



POLICY
RESEARCH
FORUM

Exclusions, barriers to admission and quality of mainstream provision for children and young people with SEND: what can be done?

May 2019

Exclusions, barriers to admission and quality of mainstream provision for children and young people with SEND: what can be done?

SUMMARY

This seminar aimed to examine questions about future options with three presentations followed by group discussion. Presentations were by: Jules Daulby, Transparency on Exclusions: *Giving SEND learners an equal shot at education*; Dr Louise Gazeley, University of Sussex: *When it comes to school exclusion processes who is accountable and for what?* and Nicola Furey and James Roach, Inclusive Multi-Academy Trust, Watford: *Inclusion, nurturing and succeeding – Is this possible?* Future options were considered in the discussion groups in terms of what regulations, accountability and incentivisation.

Jules Daulby argued that children with SEND have the right to be given an equal shot at education, this being a social justice issue. Reasonable adjustments are a legal requirement under the Equality Act with the removal of barriers required to ensure success. With vulnerable groups so over represented in exclusions, off rolling and unexplained exits, the trend needs to be reversed as soon as possible. She presents various approaches that can be adopted, for instance, early identification of those at risk, incentives for schools to be more inclusive, specific staff training about topics and skills related to adverse life experiences and greater transparency about practices.

Louise Gazeley argues based on research for the Office of the Children's Commissioner that school exclusion processes are complex and contentious while also incorporating elements that appear plainly contradictory. Policy is clearly important as a driver but a lack of challenge in some areas means that the systemic roots of some issues remain unaddressed. This suggests a system that privileges some forms of accountability over others, with young people and parents perhaps being made the most accountable. This paper explores these issues of accountability as a multi-layered and then drills down to some of the issues relevant to the different groups involved.

James Roach and Nicola Furey present the primary school practices and experience at their Inclusive Multi Academy Trust. This involves what they do to include pupils in terms of nurturing children, something which has been recognised by Ofsted. They summarise what they do in terms of building relationships, including their work as a National Nurture School based on the six principles of nurture and the running of their own nurture group. They adopt the Hertfordshire Steps approach, which is a positive approach to behaviour management that offers consistency across all education phases and settings; using a behaviour ladder which applies to most children. However, some children are outside it, as it is not a 'one size fits all' approach. They recognise the barriers they experience and are clear about what is needed to move forward. They conclude with an illustrative story of one boy in their school.

Group discussion focussed on proactive regulation, accountability and incentives to promote inclusion and reduce exclusions. Most groups called for a national inclusion commitment with a restating of duties to inclusion. For some this involved exercises of moral leadership in face of incentives for schools to publicise themselves as for higher achievers. There was also a call for details about what inclusion looks like, e.g. at secondary level, so accountability can be implemented. Incentives to exclude were widely referred to, e.g. the standards agenda, league tables, reduced funding in the communities where pupils come from and for schools' support provision. Incentives to include might involve excluding schools being responsible for the children that they have excluded, while several groups considered the new Ofsted framework as a positive move. Some groups also talked about broadening the curriculum, e.g. introducing vocational elements from year 9. One group recognised that even with inclusive accountability measures in place, schools could game the system.

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Section 1: Introduction

1. The seminar

Exclusions, barriers to admission and quality of mainstream provision for children and young people with SEND: what can be done?

4 February 2019: 1.30 for 2-5pm: St Albans Centre, Leigh Place, Baldwin's Gardens, London EC1N 7AB.

This seminar focussed on admissions; meeting pupil needs and achieving positive outcomes and exclusions, formal and informal. The aim was to examine questions about future options, with these three presentations:

- I. Jules Daulby, Transparency on Exclusions: *Giving SEND learners an equal shot at education*
- II. Dr Louise Gazeley, University of Sussex: *When it comes to school exclusion processes who is accountable and for what?*
- III. Nicola Furey and James Roach, Inclusive Multi-Academy Trust. Watford: *Inclusion, nurturing and succeeding – Is this possible?*

The future options were considered in terms of these questions:

- a. What changes should be made to the existing statutory frameworks e.g. Child and Family Act, Disability Discrimination legislation etc to ensure greater access for SEND? (Regulations)
- b. How might this work to ensure greater priority and recognition for inclusive practice? (Accountability)
- c. What are the current disincentives to include and how might these be addressed/incentives be increased to support or encourage more inclusive practice? (Incentivisation)

2. SEN Policy Research Forum

The SEN Policy Research Forum, which organised this seminar, incorporates the aims and work of the previous SEN Policy Options group in a new format and with some expanded aims. The Forum's website is at:

<http://blogs.exeter.ac.uk/sen-policyforum/>

The aim of the Forum is to contribute intelligent analysis, knowledge and experience to promote the development of policy and practice for children and young people with special educational needs and disabilities. The Forum will be concerned with children and young people with special educational needs and

disabilities from preschool to post 16. It will cover the whole of the UK and aim to:

1. provide timely policy review and critique,
2. promote intelligent policy debate,
3. help set longer term agendas – acting like a think-tank,
4. deliberate over and examine policy options in the field.
5. inform research and development work in the field.
6. contribute to development of more informed media coverage of SEND policy issues.

The uncertainties over what counts as 'special educational needs' and 'disabilities' in relation to a wider concept of 'additional needs' are recognised. These will be among the many issues examined through the Forum.

The Forum, which continues the work of the SEN Policy Options group has been continuing this work for over 20 years. It started as an ESRC seminar series with some initial funding from the Cadbury Trust. The Forum appreciates the generous funding from NASEN and the Pears Foundation to enable it to function, though it operates independently of these organisations.

Lead group and coordination of the Forum:

Dr Peter Gray - Policy Consultant (co-coordinator)

Professor Brahm Norwich - University of Exeter (co-cordinator)

Yoland Burgess, Young People's Education and Skills, London Councils

Professor Julie Dockrell - Institute of Education, University of London

Niki Elliott - Sheffield Hallam University / Special Education Consortium

Brian Lamb - Policy consultant

Professor Geoff Lindsay - University of Warwick

Nick Peacey, First Director , SENJIT. Institute of Education

Linda Redford - Policy Consultant

Penny Richardson - Policy Consultant

Chris Robertson, University of Birmingham

Professor Klaus Wedell - Institute of Education, University of London

Membership:

If you would like to join the Forum, go to the website and follow link to registering as a member. You will be invited to future seminars and be able to participate in discussion through the Jiscmail system. SEE SENPRF website for joining instructions.

For further information please contact the co-coordinators of the Forum, Brahm Norwich, Graduate School of Education, University of Exeter, Heavitree Road, Exeter EX1 2LU (b.norwich@exeter.ac.uk) or Peter Gray (pgray@sscyp) .

Past Policy Options Papers (see website for downloadable copies)

1. Bucking the market: Peter Housden, Chief Education Officer, Nottinghamshire LEA
2. Towards effective schools for all: Mel Ainscow, Cambridge University Institute of Education
3. Teacher education for special educational needs: Professor Peter Mittler, Manchester University

4. Resourcing for SEN: Jennifer Evans and Ingrid Lunt, Institute of Education, London University
5. Special schools and their alternatives: Max Hunt, Director of Education, Stockport LEA
6. Meeting SEN: options for partnership between health, education and social services: Tony Dessent, Senior Assistant Director, Nottinghamshire LEA
7. SEN in the 1990s: users' perspectives: Micheline Mason, Robina Mallet, Colin Low and Philippa Russell
8. Independence and dependence? Responsibilities for SEN in the Unitary and County Authorities: Roy Atkinson, Michael Peters, Derek Jones, Simon Gardner and Philippa Russell
9. Inclusion or exclusion: Educational Policy and Practice for Children and Young People with Emotional and Behavioural Difficulties: John Bangs, Peter Gray and Greg Richardson
9. Baseline Assessment and SEN: Geoff Lindsay, Max Hunt, Sheila Wolfendale, Peter Tymms
10. Future policy for SEN: Response to the Green Paper: Brahm Norwich, Ann Lewis, John Moore, Harry Daniels
11. Rethinking support for more inclusive education: Peter Gray, Clive Danks, Rik Boxer, Barbara Burke, Geoff Frank, Ruth Newbury and Joan Baxter
12. Developments in additional resource allocation to promote greater inclusion: John Moore, Cor Meijer, Klaus Wedell, Paul Croll and Diane Moses.
13. Early years and SEN: Professor Sheila Wolfendale and Philippa Russell
14. Specialist Teaching for SEN and inclusion: Annie Grant, Ann Lewis and Brahm Norwich
15. The equity dilemma: allocating resources for special educational needs: Richard Humphries, Sonia Sharpe, David Ruebain, Philippa Russell and Mike Ellis
16. Standards and effectiveness in special educational needs: questioning conceptual orthodoxy: Richard Byers, Seamus Hegarty and Carol Fitz Gibbon
17. Disability, disadvantage, inclusion and social inclusion: Professor Alan Dyson and Sandra Morrison
18. Rethinking the 14-19 curriculum: SEN perspectives and implications: Dr Lesley Dee, Christopher Robertson, Professor Geoff Lindsay, Ann Gross, and Keith Bovair
19. Examining key issues underlying the Audit Commission Reports on SEN: Chris Beek, Penny Richardson and Peter Gray
20. Future schooling that includes children with SEN / disability: Klaus Wedell, Ingrid Lunt and Brahm Norwich
- VI. Policy Options Papers from sixth seminar series
21. Taking Stock: integrated Children's Services, Improvement and Inclusion: Margaret Doran, Tony Dessent and Professor Chris Husbands
22. Special schools in the new era: how do we go beyond generalities? Chris Wells, Philippa Russell, Peter Gray and Brahm Norwich
23. Individual budgets and direct payments: issues, challenges and future implications for the strategic management of SEN
Christine Lenehan, Glenys Jones Elaine Hack and Sheila Riddell
24. Personalisation and SEN
Judy Sebba, Armando DiFinizio, Alison Peacock and Martin Johnson.
25. Choice-equity dilemma in special educational provision
John Clarke, Ann Lewis, Peter Gray

26. SEN Green Paper 2011: progress and prospects
Brian Lamb, Kate Frood and Debbie Orton
27. A school for the future - 2025: Practical Futures Thinking
Alison Black
28. The Coalition Government's policy on SEND: aspirations and challenges? P. Gray, B. Norwich, P Stobbs and S Hodgson.
29. How will accountability work in the new SEND legislative system?
Parents from Camden local authority, Penny Richardson, Jean Gross and Brian Lamb
30. Research in special needs and inclusive education: the interface with policy and practice, Brahm Norwich, Peter Blatchford, Rob Webster, Simon Ellis, Janet Tod, Geoff Lindsay and Julie Dockrell.
31. Professional training in the changing context of special educational needs disability policy and practice. Neil Smith, Dr Hazel Lawson, Dr Glenys Jones.
32. Governance in a changing education system: ensuring equity and entitlement for disabled children and young people and those with special educational needs. Peter Gray, Niki Elliot and Brahm Norwich.
33. School commissioning for send: new models, limits and possibilities, Tom Jefford, Debbie Orton and Kate Fallon.
34. An early review of the new SEN / disability policy and legislation: where are we now? Brian Lamb, Kate browning, Andre Imich and Chris Harrison.
35. Preparing for adulthood - developing provision for children and young people with SEND. Yolande Burgess Justin Cooke. Ellen Atkinson and Gill Waceba.
36. A worthwhile investment? Assessing and valuing educational outcomes for children and young people with SEND. Graham Douglas, Graham Easterlow, Jean Ware & Anne Heavey
37. Changes in SEN / disability provision, pressures on ordinary schools and parental choice: a review of inclusive education and its prospects. Alison Black, Lizzie Harris, Jayne Fitzgerald, Claire-Marie Whiting and Jenny Andrews.
38. Policy for SEND and Inclusion: examining UK national and some European differences. Chris Robertson, Alfons Timmerhuis, Niels Egelund, Camilla Brørup Dyssegaard, Cecilia Simón and Gerardo Echeita.

Copies of most of these papers can now be downloaded from the website of the SEN Policy Research Forum <http://blogs.exeter.ac.uk/sen-policyforum/>

Section 2:

Transparency on Exclusions: Giving SEND learners an equal shot at education

Jules Daulby

Introduction

Evidence I gave to the Education Select Committee {1} on preventing exclusions was a reaction to the apparent acceptance that more children are leaving the mainstream education system rather than outrage and a political will to prevent more children failing in mainstream schools. While it should be that society invests in ensuring provision for children who find themselves outside of the state school system in mainstream or special schools, it seems perverse to fund alternative provision when there is a paucity of resources in schools which would help prevent exclusions. Funding mainstream provision should be the first step but rather than researching why we are losing so many children from the system, England seems to have jumped straight to the next stage by setting up alternative provision funding, a new teacher training scheme (The Difference {2}) and turning its resources to the quality of provision outside of the common system. This is needed and welcomed as the quality is certainly inconsistent across the country but why are we not giving more attention to mainstream schools and researching why exclusions, home education, off rolling and unexplained exits are going up? This is particularly urgent for our most vulnerable learners who need education the most and have the fewest resources available to them.

Who are vulnerable to exclusions?

Based on the exclusion data from the Department of Education 2016/17 {3} pupils with SEND make up almost half of fixed and permanent exclusions. Children on free school meals are four times more likely to be excluded, children from black Caribbean heritage three times more likely and children in care are twenty times {4.} more likely to be excluded. Those from the Gypsy and Travelling community are the highest ,although due to the small number of overall children it is not statistically significant to give a comparative figure, it is accepted however that this is the most 'at risk' group. Add any two of these categories together and it becomes an even sadder picture. A black Caribbean boy on free school meals is 168 times more likely to be excluded than a white British girl without SEND {5}. Add in being in the care system with SEND then it is a bleak picture. There is no doubt that exclusions affect our most vulnerable children and no matter how much money we pour into alternative provision, if we underfund and ignore the support mainstream schools require then not only is this segregating vulnerable children which is a social justice issue, it is also a false economy to invest after 'the horse has bolted' rather than looking to prevent children leaving in the first place. The Institute for Public Policy Research (IPPR) {6} estimate that it costs £370000 per excluded pupil in their lifetime so it makes financial sense to invest in mainstream education to prevent exclusions. But we do not know enough. Most figures presented here are a

conservative estimate and the majority of researchers working in the field would argue that there are many children missing from the official figures.

What do we know?

Based on the DfE 2016/17 {3} there are 41 permanent exclusions a day (this is up from 35) and 2010 fixed term exclusions (up from 1790 previously). Regional patterns are found in the documents and Dorset, for example shows a trend for having an increasing amount of fixed term exclusions in primary schools. One of the highest excluders in England is also in an area of greatest deprivation. Middlesbrough has the highest exclusion rate in secondary schools but it is also the third poorest local authority with a child poverty rate of 37 percent rising to 61 percent in the poorest ward.

The 'lost' boys (and girls)

At least with official exclusions, there is a paper trail which ensures children are receiving their legal right of an education. Perhaps of more concern are studies which show we are losing children from state school records. There are approximately 4500 children currently with no school at all (from the DfE website) but other organisations are finding children missing from rolls and records. A small but concerning finding came from the 'Making a Statement' by Webster and Blatchford (MAST; Nuffield Foundation {7}). The study spent a year looking at the day-to-day experiences of children with a statement of special educational needs (now Education Health and Care plans EHCPs). During the study, three learners could not be accounted for (out of 48). These are the most vulnerable children with a legal document protecting their education so should be the easiest to track within and across local authorities.

On a larger scale, FFT Education Data Lab {8} conducted a study where they tracked pupils on roll in schools year at 7 and then again in year 11. They found 7700 children unaccounted for by year 11. OFSTED {9} conducted their own study and found pupil movement between year 10 in 2016 and year 11 in 2017 was high particularly in 300 schools where they suspect off rolling was taking place. These are illegal exclusions and done solely for the benefit of the school not in the best interests of the child.

Most recently, the Education Policy Institute (EPI) {10} has published a report called 'Unexplained Pupil Exits from Schools: a growing problem? The key findings from EPI's working paper showed that the proportion of pupils having left school rolls with no explanation is highest in 2017's cohort.

- 8.1 per cent of the entire pupil population were subject to moves that could not be accounted for (with over 55,300 exits by 49,100 pupils).
- 330 schools accounted for the majority of moves
- In these 6 per cent of schools, the equivalent of an entire class of pupils (30 children) from one year group was removed from the school rolls with no explanation over the course of secondary school.

Pupil groups most likely to experience unexplained exits from school rolls

As with exclusions, 'at risk' groups were disproportionately likely to leave schools' rolls for unknown reasons. Such moves are not accounted for by changes in care placements or changes of address.

- **1 in 3** pupils in contact with the **social care system**.
- **1 in 7 disadvantaged pupils** (those ever eligible for free school meals).
- **1 in 8** pupils from **black ethnic backgrounds**.
- **1 in 8** pupils with **low attainment at primary** school.
- **1 in 3** pupils who have experienced an official **permanent exclusion**, or 1 in 5 of those who have experienced an official **fixed period exclusion**.
- **2 in 5** pupils of all pupils who had experienced a high number of **authorised school absences** during their time at secondary school.

(figures taken from EPI's Unexplained Pupil exits from schools working paper {10})

The reasons for exclusions, off rolling and a rise in home education are complex but one most pertinent to children with SEND was articulately explained by Baroness Warnock when she last gave evidence to the education select committee in July 2018 about SEND: that OFSTED judged for academic excellence not inclusion or a broad and balanced curriculum. This could be argued to be one of the main factors driving the issue of exclusions, off rolling and 'lost' children because the figures disproportionately affect the most vulnerable children; they have less value for schools while the system rewards schools on exam results instead of inclusion.

Names for being out of a mainstream school

Home Education

Changes have been rapid with regard to labels attributed to systems which educate children out of a mainstream school. There has always been home education but not to the extent which is now in existence. The Children's Commissioner report {11 & 12} on the rise in home education is another area of concern. The difference it would appear is whether home education is elective. For families not wanting to or ever having intended to home educate, the situation has been forced on them by circumstances which were not an ideological choice. The other group, those home educating for philosophical reasons are very different. One question for us as a nation is whether children are being forced to home educate or choosing for ideological reasons. The distinction is important because those from vulnerable groups tend to sit in the 'being forced' or 'encouraged' to home educate. Other families report that they were left with no other real choice as the mainstream school experience was too painful in to endure.

Guesting

Guesting was a new term presented to a campaign group Transparency on Exclusions {13} by behaviour expert and author Jarlath O'Brien. This is when a school encourages a family to take the child off a school's roll but allows the learner

to return for exams as a 'guest'. It means the child's results are not part of the school's performance data. It is worth noting here that if a school takes a child off roll before the end of December in year 11, that the child's results will not affect a school's exam data because the census is recorded in term 2. A school will however keep the funds for that child despite the Local Authority having to pay for an alternative provision. Furthermore, there is a small but unnatural spike in the number of exclusions, particularly from the at risk groups such as SEND and FSM, just before the census in year 11 which again seems to highlight the perverse incentives for schools to game the system.

Off-rolling

Off-rolling has been in the news a lot and OFSTED highlighted in their own research that 300 schools were on their radar as undertaking this practice. Under their own description, off rolling is when a school will take a child off the roll to give the school advantage in results but is not in the best interest of the child.

Dual Registration

Dual- registration is a common way for schools to manage certain pupils where they spend sometime in the mainstream school and then other parts of the week in an alternative provision.

Managed Moves

Managed moves are where schools do deals with each other during a fair access panel to give a child causing challenges a second chance in a different school.

Permanent and fixed term exclusions

Isolation booths have come under scrutiny in recent media reports. One girl claimed she had been in a booth 240 times in a year and another committed suicide after having spent a year in isolation. #Banthebooths {14} is a campaign started by behaviour expert and author, Paul Dix and fights for better regulation and recording of the use of isolation booths when children are put in them for longer than half a day. These are not the booths many teachers will understand as a desk next to the head's office but large rooms kitted out with as many high walled booths as possible and then staffed by one member of staff usually on a low salary and unqualified. To ensure discipline within the room, rules are often very strict such as permanent silence, no leaning out of the booth, sitting up straight and some even ask students to stare ahead without doing any work. Students are often escorted to get their lunch and socially isolated from their peers. Schools use booths differently; some schools use them as a punishment for not doing homework, forgetting stationery, school uniform infringements and other low level behaviours. It is easy to see how students with SEND can become regular attendees in such places. Worst still perhaps are claims that some schools, to get away from the toxic labelling of isolation rooms are now calling areas which are designed for punitive measures (for inappropriate haircuts and trainers as examples) nurture bases which is a abuse of the real purpose and intent of a nurture room. Finally, internal alternative provision is becoming a more popular strategy rather than sending children to a pupil referral unit. They can be cheaper and do not affect school statistics. None of these options in themselves are necessarily a bad thing, some are done with the best intentions, with specialist staff and show real impact on pupil outcomes. It is the intent and purpose of these decisions which matter and also how much support is being given to the students to prevent further behaviours and digging deeper to understand their individual needs. Is there family partnership? Are students being assessed for

learning difficulties? Is early identification part of the process to prevent circumstances becoming worse? More contentiously is there a will from the school to want to fix the problems and keep these children in school?

Counter arguments

It would be fair to say that not everyone is concerned with these growing figures. John Blake from the Policy Exchange {15} wrote how perhaps schools were excluding more due to better early identifying of behaviour. Mark Lehair, {16} founder of the Bedford free school and Director of the Parents and Teachers for Excellence (PTE) claims that children must be kept safe and a minority of exclusions means the 'the other 29' receive a good education. The Department for Education's behaviour expert, Tom Bennett {17} claims that a small amount of exclusions during a strict behaviour policy change in a school will in the longer term reduce exclusions. Many advocates of exclusions will claim that 'we cannot have knives or pupils taking drugs in schools' and that teachers and other pupils must remain safe. Furthermore, a different perspective of inclusion would suggest that some children cannot cope in mainstream schools and that an alternative education is needed to provide for them.

What are Pupil Referral Units? (PRUs)

PRUs were designed as a 'revolving door', a form of triage for students who were excluded from school and a short term placement to decide where the child should go, back to mainstream school or to a special school. They were not designed for permanency and there is no such thing as a 'PRU child' compared with the decisions made at panel on mainstream with packages for children with SEND or a placement at a special school. PRUs also gave (and the best still do) outreach support to mainstream schools. The outcome however has been that many children remain in a PRU permanently or return to school for a short amount of time but due to behaviour come back into the PRU system. In these cases PRUs are not the short term solution the purpose of which they were initially designed and intended.

Tale of two PRUs

Another issue which has been on OFSTED, DfE and LA's radar for a number of years are unregistered provisions. Some LAs buy in this provision either because it is cheaper than the registered centre nearby or that they simply do not have enough space for the current demand. This is an example of a local area in the South East. There is a registered, OFSTED outstanding group of PRUs with 200 places, 90 are bought by LA for permanent exclusions but the rest are bought by schools for students who are not officially excluded but have been sent there nevertheless. This provision costs £40 per day.

Nearby, there is an unregistered and unregulated provision. It is not inspected by OFSTED and costs £30 per day. No-one knows if the provision is good or poor because they are not in the state system despite housing state school students who are for whatever reason not in a mainstream school.

Making the Difference report by the Institute of Public Policy Research

An excellent IPPR report (2017, {18}) into attempting to break the link between school exclusion and social exclusion revealed how many students are in alternative provision, yet are not recorded as having been permanently excluded.

“...official data is only the tip of the iceberg in terms of the full extent of exclusion. Despite only 6,685 reported permanent exclusions last year, 48,000 of the most vulnerable pupils were educated in the AP sector, which caters for excluded students. We reveal that still more pupils are not captured in any government data, yet are functionally excluded from mainstream school.” (Gill, 2017) {18}

As mentioned earlier, it appears to be more that our country *doesn't* know about children out of mainstream education than that we *do* know. Transparency and better data is required before we can really attempt to improve the situation.

Why are exclusions going up?

- Zero tolerance schools – the growing trend of very strict schools which have come from the Charter School system in America, which has added to an increase in exclusionary practice, especially for children with SEND.
- A paucity of external support – CAMHS, Social Services, specialist teachers, speech and language therapists, education psychologists - the list could go on. The wider services which schools would benefit from have been stripped away, Sure Start Centres have been closed which gave family support. Schools are under more and more pressure to provide such support which has an impact on resourcing especially at a time where they get less money.
- League tables – some children are worth more than others. While Progress 8 measures were intended to help prevent the C/D borderline problem in schools, the more complex a child is the less likely they will fit with national progress markers and as such have less value to a school's results.
- Curriculum pressures – more high stakes tests and reliance on memory etc – lack of other choices for children who are lower attaining or have SEND.
- Resources and funding – schools now have less money and this means larger class sizes, fewer teaching assistants and other support system staff such as counsellors. This puts a strain on capacity within a school and it is those who need additional resources who may suffer disproportionately.
- Policy mindset which disagrees with inclusion.

What can be done?

- Early identification of those at risk, proactive in assessing for SEND and providing support (language particularly via speech and language therapy),
- Enable our learners using strengths, not through endless interventions,
- Sir Tim Brighouse 9 points to minimise exclusions have relevance for SEND, e.g SLT mentoring those said to be at risk of exclusion by primary schools {19},
- Incentivise schools to become more inclusive,

- Ease the pressure on schools for progress measures which are not fit for purpose,
- Train staff in inclusive practice, ACE (adverse childhood experiences) aware, trauma informed rather than a punitive, one size fits all system which is so damaging for many of our vulnerable children,
- Transparency - we need to have more transparency about exclusions (@onexclusions {20}), ban the use of booths (#banthebooths {14}) and call for more recording and regulation. No More Exclusions {21} is a group highlighting the disproportionately high levels of exclusions for black children of Caribbean heritage and how they are often not identified as SEND just labelled with behaviour difficulties.

Isolation is not just physical

It's worth spending some time thinking about inclusion by looking at the likely markers of what makes inclusion work and how isolation is not just a physical space by giving children a sense they do not belong.

- Engagement
- Trust
- Valued
- Citizen of school and the community
- Belonging
- Helper
- Agency
- Voice
- Empowerment
- Relationships not exam results

Concluding comments

Children with SEND have the right to be given an equal shot at education, this is a social justice issue with which the English education system must grapple. Reasonable adjustments are a legal requirement under the Equality Act and removing barriers a necessity to ensure success. Schools cannot expect vulnerable learners to climb over these barriers without scaffolding and support. They need an equitable education, but this does not mean the same provision. With vulnerable groups so over represented in exclusions, off rolling, unexplained exits and any other new labels given, it is alarming and the trend needs to be reversed as soon as possible. Too many lives are being ruined and too many outcomes are poorer than they should be.

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21. <https://nomoreexclusions.com/>

Section 3:

When it comes to school exclusion processes who is accountable and for what?

Dr Louise Gazeley

Introduction

This paper draws on research conducted for the Office of the Children's Commissioner for England (Gazeley, Marrable, Brown and Boddy, 2013) in order to explore issues of accountability within school exclusion processes. The research was designed to gain insights into good practice in reducing inequalities in rates of school exclusion and its development was informed by the understanding that exclusions data do not provide a full picture of how involvement in the disciplinary processes of schools is experienced by young people. Consequently it was important to try to include schools that not only had good things to share but who appeared to be doing the things they said. All schools were seen to have improved outcomes for groups over-represented in school exclusion processes, although it was a commitment to inclusion rather than a focus on reducing inequalities in rates of school exclusion that appeared to have been the major driver. The research provided a range of important insights into the challenges associated with delivering higher levels of accountability within these processes with one participant noting that:

Everything is an application isn't it? Knowing about it and actually applying it are very different things. (Gazeley et al, 2013)¹

The following sections of this paper explore issues of accountability as a multi-layered construct, beginning first with some reflections on the links between this and the wider social function of schooling before drilling down into some of the issues pertinent to the different groups involved.

Exclusion, schools and society

It is not possible to understand issues of accountability in school exclusion processes without first considering the bigger, more philosophical question of the relationship between schools and wider society. An extract from a text written in the 1950s highlights this as reciprocal and raises questions as to how far we have moved when it comes to understanding this relationship:

The school is at once the mirror and the mould of society; it reflects the community in which it is set, and at the same time it helps to shape that community. (Cheshire Education Committee.1958. p.15)

¹ Unless otherwise stated, all quotes are taken from Gazeley et al. 2013. See reference list for full details.

When it comes to thinking about the balancing of inclusion with exclusion in English schools today two images are helpful. The first is the image of a needle threaded with different coloured threads. This acknowledges that there is at least lip service to difference – with some caring a great deal about how best to accommodate this. The schooling system as a whole nevertheless insists that children are increasingly pushed through ‘the eye of the needle’ and this is an ever-diminishing hole. However, the lived realities for children and young people are complex and better represented via an image of multi coloured, loosely tangled threads. This highlights the inherently unstructured and interwoven nature of experience but also sits well with what are currently highly under-developed understandings of lived experiences of school exclusion.



Image 1.

Image 2

The failure to appreciate the intersections between the many different elements involved in school exclusion processes (see Figure One) and how they accumulate over time, ensures that it is those most affected who are best placed to explain what involvement in them really means. This includes their impact on educational attainment but also opportunities to flourish in education more broadly as well as shaping or constraining future possible parenting. While accountability in the English education system is often delivered through measurable outcomes, many of the outcomes associated with school exclusion are not readily measurable as they often involve the internal rather than the external. It is the consequences of repeated movements through all of these variations that accountability frameworks now need to address.

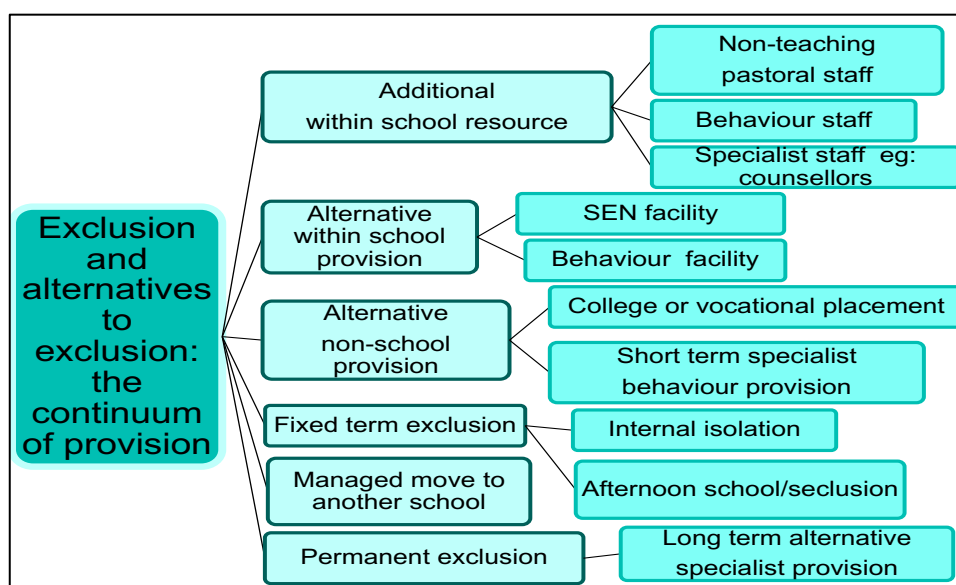


Figure One: adapted from Gazeley et al. 2013.

A key concern is how such similar seeming systems impact so differently across different contexts, but also on different groups, young people with additional learning needs and/or from low income households being amongst those most disadvantaged. Without these more complex understandings, any focus on accountability will be restricted to what happens at surface level.

Accountability as a multi-layered construct

Accountability is best understood as multi-layered. At one level it is linked to the law and to statutory obligations yet it also extends into the personal and professional spheres. A wide range of groups are caught up in these systems but in many different ways. For example, while parents are often considered to be accountable for their children's behaviour, school-level accountability includes classroom teachers, school leaders and staff in Local Authorities. Notwithstanding, professional practices are divergent, with enough space retained for headteachers to choose to operate within a sense of collective, local responsibility or in self/institutional - interested isolation with impunity.

i. Young person

At its most basic level school exclusion processes hold young people to account for their behaviour, based on the normative expectation that they will (be able to) self-regulate in order to meet (differing) institutional requirements. The emphasis now being placed on learning includes being held responsible for the learning of others. Such expectations are at their most restrictive when young people fail to fit in. Efforts to hold the young person to account are all the more problematic when it is recognised that the same behaviours may be read differently on/by different people and that some are given excellent support but others relatively little.

ii. Parents and carers

A tendency to conflate the behaviour of parents² and children leads to them also being held to account for challenging behaviours. They are expected to support professionals and do 'the right' things even when these are only tacitly expressed and their difficulty unacknowledged. This includes such things as the practical, financial and emotional implications of having to attend frequent meetings (Gazeley, 2012). On the one hand parents are made accountable for sending their children to school - and imprisoned in instances where they do not – but on the other hand they are made accountable for monitoring behaviour when periods of exclusion mean they *cannot*. While there might be an assumption of equal treatment, decisions about whether to exclude or not are informed by judgements about the kind of support that might be given and unexpressed assessments of such things as family structure, gender and social class (Gazeley, 2012). The situation for young people cared for by the state is even more paradoxical when it comes to accountability, as national policies make it clear that exclusions are undesirable yet this group continues to be disproportionately at risk.

iii. School staff

School staff are under considerable pressure to manage behaviour in order to progress learning. While some teachers readily accept the necessity of disciplinary sanctions others have more inclusive mindsets and show greater flexibility and willingness:

Whilst you can have as many techniques and strategies listed on a piece of paper, it is about your relationship with these young people that is going to allow you to manage their behaviour, or not manage their behaviour, really. And we all get it wrong from time-to-time. But it's also about acknowledging that it's not 'one-size fits all', that reward is positive praise and humour plays an amazing role in this school I think in terms of managing our kids. (Member of school staff)

Conflicts of interest arise where a sense of personal/professional accountability for a young person has to be balanced against performance pressures and in the context of high attrition rates and diminishing access to external support services, teachers must also take their own well-being into account.

iv. Head teachers

Head teachers are central to school exclusion processes as it is they who must decide on whether to exclude or not. A key issue is that they are also accountable for school performance, with current concerns around 'off-rolling' highlighting how accountability frameworks in one sphere can unintentionally act as a driver for malpractice in another. Accountability for the responsible management of financial systems, coupled with higher levels of school autonomy, further feeds contextual differences that manifest in different levels and quality of resource. While headteachers might be considered to be similarly accountable there is considerable evidence of diversity in practices.

Our [trainees] have heard two different people talk in the first few weeks of the course, one of whom was very much, 'We have zero tolerance and we're proud of our exclusion rate' and another who was 'We are so pleased at how low our exclusion rate is and this is what we've done, de, de' and just asking the students to critique that and not to give an opinion but ... for them to think about what it means about those two schools and how it makes them feel. (ITE Tutor)

That two such different mindsets can (continue to) coexist within a single system is at best surprising. The report into unofficial exclusions *Always Someone Else's Problem* which was published by the Office of the Children's Commissioner for England in 2013 is that these are continuing rather than new problems. The fact that some exclusion appeals continue to be upheld further suggests a continuing need to question the presumption that head teachers are *always* right, making it clear that more could still be done to address accountability gaps.

v. Local Authorities

Local Authorities occupy a key space when it comes to ensuring school-level accountability. This includes training school governors, questioning exclusion decisions, identifying patterns of over-representation and ensuring that excluded children have access to a school place. In some cases this includes active support for cross-school approaches.

There is as a real determination not to exclude and to keep youngsters in their communities, a never give up on you approach. Very much, these are all our children – how are we collectively going to help? That's its strength. (Local Authority official)

Such collective, community-based approaches are harder to maintain in the context of an education market that has seen the power and resources available to Local Authorities decline as schools have been encouraged to diversify and become more autonomous.

vi. External/political frameworks

The frameworks within which school exclusion processes operate are ultimately determined at the macro level. While efforts to regulate exclusion practices have proved inadequate there are some instances where legislation has been powerful in shaping practices.

As far as the Equalities Act is concerned we certainly now refer to it at any time we're looking at changing a policy, writing a policy... we look at it yeah in relation to everything that we do. Will this cover every one of our students? Will this cover every bit of the group that we have or is anybody losing out from this? (Member of School Staff)

It would be unwise to underestimate how challenging such frameworks can be to work with in practice. For example, statistical analyses might highlight concerning trends at the macro level but not translate into a rationale for action at the micro level.

An exclusion is an exclusion whatever. Not looking at it because you're this race so more likely ... (School Governor)

Frameworks designed to deliver higher levels of accountability need therefore to be accompanied by a stronger focus on training. This includes - but is not restricted to – strengthening the focus on exclusion, inclusion and inequalities within initial teacher education (Gazeley and Dunne, 2013; Gazeley et al 2015).

Revisiting exclusion as a question of social responsibility

As already noted, questions about accountability within school exclusion processes cannot be simply located in critiques of schooling as they are informed by the way in which wider societal obligations are constructed. Acceptance of school exclusion as a risk factor in unemployment and involvement in the criminal justice system is something for which wider society is accountable given that knowledge of the persistence of these risks has not yet led to concerted action. Nevertheless, expressions of individual social commitment remain powerful:

We know that the kids have got to survive out there when they leave us. They go to homes that are dysfunctional, that often they might be in a primary care role or there are all sorts of deficiencies at all sorts of levels. They could be drug and alcohol misuse issues with parents, extended family members, mental health issues, but while they're in here we try not to leave them. (Member of school staff)

A willingness to hold a young person - regardless of the level of challenge - might properly be considered an acceptance and enactment of accountability at its highest level.

Final thoughts

It is clear that school exclusion processes are complex and contentious while also incorporating elements that appear plainly contradictory. Policy is clearly important as a driver but lack of challenge in some areas means that the systemic roots of some issues remain unaddressed. This suggests a system that privileges some forms of accountability over others, with young people and parents perhaps being made the most accountable. Returning to the earlier image of the schooling system as a single needle with a hole that must accommodate many different threads, a closer look at issues of accountability suggests that there are actually a range of different needles with different sized holes and that this makes it either easier or more difficult to pass through some schools than others. Consequently it is no longer enough to think about accountability solely at the level of an individual school and more attention needs to be focused on holding people to account for the differences between them.



Image three

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Section 4:

Inclusion, nurturing and succeeding – Is it possible?

James Roach and Nicola Furey

Introduction

We teach at the Inclusive Multi Academy Trust (MAT), a MAT consisting of 3 primary schools in Watford that aim to be inclusive; the school has 18% of its pupils with identified SEN. We have both worked at Laurance Haines for nearly twenty years in various roles, and the other two schools have joined us fairly recently. James is CEO of the MAT and Nicola's background is Early Years Education, with an interest in earlier identification. She is now head of the pastoral support team

When we were invited, we wondered whether you were sure you wanted to invite us, as there have been nine exclusions in Laurence Haines this term. James has excluded three children permanently in his eight year career as a headteacher. So, this talk will give the reality about what has led us to those things. It is really important to say that I can speak, I am sure, for every head teacher, that permanent exclusion is a most agonising decision, personally and professionally. It is about sitting in a room and saying to a parent that I am making the decision that really affects your child's life. However, the constraints of the profession, we believe, have left no other choice but to do that.

Ofsted reported about the school that the way behaviour is managed is a strength of the school. The consistency with which staff follow the behaviour policy means that pupils know exactly what is expected of them and respond accordingly. Staff manage behaviour subtly and unobtrusively, and so time is not wasted by the need for frequent reminders. A system of hand signals, used throughout the school, is working well. But, as headteacher of Laurance Haines, James (first author) does not pay too much credence to what Ofsted say, unless they say something really nice, such as getting an outstanding for behaviour management. The most important thing an Ofsted inspector has ever said to me was that the school is outstanding for so many reasons, because when you talk to the parents and the children, they overwhelmingly say that if the school was taken out of the community, the community would be a broken one. That is really important to us, but the inspector would not write it down in the report. So, it is about relationships – the head teacher knowing the teachers, the teachers knowing the children, and most importantly, knowing the parents, and for us this is about parents. The majority of our parents at our school have not had an education in England, so the whole system seems very new and strange. A number of those parents have not had an education in their home country as well. So, it is really strange for some parents and we have to help educate them about the system. The school is also teaching the second or third generation of our community; the parents choose our school, but they might not have had a good experience in the past and we have wanted to change that for their children going forward.

What is done

The school does not turn any child away if there is a space, whatever their difficulties or challenges. We say "Come in – let's see what we can do for you." That is a major

advantage of our school. Our staff go over and above, they go that extra mile. In the morning we work very hard with children who are finding coming into school really difficult. For example, one teacher brought in a guinea pig to make sure that child with Social emotional and mental health needs (SEMH) has got something to do when he first comes in the morning.

What we do to include, nurture and succeed for our children

Try to give every child the opportunity to succeed
Staff go over and above
SEN Team
Pastoral Support Team
Nurture Group
National Nurturing School
Seek support from our DSPL
Do different for different

The school has a small SEN team that started off about ten years ago. It was then quite a big team of a various people, including speech and language experts who targeted different kinds of interventions. But, it has reduced over time because of financial constraints. Most now work in class; we took this step about six years ago to move away from the 'taking a child out of class' process. The SEN team now works alongside those children individually or work with groups. But, they do occasionally take pupils out, but that is always for pre-learning, it's for never post-learning. So, the pupil is presented with what they are going to learn this week in advance. This means communicating that to the pupils these are some of the key things you are going to need to know before you go back into that classroom environment. We have also changed our homework to be pre-learning. So, it is not about what you did learn; it is about 'if you want to succeed this week coming, here are some things that you could give you a head start on.

There is a dedicated pastoral support team, which aims to uncover further barriers to school life. Though there are different approaches available and with many tools in our tool kit, we cannot afford a school counsellor. However, for £200 we can train people in something called 'Drawing and Talking', a talking therapy. This is, we believe some of the best money we have spent. We are working on primary-secondary transition too which is so important. The exclusions that came earlier this year were around transition difficulties. The approach we take is to make things work better, so problems do not occur again.

Lunch times have been a major problem, especially for the children with SEND, so therefore we have many different programmes going on: a board game club; we have 'Inside Out', where they can come in for children who might need some quiet time; 'Nurture lunch' for children with eating difficulties plus many others. 'Transformers'; a peer to peer behaviour mentoring programme, older pupils help the younger ones, coming out of their class, they sit in at lunch time and in lesson times with the younger children who are struggling. It is wonderful to hear children who have changed their own lives saying to these younger children: "you don't want to do

that because, you know, you don't want to be like I used to be...'. It is really powerful. We are talking about children who at 4 and 5 years old are now self-regulating their behaviour that were not previously. This is about seeing everyone as the same irrespective of their barriers, making the changes that they need as individuals to be included. It comes back to relationships.

The approach we adopt is not a 'one size fits all'. We have eleven mental health first aiders in Laurance Haines and even more across the Trust, so when that was proposed by government, we already had them, as we were already thinking ahead for our children's needs. This compares with, say, a secondary school with maybe fifteen hundred pupils which has only have one or two. Our school with five hundred have eleven because we know that there's a significant need to identify early and intervene and looking at how we can improve outcomes for children.

National Nurture School and nurture group

Our Nurture Group started when one of us, the year 6 teacher, and the other, a nursery teacher started to discuss how some children did not change over this period of their schooling. We looked at the reports of children about whom there were concerns since they started school and through to year 6. Though the children were learning to read, write and count, we were not teaching them how to be equipped for the real world. That was when we decided we were going down the nurture route and look at attachment. It has now been running for seven years and in our evaluation we believe it has had a massive impact. It is about early identification and early intervention, starting from Year 1, though now we are starting earlier in Reception. The focus of the group is on social emotional, mental health and behavioural difficulties, as some of these children do understand how the school system works and how it functions. So, therefore we go small before we go big. Being one of eight before you are one of thirty is the key here. But, what it really is about is also their parents, who we work with. When these parents then come on board we can really support them. Sometimes, it is a developmental matter or SEND; we are not quite sure sometimes and children need time to adjust to formal education. But, we need to give some of our children a little bit more focused time. In our judgement, the 'Nurture Group' works; otherwise we would not spend a significant budget on it. It is as simple as that. Our view is why would you pay a lot of money to have two adults with eight children if you did not believe it worked? Our Nurture Group is not just used to take difficult children out of lessons; it is not like that at Laurance Haines, that is why it has a quality mark because our school follows the 'six principles of nurture' (Lucas, Insley and Buckland, 2006):

1. Children's learning is understood developmentally
2. The classroom offers a safe base
3. The importance of nurture for the development of wellbeing
4. Language is a vital means of communication
5. All behaviour is communication
6. The importance of transition in children's lives

We are careful to not label the children going to the Nurture Group as 'nurture children'. However, we find they gravitate to the person in charge of the Group (the second author) years after leaving it. So, given our belief that it is effective for the children involved, the question becomes how do we persuade all of our schools to adopt this approach? This school took part in the 'Nurturing Schools' programme,

and we became the UK's very first national Nurturing School under the Nurture UK. And, that's where we embedded the six principles across our whole school.

Steps approach

Hertfordshire has a DSPL – Division of Specialist Provision Locally – which holds the money for additional needs. The school applies to this group for funds for children who need it. As part of this the school follows the Hertfordshire Steps approach, which is a positive approach to behaviour management that offers consistency across all education phases and settings and is the preferred approach of the local authority. It aims to improve staff confidence and safety, reduces the risk of exclusion, supports the inclusion and management of SEND and children who may present challenging behaviour, develops consistent working practices and supports senior leadership teams in the development of policy, planning and reporting. There is training available that enables teachers to become a Steps Tutor to provide 'Step On' training and consultancy to staff within their own setting. Settings are encouraged to build a small team with a minimum of two tutors. These tutors can work together to continually influence practice as well as maintain 'STEP ON' certification within their setting (Hertfordshire Steps, 2019).

From the school's perspective it offers a de-escalation programme about taking the heat out of the moment; it assumes that there is no benefit in dealing with behaviour of a child when they are in a heightened mood and that is what causes more difficulties. It has changed the teachers' approach to behaviour management. Some staff really struggle with it, seeing it as unfair. Calming down and dealing with that behaviour, not in the moment involves a challenge for them. They want justice in the moment because teachers, like every other human, feel hard done by and want something to back themselves up; that is what they often see exclusion as. We had to do a big piece of work about how the approach works, that we are not being unfair, we are being fair to our children.

Nicola, as head of the pastoral support team, has as part of her role to champion children and make sure their voice is heard when it cannot be heard against the adults. This is about the Nurture principles that run throughout our school. It is not rocket science – happy children learn – it does not matter what the difficulty may be, all children have the ability to learn to the best of their ability.

We have very high expectations for all our children. And the principle that 'all behaviour is communication' runs through the school; that our children are telling us something, that something is not right. We need to listen to them and do something about that with compassion.

This is our behaviour ladder (see Table below). It applies to the majority of our children, but some sit outside of it; this is not a 'one size fits all' so we can do something different. It has been reviewed to use the word consequences rather than sanctions. In the revision we had a focus group of children who were consulted about it. They recognised that it would not work for all children. These children join the school at nursery and have known their peers for several years; they understand that some have different behaviours and different disabilities or special needs and they accept that. So, the revision was very much written with them with all of the children in mind.

Behaviour Ladder

level	Behaviour example	Possible consequences
1. Low level	Poor effort Disruptive fidgeting Inappropriate interruptions Distracting others Disrupting noises Unkind remarks Telling lies Deliberately annoying others Bad language (one-off) Answering back (questioning a situation) Improper use of school equipment Wandering round class when should not be Dropping litter	Reminder of rules and praise rule keeping Verbal warning Age appropriate time out (e.g. 2 minutes for year 1) Restorative justice (e.g. clean area) Conversation with adult in class/playground of impact of behaviour on others.
2. Moderate level	Persistent level 1 behaviour Repeated refusal to work / follow instructions Hurting others physically or emotionally Serious misuse of school equipment Improper use of toilets/basins	Send to parallel teacher with work Lose age appropriate minutes from breaktime Sent to reflection (recorded on SIMS) Restorative justice Complete learning with parent/carer outside of school hours
3. Serious	Persistence level 2 behaviour Persistent physical and emotional harm, e.g. kicking, hitting, screaming, biting, pinching Throwing / kicking objects that could harm Vandalism Inciting others to misbehave Swearing intentionally Possession of inappropriate materials / objects Leaving classroom without permission	Send to key stage leader for rest of lesson Sent to reflection (recorded on SIMS) Enter incident in SIMS with victim data Restorative justice If reflections refused, child attends after school detention (parents informed with 24 hour notice) Internal exclusion (max. 1.5 days)
4. Very serious	Persistence level 3 behaviour Deliberate and persistent physical and emotional harm, e.g. kicking, hitting, screaming, biting, pinching Children excluding each other because of looks, colour, race, beliefs, gender or disability. Any repeated form of bullying Swearing to cause upset Stealing Serious injury to another with intent Verbal abuse to adult of any sort Incident of sexual nature	Send to Assistant Headteacher Parents informed (detailed letter and phone call) Possible exclusion – internal or external Possible reduced timetable Enter incident into SIMS (HT/DSHT) Restorative justice Possible interventions from Agencies Possible intervention by Governors.
5. Extremely serious	Persistence level 3 behaviour Possession of harmful substances or weapon	Permanent exclusion

The children need to know what we are actually looking for. When you say 'good listening', what is that and what does that look like for children? Behaviour needs to be taught so this is something to teach them as well. We did make three quite

significant changes: i. possible consequences, ii. restorative justice and ii. internal exclusion. Restorative justice is about putting it right at every level, with that being our choice every single time. Internal exclusion was added because we were going far too quickly to external exclusion. But, internal exclusion is not an isolation booth or sitting straight ahead; it is being with Nicola and still going out to play. Our experience is that from our children's own views, it is not that they like it, but they felt that it helped them.

With internal exclusion there are reintegration meetings, as there should be with any exclusion. What came out from the review of the first child that was that internally excluded and he had been previously fixed term excluded under the old system. He had said to Nicola that he did not really like being in school anyway. Now being in another class away from his friends, he wanted to get back to his regular class. He also saw that doing something in school taught him more of a lesson than being at home, where his mother did not require him to do anything. So, internal exclusion is for a short period (not more than 1.5 days) and it is about listening to the child, seeing what they are saying about their behaviour and adults responding to that compassionately but consistently.

What has had a large impact has been 'restorative justice' practices. We do not see this as a new concept as it happens a lot. Perhaps it happened more a few years ago, but got taken out because of health and safety. Now we have put it back in. It depends on parental engagement at times and again comes down to our relationships. In this school we have great examples of parents whose anxiety around school stemmed from their own exclusion. That was projected onto their child. For example, a parent might come in shouting: "You don't want be like me – you're gonna end up permanently excluded". So, we intervene and get the pupil to do something that teaches him not to do that and show that there is a positive consequence attached to it.

There was an example recently of a pupil who had drawn graffiti on our school shed. It was at the end of the day, so we phoned up Dad and said, "Look, you know, this has happened – you understand we've got to do something about it? We don't want to exclude – let's get him in. Are you happy for him, with the caretaker, to scrub it off and then paint over it?" He said, "Yeh." I said, "Let's bring him in now." He said, "Can you do it tomorrow?" And, we said to him, "Why tomorrow? It has to happened now. Does it suit you to do it tomorrow? Does it suit the child?" And, Dad said, "fair enough, it's just cos I can't be bothered to get up there. So, I'll send him up" So, he sent him up and he was there till half past six scrubbing and painting and it had an impact.

This is a pupil who has had a three exclusions at the beginning of term. Much support has been provided, including outreach from the PRU, with which we work closely. His issues are about his family's housing. We do something called SCAFs (Schools Around the Family), in which we literally bring everybody in that we can to get the root of the issues. Our children are communicating that something is not right here.

Barriers

We have talked specifically about SEND, but we do not think about children as children with SEND, or children with EAL. They are just children in our school; our expectation is that by the time they have finished our schooling, that they can function and access the next step of their societal being, which is Secondary School. We do not mind what the next step is, it is about how we get there; we give free rein to our staff to be as innovative as they want. All of these things, every single one of these things that we have presented come from staff – the attitude is that is something does not work for a child, then we try something else. But, when James as headteacher talks to other heads, they ask how these practices are funded and how do you do that just for one child? The question is turned round: how can you not do it just for one child? It's that one child's one chance to succeed. This brings us to the reality and the barriers. From our perspective it is mostly about finance with the reducing budgets. We have lost about eleven percent of our base budget over the last two years; we are at a point of facing a re-structure across the Trust. It is not possible to guarantee that any of the things that have been talked about will continue. We know that what we cut will have an impact on our families. But, that is the reality. So, we have to balance that with the needs of those children as well.

Barriers to consider

- Reducing budgets
- Increasing number parents with children with SEND either diagnosed or undiagnosed choosing our school
- More children entering mainstream with complex needs
- Rise in children with SEMH
- Increasing bureaucracy
- Timescales for SEND identification/EHCP/referrals/ENF
- Recruitment and retention
- Shrinking external services
- Not enough specialist provision
- Attitudes and mindset to inclusion – what is inclusion?

The box above shows our barriers. Because we are good at what we do, and proud of what we do, the local community hears about what we do, and because we do not turn any child away, we have got a significant number of children with SEND as well as other additional needs, especially a rise in Social Emotional and Mental Health difficulties, which is a national issue.

There are local schools that will say to parents, "If your child has got SEND, you do realise we can't provide very good service for them here" Of course, that child will not go to that school. We had to say, to the local EP, there has to be a balance as everyone has to take their share, everyone's got to do their bit in our community. You know, there is a definite increase in children entering mainstream with complex needs, more and more complex needs. There is an increase of bureaucracy with all of the timescales involved, the forms to fill out, all of which is very frustrating. Everything takes so long.

What is needed

We need early years interventions and more funding. There also needs to be less bureaucracy to access support when we are navigating the system. We jump through hoops and hurdles to get our children the support and our staff the support. There is a need for more alternative specialised provision, mainly to help us, but not particularly to put the children into. We would very much like our own alternative provision within our school. We need better training and better communication with transition into our school.

What we need

- Better investment for early years provision
- More support/funding for SEND in mainstream provision
- Less bureaucracy when navigating the system
- More alternative specialised provision
- Improved training and/or experts in schools to support children's complex needs

Jack's Story.

We end with the story of Jack. We have parental consent for this and we have changed the boy's name. This aims to present a summary of how what we do actually works, but it also shows the fragility of the system.

Jack joined us in the middle of Year 1 from another local school. His step-dad came to our school, (his uncles, both had been excluded from the school), but they still chose us. We knew straight away that something significantly was not going right for Jack with SEMH. We took him into our Nurture Group which worked very well. He then went into Year 2, the transition was OK. We were thinking that we could manage him within the confines of the school behaviour systems. But, a significant trauma happened to him in Year 2, and he became stuck. In terms of his learning, he was working probably a year two years below age expectations, and he was now stuck developmentally. We also saw behaviours that I have never witnessed before for, which he had a number of fixed term exclusions. We had to reduce his timetable right the way back down and he could not be in a mainstream class, even with two adults working with him.

His situation was considered at the Panel, and he received funding for exceptional needs. But, he went through five assistants working on a one to ones, who left because of his behaviour. It took a year of bureaucracy of trying to get him the help that he needed, but we still managed to keep him in school. In 2017, we were really fortunate and managed to reach Hertfordshire's tier four provision, based on the 'risk of permanent exclusion'. He started going to alternative provision in the mornings, four mornings a week and a Farm on a Fridays. This was very good for him, though he does not do there now as things have not gone quite right for him there. So, he comes to us in the afternoon when he works with a very capable assistant on one to one basis. It is about recruitment and retention, finding the right people. We found the right person for him. So, he succeeds very well but still not in a mainstream class. And he is now doing PE and we pre-teach him the PE. So, we taught him last week what is going to happen every step of the way.

However, the provision at the Centre will only last two terms, and they it involves outreach provision. But, he is still not ready for mainstream, so we have to keep

going to Panel for funding; we have to keep proving he needs it. So, the story is that we have seen major benefits, because he is working under Thrive practitioners that move you on from where he is stuck. His developmental age on this Thrive scheme comes out at about four and a half. We need to get him up to speed so that he can be with the other children. The worry I that when they go into Outreach, he will be back in school we will need space and funding. We will struggle with him, but we hope that things will change for the better, because we never give up. The success in that is that that little boy has had education at the level he is at for a year and a half without any exclusions. We cannot promise that he will survive the rest of his journey without exclusion; but, we will do our best to make sure he can.

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References:

Hertfordshire Steps (2019) available at

<https://www.hertfordshire.gov.uk/microsites/local-offer/services/hertfordshire-steps.aspx>

Lucas,S., Insley,K. and Buckland,G. (2006) *Nurture Group Principles and Curriculum Guidelines Helping Children to Achieve*, The Nurture Group Network.

Section 5:

Discussion Group Feedback

These were the suggested questions for the discussion groups:

- a. What changes should be made to the existing statutory frameworks e.g. Child and Family Act, Disability Discrimination legislation etc to ensure greater access for SEND? (Regulations)
- b. How might this work to ensure greater priority and recognition for inclusive practice? (Accountability)
- c. What are the current disincentives to include and how might these be addressed/incentives be increased to support or encourage more inclusive practice? (Incentivisation)

Group 1:

We came up with several changes. One is that SENCOs are not part of the senior leadership team in all schools, particularly in primary schools . So, we were saying that they should be part of the senior leadership team. The other one is that there should be something before the exclusion appeal system for parents and pupils. This would enable them to talk through the process. Some parents feel disempowered by the process, because they do not understand that there are people who can represent them at the governors' hearing meetings. There was also discussion around initial teacher training, and also training for governors because they are important in the process, but they do not get much training.

As regards the second question inclusion accountability what emerged more than anything was the need to make sure that what exists in statute, whether in the local or national instruments, actually gets implemented in practice; and we are talking about the presumption of inclusion in the Children and Families Act, and the interpreted declaration to UN Article 24. The UK government made a commitment to developing more inclusive education in all local areas so that schools have more capacity to respond to the full diversity of children. But nobody seems to be doing anything about it and we thought that if some *oomph* behind that happened then that would help make a change.

For the third question about incentivisation, we approached it as “what are the incentives to exclude” rather than the incentives to include. We believed that one key aspect is the standards agenda and league tables. So it might be an incentive for schools to get rid of those pupils who are going to bring down their league table results. We also talked about, how a headteacher or another member of the senior leadership team could have a different agenda to the SENCOs and how those two agendas play out. We talked about school culture and ethos, and also about choice and admissions related to the marketisation of schooling. For some it might be seen as a good thing to exclude a pupil if you are trying to attract the parents of the twenty-nine other pupils in the class. This might be so if the school is showing that they are being tough on misbehaviour.

Group 2

We talked around the framework of three questions and developed our own framework when thinking about what the government might do, what a local authority might do, and what a school might do. We reflected on the passion for inclusion in the 90s and in the noughties; we wanted that back. We believed that there should be a restating of the duty to include, e.g. it should be unlawful to exclude, though this probably will not happen. We talked about restating the purpose of education and returning to comprehensive schooling, that every child should be on the role of a mainstream school. That is the radical bit. This led to asking whatever happened to the statutory guidance on inclusion? When they brought in the new legislation, they removed the inclusive schools guidance. We need that back and stronger and exemplified.

For the second question about accountability, we considered 'what should we expect that all schools will put into place as normal for a predictable group of young people?' We heard about a school which used a framework that identified sixty of their children in this framework as needing a special arrangement to deal with their emotional wellbeing; that was normal for that school. We talked about regarding this as not something extra. It is not just an inconvenience, all schools should be doing that. Schools have their own responsibilities for children and adolescent mental health which does not need to relate to referrals all of the time. That needs to be clearer. As regards changes to the legislative framework, a vocational curriculum could be accepted from Year 9 onwards, perhaps even earlier. This could be explicit and not as a cop-out or a bad thing. It is better for some young people, who might not have learning disabilities or difficult behaviour. We also talked about every child at fourteen being given a life coach; to encourage high aspirations to inspire them, to help them on their way. This was a very emotive discussion.

Group 3:

This group talked about the narrow emphasis on process and procedure in the current legislation; although there were protections within the disability and discrimination. This group also wanted to see inclusion back on the agenda and recognised by government; they felt that that has been side-lined. People were quite hopeful that there may be a little bit more with the new OFSTED framework. It was noted that that is where the word 'inclusion' has actually been mentioned. So, there was some hope that inclusion will be at the heart of this framework, not just slotted alongside the other accountability measures.

This group recognised that the accountability aspects can distort people's practices. The discussion was also about a visit to Finland, where there are no league tables, and their practice is very inclusive. The view was that a very narrow curriculum leads to a lack of creativity, which is disengaging young people from their education. The group was also concerned about the psychological and emotional impact of exclusion on young people. So, in terms of incentives, the group did not want to be promoting these negative impacts. The group wanted to be making sure that young people have a sense of belonging.

Group 4

The discussion in this group kept moving on; not being very disciplined in answering the questions. The main point that most people agreed on when there was a summing up was the importance of moral leadership in this area, as there seemed to

be some battling against despondency. Such leadership was demonstrated in the presentations. Leadership like this could be demonstrated through professional learning and other activities, both for professionals and schools, and by removing the disincentives to moral leadership. There was also talk about how to counter fragmentation in the school system. It was noted that how there are very excellent examples of interesting practice, but fragmentation means there is great unevenness in the displays of moral leadership. There was also some discussion about the impact of austerity in some particular communities, which then became challenges for schools. It was suggested that the importance of this context be fully recognised.

Group 5

The reporter of this group mentioned that one of the things he likes about these seminar is meeting people who come from very different roles and backgrounds to yourself. It is enriching to get different people's perspectives. So, this group started with a quite interesting debate by someone who works for an advocacy organisation for parents in terms of taking cases to tribunal and challenging local authorities over some of their decisions. There were some die-hard local authority officers at the same table who might be across the tribunal table from the advocate. What was interesting was how you find common ground on these occasions. One place where common ground was found was over how far the existing special needs statutory framework supported or hindered the proper development of the universal SEN offer.

This led the group to the issue about mainstream, special needs accountability, which will be the topic that we are having for the June 2019 seminar. This relates to issues, particularly in some phases of education, like secondary schools, where there are not clear examples of what an inclusive school or a school that is good at SEN looks like. Without this, it is hard to address accountability questions, particularly, if you are looking to assess such provision. For the third area about incentivisation, we considered whether there are mechanisms that we can introduce which maintain some greater degree of mainstream ownership around children, who are getting displaced from the system? That would include not just children who are being permanently excluded but children who are in elective home education in the sort of circumstances discussed earlier and children who are being manage-moved into alternative provision. At the moment, there is not much ownership or responsibility by mainstream schools once those children move into those kind of arrangements. So, we were interested in terms of how mainstream school accountability could be strengthened and what some of the options might be for that.

Group 6

Many of what was discussed had been covered by other groups already. This group talked about the recommendation in the Forgotten Children Report, that there is some sort of accountability measures required of schools. The group talked about the methodological difficulties with implementing such a measure and about how even with the measure in place, it could be entirely possible for schools to gameplay it, to the detriment of our most vulnerable children and young people. However, the group was broadly positive about the new proposed Ofsted framework that is under consultation, particularly the 'quality of education' heading, which will hopefully enable more nuanced discussions about a school's overall offer for all learners. However, for that to be implemented and authentically translated and enacted on the ground, there will need to be Ofsted inspectors who are trained and more open to

those nuanced discussions. There will need to be school leaders, who are confident enough to tell their story and work beyond reporting to the narrow accountability measures. Alongside that, there was some discussion around assessing pupils in ways that are beyond accreditation or SATs results and how schools, including special schools, will do that. So, there was a discussion about how we assess learners in a way that moves beyond demonstrating progress. This was expressed in terms of us wanting a culture where progress is being evaluated; a culture where we are assessing to learn more about our pupils rather than assessing to show that we are doing a good job. This makes the question of accountability interesting because being accountable can lead to changes, yet at the same time, as soon as we are accountable we are working for the accountability measure rather than the children and young people themselves. There was then a discussion about school admissions, with quite few in the group thinking that for many schools it is quite attractive to present themselves as a school that takes in brighter pupils. With parental choice, being a school that is academic, high-flying, whatever it is called, can be antithetical to being inclusive. The group considered that this is not the case, but the question was then how this conception can be challenged, the cultural perception that inclusion and being high-achieving cannot go hand in hand.

Group 7

The other groups were mostly focusing on systemic issues, and so had not talked much about individual children. This group started with this notion that in terms of the factors under consideration, one needs to bear in mind everything from the child, family, school, local authority and national perspective.

This group considered the influential White Paper of about twenty years ago called *Choice and Diversity* that became a major driver of the system as a whole. So, there is now a situation where local authorities have less power with the majority of schools now academies. This has enormous implications with schools having greater power than local authorities. Underlying all this is the issue of values, which other people have also talked about. This is about the value that schools should have a commitment to inclusion and not to exclusion. How to do that is much more difficult. This group came back to the usual suspect which is Ofsted and adopted some positive views about some recent Ofsted's plans in the future; to do less about achievement and a bit more on social and emotional development, for example. This would move the requirements of Ofsted into those sorts of domains to a greater extent which would be helpful. However, the group were reminded that funding issues related to austerity were still there.

Group 8

This group also covered much already discussed in other groups. Three points were discussed. First, was a point that every child who had been excluded from school should have their SEN needs re-assessed on a statutory basis. There was also discussion about the Disability Act and that Government providing some guidance about approaching needs before exclusion. There was also some consideration about what was involved in violence and what it meant for different people.

National regulations for exclusion was discussed, with a focus on unlawful exclusions, e.g. children who are just sent home in the afternoon or asked to be taken home without that being legal. Here the new Ofsted framework came up with

the hope that it is positive. But, it is about training and whether it is carried out properly. There was a point about schools which have excluded still being responsible for the children that they have excluded, so their results remain the original school's responsibility. The experience in Rotherham about Genuine Partnerships – Rotherham Charter - with their quality indicators was also helpful here. This Rotherham Charter for local schools looks at what is going well in schools, examining the four cornerstones around co-production and inclusion. Schools work through a two year process to get Charter Gold status.

This group also talked about Progress 8 for children with SEN. Though the intention might have been good, it can actually limit the children with SEN. This led onto discussion about the curriculum needing to be broader. Another topic was tribunals and how they worked. Lawyers and educationalists come from different points of view. If a school is found guilty, should that school get a letter or a fine. That would take money out of the system, or should there be some actions for that school? Finally, the group talked about the pressure on young people today, on one hand, and about how the issues are not always about the legislation and funding, but the quality of support and relationships.