

***Children's Commissioner's Inquiry into School Exclusions
Response from the Association of Teachers and Lecturers,
September 2011***

ATL, the education union, is an independent, registered trade union and professional association, representing approximately 160,000 teachers, head teachers, lecturers and support staff in maintained and independent nurseries, schools, sixth form, tertiary and further education colleges in the United Kingdom. AMiE is the trade union and professional association for leaders and managers in colleges and schools, and is a distinct section of ATL. We recognise the link between education policy and members' conditions of service.

ATL exists to help members, as their careers develop, through first rate research, advice, information and legal advice. Our evidence-based policy making enables us to campaign and negotiate locally and nationally.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

ATL Policy

ATL's education policy is underpinned by the professionalism of teachers. Teachers should be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in promoting social justice. Development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders and assessment should be carried out through local professional networks. Schools should work collaboratively to provide excellent teaching and learning with a broad and balanced curriculum, and to support pupils' well-being, across a local area. This means that mechanisms must be developed that ensure a proper balance of accountability to national government and the local community, and which supports collaboration rather than competition.

Executive Summary

Exclusions cannot be addressed on a school-by-school basis. At school level, it's vital that there is strong leadership, that staff have good training and that children and parents can access the support they need. However, this needs good local infrastructure, including local authority, multi-agency, effective alternative provision that links back into schools. We also need schools which can work in partnership with each other. Accountability for pupil behaviour, pupil exclusion and for excluded pupils must be shared across a local area not just at individual school level. A fragmented school system will not be able to meet the needs of children, young people, their families and communities. ATL's response contains the following key points:

- ◆ The reasons that schools exclude are complex, reflecting the causes of behaviours that lead to exclusion
- ◆ Inconsistency across schools/areas relates to the differing levels of expertise within schools, around particular access issues or SEN for example, and to access to local

services and funding. Staff support, training and development is a key part of the answer, combined with regular access to local services and expertise.

- ◆ The changes to the exclusions system that involve excluding schools paying for provision for excluded pupils and retaining a responsibility for them, will mean a significant administrative burden on schools with no provision for increasing capacity in schools.
- ◆ Policy and legislation have a significant impact on schools' actions around exclusions but they can be contradictory, which we particularly see with the conflict between the policy for inclusion and reduced exclusions and the policy of high-pressure narrow academic targets. Our current accountability- and assessment-driven curriculum results in narrower offer from schools than suits many children and young people but flexibility and innovation has been stifled in school by over-heavy and prescriptive government policy.
- ◆ Funding is vital in supporting schools to reduce exclusions and meet the needs of vulnerable children/young people: it allows school to access expert services, offer TA support for pupils and staff mediation with parents etc. Funding cuts are already heavily impacting the services that LAs can provide and their role in terms of co-ordination is being heavily undermined.
- ◆ Targetting intervention to high-risk groups has not been particularly successful, partly because causes of behaviours that lead to exclusions can be so complex and because often responses rely so heavily on multi-agency approaches, the organisation of which has often been inconsistent in quality across the country and which will suffer even more in response to cuts in all those services. It also risks losing sight of groups which seem to be lower-risk, eg girls who are often less visible in terms of permanent exclusions and therefore have less resources available to them.
- ◆ Good practice involves partnership approaches with other schools, use of properly resourced inclusion units, effective use of TAs and SENCOs with expertise in areas of BESD and SEN, good multi-agency working with clear lines of communication and understanding across participants of their roles and a commitment to collaboration.
- ◆ The impact of current and proposed government policy is already being felt. Examples include: cuts to funding to essential local support services are resulting in a significant decrease in schools' access to those services; less accountability for academies and free schools under system diversification/marketisation; independent providers of inconsistent and doubtful quality; increase in poverty exacerbated by cuts to benefits and other family/children support programmes; need for early intervention undermined by decimation of Sure Start services; school partnerships undermined by diversification

Introduction

We welcome this inquiry into school exclusions by the Children's Commissioner; it is a matter of huge import to our members, teachers, support staff and leaders, reflecting their passion for education and commitment to the pupils with whom they work. Our response reflects the complexity within the exclusions issue; in the causes behind the behaviours that lead to exclusion and therefore the range of methods and support mechanisms required, in the conflicting policy demands that schools face and must balance, in brokering the multi-agency approaches and doing all this within an education context of continual change at present. We note the tendency, within government policy and in some policy thinktanks, to simplify the issue in casting blame on schools with little attempt to engage with a meaningful and constructive dialogue with those who work in education. We hope that this invitation for views from the Children's Commissioner shows a willingness to engage in such dialogue for the benefit of all concerned, not least those most vulnerable to exclusion.

Factors affecting exclusions

There are many factors that influence schools' decisions to exclude, which can combine together to make the decision inevitable after all other avenues have been exhausted. Along that journey will have been attempts to work with the child/young person's family/carers, personalised interventions eg around behaviour support with the pupil, contact and work with relevant external services. The decision for exclusion, whether fixed-term or permanent, will be affected by the safety/welfare of other pupils and of staff and the capacity of the school to meet the needs of that particular pupil (in terms of financial cost and staff capacity to not only support that pupil but also to ensure loss of education is minimised for other pupils). It can also be affected by the alternatives available and indeed, the quality of those alternatives.

The reasons that schools exclude reflect the complexity of the causes behind the pupil behaviour they face as is acknowledged in the recent 'No Excuses', Centre for Social Justice Report; "The underlying causes of challenging behaviour and disengagement from education are often rooted in the family environment. There are risk factors that exist in the lives of many pupils which appear to impact predominantly on their cognitive development, behavioural, emotional and social development, and on their mental health, well-being and educational attainment".¹ The exclusions of children and young people can often reflect the challenging needs they present, needs related to circumstances of deprivation, family dysfunction, mental health, substance abuse. Schools who may face local difficulty in getting the level of multi-agency service they need for the needs of vulnerable pupils or where the depth of those needs cannot be met within their extended services offer, will be left to explore the option of exclusion. The local support available to schools, and its affordability, are inevitably key factors in whether they exclude pupils as they are vital in meeting the needs of children and young people at risk of exclusion.

Where there are different rates of exclusion across schools in local areas, factors such as in-house expertise and the strength of the schools' leadership teams in pushing for external support and services are key. Strong and supportive leadership, within a framework of local expertise and a consistent programme of training and professional development for staff in relevant areas such as emotional and behavioural needs are factors within schools which have lower exclusions as they increase the tools and capacity within their own institution while accessing external levels of service where necessary. However, that also strongly relies on the level of service available at local level, which explains inconsistencies across local authorities. The numbers of pupils who display challenging behaviours within any school also has an impact on exclusions' decisions as that can affect the capacity of the school to deal constructively with the behaviours, their causes and impact. This is one of the reasons that it's so important to have proper place-planning at local level, something which is declining fast due to the fragmentation of the school system.

Interventions of other public services and agencies

Interventions of public services and agencies, when supportive, have a positive impact on school's decision in that they provide expertise and when necessary, advocacy and mediation for the pupil and their family. However, that level of support is not always consistent and members have expressed concern regularly about the level of service from their local CAMHS. Indeed, some members perceive other services such as health and social care as 'disengaging' from cases, with their schools left with the belief that the responsibility is just being left to them. It is interesting that the recent 'No Excuses' report observes that "even where a robust behaviour policy is effectively operated within a school and relevant training is provided for pupils and staff, schools must recognise when they have

¹ [Centre for Social Justice, 'No Excuses' Report, September 2011](#) , p.10

reached their limit as an institution ... it is crucial that they work in partnership with other schools, external services.”² Schools recognise their limits; what is problematic is when other agencies do not.

Against positive voluntary support, must be balanced narrower targets and interventions by agencies such as Ofsted which often narrow the curriculum offer within schools and which encourage less constructive behaviours to schools, particularly where schools feel pressure to compete against other schools in the education marketplace.

Impact of planned changes to exclusions system:

ATL members are very concerned with the practicality of proposals where excluding schools will pay for provision for excluded pupils and retain a responsibility for them. They believe that this will mean a significant administrative burden on schools without any corresponding increase in their capacity. This is particularly worrying at a time when the diminishing of the role of the local authority will mean ever-bigger demands on school management as commissioners and co-ordinators of services. While it may mean less exclusions which trigger this duty, it does nothing to deal with the real problem facing schools where their provision has proven not to meet the needs of a vulnerable child or young person.

Impact of government policy, legislation and regulations

ATL members would agree that government policy, legislation and regulations have had a significant impact on school exclusions. On the one hand, the pressure on schools to reduce exclusions has resulted in a significant fall in permanent exclusions. This has in turn led to a greater emphasis in schools investing on providing services such as Behaviour Support, Inclusion managers, counselling etc. However, other policies, particularly around accountability, have provided perverse incentives to schools to find other ways to remove children and young people from classrooms where they are consistently disruptive to the education of others and of themselves and where usual methods of support and discipline have failed. A schools ‘market’ (ie the fragmented and competitive system we are moving increasingly toward) will exacerbate this.

Fixed-term exclusions and managed moves have been used, many times with very good effect but judgements on the effectiveness of such measures for individuals are undoubtedly affected by policy pressures on schools in relation to academic targets, behaviour and limited funding. Accountability- and assessment-driven curriculum result in a narrower offer from schools than suits many children and young people but flexibility and innovation has been stifled in school by over-heavy and prescriptive government policy.

Hard-line targets and the view of education as a business can result in a de-personalised offer for pupils, something which most schools can partly resist but few can fully do so within the high-competitive risk-averse culture which has been created. These targets impoverish the service that schools can offer all pupils, particularly those most vulnerable, and can then compound this by pressurising schools into quick-fix practice which doesn’t deal with the real issues.

ATL recognises the current dissonance in the policy narrative around education with a focus on standards which emphasises conventional measures of effectiveness contrasted with a focus on greater inclusiveness and one can see this particularly within the realm of SEN. Research highlights the potential value conflicts therein, leading to polarisation between

² Ibid, p91

schools which are highly effective in conventional exam result attainment and school which successfully meet the needs of large numbers of pupils with SEN.³

Funding

Funding is the key issue to combating exclusions: it allows school to access expert services, TA support for pupils, staff mediation with parents, in-school resources. We know that funding cuts are already heavily impacting the services that local authorities can provide and their roles in terms of co-ordination are being heavily undermined.

The way in which funding is now organised also causes issues in terms of service provision. For example, Lamb reported that the delegation of funding for support services has had a negative impact on SEN provision, diminishing the capacity of many local authorities to monitor the progress of SEN pupils and reducing the range and quantity of specialist staff available to provide services and support.⁴

Multi-agency partnerships are heavily impacted by resource, funding and capacity issues. ATL members report that pupils with SEN (who are highly disproportionately represented in school exclusion figures) are missing due to shortages in the numbers of external specialists. These shortages are particularly felt in health services, in speech and language therapy, child and adolescent mental health services and occupational therapy. This is further compounded by different spending priorities and boundaries.

The fragmentation of funding streams is also particularly concerning at a time where we face severely limited budgets. It is vital that there is a focus on effective measures and interventions, but to do this, there needs to be an understanding of patterns of need and the relative efficacy of interventions. No matter to whom the money is delegated, the state will need to know the likely demand on budget.

Targetted intervention

Targetting intervention to high-risk groups has not been particularly successful, partly because causes of behaviours that lead to exclusions can be so complex and because often responses rely so heavily on multi-agency approaches, the organisation of which has often been inconsistent in quality across the country and which will suffer even more in response to cuts in all those services. It also risks losing sight of groups who appear to be lower-risk eg girls who are often less visible in terms of permanent exclusions and therefore have less resources available to them.

ATL has also found that some groups have suffered significantly from cuts to local authority budgets and services. For example, targeted support for Gypsy, Roma and Traveller pupils has been particularly affected, through cuts to Traveller Education Services despite the latter's achievement of excellent results. A recent Freedom of Information request of 127 local authorities has revealed that nearly half have either abolished their traveller education service or drastically cut staff levels. It is estimated that the schooling of up to 100,000 traveller children is likely to be put at risk as a result of these cuts⁵

The challenge that funding organisations face is how to target intervention at high-risk groups while recognising the needs of less visible groups and balancing group needs with individual needs. Those funding and offering services to reduce exclusions and the problems that lead

³ [Institute of Education, 'Literature Review: Meeting the needs of children with special educational needs', March 2002](#)

⁴ [Lamb Inquiry Final Report, 'Special educational needs and parental confidence', 2009](#)

⁵ [The Independent, 'Cuts threaten traveller children's schooling', 2 August 2011](#)

to them need to cater for issues of inclusive culture and curriculum, actively challenging of bullying, prejudice and preconception in schools and communities alongside personal support around family, social care and health issues. School and other sector staff's professional understanding of particular groups in terms of understanding their cultures, experiences and needs is vital to better support effective early intervention and working .

Good practice

ATL members identify good practice as involving partnership approaches with other schools, use of properly resourced inclusion units, effective use of teaching assistants and SENCOs with expertise in areas of BESD and SEN, good multi-agency working with clear lines of communication and understanding across participants of their roles and a commitment to collaboration. This practice involves a high level of commitment from schools and all other partners and a focus on inclusion over narrower targets. This good practice relies on staff having had high quality initial training and access to relevant and excellent continuing professional development. It usually involves strong and supportive leadership within schools, who ensure that the whole-school behaviour policy is shared with all parents, pupils and staff and ensure that all are supported in its implementation. Where managed moves are used, it involves good communication between the original and new schools, to facilitate the transfer and offer the child/young person a genuine fresh start.

Impact of current and future government policy

The current and forecast funding cuts to essential local support services is resulting in a sharp decrease in schools' access to those services which is likely to worsen. Yet, members cite this access as key to meeting needs that lie beyond the scope of education alone, and in therefore cutting exclusions. One ATL member described the impact of local cuts on needs such as SEN, observing that there have been "huge cuts at LA level – reducing from 9FT to 4FT Educational Psychologists... I am at a loss as to how Government expect the early identification and assessment be achieved in an LA as large as this with such a reduction in EP time... the pupils with SEN are being badly let down."⁶

Government policy around the diversification of the school system as seen through the introduction of free schools and expansion of academies reduces accountability across the school offer and also undermines local authority based partnerships. It is interesting to note that in the 2009/10 DfE published figures for exclusions, the rate for exclusions in academies (0.3% permanent and 14.7% fixed-period exclusions) was around 3 times higher than that for state-funded schools (0.08% permanent and 4.46% fixed-period exclusions). Furthermore, the diversification and marketisation of the school system has undermined the local authority family of schools and undermined partnership working.

The government's encouraging of independent providers into the alternative provision sector is also questionable as many current users are very unhappy with the quality of care that they provide and often at significant cost. However, the lack of BESD schools or at-capacity PRUs in some areas will leave many headteachers with little choice should their own provision be unable to cope with the demands of a vulnerable pupil. Independent providers may also offer 'segmented support' rather than a holistic package to schools in an effort to undercut competitors, which could lead to pupil's need being inadequately addressed.⁷

Research and member evidence point to the high correlation between pupil disengagement, challenging behaviour and poverty, alongside the many social issues and pressures on

⁶ ATL SEN Network Group Survey, September 2010

⁷ CFC op.cit

family that poverty causes or exacerbates. Yet, current government policy is resulting in increased poverty for many through cuts to benefits. It is deeply concerning that their recent proposal to combat truancy is to cut the benefits of parents of pupils who truant. This completely fails to engage with the causes of pupil lack of engagement with their education and will only increase the negative circumstances which often surround these children and young people.

Early intervention, so crucial a part of identifying patterns and causes of challenging behaviour and pupil alienation from school, is undermined by the cutting to support services to support it, which is particularly evident in the decimation of Sure Start services around the country. Local authorities now have very much less money for services such as speech and language therapists, educational welfare officers and educational psychologists. The impact of this impoverishing and undermining of the local authority is observed by Kate Fallon, General Secretary of the Association of Educational Psychologists on the subject of direct commissioning of services by schools: "At the moment EP services within LAs are able to work with a range of children and young people, including those who are not attending schools or are in between school placements or whose schools wouldn't necessarily prioritise for 'their' EP time. If schools become the direct commissioners of EP time the excluded children will need some protection."⁸

Conclusion

An independent inquiry into school exclusions is very welcome at this time and we hope that the views gained will result in a better understanding of the challenges faced by those, including our members, who wish education to meet the needs of all pupils, from all groups and backgrounds. Our members are clear that the current government education policy direction, particularly the fragmentation of the education system through the promotion of academies and free schools and ongoing curriculum constraints, assessment and target pressures, are unlikely to positively impact on the experiences of those most vulnerable to exclusion and who exhibit the most challenging behaviours. What we need are long-term solutions which require substantial investment up-front but which will be so much cheaper, both in human and financial terms, in the long run.

⁸ Ibid, p201