

Education: Exclusions and alternative provision

Report of the Education and Business Scrutiny Commission – May 2020

Table of Contents

Executive summary.....	2
Summary of Recommendations.....	5
Part 1: Introduction and background.....	7
The national picture	7
The local picture	9
The regulatory environment	11
Part 2: What we did.....	12
Part 3: What we found	12
Exclusions.....	12
Off-rolling.....	15
Home education	17
Alternative provision	17
The Data Landscape	19
Regulatory responsibilities	21
School and Council partnership.....	21
Part 4: Recommendations	23
Inclusion recommendations	23
Off-rolling recommendation	24
Home education recommendation	24
Alternative provision recommendation	24
Data recommendation	24
Regulatory reporting recommendation	25
School and Council partnership recommendations	25
Acknowledgments	26
Appendix 1: Recommendations Progress Checklist	27
Appendix 2: List of interviewees and contributors.....	29

Executive summary

This report summarises the Commission's investigation into the rising trend of exclusions in Southwark. Exclusions are a major concern as they lead to children missing out on many of the benefits of an education, and are associated with a wide range of negative life outcomes for children. **We also look at the outcomes being achieved for children attending core alternative provision in Southwark,** which have historically been poor.

The Commission hopes this report will help to improve the outcomes for children living in Southwark, particularly vulnerable children who are at an increased risk of exclusion.

The Commission's work took place largely before the onset of the Covid-19 pandemic. The effects of the pandemic has led to a number of policy responses, including the widespread closure of schools, which stand to have a profound impact on vulnerable children. The pandemic makes it more important than ever that the Council helps schools to find a way to stem the tide of rising exclusions.

Background

There is a national exclusions crisis. Numbers of permanent exclusions have increased from 4,630 permanent exclusions in 2012/13 to 7,900 in 2017/18, an increase of nearly 71%. Fixed term exclusions have followed a similar trend, increasing from 267,520 in 2012/13 to 410,800 in 2017/18, a rise of nearly 54%.

Approximately 80% of fixed term and permanent exclusions happen in secondary schools. **Southwark has largely followed the national trend of rising exclusions with rates of exclusion doubling since 2012/13.**

Outcomes for children who have been excluded are markedly worse than those for children who have not been excluded. **Excluded children are more likely to be involved in crime, to be exploited and to face long-term unemployment.** For example, 23% of all young offenders having been permanently excluded in spite of only 0.2% of children at school being permanently excluded in any given year, and a third of children who complete their Key Stage 4 in alternative provision go on to become NEET (not in education, employment or training).

Department for Education research shows that BAME, particularly Black Caribbean, Gypsy, Roma and Traveller children, children with special education needs, children in need and those eligible for free school meals are disproportionately excluded. For example, government statistics show that mixed race and black Caribbean children are three times more likely to be excluded than white British children.

There has also been increasing attention nationally to rates of off-rolling, the practice of removing learners from the school roll without formally excluding them, in the interests of the school rather than of the child. This trend has fed into rising rates of home educating throughout the country.

The BBC estimates that home educating has increased by 40% over the last three years. **Rates of home educating in Southwark have risen significantly in recent years as well, more than doubling since March 2017,** from 92 to 216 children of statutory school age (5-16).

Alternative provision is used when children are excluded (or sometimes at risk of being excluded) from mainstream school. In spite of its huge costs, outcomes for children in alternative provision are consistently poor. Results for children in alternative provision in Southwark broadly reflects the poor national trend. **In Southwark, in 2017/18, no children attended alternative provision achieved between grade 9-4 in English or Maths.**

All of these changes have taken place in a context of increasing regulatory complexity, with responsibility for exclusions residing clearly with schools, and oversight of exclusions and off-rolling sitting between the Education and Skills Funding Agency, Ofsted and the Regional Schools Commissioner. Under the current regulatory setup, schools have an obligation to provide relevant data to local authorities, but **local authorities have limited, if any, formal powers to challenge exclusions directly.**

What we did

The Commission took a comprehensive approach to gathering evidence for our report. We interviewed various council officers, surveyed local schools (including academy chains and Dioceses for faith schools),

we heard from young people with direct experience of exclusions and we surveyed children, parents and carers across Southwark to try and understand why exclusions are rising. The Commission also interviewed the Regional Schools Commissioner and one of Ofsted's Inspectors. Members of the Commission visited Southwark's PRU and we heard from alternative provision providers in other local authorities as well.

What we found

The Commission's findings fell into seven areas:

Exclusions

There is a worrying trend in recent years of rising rates of exclusions in Southwark, which is disproportionately impacting BAME children, those with SEN and schools with high levels of FSM eligibility. The Commission had to probe Council figures to arrive at this conclusion. Recent figures suggest that 82% of excluded children are BAME although only c.45% of under 20s in Southwark are BAME, nearly double the expected rate. Children with some form of special educational need have made up 39-45% of exclusions and 98% of Southwark's Pupil Referral Unit attendance, although nationally less than 15% of children have any type of SEN, more than triple the expected rate. Finally, available data shows a clear correlation between schools with higher rates of exclusions and roll deletions, and their proportion of FSM-eligible children.

Two academy chains are responsible for the majority of exclusions in Southwark and are excluding at a rate markedly higher than other schools in Southwark. The data shows us that two academy chains, Ark and Harris, appear to be excluding children at well above the average rate for Southwark. Harris Academy Peckham's rate of exclusion are of particular concern, as they were the highest in absolute numbers in 2016 and still increased by 150% in 2017/18. The Commission received positive engagement from Ark highlighting various areas of recent progress and explaining its figures in greater context. Concerningly, the Commission received no engagement from the Harris chain of schools.

Persistent disruptive behaviour and unspecified "other" reasons – which includes carrying an offensive weapon - appear to be the main reasons for children being excluded from Southwark's schools. **The Commission heard the personal stories of children who have been excluded in Southwark. Children's personal stories of exclusion painted a picture of exclusions – fixed and permanent – being carried out in far too casual a manner,** and having profoundly damaging impacts on children who are often already vulnerable.

Combined with the picture provided by national and Council data, **there is a plausible case that a greater willingness to exclude in certain schools has been a key driver of increasing rates of exclusion.**

Off-rolling

The Council is still getting to grips with identifying and responding to suspected cases of off-rolling. Council data suggests that the schools with the highest levels of permanent exclusions are also the schools with the highest levels of deletions from the roll, but identifying whether individual deletions are improper is difficult.

Whilst the Commission is encouraged by recent progress the Council is making in detecting possible cases of off-rolling, **overall the Commission did not feel satisfied that the Council is at present identifying and challenging suspected instances of off-rolling robustly.**

Home education

Numbers of home educated children are rising rapidly, and it is often the children with greatest levels of need being home educated. Officers identified that a significant proportion of home educated children in Southwark have additional needs that are likely to pose challenges to families trying to provide a suitable home education.

Alternative provision

Southwark's main alternative provision is good, as reflected in its most recent Ofsted rating, but student outcomes have been worsening in recent years. The Commission visited Southwark's Inclusive Learning Service ("SILS") and saw first-hand much of the good work that it is doing with extremely vulnerable children who have struggled in mainstream education and for whom academic targets are not always appropriate. **Whilst the Commission appreciates the difficult circumstances in which SILS does its best to deliver for children in Southwark, SILS results are of real concern to the Commission. The percentage receiving even 1 good (9-4) GCSE has been repeatedly falling, from 100% in 2014 to 28% in 2017/18.**

The Commission received evidence from SILS and beyond of the importance of intervening early, for example by sending children to SILs before they are permanently excluded to try and "turn around" their trajectory. Indeed, often intervening at secondary school is for many children essentially too late, and effective intervention at primary school can be far more effective.

The Commission heard about the work of Victoria Drive, a primary school Pupil Referral Unit in Wandsworth, where children are dual rolled and provided with specialist support for their social, emotional and mental health needs. No children who have attended Victoria Drive in recent years have gone on to attend Wandsworth's secondary school PRU, a very encouraging statistic.

The Commission also reviewed evidence regarding nurture-based models, used wisely in Glasgow, which show real promise of lowering rates of exclusion.

The data landscape

Schools are legally required to provide local authorities with data relating to fixed term and permanent exclusions. **The Commission heard how the Council receives mixed quality data from schools, often late and with major errors** (e.g. significantly undercounting fixed-term exclusions), which hampers the Council's ability to identify underperforming schools or to identify broader exclusion trends.

The Commission has some concerns about how the Council is analysing data that it does receive. **Over the course of our investigations we identified issues with figures on the proportion of BAME children being excluded** as well as possible issues with how numbers of exclusions and managed moves are processed.

Regulatory responsibilities

The regulatory arrangements for managing exclusions and off-rolling is complex and intentionally designed to place decision-making at a school level rather than at a local authority level. This arrangement was very much reflected in the Commission's conversations with the Regional Schools Commissioner, who set out the respective responsibilities of different regulatory bodies. Local authorities like Southwark Council are therefore left with a significant but non-formalised responsibility for liaising with the various different regulatory bodies to flag concerns, but little to no authority to investigate problems or enforce breaches.

School and Council partnership

In spite of the various issues identified by the Commission, **many schools are going to great lengths to be inclusive and working well with Southwark**. The Commission heard from schools that are using various measures to reduce and avoid exclusions, including:

- Using internal alternatives to fixed term exclusion.
- Proactively using alternative curricula and guided pathways to avoid pupils becoming disengaged.
- Regular parent contact with students of concern and agreed plans of action.
- Wrap-around provision to provide more wholesome outlets for vulnerable children.

Whilst we recognise most schools will be taking some or all of these steps, a selection of schools have managed to combine these and other methods to reduce exclusions to zero or close to zero.

The Commission spoke to headteachers across Southwark in the course of its investigations. **Several headteachers raised a concern that when they identified children at risk of exclusion due to behavioural issues or conduct disorders, it was often difficult to get support from the Council.** Heads also mentioned that they felt the local authority previously had a dedicated “Inclusion Officer” that played a far more involved role in the early identification of children at risk of exclusion and would broker conversations between schools, help secure early support, and generally help schools to avoid excluding children.

Southwark schools, like the Council, want the best for our children. **The headteachers we have spoken to support a bold vision from the local authority to reduce the current exclusions trend, but that they want to see this vision supported by clear commitments from the Council** to do things differently and to work in close partnership

Summary of Recommendations

100% inclusion

- 1. Southwark Council should champion a 100% inclusion commitment in conjunction with schools, embodied in a mutually agreed Charter and an annual inclusion report to track progress against its 100% inclusion target.**
- 2. The Council should conduct an action-focused review into the disproportionate representation of BAME and SEN children in Southwark’s exclusion statistics**

Off-rolling

- 3. The Council needs clearer procedures in place for identifying off-rolling and be more ready to challenge bad practice by schools.**

Home education

- 4. The Council should conduct a comprehensive review of children currently being home educated to identify possible cases of forced home schooling, and where this is identified, help parents/carers to reintegrate their children into mainstream education.**

Alternative provision

- 5. The Council must rethink the delivery and aims for alternative provision, moving towards a nurturing model with continued registration of children at mainstream schools wherever possible.**

Data

- 6. The Council must be clear on which schools are under or late-reporting mandatory data to the Council and escalate these concerns more quickly.**

Regulatory reporting

- 7. Where school conduct or data concerns are identified, the Council needs to escalate these more quickly with the appropriate regulatory body.**

Schools

- 8. Schools should be actively encouraged to work together to peer review exclusions performance.**

School-Council partnership

- 9. To underpin a shared 100% inclusion vision, the Council should pursue a bold new partnership with schools, including greater information sharing from schools and resource allocation for “at**

risk” children as well. As part of this renewed partnership Southwark should create a fit-for-purpose equivalent of an Inclusion Officer.

The Commission’s full recommendations are contained in Part 3 of this report, and a checklist to track acceptance of and performance against the Commission’s recommendations is contained in Appendix 1.

Part 1: Introduction and background

In this report the Commission investigates the rising trend of exclusions in Southwark. Exclusions are a major concern as they lead to children missing out on many of the benefits of an education, and are associated with a whole range of negative life outcomes for children, from involvement in crime, to an increased risk of exploitation and long-term unemployment. We are also concerned that children from certain backgrounds and with certain characteristics may be disproportionately excluded in Southwark, as is the case nationally.

We are also concerned with the outcomes being achieved for children attending core alternative provision in Southwark, which have historically been poor in Southwark and throughout the country.

The Commission's aim is to help improve the life outcomes of children living in Southwark, particularly vulnerable children who are at an increased risk of exclusion. We do not set out to criticise individual schools and we very much recognise that exclusions are rising in the context of a decade of austerity and an often unhelpful regulatory environment that has been established by central government. No school wants to exclude children. But with the ongoing trend towards rising rates of school exclusions, it is incumbent on Southwark Council to rise to the challenge and use all of its leverage to make sure that no child is left behind.

The Commission's work took place largely before the onset of the Covid-19 pandemic. The effects of the pandemic has led to a number of policy responses, including the widespread closure of schools. Whilst many schools have remained open to vulnerable children, there are concerns that too few are attending, and that many at-risk children may not satisfy vulnerability requirements. Taken together with its broader socioeconomic effects, the pandemic stands to have a profound impact on vulnerable children, making it more important than ever that the Council helps schools to find a way to make schools fundamentally more inclusive, and to stem the tide of rising exclusions.

The national picture

Levels of fixed term and permanent exclusions

There is a national exclusions crisis. Numbers of permanent exclusions have increased from 4,630 permanent exclusions in 2012/13 to 7,900 in 2017/18, an increase of nearly 71%. Fixed term exclusions have followed a similar trend, increasing from 267,520 in 2012/13 to 410,800 in 2017/18, a rise of nearly 54%.¹ The significant majority of exclusions happen in secondary schools, with approximately 80% of fixed term exclusions and permanent exclusions happening in secondary schools.

Exclusions matter. Outcomes for children who have been excluded are markedly worse than those for children who have not been excluded. Children who have been excluded are far more likely to be arrested or cautioned with 23% of all young offenders having been permanently excluded in spite of only 0.2% of children at school being permanently excluded in any given year,² a third of children who complete their Key Stage 4 in alternative provision go on to become NEET (not in education, employment or training). Widespread concern about the human cost of rising exclusions led to a review chaired by Edward Timpson, which produced a range of recommendations, many of which have not been implemented to date.³

Characteristics of excluded children

Nationally there is significant concern that certain groups are more likely to be excluded. The Timpson Review and related Department for Education research shows that BAME, particularly Black Caribbean,

¹ See <https://www.gov.uk/government/collections/statistics-exclusions>

² See joint Department for Education and Ministry of Justice research report, *Understanding the educational background of young offenders: Amended summary*.

³ Reported in the Timpson Review of School Exclusions.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814368/understanding-educational-background-young-offenders-amended-summary.pdf

Gypsy, Roma and Traveller children, children with special education needs (“SEN”), Children in Need⁴ and those eligible for free school meals (“FSM”) are disproportionately excluded. For example, government statistics show that mixed race and black Caribbean children are three times more likely to be excluded than white British children.⁵

Off-rolling nationally

There has been increasing attention nationally to rates of off-rolling. Whilst off-rolling does not have a legal definition, Ofsted defines off-rolling in their current inspection framework 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.”⁶

Home educating nationally

Data on the number of children being home educated nationally suggests that there are 53,000-58,000 registered children being home educated in England alone, a figure which has increased in recent years and is very likely to be underreported because registration is voluntary.⁷ The BBC estimates that home educating has increased by 40% over the last three years.⁸ Home educating is very much a right of parents and carers and it is enshrined in the Education Act 1996 as such. However, concerns have been widely raised about the disproportionate numbers of children with SEN being home educated, as they are especially likely to need expert support, and there is also a concern that some home educating is actually disguised off-rolling, where parents/carers have been advised to remove their child from school or face them being excluded.

Alternative provision nationally

Alternative provision is used when children are excluded (or sometimes at risk of being excluded) from mainstream school. There are a wide variety of types of alternative provision, which can include e.g. arts therapy schools or other specific pedagogical approaches.

Alternative provision tends to be expensive. On average, a full time place in alternative provision costs £18,000 per year according to DfE figures,⁹ and rises to £24,000 per year on average in London.¹⁰

In spite of this huge costs, outcomes for children in alternative provision are consistently poor. Department for Education figures show that in 2017/18 only 1.6% of children attending Pupil Referral Units (PRUs) achieved between GCSE grade 9-5 in both English and Maths.¹¹

⁴ Defined as children who have received support, help or protection from social care, including looked after children, as well as those who have left care through adoption, Special Guardianship or Child Arrangement Orders.

⁵ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

⁶ The education inspection framework (May 2019).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801429/Education_in_spection_framework.pdf

⁷ Home Education in England, July 2019 House of Commons Briefing.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjP7dq0ud3nAhWQVBUIHVBoBQgQFjAAegQIBRAB&url=http%3A%2F%2Fresearchbriefings.files.parliament.uk%2Fdocuments%2FSN05108%2FSN05108.pdf&usg=AOvVaw36CvKtk1hrLW6h4PY9PtjK>

⁸ <https://www.bbc.co.uk/news/uk-england-42624220>

⁹ Alternative Provision market analysis (October 2018).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752548/Alternative_Provision_Market_Analysis.pdf

¹⁰ According to a Freedom of Information response from the Department for Education. See:

<https://www.standard.co.uk/news/education/bring-the-excluded-in-from-the-cold-rise-in-school-exclusions-linked-to-rise-in-recruitment-by-a4327276.html>

¹¹ See alternative provision analysis tables 2017/18.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjQprqFs93nAhUoSxUIHVDABhkQFjAAegQIAxAB&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsys>

The local picture

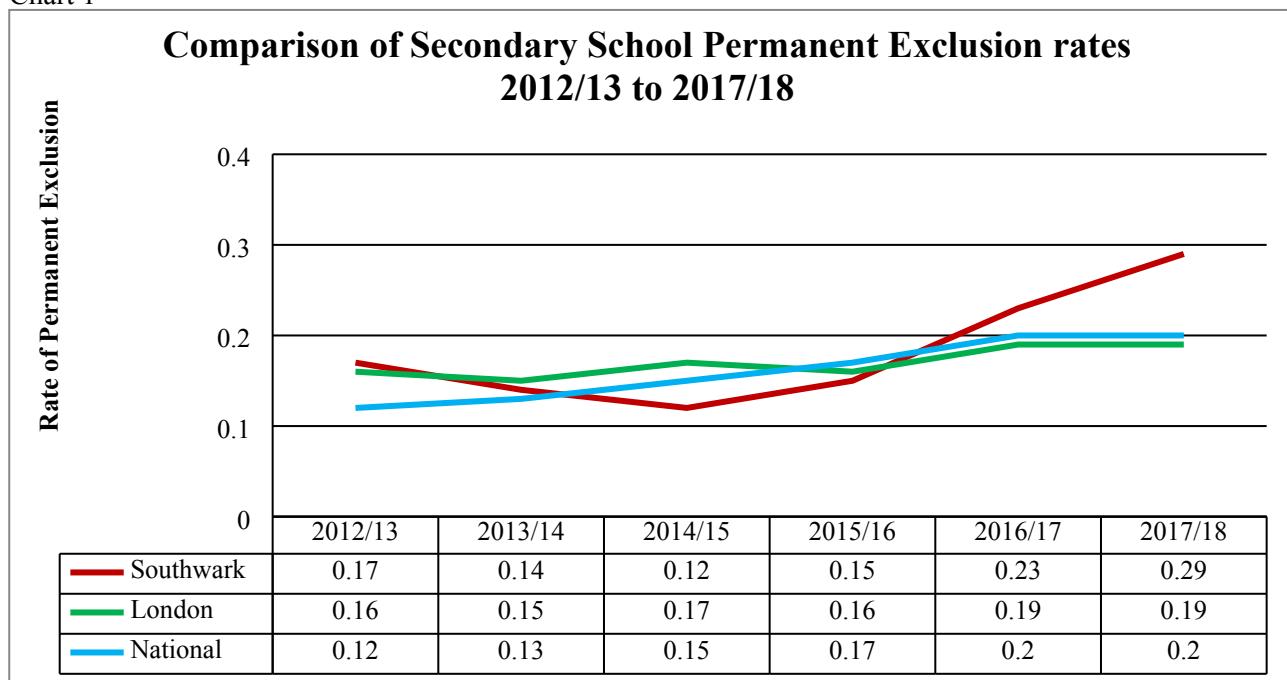
Southwark's overall performance

Southwark's schools are performing exceptionally well overall in a time of constrained budgets and high levels of vulnerability. 93% of Southwark's schools are rated good or outstanding, and 33% are outstanding, with the significant majority of Southwark's children achieving good levels of development in their early years right through to their GCSEs and beyond.¹²

Levels of exclusions in Southwark

However, Southwark has largely followed the national trend of rising exclusions. Rates of exclusion have doubled since 2012/13, and after dipping below London and national rates for two years, Southwark now excludes children from secondary schools at a rate above the London and national rate (see Chart 1, below). In 2012/13, 24 children were excluded from Southwark's schools, this had risen to 51 in 2017/18. Preliminary figures provided by officers suggest that there has been a decline in 2018/19 figures, but the Department for Education is yet to release definitive figures for that year.¹³

Chart 1



Southwark's fixed term exclusions have also been increasing over the period. As of 2017/18, Southwark had a rate of 8.67%, above the London average of 7.63% but below the national average of 10.13%.

Permanent exclusions of primary school children in Southwark are rare. Southwark's rate of primary school exclusion has matched London levels over the last two years (at 0.01%), but they remain significantly below the national average of 0.03%.

https://tem%2Fuploads%2Fattachment_data%2Ffile%2F772848%2F2018_AP_tables.xlsx&usg=AOvVaw0GwNeBzhnf_MH_AevcLoplV

¹² See Southwark's Standards Report 2018/19.

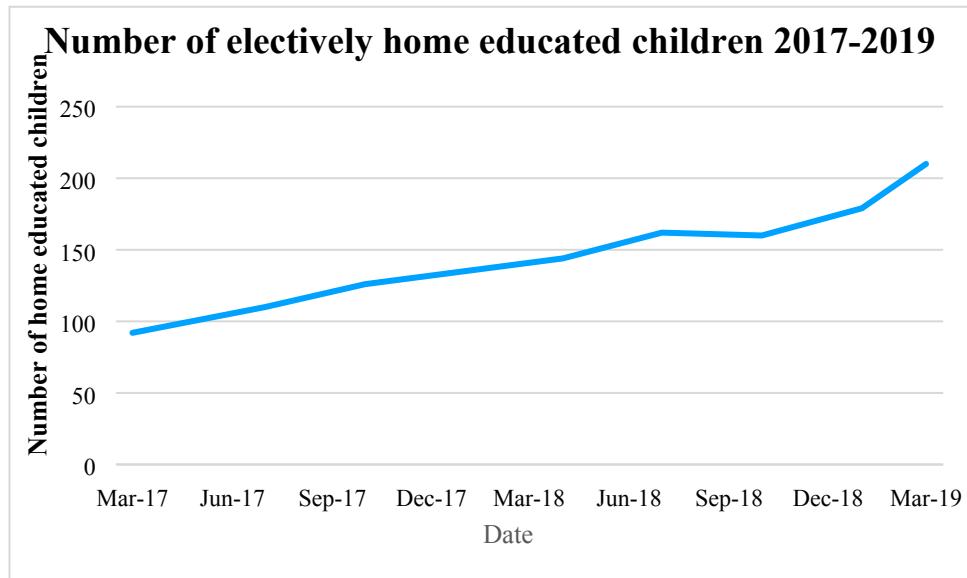
https://schools.southwark.gov.uk/assets/attach/5641/FOR_PUBLICATION_19.12.05-Final-School-Standards-report-18-19-Cabinet-Submission.pdf

¹³ Southwark's figures suggest there have been 51 exclusions across Southwark's secondary schools in 2018/19. National statistics state that there were 47 exclusions in 2017/18 (Southwark's figures suggest there were over 60 permanent exclusions in 2017/18). The discrepancy may be due to reporting of exclusions of Southwark children educated outside of Southwark, and non-Southwark children excluded from Southwark schools.

Home education in Southwark

Rates of home educating in Southwark have risen significantly in recent years. The number of home educated children in Southwark has more than doubled since March 2017, from 92 to 216 children of statutory school age (5-16) (see Chart 2, below).

Chart 2



Alternative provision in Southwark

Southwark commissions 100 places in an offsite Pupil Referral Unit (“PRU”) across two locations in Southwark for children that have been excluded (or are at risk of exclusion) from mainstream education, one for key stage 3 pupils (Davey St) and another for key stage 4 pupils (Porlock Hall).

Results for children in alternative provision in Southwark broadly reflects the national trend. In Southwark, in 2017/18, no children attended alternative provision achieved between grade 9-4 in English and Maths.¹⁴

Of the children attending Southwark’s PRU, 45.5% are eligible for Free School Meals, 7% have Education, Health and Care Plans (“EHCPs”) and 91% receive SEN support, reflecting these children’s high levels of vulnerability and need.¹⁵

The regulatory environment

The broader context for educational provision in England has changed considerably since 2010. Academisation has become the norm (of Southwark’s 18 secondary schools, 3 are community foundation or voluntary aided schools, 13 are academies and 2 are free schools). Southwark also has 7 special schools which serve children with particularly acute physical, educational or mental health needs which mean they are not well served by mainstream schools.¹⁶ Southwark Council no longer maintains secondary schools so its powers, influence and control over schools is fundamentally restricted. As part of this review, the

¹⁴ See

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjQprqFs93nAhUoSxUIHVdABhkQFjAAegQIAxAB&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F772848%2F2018_AP_tables.xlsx&usg=AOvVaw0GwNeBzhnf_MH_AevcLopIV

¹⁵ An EHCP outlines any special educational needs a child has, and the provision a local authority must put in place to help them. Children receive an EHCP if they are found to qualify following a formal assessment.

¹⁶ In this report we do not look at the performance of special schools. The Commission notes that of Southwark’s 7 special schools, 5 are rated outstanding, and their overall performance is well above the national average and in line with the London average.

Commission explored the new regulatory environment and the respective roles of the Council, individual schools, Ofsted, the Regional Schools Commissioner (“RSC”) and the Education and Skills Funding Agency (“ESFA”). In summary, in respect to exclusions:

- Education and Skills Funding Agency: The ESFA generally takes responsibility for financial management. Academies enter a Funding Agreement with the ESFA, which sets out how the academy should be run, so breaches (including off-rolling) can be reported to the ESFA.
- Ofsted: Off-rolling and gaming are assessed as part of Ofsted’s inspection framework and can lead to a school receiving an inadequate rating. Ofsted also monitors data to inform it of possible off-rolling.¹⁷
- Regional Schools Commissioner: The RSC can intervene in relevant schools that Ofsted has deemed inadequate and supporting those requirement improvement. The RSC has a remit covering 22 boroughs in South London and the south of England, and as such will typically engage at a trust level rather than with individual schools.¹⁸
- Schools: Whilst there is some variation between the type of school, schools are principally responsible for educating children, properly conducting exclusions and schools are required to abide by equalities requirements. Permanent exclusions may only be conducted by a headteacher following a formal process and schools are required to give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. Under current arrangements, schools ultimately have wide discretion, within specified rules, as to when they decided to exclude children.¹⁹

Part 2: What we did

Methods

School exclusion is a complex issue with many stakeholders. To ensure that the Commission truly grasped this complexity and understood how we can reverse the current exclusions trend, we took a comprehensive approach to gathering evidence for our report. We interviewed various council officers, surveyed local schools (including academy chains and Dioceses for faith schools), we heard from young people with direct experience of exclusions and we surveyed children, parents and carers across Southwark to try and understand why exclusions are rising. We also spoke with a range of government officials including the Regional Schools Commissioner and Ofsted. Members of the Commission visited Southwark’s PRU and we heard from alternative provision providers in other local authorities as well.

The Commission’s work draws heavily on other research into exclusions. The Commission looked at previous reviews including the Timpson Review, and a range of other research looking at the current trends in exclusions, why they are happening, who exclusions are disproportionately happening to and the current state of alternative provision as well.

A list of interviewees and contributors is included in Appendix 2.

Part 3: What we found

¹⁷ The education inspection framework (May 2019).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/801429/Education_in_spection_framework.pdf

¹⁸ A full list of Regional Schools Commissioner responsibilities is available here:

<https://www.gov.uk/government/organisations/regional-schools-commissioners/about#responsibilities>

¹⁹ See *Exclusion from maintained schools, academies and pupil referral units in England*

Statutory guidance for those with legal responsibilities in relation to exclusion (September 2017).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Exclusions

There is a worrying trend in recent years of rising rates of exclusions in Southwark, which is disproportionately impacting BAME children, those with SEN and schools with high levels of FSM eligibility

The Commission is clear that there is a worrying trend of exclusions in Southwark. Exclusions have doubled since 2012/13 and this has an unacceptable human cost.

Commentary provided by officers suggested that Southwark's exclusions do not disproportionately affect BAME children, although they did raise concerns that children born with dual heritage may have been over-represented in the last 1-2 years. However in Cllr Jasmine Ali's (the Cabinet Member for Children, Schools and Adult Care) presentation to the Commission she provided figures stating that 82% of excluded children are BAME, and these figures were later confirmed by officers. Given BAME people represent approximately 45-46% of the under 20 population these figures show that BAME children *are* significantly over represented. It is a concern that officers have not identified BAME children as a group experiencing a disproportionate amount of exclusions or developed a corresponding action plan.

Children with some form of SEN heavily figure in Southwark's exclusion statistics, representing 39-45% of children who are permanently excluded. Other data provided by officers suggests the figure may be higher, as nearly 98% of children in Southwark's PRU have either SEN support or an Education, Health and Care Plan ("EHCP").²⁰ Government statistics for 2018 showed 14.6% of children have some type of SEN, with 11.7% receiving some SEN-related support and 2.9% with an EHCP.²¹

Over the last three years Southwark has had between 328 and 355 looked after children of school age. 51 (or 16%) of looked after children of school age received a fixed term exclusion in 2018/19, compared to 45 (13%) in 2016/17 and 63 (18%) in 2017/18, with 2 permanent exclusions (0.06%) in 2018/19 (from 4 (or 1.1%) in 2016/17 and 1 (0.3%) in 2018/19).

Available data shows a clear correlation between schools with higher rates of exclusions and roll deletions and their proportion of FSM-eligible children. Of Southwark's 18 schools, 5 of the 9 schools with the highest FSM eligibility have above average rates of permanent exclusion, whereas only 2 of the 9 schools with the lowest rates of FSM eligibility have above average rates of permanent exclusion.

Two academy chains are responsible for a majority of exclusions in Southwark

Officers provided information on exclusion numbers and rates by schools and the reasons given for exclusions. From this data we saw that:

- Two academy chains are responsible for the majority of exclusions in Southwark and are excluding at a rate higher than other schools in Southwark.
- Persistent disruptive behaviour and unspecified "other" reasons – which includes carrying an offensive weapon - appear to be the main reasons for children being excluded from Southwark's schools.

Data on the reasons for exclusion was provided up to 2017/18 but the last full term of data is for 2016/17. In 2016/17 and 2017/18 the two main reasons for exclusion were persistent disruptive behaviour or a catch-all "other" reason ("other" does include exclusions for carrying an offensive weapon). Persistent disruptive behaviour accounted for 28% of exclusions in 2016/17, and "other" accounted for 30% of exclusions in 2016/17. Physical assault against a pupil or adult accounts for 20-30% of exclusions for most recent years and does appear to be an important driver, but it regularly accounts for less exclusions than persistent disruptive behaviour.

²⁰ This difference could potentially be driven by excluded children being home educated, but it is unlikely to account for such a steep difference.

²¹ See Special Educational Needs: an analysis and summary of data sources. Available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804374/Special_educational_needs_May_19.pdf

These codes are broad enough to make it difficult for the Commission to say precisely what is driving exclusions. Whilst we recognise that many exclusions will have been conducted due to a concern for the welfare of other pupils, the coding used leaves very much open the possibility that an increase in “zero tolerance” approaches to discipline is helping to drive the increase in exclusions.

Data the Commission reviewed shows us the differing exclusion rates across Southwark’s secondary schools (see Table 1 below). The data shows us that two academy chains, Ark and Harris, appear to be excluding children at well above the average rate for Southwark. Harris Academy Peckham’s rate of exclusion are of particular concern, as they were the highest in absolute numbers in 2016 and still increased by 150% in 2017/18 (from 6 to 15 children).

Table 1: Number of Permanent Exclusions from secondary schools

School	2014/15	2015/16	2016/17	2017/18	Average
Ark All Saints Academy	1	4	0	1	1.5
Ark Globe Academy	7	3	3	5	4.5
Ark Walworth Academy	3	2	3	6	3.5
Bacon's College	4	3	1	3	2.75
The Charter School	0	1	3	2	1.5
The Charter School East Dulwich	n/a	n/a	0	0	0
City of London Academy (Southwark)	0	1	3	3	1.75
Compass School Southwark	0	1	3	2	1.5
Harris Academy Bermondsey	0	1	5	2	2
Harris Academy Peckham	2	3	6	15	6.5
Harris Boys' Academy East Dulwich	0	1	4	4	2.25
Harris Girls' Academy East Dulwich	1	1	4	0	1.5
Kingsdale Foundation School	0	0	0	0	0
Notre Dame Roman Catholic Girls' School	0	1	0	0	0.25
Sacred Heart Catholic School	0	0	0	1	0.25
St Michael's Catholic College	0	0	1	0	0.25
St Saviour's and St Olave's Church of England School	0	0	0	0	0
The St Thomas the Apostle College	0	0	0	1	0.25
University Academy of Engineering South Bank	0	0	0	2	0.5
Totals	18	22	36	47	1.62

* Schools’ annual rates that are highlighted red in the table above are well above the 4-year average number of exclusions

This data suggests that Southwark’s exclusions crisis is being driven by a minority of schools, but it also reflects that exclusions are becoming more widespread.

The Commission gratefully received a comprehensive response from Ark analysing the rates of exclusion across its schools. The Commission noted, some differences in the reported rates of exclusions – in particular, Council data indicates there were 5 permanent exclusions from Ark Globe in 2017/18, whereas figures provided by Ark Globe indicate there were 3 permanent exclusions.²² Ark’s submission did indicate an encouraging downward trend across most Ark schools in permanent and fixed terms exclusions and student mobility (students deleted from the roll), with real successes in lowering rates of fixed term exclusions in particular. However, the Commission does remain concerned that, whilst Ark schools perform only marginally worse than the national average in permanent exclusions across a number of schools, once controlling for the proportion of disadvantaged students,²³ taken together, this does leave Ark schools with higher rates of exclusion than most other schools in the borough, on average. The Commission very much welcome Ark’s willingness to keep working on an inclusive approach and further improving their results.

²² This may be due to different reporting practice for reporting exclusions of non-Southwark children in Southwark schools.

²³ Ark calculate this based on having a high proportion of student who attract pupil premium payments, which includes pupils in receipt of FSM and select other criteria.

Disappointingly, the Harris chain of schools did not engage with the Commission’s investigation. Whilst we cannot identify what has driven the exceptionally high levels of exclusions in Harris Academy Peckham, we do hope that Harris schools will work closely with Southwark, and indeed with other schools, to bring down rates of exclusions across all of its schools that are under-performing the Southwark average in this area (3 out of 4).²⁴

As we explore later in this report, there is clearly a range of good practice in Southwark, with many schools working very hard to avoid exclusions, and using permanent exclusion only after trying a wide range of alternatives. Available information does lead the Commission to conclude that several other schools, for whatever reason (whether resources, ethos, or strategy) are quicker to resort to exclusion.

From excluded children and their families, we hear the human cost of exclusions and the desperate need for change

The Commission heard from children who have been excluded in Southwark about their experiences. Their stories painted a picture of exclusions – fixed and permanent – being carried out in far too casual a manner, and often on grounds most would agree are unreasonable. The Commission were particularly struck by some of their stories:

- Chanay shared with the Commission how she had received a fixed-term exclusion for eating a biscuit in class, which she was eating because she had skipped lunch to catch up on work. She had also received a fixed-term exclusion for forgetting her PE kit at home.
- Olamide told the Commission how she had been fixed-term excluded for the behaviour of her friends even though she was not in the class at the time.
- Alex shared how he had received a 5-day fixed term exclusion for opening a door too hard.
- Alex also shared with the Commission that he had been permanently excluded on what he believes were ultimately attainment grounds, having missed an exam due to illness.

Online surveys were also devised to seek the views of young people and their families, who had experience of exclusion, either fixed or permanent, in the last four years. Unfortunately the response rate was very low, with only three family members participating. All were dissatisfied or very dissatisfied with the support received from their child’s school and the exclusions process. However, it is usual for survey respondents to be either very unhappy or very happy with a service, so this cannot of itself be interpreted as a representative view of families’ experiences.

Of the survey responses received, one family member of a primary school age child who had received repeated fixed term exclusions did not think they were useful. She said she would have liked the spending allocated for her special needs child to be better allocated, and for the school to focus more on meeting her child’s needs rather than what she perceived as holding unrealistic expectations and apportioning blame. Another family member of a secondary school age child considered their child was off-rolled at a crucial time during options at year 9; commenting that no other school was found or offered and her child ended up out of school. The third family respondent’s child was moved to a PRU, which they did not think worked out well, but rather increased the risk of gang involvement. That family member pinpointed the need for more mental health provision and help resolving bullying to prevent their child’s exclusion and other children.

These stories provide a compelling but anecdotal picture of practices taking place in schools. Combined with the picture provided by national and Council data, there is a plausible case that a greater willingness to exclude in certain schools has been a key driver of increasing rates of exclusion. The young people who spoke to our Commission made a compelling case for introducing a Charter which would set out an additional code of conduct for schools when considering exclusions, as well as a clear commitment to eliminating the need for exclusions over time and for the Council to produce an annual report on exclusions performance. Several of our findings point towards the need for an ambitious partnership between schools

²⁴ Only Harris Girls Academy East Dulwich is below the Southwark average, and even here there is a relatively high rates of permanent exclusions for a girls school given girls were excluded at less than a third of the rate of boys nationally in 2017/18 according to national statistics

and the local authority, which such a Charter could be an important component of, if there is sufficient shared commitment between schools and the Council.

Off-rolling

The Council is still getting to grips with identifying and responding to suspected off-rolling

Off-rolling is an increasing concern in Southwark and officers are still getting to grips with how to respond to off-rolling. Schools must notify the local authority when a pupil's name is deleted from the roll, but there can be a range of reasons why this happens so it is difficult to identify instances of off-rolling. The Council has a process in place for tracking this, with the Pupil Tracking and Licensing Team, that sit in Education Access.

In 2018/19 there were approximately 558 deletions from school rolls in Southwark's secondary schools. Table 2 below sets out the reasons given for children leaving school rolls. Whilst we cannot directly reach any conclusions based on these figures, they do show a large volume of children being registered to other schools (56.3%) suggesting possible managed moves (which do not have to be reported to the local authority), and a significant proportion of children whose whereabouts are unknown (10.6%). Officers told the Commission that efforts are always made to locate these children and usually the reason is something such as a move to a different area.

Table 2: Reasons for children being deleted from school rolls

Reason	Number	Percentage
On register of another school (moved school and/or formerly dual registered)	314	56.3%
Moved out of area – no longer residing at reasonable distance from the school	80	14.3%
Permanently excluded (<i>NB: in some cases, permanent exclusions were subsequently changed to managed moves</i>)	37	6.6%
Withdrawn for elective home education	47	8.4%
Continuously absent for more than 20 days, whereabouts unknown (or 10 days after authorised leave)	59	10.6%
Pupil at school other than maintained school, an academy or CTC ceased to be pupil of school (<i>NB: code used in error – this applies to independent schools only, not state funded provision</i>)	11	2.0%
Pupil will cease to be of compulsory school age before school next meets	8	1.4%
Unlikely to be in fit state of health to attend before ceasing to be of compulsory school age.	2	0.4%
Total	558	100%

Local authority data suggests that the schools with the highest levels of permanent exclusions are also the schools with the highest levels of deletions from the roll. For example, Harris Academy Peckham had 74 deletions from the school register in 2018/19 and Ark Globe Academy had 68 deletions, representing a quarter of all deletions from the school roll. Whilst this does not of itself indicate bad practice, it does suggest a possible area for concern as it could be indicative of parents/carers being persuaded to home educate children.

The Commission does not feel satisfied that the Council is at present identifying and challenging suspected instances of off-rolling robustly. Whilst officers rightly wish to maintain amicable relationships with schools, given the significant independence Southwark's many academies have, the Commission did not receive evidence relating to the Council's past oversight of off-rolling to reassure us that all suspected cases were being investigated and escalated as a matter of course.

Notwithstanding this, the Commission is encouraged by recent progress. Nina Dohel, the Council's Director of Education, spoke about additional steps the Council is taking to better identify and escalate suspected instances of off-rolling. She notified the Commission that recently the Council has been using a methodology piloted by Ofsted to identify schools that appear to be off-rolling. At present two Southwark schools have been flagged by Ofsted for further investigation.

Officers also provided data on the results of a recently conducted tracking exercise carried out by the Council using Ofsted's methodology to identify 'exceptional pupil movement'. This is defined as schools where more than 5 children and more than 5% of the roll leaving in a year. This exercise identified that between the Year 10 (2018) and Year 11 (2019) Spring census, 85 children left Southwark secondary schools – amounting to 3.3% of the 2,576 children on roll in Year 10. The % leaving per school ranged from 0.7% to 10.4%. Five out of 19 schools appeared to meet the criteria of more than 5 children and 5% of roll leaving, which is over a quarter of all secondary schools.

In terms of compliance with duty to inform LA of children being deleted from school registers, officers reported that forms had been submitted for only 74% of children leaving Southwark schools in this Year 10/11 cohort. One school had 11 missing forms.

Officers reported that they then followed this up with senior schools leaders. The Commission received assurances that managers and staff in Education and Family Early Help service are very aware of the risk of off-rolling and provide challenge to schools, including following up missing information and undertaking audits. As a result of this, and of Ofsted's increasing focus on this issue, they reported that school leaders appear to be becoming increasingly vigilant about ensuring that there are clear and valid reasons for children to be removed from school registers.

The Commission welcomes these recent developments, but maintains the view that if we are to eradicate the practice of off-rolling, there needs to be a consistent use of these more robust processes which have been put in place recently for identifying trends, identifying reporting gaps, and escalating suspected off-rolling cases. Officers need to go further to ensure schools comply with their duty to provide the Local Authority with up to date forms for all children leaving the school roll. Continued close work with Ofsted will also be vital to tackling exclusions as the formal power to tackle off-rolling resides with this body.

Home education

Numbers of home educated children are rising rapidly, and it is often the children with greatest levels of need being home educated

Numbers of children being home educated in Southwark has increased considerably in recent years, and children with high levels of need are disproportionately driving that trend.

Available data suggests that rates of home educating broadly reflect the ethnic composition of Southwark's under 20s. 53% of home educated children are boys, and whilst there is a big uptick on home educating in year 11 (roughly double the number of children in other years), there are similar numbers of children being home educated across all other year groups.

The profile of children being home educated is fundamentally concerning

Concerningly, in officers' report to the Commission, they identified that:

"A significant proportion of home educating families in Southwark have or have had an additional needs or difficulties which might pose challenges to providing a suitable home education. 10% of home educated children are currently open to Children's Social Care, Family Early Help, Child and Adolescent Mental Health Services or the Youth Offending Service while at least 33% of home educated children are recorded as having had contact with one of these services previously"

The Commission shares these concerns.

Alternative provision

Southwark's main alternative provision is rated good, but student outcomes have been worsening in recent years

The Commission reviewed data on Southwark's PRU, Southwark's Inclusive Learning Service (SILS) and visited its two sites as well.²⁵

SILS has been rated by Ofsted as good in its most recent inspection.²⁶ All Commission members who visited SILS were struck by the dedication of the teachers and their clear commitment to the children in difficult circumstances. Many of the children in SILS were not well equipped to learn at their current level. Commission members were told about how many students reading age was half their actual age, and how unresolved behavioural issues made it hard for many children to manage an engaged full day of learning.

During the Commission's two visit to SILS, we learned a lot about the issues that have brought children to SILS and how able they are to work with children as they would like:

- Children's experience in mainstream: Many of the children attending SILS found the transition from primary to secondary school difficult, and trying to fit in often led to them showing off and behaving badly, a label that they then struggled to shake off.
- SILS resources: SILS argue that the needs of young people who are excluded are becoming more and more complex but their per place funding from the Council remains the same and originating schools often do not release all funding attached to a child when they transfer to SILS, although it should rightly follow the child. Ms. Yomi Adewoye, Headteacher of SILS, spoke about how, when SILS had additional funding for a two-year period it was able to pilot a nurture model of teaching, more akin to a primary school setup, which seemed to really work for their children.
- Broader outcomes for students: SILS suggests that children would benefit from more vocational courses, more opportunities for apprenticeships and on-the-job learning for under 16s, as well as more community and voluntary sector support around the children.

The Commission reviewed performance data for SILS. Whilst the Commission appreciates the difficult circumstances in which SILS does its best to deliver for children in Southwark, SILS results are of real concern. In all measures, the academic performance of SILS students was lower in 2017/18 than 2016/17, and the three-year trend (from 2014/15 to 2017/18) is down in all achievement measures. No child achieved 5+ GCSEs grade 9-4 in 2017/18, and since 2014/15 there have only been two children who have achieved 5+ GCSEs grade 9-4. The percentage receiving even 1 good (9-4) GCSE has been repeatedly falling, from 100% in 2014 to 28% in 2017/18.

These results are simply not good enough for our children, regardless of whether or not they have been excluded. During our first Commission, where we spoke with Nina Dohel, and Jenny Brennan, Assistant Director Family Early Help and Youth Justice, we collectively agreed that there needs to be a fundamental rethink of ambitions for alternative provision. Undoubtedly, this will have to recognise that academic achievement cannot be the only goal for children who have not been able to remain in mainstream schools, and the Commission welcomes any efforts to capture broader positive outcomes (such as the number of children reintegrated into mainstream schools, vocational and other qualifications obtained by children at SILS and more). But it also must identify ways and means to improve GCSE results given how strongly these are associated with a range of outcomes later in life.

Alternative provision needs the resources and commitment of schools to work better for Southwark's children

The Commission also heard from Ms. Adewoye, during one of our visits to SILS that some schools, at their own cost, send children to SILS before they are permanently excluded as part of an effort to try and “turn around” their trajectory. Such approaches, maintaining children on dual roll and leaving open the possibility

²⁵ Whilst the Council generally refers to a single PRU, it is based across two sites in Southwark, one principally for KS3 (Davey St) and another for KS4 (Porlock Hall)

²⁶ See Ofsted's report on SILS here: <https://reports.ofsted.gov.uk/provider/22/135260>

of returning to their mainstream school, are to be applauded and encouraged. Excluding a child and sending them to SILS is a life-changing decision, which should demonstrably be a last resort.

The Commission also heard from the lead Cabinet Member for Children, Schools and Adult Care, Cllr Jasmine Ali. Cllr Ali shared the Commission's concerns regarding the rising rates of exclusions and the challenging results for children attending SILS. Cllr Ali provided a presentation setting out how future Council plans could involve a shift from off-site alternative provision towards on-site alternative provision in Southwark's mainstream schools, with direct support to high excluding schools as they transition towards this new world.

Other places beyond Southwark have great success in intervening early, reducing exclusions and keeping children out of secondary school PRUs

Other submissions to the Commission made it clear that, for many children, intervening at secondary school is essentially too late, and effective early intervention at primary school can be a far more effective means of tackling exclusions. The Commission heard from Eileen Shannon, Head Teacher at Wandsworth's primary PRU, Victoria Drive, and Carol Self, Nurture Provision Lead from Wandsworth Council.

The Commission heard about the good work at Victoria Drive, their commitment to keeping students who attend dual rolled with their mainstream school, and their general intention to work with children for two terms with a major focus on social, emotional and mental health needs alongside working with parents and family, using a 'nurture model'. There is also a significant focus on writing, reading and maths. Victoria Drive has a Service Level Agreement with the NHS so that mental health needs can be supported on site. 3 CAMHS workers based in the school, funded by the NHS.

Of great interest to the Commission, Victoria Drive have conducted a tracking exercise of children attending Victoria Drive, which showed that no children that have attended Victoria Drive in recent years have resurfaced in Wandsworth's secondary PRU, Francis Barber. Ms. Shannon and Ms. Self put this down to a combination of the work done by Victoria Drive, and their success in getting EHCPs in place in the many cases where children remain vulnerable.

Summerhouse has a similar model, however there is less explicit use of the nurture model and although children usually return to the host school, dual working did not appear to be such a strong characteristic. The tracking showed that two children did later become excluded from secondary schools.

From further afield, we know that nurture-based models show real promise at lowering rates of exclusions and may be an important part of refreshing Southwark's approach to alternative provision. In Glasgow, PRUs have been closed and replaced with nurture units which are onsite in mainstream schools.²⁷

Maureen McKenna, executive director of education at Glasgow City Council, advised London to adopt a "nurturing" approach to its children. She told Lib Peck, the head of City Hall's violence reduction unit: "You have got to get rid of your PRUs. It's like putting all the young offenders together. For gangs, they just wait outside the gate."

Education Scotland reports that Glasgow's exclusions have dropped by 80% since 2006/07.²⁸ Glasgow's approach shows real promise and is an important one for Southwark to learn from, notwithstanding the different regulatory contexts in England and Scotland. As previously mentioned, SILS had positive experiences of piloting a nurture-based approaches, further confirming the relevance of lessons from Glasgow.

²⁷ See Glasgow Model, which was assessed during a Lewisham visit and investigation:
<http://councilmeetings.lewisham.gov.uk/documents/s61053/Exclusions%20Appendix%20C%20evidence%20from%20Glasgow.pdf>

²⁸ See reporting on fall at <https://www.glasgowlive.co.uk/news/glasgow-news/glasgow-school-exclusion-figures-drop-16024952>

Even from the Commission's limited work, we are convinced that SILS and its staff can deliver more, and that the Council should work with them to improve outcomes for children who have been permanently excluded or are at risk of permanent exclusion. The Commission looks forward to seeing the further development of the Council's plans for alternative provision, and our findings on the work of PRUs elsewhere, and school's requests for additional support and new partnerships with the Council (see School and Council Partnership section, below), present a major first step and framework towards achieving these goals.

The Data Landscape

Southwark receives mixed quality data from schools, hampering its understanding of the issues

Schools are legally required to provide local authorities with certain data, for example regarding fixed term and permanent exclusions, and deletions from the roll. There is other data that can be provided on a voluntary basis but does not statutorily need to be provided, e.g. data on managed moves, where a child is moved from one school to another as an alternative to permanent exclusion.

The Commission is concerned about the timeliness and accuracy of data that certain schools provide to the Council. In our first meeting, officers reported that data received directly from schools showed that in 2017/18 there had been 241 fixed term exclusions in Southwark schools, but Department for Education data released shortly before the Commission's first meeting showed that there had been over 1,800 fixed term exclusions. Officers reflected that data on fixed term exclusions in particular is not adequate or consistent, with the Council only receiving notification of a small fraction of incidences, even though they are required to report these to the Council.

The Commission has some concerns about how Southwark Council is analysing the data that it does receive

The Commission received an officer report stating that BAME children are not over-represented in Southwark's exclusion figures, but the Commission was later presented with figures stating that 82% of excluded children in 2017/18 were BAME (see Table 3 below).

Table 3: Proportion of BAME children in exclusions from Southwark schools

Proportion	2014/15	2015/16	2016/17	2017/18	2018/19
Total permanent exclusions	31	40	50	61	35
No. BAME exclusions	23	31	39	50	15
% BAME exclusions	74%	78%	78%	82%	70%
% BAME exclusions Southwark school, Southwark child	81%	72%	76%	78%	61%
% BAME exclusions Southwark school, non Southwark child	100%	75%	83%	100%	100%
% BAME exclusions Non-Southwark school, Southwark child	62%	83%	80%	83%	82%

Further, the Commission were provided with data that in 2016/17 there were 36 exclusions, but also with data providing reasons for exclusion for 50 exclusions in 2016/17. Reviewing publicly available national statistics released by the Department for Education, they state that there have been 36 secondary school exclusions in Southwark in 2016.²⁹ The Commission notes that this later disparity may be due to legitimate differences in reporting practices.³⁰

Our concerns regarding the quality of data the Council is getting and how well it is being analysed are also reflected in data available on managed moves. Whilst the Commission fully accepts that this data is voluntarily provided by schools, reports received by the Commission have pointed to markedly different

²⁹ See permanent and fixed-period exclusions in England 2016-17.

<https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2016-to-2017>

³⁰ Possible reporting differences could include different reporting of Southwark children excluded from non-Southwark schools or non-Southwark children excluded from Southwark schools.

success rates. In the Commission's first meeting, the Commission were told that 1/3 of managed moves were successful, but later reports to the Commission reported that 46% of managed moves were successful.

The Commission welcomes the commitment from officers to reminding schools of their responsibilities and adding administrative capacity to help them do this.

Overall, the mixed quality of data Southwark is receiving feeds into and is further hampered by difficulties in analysing and consistently recording data.

Regulatory responsibilities

The regulatory arrangements for managing exclusions and off-rolling is complex and makes council leadership difficult

The regulatory arrangements for managing exclusions and off-rolling is complex and intentionally designed to place decision-making at a school level rather than at a local authority level.

This arrangement was very much reflected in the Commission's conversations with the Regional Schools Commissioner for south London and south-east England, Claire Burton. Claire Burton kindly agreed to speak to the Commission very early into her role, and gave the Commission honest and open responses to our queries. The Commission raised cases of possible off-rolling, possible breaches of equalities requirements on schools and in all cases, in line with the regulatory environment, she rightly reflected that, whilst the RSC, ESFA and Ofsted have some relevant duties, they will not typically look at such individual cases. In fact, Ms. Burton reflected that she sees her role as engaging at a trust, rather than an individual school level. Given the broad geographical coverage of RSCs (Ms. Burton covers 22 local authorities), this is unsurprising.

However, it does leave an open question, which the Commission reflected on in the majority of its sessions. Whilst Ofsted investigates cases of off-rolling under its new inspection framework, it is clearly limited in the amount of proactive work it does beyond formal inspections. The ESFA is a national body and has limited capacity to pursue suspected funding agreement breaches by individual schools. So, this leaves a significant, but non-formalised responsibility to local authorities, who liaise with the RSC and inspectors from Ofsted in particular, as well as the ESFA, to share information, identify and tackle underperformance. But of all these agencies, the local authority has limited powers – beyond a requirement that the local authority receives certain data – to investigate problems or enforce breaches.

Ms. Burton stated that in cases of local authority concerns, she would expect issues to be raised with her as the RSC and/or Ofsted and be addressed by them and/or the ESFA. But the Commission was left unclear about the extent of issues that would need to arise for this escalation to work effectively. Similarly, the RSC said she would expect her team to get involved if local authorities are receiving mixed quality data, as appears to be the case in Southwark.

Martin Finch, one of Her Majesty's Inspectors for Ofsted, spoke to the Commission. He made clear that Ofsted was prepared to give schools an inadequate rating if they had concerns that off-rolling was occurring in a school. The Commission felt that there is sufficient leeway in Ofsted's stated approach, that these concerns would likely have to be repeated and persistent in order for action to be taken.

Taken together, local authorities are trying to drive up performance with limited tools to make it happen. All of the Commission's findings and recommendations need to be interpreted in this context.

School and Council partnership

The Commission recognised the importance of speaking to schools about their experience of exclusions, what they are doing to prevent them and why they feel they are happening. We heard from schools via responses to a request for information sent to all secondary schools in Southwark, and the Commission Chair also attended a Council-organised "Keeping Children in Education" Head Teachers' conference. From these things, several key messages arose:

- Good practice: Many schools are going to great lengths to be inclusive and are working well with Southwark, but this practice does not seem to be being shared well via existing channels.
- Local authority support: Many schools feel that the local authority could do more to provide support to young people who often have mental health issues but do not meet the threshold for CAMHS referrals.
- Bold vision: Schools recognise that they need to do more and appear open to a bold new arrangement to prevent exclusions.

Many schools are going to great lengths to be inclusive and working well with Southwark

The Commission received submissions from the Church of England Diocese and the Catholic Diocese, who oversee their respective faith schools in Southwark. As reflected in Table 1, many of Southwark's faith schools have dramatically lower rates of exclusion than other schools. Dr Rachel Norman, Secondary School Advisor, spoke on behalf of the Church of England Diocese. Dr Norman shared several specific strategies schools take to avoid exclusions, including:

- Using internal alternatives to fixed term exclusion, including e.g. cooling off areas, therapeutic bases where specialist practitioners can work through issues with students.
- Pro-actively using alternative curricula and guided pathways to prevent students from becoming disengaged and disaffected, as this can be where more serious problems occur.
- Having regular contact with the parents/carers of students that schools are concerned about, so that even if a fixed term exclusion occurs, it is not a shock to the family and does not lead to a deterioration in relations and there can be a united front where parents/carers support the action.
- Wrap-around provision, including pre and post-school activities, holiday clubs and more to provide wholesome outlets for children.

Dr Simon Hughes represented the Catholic Diocese. He affirmed that schools under his supervision used many of the same approaches, and had a broad emphasis on restorative practices as well.

Taken together, the Commission strongly felt that useful lessons could be learned from schools that have achieved low levels of exclusion despite having similar demographic and educational profile (e.g. SEN) mixes as worse performing schools. Were such learning peer-based, and more in depth than occurs under current arrangements, it could play an important role in propagating good practice. This very idea was discussed at the Head Teachers' conference and appeared to be supported by several heads across Southwark.

Schools believe that the local authority could do more pre-emptive work to avoid exclusions

At the Head Teachers' conference, several Heads raised a concern that when they identified children at risk of exclusion due to behavioural issues or conduct disorders, it was often difficult to get support from the Council. Heads strongly suggested that some way of ensuring children who were likely to become at risk of exclusion received appropriate mental health or specialist support would be broadly welcomed.

Heads also mentioned that they felt the local authority previously had a dedicated "Inclusion Officer" that played a far more involved role in the early identification of children at risk of exclusion and would broker conversations between schools, help secure early support, and generally help schools to avoid excluding children. Heads felt that the local authority had markedly stepped away from this role in recent years. One head mentioned that she felt, whilst there was still a relevant "lead" who now sat in Early Help, they no longer had the contact time or close relations with schools to effectively play the broker. The Commission cannot say for certain whether any staffing reconfiguration has impacted the Council's ability to support schools in avoiding exclusions, but it is important that we recognise schools' concerns in this area and that the Council looks into the issue.

100% inclusion is possible, but it requires radical ambition from Southwark, and schools

More generally, schools that have provided responses to the Commission and heads that have spoken with Commission members have been clear that they support a bold vision from the local authority to reduce the current exclusions trend, but that they want to see this vision supported by clear commitments to do things

differently and to work in close partnership. Whether in looking at improving CAMHS access for children at risk of exclusion, improving coordination support from the Council, or challenging schools to share data more readily and to commit to taking more steps to avoid exclusion, there is a clear recognition that schools and the local authority need to have frank and open conversations about what must be done to ensure that no child is left behind and to better support every child to fulfil their potential.

To receive evidence from Matt Jones as chair of SASH in final Commission meeting which may be reflected here – delete if meeting and attendance will not go ahead

Part 4: Recommendations

Inclusion recommendations

Recommendation 1: Southwark Council should champion a 100% inclusion commitment in conjunction with schools, embodied in a mutually agreed Charter and an annual inclusion report to track progress against its 100% inclusion target.

Councils need to pursue a radical new settlement with schools to end the trend of rising exclusions.

As a first step, create a Charter for inclusion in conjunction with schools. Whilst the content of any Charter will be for the Council and schools to agree, any Charter should:

- Set out a clear values statement with a commitment to achieving 100% inclusion.
- Include a time-bound commitment (the Commission suggest 2022) to achieving zero permanent exclusions.
- Agree best practice for conducting exclusions in the interim with schools, including having a clear escalation process that tries steps including dual rolling children in PRU before pursuing permanent exclusion.

The Council should produce an annual inclusion performance report that reports on progress towards the 100% inclusion target and all related activities to deliver it

Such a report needs to go into more detail on progress than the annual schools report. The report would include an activities update for the Council and schools, and progress against every Charter commitment.

Recommendation 2: The Council should conduct an action-focused review into the disproportionate representation of BAME and SEN children in Southwark's exclusion statistics

The Commission identified errors in Council data which under-reported the number of exclusions for specific groups of BAME children. Going forward this data must be monitored more closely, and the Council should develop an action plan outlining clear steps to understand why certain BAME children are over-represented in exclusions and to work with schools to address the issue. Based on the data the Commission reviewed, a similar exercise is needed for SEN children as well.

Off-rolling recommendation

Recommendation 3: The Council needs clearer procedures in place for identifying off-rolling and be more ready to challenge bad practice by schools.

The Commission welcomes current efforts to draw on Ofsted's methodology to conduct analysis in this area. The Commission recommends that the Council more broadly creates a clear process for identifying, challenging and escalating suspected cases of off-rolling. These improved procedures must also be used to determine whether any groups are being disproportionately affected by off-rolling as well.

Home education recommendation

Recommendation 4: The Council should conduct a comprehensive review of children currently being home educated to identify possible cases of forced home schooling, and where this is identified, help parents/carers to reintegrate their children into mainstream education.

The Council must respect parents and carers right to home educate their children. But the Commission has identified serious concerns regarding the suitability of home education in many cases and the rate of increase of home schooling strongly suggests that parents/carers are being encouraged to off-roll their children. This must be investigated.

Alternative provision recommendation

Recommendation 5: The Council must rethink the delivery and aims for alternative provision, moving towards a nurturing model with continued registration of children at mainstream schools wherever possible.

The Commission is broadly supportive of working proposals for rethinking alternative provision which will be further progressed in conjunction with schools.

As an interim measure, the Commission requests a clear action plan for ensuring better outcomes for children currently attending SILS. Our findings suggests that this needs to be a combination of changing the current model for SILS and better resourcing the wealth of good activity already taking place, to better support nurture-based approaches, and more vocational options for students.

Based on the Commission's findings, the Commission recommends that plans for improving alternative provision performance begin at primary, and that the Council draws on identified models for providing dedicated CAMHS support to children attending Summerhouse, to further aid early identification and treatment of mental health needs, as well as ensuring that all of those children who need EHCPs secure them. Dedicated funding to support this could be sought from the NHS (as in Wandsworth) and/or could be a core part of the Council's dedicated additional mental health core spending for schools.

Data recommendation

Recommendation 6: The Council must be clear on which schools are under or late-reporting mandatory data to the Council and escalate these concerns more quickly.

Schools have a clear obligation to provide the Council with timely exclusions data. Whilst the Council, quite rightly, seeks to maintain amicable relationships with all schools, this should not come at the expense of receiving timely data. Where data is late or there are concerns that data is complete, officers should keep comprehensive records of which schools are late providing data or schools that have provided incorrect data with no reasonable explanation for why this has happened.

Regulatory reporting recommendation

Recommendation 7: Where school conduct or data concerns are identified, the Council needs to escalate these more quickly with the appropriate regulatory body.

As confirmed by the Commission, off-rolling concerns should be raised with Ofsted and data reporting failures by schools should be raised with the Regional Schools Commissioner who will follow up together with the ESFA if necessary. Whilst the Commission does support strong partnership working with schools, the Council must do all it can to eradicate off-rolling and ensuring it has a proper picture of exclusions taking place. The Council should track how many such escalations are happening, whether they are informal or formal escalations.

School and Council partnership recommendations

Recommendation 8: Schools should be actively encouraged to work together to peer review exclusions performance.

There are vast differences in how many children are excluded by different schools. The Commission strongly recommends that schools are encouraged to work together to conduct detailed peer reviews of each other's conduct. The Council could help facilitate this by, for example, identifying 5 schools with the highest 5 rates of exclusion for 2018/19 and 5 schools with the lowest rates of exclusion, and they should do a detailed exercise of comparing exclusion practices, identifying problematic practices and developing clear plans for reducing exclusions. This recommendation will need to be driven by schools, but should be facilitated by the Council as far as possible.

Recommendation 9: To underpin a shared 100% inclusion vision, the Council should pursue a bold new partnership with schools, including greater information sharing from schools and resource allocation for “at risk” children as well. As part of this renewed partnership Southwark should create a fit-for-purpose equivalent of an Inclusion Officer.

From the Commission's work, we know that schools want:

- A more comprehensive “at risk of exclusion” process that aids schools getting appropriate support around students, which could come from additional dedicated CAMHS support for children at risk of exclusion, for example.
- Improved early support from the Council via a dedicated “Inclusion officer” lead to further help prevent exclusions.

If Southwark is to become a 100% inclusion borough, the Council and schools must have open and frank exchanges about how both parties could help each other to achieve their shared vision.

The Council is clear that it needs better information from schools including voluntary information sharing. In particular, agreeing that schools will proactively share information on manged moves.

Councils and schools should also in this context consider whether any new Council-school forum is required to underpin Charter and partnership commitments, e.g. re-introducing of school behaviour and attendance partnerships as utilised elsewhere.

Acknowledgments

The Chair would like to thank the Project Manager Julie Timbrell for providing invaluable support to the Commission in its investigations; all the officers, who provided a wealth of helpful information to the Commission; all of the people who spoke to the Commission including children who have experienced exclusions, the family of those excluded, officials and many more. The Chair would also like to thank Cllr Maggie Browning, who joined one of the Commission's visits to SILS and reviewed an early draft of this report, and Cllr Jasmine Ali for being very supportive of this Commission's comprehensive review of Southwark Council's performance and practices in this area. Finally, the Chair would also like to thank all of the Commission members for their commitment to challenging the growing exclusions culture in Southwark, along with its complex drivers.

Peter Babudu

Chair, Education and Business Commission

Appendix 1: Recommendations Progress Checklist

Recommendation	Accepted?	Target completion date
<i>Recommendation 1: Inclusion – Commitment and target</i>		
Create a charter for inclusion in conjunction with schools, setting out a clear vision statement, time-bound commitment and agreeing best practice for conducting any permanent exclusions in the interim		
Produce an annual inclusion performance report on progress towards the 100% inclusion target and related activities		
<i>Recommendation 2: Inclusion – Disproportionate representation</i>		
Begin tracking and monitoring data more closely on exclusions by key characteristic, particularly for BAME children		
Investigate reasons for over-representation of BAME and SEN children in exclusion figures		
Develop an action plan to reduce BAME and SEN exclusions		
<i>Recommendation 3: Off-rolling</i>		
Create a clear process for identifying, challenging and escalating suspected cases of off-rolling		
Investigate whether any groups are being disproportionately affected by off-rolling, as with exclusions		
<i>Recommendation 4: Home education</i>		
Conduct a review of children currently being home educated to identify possible cases of forced home schooling		
<i>Recommendation 5: Alternative provision</i>		
Develop action plan for rethinking alternative provision and ensuring better outcomes for children currently attending SILS		
Draw on identified models for providing dedicated CAMHS support to children attending Summerhouse funded via the NHS or the Council's dedicated additional mental health spending in schools		
<i>Recommendation 6: Data</i>		
Keep comprehensive records of which schools are providing late or incorrect data with no reasonable explanation		
<i>Recommendation 7: Regulatory reporting</i>		
Commit to consistently escalating school data or off-rolling concerns to appropriate regulatory bodies		
Track numbers of escalations/reports of data and off-rolling concerns to regulatory bodies, whether formal or informal		
<i>Recommendation 8: School and Council partnership – peer review</i>		
Facilitate peer reviews of exclusions performance by local schools		
<i>Recommendation 9: School and Council partnership – Terms, roles and forums</i>		
Incorporate School-Council partnership commitments into any Charter, including agreements on improved information sharing by schools and “at risk of exclusion” support for school children by the Council		
Create a role equivalent to an Inclusion Officer to help drive reductions in exclusions		
Determine whether any additional School-Council forum,		

e.g. a behaviour and attendance partnership, is required to underpin renewed School-Council partnership		
---	--	--

Appendix 2: List of interviewees and contributors

Commission members:

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

Councillor Contributors:

Councillor Jasmine Ali, Cabinet member for Children, Schools and Adult Care
Councillor Maggie Browning

Scrutiny officers:

Shelley Burke, former Head of Scrutiny
Everton Roberts, Acting Head of Scrutiny
Julie Timbrell, scrutiny Project Manager

Education officers:

Nina Dohel, Education Director
Alasdair Smith, Director Children's and Families
Jenny Brennan, Assistant Director Family Early Help & Youth Justice.
David Bromfield, Education Adviser

Southwark academies, schools and headteachers:

Ark Academy
Yomi Adewoye , Headteacher SILS
Southwark Diocesan Board of Education, Rachael Norman, Secondary Schools Adviser
Catholic Diocese presentation , Dr Simon Hughes

Education leads:

Yomi Adewoye , Headteacher SILS
Claire Burton, Regional Schools Commissioner (RSC)
Martin Finch, Senior HMI, Ofsted
Eileen Shannon, Head Teacher, Victoria Drive PRU
Carol Self, Nurture Provision lead, Wandsworth Council

Young people:

Cristian Fernandez
Chanay Golding
Olamide Taiwo
Alex MacArthur-James