nfer

Report

**Executive Summary for the
Office of the Children's Commissioner (OCC)**

OCC School Exclusions Inquiry: Perspectives of teaching staff and other professionals

**Richard White
Emily Lamont
Helen Aston**

January 2013

Executive summary

The Office of the Children's Commissioner commissioned the National Foundation for Educational Research (NFER) to undertake research into **illegal exclusions** and **inequalities in education**. We carried out four focus groups with teachers and four group interviews with non-teaching professionals who work with schools and/or young people and their families, to investigate their views and experiences of these issues. In total, we spoke to: 20 teachers; six local authority staff and two national organisations: Catch22[1] and Contact a Family[2].

This Executive Summary outlines the key findings from the study, based on participants' views, attitudes and experiences. The findings should not be viewed as representative of the wider educational workforce.

The most excluded pupils

- Participants largely agreed that their school or local area reflected national trends, which show that boys, pupils receiving free school meals, pupils with Special Educational Needs (SEN) and pupils from certain ethnic groups are significantly more likely than others to be excluded from school (DFE, 2012). In addition, they highlighted looked-after children (particularly those experiencing mental health difficulties) and previously excluded pupils as being disproportionately excluded.

Reasons for exclusions

- Pupils were excluded for a range of reasons: persistent disruptive behaviour; physical assault (on staff or other pupils); use or possession of weapons; racist incidents; drug-related incidents; gang-related incidents; arson; and bad language.

- Participants also identified broader systemic reasons for exclusions: lack of training and time; lack of support from other services; few role models for some pupil groups; failure to investigate causes of poor behaviour; inflexible systems and procedures; and perceptions that some pupils would receive more appropriate support elsewhere.

Good practice, preventative strategies and training

- Participants highlighted a range of preventative strategies used by their schools: specific strategies such as seclusion, de-escalation, break out spaces and restorative justice; having key workers/personnel and learning or academic mentors; effective monitoring and review; and parental support.

- Participants generally felt that there was not enough training available for teachers, teaching assistants or governors. Training is needed on the key groups that are at risk of exclusion, as well as on handling challenging behaviour and exclusion processes more broadly.

- 'Intensive training' from specialist staff; training that builds in-house expertise or whole school supportive approaches; and training on communication difficulties were highlighted as particularly effective.

---

[1] Catch22 is a social business that provides youth, employment, education, offender and family services to help people to turn their lives around.
[2] Contact a Family is an organisation that supports the families of disabled children.

Awareness of legislation

- Levels of awareness of the Equality Act and the Public Sector equality duty were mixed. Some participants reported that schools had informed their staff, some were not aware of the requirements, and others were unsure.

- There was a general view that even where schools were informed about the requirements, they did not necessarily fully engage with them and there had been little impact on teaching.

- All teachers were aware that the legislation governs the exclusion process and that schools had to act in accordance with the law, although there was less clarity on the specific requirements.

- In most cases, teachers presumed that their school's approaches to and policies on exclusion were lawful – that is, teachers assumed that the necessary checks and balances would have been put in place to ensure that their school was compliant with legislation.

- In at least one instance, staff noted that their school had learned that their actions had been illegal via challenges from parents.

Schools' approaches to exclusion

- Teaching staff generally were aware of and understood their schools' approaches to exclusion, which were usually closely related to behaviour policies.

- Most teachers said that their school's policies were comprehensive, accessible and transparent, containing information about the circumstances which could lead to exclusion, and were often subject to review and modification.

- Schools approaches to exclusion ranged from a 'non-exclusions' approach to a 'zero tolerance' culture. Participants felt that most schools' approaches were in the middle of this range and that exclusion (especially permanent exclusion) would generally be used as a last resort.

- Schools used a range of approaches as an alternative to formal exclusion, in addition to preventative strategies. 'Inclusive' measures included the proactive and planned use of managed moves or transfer of pupils to another school, often brokered and managed via a fair access protocol or arrangement in the local authority. These were generally seen to provide pupils with positive opportunities for a fresh start or to provide a setting which would better meet their needs.

- Headteachers were primarily responsible for setting their school's approach to exclusion, influenced by the governing body and Senior Leadership Team.

- Teachers flagged other factors as important in relation to their school's approaches to exclusions: the need to meet national performance indicators; the consideration of the financial implications consistent with exclusion; the impact of the governing body and parents; and concerns about the school's reputation.

Teachers' views on exclusions and their school's approach

- Participants described a range of positive and negative views and feelings about exclusions, ranging from relief and seeing it as a positive outcome for the school and the individual, to a sense of failure, guilt, concern over reintegration and seeing exclusion as a 'last resort'.

- In most cases, teachers agreed with their school's exclusion policy and approach. However, some teachers wanted stricter and more far-reaching exclusions policies to remove what they saw as particularly challenging pupils.

- No teachers suggested that the behaviour and exclusion policies were un-equally applied to specific groups of pupils, although in several instances, it was alleged that particular individuals had been treated more harshly as a result of the nature of school-pupil/family relationships.

- There was general consensus that excluding individual pupils (after other interventions and strategies had been implemented and found to be in-effective) could usually be justified as a means of protecting the teaching and learning opportunities of other pupils in the class/school.

- In most cases, teachers suggested that exclusion rarely benefitted the pupil concerned and was generally not likely, in isolation, to effect positive change in their behaviour. There was a common agreement that if exclusion was required (especially permanent exclusion), then it was probably too late for that pupil.

- The effectiveness of short, fixed term exclusions was seen to depend on parental reactions, specifically support for, and cooperation with the school, to use this sanction as a means of modifying pupils' behaviour. In several instances, a permanent exclusion was regarded as the necessary catalyst for securing additional (multi-agency) input to meet the needs of the child.

Teachers' understanding of unofficial exclusions

- The most commonly understood example of unofficial exclusion cited by teachers related to sending a young person off the school site without issuing an accompanying letter to the parents, detailing why this action had been undertaken. 'Time out' and 'cooling off' were prime examples.

- Examples of more systematic unofficial exclusions included extended study leave; long-term or indeterminate alternative education, attending projects, or undertaking educational visits; and placing pupils on part-time timetables.

- A small number of teachers noted previous experience of pupils being removed from the school roll without an adequate alternative being put in place. However, none reported knowing of parents and pupils being advised or coerced into electing to educate at home. Such situations were described as 'morally wrong'.

- No teachers suggested that pupils with medical needs were excluded because of the school's temporary inability to meet their immediate needs. Teachers did however suggest that, through managed moves, or even permanent exclusion, more complex behavioural needs could be better met in a different school.

- Several non-teaching professionals provided examples of pupils with SEN either being sent home because of a lack of adequate support in school, or their parents being contacted to say that this support was not available, forcing the parents to either collect their child or sanction their continued presence in school without appropriate support.

Prevalence of unofficial exclusions

- Most teachers noted that unofficial and illegal exclusions had occurred, to some extent, at some point in their school. Several suggested that it was still fairly common in their school, often in the guise of alternative or off-site provision.

- Some teachers suggested that unofficial exclusions had been more prevalent in the past, but as a result of increasing awareness of the legal position, such actions had become less common.

- Non-teaching professionals (with experience of working in a larger number of schools than individual teachers) suggested that unofficial exclusions were still relatively common, often hidden by schools' use of attendance coding.

Reasons for unofficial exclusions

- Teachers presented numerous perspectives on why schools exclude pupils illegally, ranging from desperation and the exhaustion of all other avenues at one end, to acting in the best interests of the child at the other.

- Unofficial exclusions were seen as a means of removing difficult pupils under the radar of inspection and regulatory bodies, including the local authority and Ofsted. In this way, they offered a solution that would be less damaging to the school's image, reputation and public profile.

Justifying unofficial exclusions

- Most teachers acknowledged the concerns and issues surrounding illegal exclusions and its detrimental effects. Excluding a child unofficially represented an abdication of the schools' responsibility; a failure to meet the child's needs; would not address the issues that had led to that exclusion; and critically, would not serve as an official indication of the need to access relevant support and intervention to meet the child's needs.

- Some teachers suggested that unofficial exclusions could be justified in specific circumstances, if it was in the best interests of the child. Some felt that unofficial exclusions, used carefully, could enable the school to be more flexible in handling particular situations. These included: preventing an automatic exclusion and a formal record for the child; and where providing pupils with space from each other and the school environment was needed, when tensions were running high.

- Some teachers identified situations whereby pupils with specific SEN or additional needs were deemed to be 'better off' away from the school site for a very short period of time. Teachers agreed this would only be acceptable with the parents' full cooperation. In no instances was this approach said to have been accompanied by any coercion or threat of exclusion unless the parent voluntarily took the child off-site.

Likely impacts of new legislation on the use of unofficial exclusions

- Teachers were generally quite unaware of the newly introduced changes to the exclusion appeal system. Those who did comment did not think that schools would be more likely to exclude pupils as a result of the changes. Primarily, this was because of the very low numbers of appeals previously lodged and the outcome of these, generally upholding the exclusion.

- Non-teaching professionals presented similar views, although raised the possibility that 'bad' schools may see this as an opportunity to exclude pupils in the knowledge that they no longer have an obligation to reinstate a child (unless SEN was an unresolved issue). Generally though, this was not seen as a means for schools to increase the number of exclusions. There was a view that more needs to be done to ensure parents and children are made more aware of their rights in relation to school exclusion and the need to challenge illegal activity.

Recommendations

- Participants' recommendations for schools, local authorities and government focused on better monitoring and accountability, training, establishing preventative strategies, developing policies and approaches based on legal requirements, encouraging parental involvement, and sharing best practice.

Providing independent evidence to improve education and learning.

FGSE