have chaired a series of roundtable discussions with practitioners, leaders, charities, academics and others. As well as two cross-cutting sessions on behaviour in schools and the academic evidence on exclusion, I chaired a series of discussions focusing on those groups most likely to be excluded: children with special educational needs and/or a disability (SEND), those who have been supported by social care, and children from ethnic groups that are more likely to be excluded
- the children's charity Coram undertook research gathering the voices and perspectives of parents

and carers whose children had experienced exclusion, as well as the views of children on exclusion generally, regardless of whether or not they have personal experience of it¹⁵

- finally, I commissioned new analysis of existing exclusion data to examine whether individual characteristics, including a young person's ethnicity, are statistically associated with whether or not they are excluded¹⁶ and a literature review on groups more likely to be excluded,¹⁷ to aid understanding of the academic evidence base on this issue

Practice and use of exclusion

Extensive consultation with parents, schools and LAs has illustrated variations in exclusion practice. These differences are reflected in published exclusion data¹⁸:

- in 2016/17, 54% of the total number of permanent exclusions were in the quarter of highest excluding LAs, and only 6% in the quarter that excluded the fewest
- over 17,000 mainstream schools (85% of all mainstream schools in England) issued no permanent exclusions in 2016/17. 94% of all state-funded primary schools and 43% of all state-funded secondary schools did not issue any permanent exclusions, but 0.2% of schools (47 schools, all of which are secondary schools) issued more than 10 in the same year
- rates of fixed period exclusion also vary across LAs, ranging from 0.0% to 21.42% and, at a school level, just under half (43%) of mainstream schools used none at all, while 38 schools issued over 500 each in a single year

Of course, schools face very different challenges, but it is clear from this review that the differences in exclusion rates, both fixed period and permanent, are driven both by issues of place (the particular challenges in an area, such as levels of deprivation or gang activity) and policy and practice (the particular means of managing behaviour and thresholds for using exclusion). This range of practice leads not only to differences in when exclusion is used, but to differences in how effectively it is used. In some cases, this can lead to children being excluded who could and should remain in mainstream school with the right support, and others where children remain in school where exclusion would be a fair and appropriate decision that would allow others to learn.

In using exclusion to tackle poor behaviour, exclusion can also help a child understand the impact of their behaviour and change course, or can trigger new support or a placement in high-quality AP that will give them the scaffolding they need to achieve their potential. While it can be an effective intervention, it must be used well to deliver the right impact. It is, of course, inevitable and entirely appropriate that there are some differences in culture between schools, including in how they approach behaviour management and assessing and providing for children who need more support, not least because the pupils at each school will be different. It is therefore natural that there will also be some differences in how and when exclusion is used. However, this review sets out the evidence that variation in how exclusion is used goes beyond the local context, and there is more that can be done to ensure it is used more consistently and appropriately.

Children more likely to be excluded

As well as differences in how schools use exclusion, there are longstanding trends that show exclusion rates vary between pupils with different characteristics. Children with some types of SEN, boys, those who have been supported by social care or are disadvantaged are all consistently more likely to be excluded from school than those without these characteristics. Exclusion rates also vary by ethnicity.

As part of this review, I have commissioned additional analysis of DfE data to provide greater insights into the role particular characteristics play in a child's likelihood of being excluded.¹⁹ The purpose of this analysis was to see to what extent higher rates of exclusion in some groups can be explained by other overlapping factors: that is to say, for example, whether or not children from some ethnic groups are more likely to have other characteristics associated with higher rates of exclusion, such as coming from a disadvantaged background, or having identified SEN. The analysis sought to isolate the association between likelihood of exclusion and particular characteristics, controlling for other factors on which the DfE has data.

This analysis reveals a complex picture. In relation to ethnicity, some ethnic groups are associated with a lower likelihood of being permanently excluded, including Bangladeshi and Indian children who are around half as likely to be excluded as White British children. Children from other ethnic groups are more likely to experience exclusion, in particular

Black Caribbean and Mixed White and Black Caribbean pupils.²⁰

There are also other characteristics closely associated with exclusion, including children with SEN, those receiving support from social care and gender. The analysis produced for this review shows that 78% of permanent exclusions issued were to pupils who either had SEN, were classified as in need²¹ or were eligible for free school meals. 11% of permanent exclusions were to pupils who had all three characteristics.

The analysis also finds that children who have several of these characteristics have a multiplied risk of exclusion. Take Nathan and Rachel, two fictional children created from the data. Rachel is a Black African girl who does not have SEN. She is not from a disadvantaged background and lives in an affluent area. She had good attendance at primary school and attained average results. She attends a secondary maintained school in London, which does not often use exclusion. Rachel has a 0.3% chance of being permanently excluded at some point in her secondary school life, and an 11% chance of being excluded for a fixed period.

Nathan, like Rachel, had good attendance at primary school with average results. He also attends a maintained school in London, which does not often exclude. Nathan is a Black Caribbean boy who has an EHC plan because of his moderate learning difficulty. He is from a disadvantaged family and lives in a deprived area. His chance of being permanently excluded at some point in his secondary school career is 2.3%, and his chance of receiving a fixed period exclusion is 58%. While there may be other factors impacting Nathan's behaviour and chances of exclusion that lie outside of these characteristics, the differences between Nathan and Rachel's likelihood of exclusion are notable.

While drawing firm conclusions on why individual characteristics impact the likelihood of exclusion is difficult, the data is clear that there are certain groups of children who may already be facing significant challenges in their lives outside of school, who are most likely to be excluded.

The evidence gathered for this review indicates that there are a range of interwoven, local factors that give rise to these differences in rates. Some are in-school factors (policy and practice in schools and the wider education system) while others are out-of-school factors, both those related to place such as high levels of poverty or substance abuse in the community, and those related to the child and family's individual circumstances, such as the effect of trauma in early life. However, the proportionate impact of both in- and out-of-school factors is likely to be uniquely balanced, with some drawing more from one than the other.

It is not the job of schools alone to help children overcome the wider challenges they may face in their lives. However, the best schools know the children in their schools and the interventions that will prove most effective for them. We should support all schools to work with other schools, LAs and local partners in their area to understand what is driving local trends, and to use that understanding to properly plan and provide the right support for those children at greater risk of exclusion. This report makes recommendations to support schools and local leaders in achieving this.

Exclusion in all but name

There is concerning evidence that some children have been made to leave their school without access to the formal exclusion process and the structure and safeguards this provides, including the processes it triggers to ensure suitable alternative education is in place from the sixth day of their exclusion.

Some children are sent home from school for a period of time with no exclusion being recorded, referred to in this report as informal exclusion. Other children are told or made to leave their school altogether without the right processes being followed.

There are times when a child is taken off the school roll for legitimate reasons, such as if they have moved out of the area or because their parents have independently chosen to home educate them. However, there are children who are made to leave their school and are removed from the school roll without a formal permanent exclusion or by the school encouraging the parents to remove their child from the school, which is done in the school's interests, and at the school's request. This practice is referred to from here onwards as 'off-rolling'.

Growing concerns around off-rolling, and indeed reports of specific cases where it has occurred, have been raised by teachers,²² the Chief Schools Adjudicator,²³ the Children's Commissioner,²⁴ and Her Majesty's Chief Inspector.²⁵

These views were reinforced by what this review has seen and heard. As well as anecdotal reports and accounts of off-rolling from parents and carers, teachers and LAs, one head teacher who spoke to this review reported that off-rolling took place in his own school. There is a clear need for the government to do more to understand the scale of this problem and the impact it is having on those involved, but from the cases seen, it is apparent that there are some children who end up in unsuitable education or with no education at all, exposed to even greater risks.

Neither informal exclusion nor off-rolling are exclusion and they should not be conflated with schools following the proper exclusion process. They are quite simply wrong. And while no parent wants to see their child excluded from school, where a child is asked to leave, formal exclusion provides a process for review and, crucially, triggers duties that ensures a child is offered education elsewhere. In such a context, tackling this rare but unacceptable practice could result in a rise in formal exclusion, as they would no longer be hidden from scrutiny and due process. Putting all formal exclusions that have gone through the proper processes above the table in this way should be seen as positive progress.

What drives current practice

Where exclusion is used ineffectively or circumvented altogether, the review has identified four fundamental drivers of practice:

- differences in **leadership**, which lead to too much variation in the culture and standards set within schools and how staff deliver them. Put simply, what will get a child excluded in one school may not be seen as grounds for exclusion in another. This means there are children who are excluded, both for a fixed period and permanently, who would not be elsewhere, and others whose disruptive behaviour is allowed to persist at the cost of the education, or even safety, of other children. Similarly, there are differences in how LAs perceive and deliver leadership for schools and services to work together, that result in disparity in the support schools receive

- too much variation in, or lack of, consistent systems, capability and capacity in schools to understand and manage poor behaviour and support additional needs, which leads to some feeling they are not **equipped** to manage disruptive behaviour, to offer early help or put in place alternatives to exclusion where this delivers better outcomes for the child involved within the context of a well-managed school
- while the vast majority of schools are motivated by doing the best for all pupils, the current performance and funding system does not **incentivise** or reward schools for taking responsibility for the needs of all children and using permanent exclusion only when nothing else will do. It cannot be right to have a system where some schools could stand to improve their performance and finances through exclusion, but do not have to bear the cost of expensive non-mainstream provision these children then attend, nor be held accountable for the outcomes of the children they permanently exclude
- lack of **safeguards** that protect children against informal exclusion and also off-rolling where this exists that, at its worst, can see some children pushed out of education altogether and exposed to potential safeguarding risks, as well as too little protection against the same children receiving multiple fixed period exclusions that can see them lose long periods of education

There are many examples of excellent practice in schools and local areas, who model effective practice and show what is possible. This ranges from schools who have established on-site units staffed by experienced teachers and support staff, who give respite to classroom teachers and are skilled at intervening to address poor behaviour, to schools that work with others to deliver support and interventions. This can include working with other schools or the LA to run transition programmes for children who may struggle with the move from primary to secondary school, or commissioning high-quality AP to offer part-time, bespoke packages to re-engage children in their education, based on an activity that sparks interest in them. As well as putting in place the right interventions for individual children, this review has also seen how the best schools work with each other and with local services to take collective responsibility for planning the right provision for children in their area, and taking responsibility for ensuring all children are safe and in education.

While there is impressive practice in the system, which this review highlights, it concludes that systemic improvement is required, and puts forward a vision for reforming practice built on four key pillars: a system that delivers ambitious **leadership** for every child at all levels; better **equipped** schools able to meet those expectations; the right **incentives** so that schools are clearly recognised for inclusive practice and using exclusion appropriately; and stronger **safeguards** to ensure that no child is being inappropriately pushed out of school or education altogether. Taken together, the recommendations set out below aim to improve the standards in schools for every child, creating the conditions in which we can be confident that schools have the support they need to ensure every decision to exclude is lawful, reasonable and fair.

Ambitious leadership: setting high expectations for every child

We must back head teachers to create strong school cultures that deliver the best outcomes for every child. To do this, we must ensure schools have the support and capability to set clear and high expectations of behaviour and outcomes for all children, as well as to put in place the support that individual children may need to meet these. As well as considering how schools lead, it is also important to think about who leads in schools, to ensure that there are positive role models for all children in every school. To help school leaders achieve this, this review recommends that:

1. DfE should update statutory guidance on exclusion to provide more clarity on the use of exclusion. DfE should also ensure all relevant, overlapping guidance (including behaviour management, exclusion, mental health and behaviour, guidance on the role of the designated teacher for looked after and previously looked after children and the SEND Code of Practice) is clear, accessible and consistent in its messages to help schools manage additional needs, create positive behaviour cultures, make reasonable adjustments under the Equality Act 2010 and use exclusion only as last resort, when nothing else will do. Guidance should also include information on robust and well-evidenced strategies that will support schools embedding this in practice. (Page 60)

2. DfE should set the expectation that schools and LAs work together and, in doing so, should clarify the powers of LAs to act as advocates for vulnerable children, working with mainstream, special and AP schools and other partners to support children with additional needs or who are at risk of leaving their school, by exclusion or otherwise. LAs should be enabled to facilitate and convene meaningful local forums that all schools are expected to attend, which meet regularly, share best practice and take responsibility for collecting and reviewing data on pupil needs and moves, and for planning and funding local AP provision, including early intervention for children at risk of exclusion. (Page 63)
3. DfE should ensure there is well-evidenced, meaningful and accessible training and support for new and existing school leaders to develop, embed and maintain positive behaviour cultures. The £10 million investment in supporting school behaviour practice should enable leaders to share practical information on behaviour management strategies, including how to develop and embed a good understanding of how underlying needs can drive behaviour, into their culture. It should also facilitate peer support, where school leaders have the opportunity to learn from high-performing leaders who have a track record in this area. (Page 63)
4. DfE should extend funding to equality and diversity hubs (an initiative to increase the diversity of senior leadership teams in England's schools through training and support for underrepresented groups) beyond the current spending review period and at a level that widens their reach and impact. (Page 64)

Equipping: giving schools the skills and capacity to deliver

If we are to support schools to deliver effectively high standards for every child, we must ensure we invest in their skills and capability to identify needs, address poor behaviour and offer the right support where this is required. To support schools to do this effectively, this review makes the following recommendations:

5. To support the school workforce to have the knowledge and skills they need to manage behaviour and meet pupil needs, DfE should ensure that accessible, meaningful and substantive training on behaviour is a mandatory part of initial teacher training and is embedded in the Early Career Framework. This should include expert training on the underlying causes of poor behaviour (including attachment, trauma and speech, language and communication needs, among others), and strategies and tools to deal effectively with poor behaviour when this arises. (Page 68)
6. To ensure designated senior leads for mental health and Special Educational Needs Co-ordinators (SENCOs) are effective, DfE should:
 - review the training and support available to SENCOs to equip them to be effective in their operational and strategic role as SEND leaders
 - ensure the training designated senior leads receive includes a specific focus on attachment and trauma (Page 69)
7. DfE should strengthen guidance so that in-school units are always used constructively and are supported by good governance. (Page 70)
8. DfE should establish a Practice Improvement Fund of sufficient value, longevity and reach to support LAs, mainstream, special and AP schools to work together to establish effective systems to identify children in need of support and deliver good interventions for them. The fund should support effective partnership working to commission and fund AP and enable schools to create positive environments, target support effectively and provide the opportunity to share their best practice successfully. This should include developing best practice on areas including:
 - internal inclusion units
 - effective use of nurture groups and programmes
 - transition support at both standard and non-standard transition points and across all ages
 - approaches to engaging parents and carers
 - creating inclusive environments, especially for children from ethnic groups with higher rates of exclusion
 - proactive use of AP as an early intervention delivered in mainstream schools and through off-site placements (Page 74)
9. DfE should promote the role of AP in supporting mainstream and special schools to deliver effective intervention and recognise the best AP schools as teaching schools (and any equivalent successors), and actively facilitate the sharing of expertise between AP and the wider school system. (Page 76)
10. To ensure AP schools can attract the staff they need, DfE should take steps to:
 - ensure AP is both an attractive place to work and career choice, with high-quality staff well-equipped to provide the best possible academic and pastoral support for the children who need it most. DfE should consider ways to boost interest in and exposure to AP through new teacher training placement opportunities in AP
 - better understand and act upon the current challenges with the workforce in AP, by backing initiatives to support its development, in particular focusing on making sure there is action taken to develop and invest in high-quality inspirational leaders in AP who have the capacity to drive improvement across the school network (Page 76)
11. Alongside measures to improve the quality of AP, PRUs should be renamed to reflect their role as both schools and places to support children to overcome barriers to engaging in their education. (Page 77)
12. DfE should invest in significantly improving and expanding buildings and facilities for pupils who need AP. As a priority, DfE should carefully consider the right level of capital funding to achieve this, for the next spending review. (Page 78)
13. The government should continue to invest in approaches that build multi-disciplinary teams around schools, and should identify any capacity concerns and work across Departments to ensure that schools are supported and work productively with all relevant agencies, including Health and Social Care. (Page 79)

Incentivising: creating the best conditions for every child

It is concerning that there are schools who feel there is a lack of recognition when they take positive action to create cultures that offer the best conditions for all children to learn. Worse still, at present, schools, LAs and others report there may be perverse incentives to exclude or off-roll children who might not positively contribute to a school's performance or finances. To ensure schools are always rewarded for creating positive and inclusive school cultures, this review recommends that:

14. DfE should make schools responsible for the children they exclude and accountable for their educational outcomes. It should consult on how to take this forward, working with schools, AP and LAs to design clear roles in which schools should have greater control over the funding for AP to allow them to discharge these duties efficiently and effectively. Funding should also be of a sufficient level and flexible enough to ensure schools are able to put in place alternative interventions that avoid the need for exclusion where appropriate, as well as fund AP after exclusion. (Page 86)
15. DfE should look carefully at the timing and amounts of any adjustments to schools' funding following exclusion, to make sure they neither act as an incentive for schools to permanently exclude a pupil at particular times, nor discourage a school from admitting a child who has been permanently excluded from elsewhere. (Page 86)
16. Ofsted should recognise those who use exclusion appropriately and effectively, permanently excluding in the most serious cases or where strategies to avoid exclusion have failed. This could include consistently recognising schools who succeed in supporting all children, including those with additional needs, to remain positively engaged in mainstream in the context of a well-managed school. Within the leadership and management element of the judgement, Ofsted should communicate their expectation that outstanding schools have an ethos and approach that will support all children to succeed while accepting that the most serious or persistent misbehaviour, which impacts on the education and safety of others, cannot be tolerated. (Page 87)
17. DfE should work with others to build the capacity and capability of governors and trustees to offer effective support and challenge to schools, to ensure exclusion and other pupil moves such as managed moves and direction into AP are always used appropriately. This should include training as well as new, accessible guidance for governors and trustees. (Page 89)
18. Local authorities should include information about support services for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in AP, in their SEND Local Offer. DfE should also produce more accessible guidance for parents and carers. In the longer term, the government should invest resources to increase the amount of information, advice and support available locally to parents and carers of children who are excluded or placed in AP. (Page 89)
19. Governing bodies, academy trusts and local forums of schools should review information on children who leave their schools, by exclusion or otherwise, and understand how such moves feed into local trends. They should work together to identify where patterns indicate possible concerns or gaps in provision and use this information to ensure they are effectively planning to meet the needs of all children. (Page 91)
20. DfE should publish the number and rate of exclusion of previously looked after children who have left local authority care via adoption, Special Guardianship Order or Child Arrangement Order. (Page 91)

Safeguarding: ensuring no child misses out on education

As well as raising the expectations of schools and giving them the right skills and support to meet these expectations, there must be clear safeguards to protect against the serious and concerning practices of informal exclusion and off-rolling, together with clear processes that ensure every child is safe and in education. The review recommends that:

21. DfE should consult on options to address children with multiple exclusions being left without access to education. This should include considering placing a revised limit on the total number of days a pupil can be excluded for or revisiting the requirements to arrange AP in these periods. (Page 96)
22. DfE should review the range of reasons that schools provide for exclusion when submitting data and make any necessary changes, so that the reasons that lie behind exclusions are more accurately captured. (Page 97)
23. DfE should use best practice on managed moves gathered by this review and elsewhere to enable it to consult and issue clear guidance on how they should be conducted, so that they are used consistently and effectively. (Page 98)
24. DfE must take steps to ensure there is sufficient oversight and monitoring of schools' use of AP, and should require schools to submit information on their use of off-site direction into AP through the school census. This should include information on why they have commissioned AP for each child, how long the child spends in AP and how regularly they attend. (Page 99)
25. To increase transparency of when children move out of schools, where they move to and why, pupil moves should be systematically tracked. Local authorities should have a clear role, working with schools, in reviewing this information to identify trends, taking action where necessary and ensuring children are receiving suitable education at their destination. (Page 99)
26. Ofsted must continue its approach set out in the draft framework and handbook of routinely considering whether there are concerning patterns to exclusions, off-rolling, absence from school or direction to alternative provision and reflecting this in their inspection judgements. Where it finds off-rolling, this should always be reflected in inspections reports and in all but exceptional cases should result in a judgement that the school's leadership and management is inadequate. (Page 101)
27. In making changes that strengthen accountability around the use of exclusion, DfE should consider any possible unintended consequences and mitigate the risk that schools seek to remove children from their roll in other ways. This should include:
 - reviewing a 'right to return' period where children could return from home education to their previous school, and other approaches that will ensure that this decision is always made in the child's best interests
 - consider new safeguards and scrutiny that mitigate the risk of schools avoiding admitting children where they do not have the grounds to do so (Page 102)
28. Relevant regulations and guidance should be changed so that social workers must be notified, alongside parents, when a Child in Need is moved out of their school, whether through a managed move, direction off-site into AP or to home education, as well as involved in any processes for challenging, reconsidering or reviewing decisions to exclude. DfE's Children in Need review should consider how to take this forward so children's social care can best be involved in decisions about education and how best to ensure a child's safety and long-term outcomes. (Page 103)
29. Real-time data on exclusion and other moves out of education should be routinely shared with Local Safeguarding Children Boards and their successors, Safeguarding Partners, so they can assess and address any safeguarding concerns such as involvement in crime. This should include information on exclusion by characteristic. (Page 106)
30. The government's £200 million Youth Endowment Fund, which is testing interventions designed to prevent children from becoming involved in a life of crime and violence, should be open to schools, including AP. This will enable the development of workable approaches of support, early intervention and prevention, for 10 to 14 year olds who are at most risk of youth violence, including those who display signs such as truancy from school, risk of exclusion, aggression and involvement in anti-social behaviour. (Page 106)

For the children concerned, there is an urgency in the reforms required, and the government needs to set out how it intends to ensure successful implementation of the recommendations in this report. There are also many design choices that will need to be made to deliver on the review's recommendations. DfE must work closely with system leaders to implement these recommendations and ensure that there are no unintended consequences that could inadvertently fail to improve the outcomes for the children these reforms are designed to achieve - either for pupils who are excluded or for the wider school community and all who work within it.

