

# Best Behaviour



School discipline, intervention  
and exclusion

Alex Massey

Edited by James Groves



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## About the Author

**Alex Massey** joined the Policy Exchange Education Unit as a Research Fellow in October 2009. He has previously authored reports on the role of the private sector in higher education, and co-authored a report on autonomy in the state school sector. Alex read in English Language and Literature at the University of Oxford and previously worked in the Education Department at Latchmere House open prison.

Prior to becoming Head of the Education Unit, **James Groves** addressed a broad range of issues surrounding public service delivery, including children's services, offender learning and skills, and the personalisation agenda. James read Modern History at Magdalen College, Oxford. Before joining Policy Exchange he spent three years in public sector consulting with Pricewaterhouse Coopers.

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# Executive Summary

Disruptive behaviour in school has a harmful effect on the quality of teaching and learning in the classroom. A 2010 survey found that 80% of teachers felt that their ability to teach effectively was reduced by pupils' poor behaviour, while 92% of teachers believe classroom behaviour to have become "worse" or "much worse" over their career. In addition, serious violent assaults on teachers recently reached a five-year high, with 44 teachers hospitalised with severe injuries in 2010-11. Schools across the country should not be in a position where they have to tolerate such behaviour.

In this report we firstly review and assess the measures taken by the Coalition government so far to improve behaviour; we then argue that more should be expected of schools in the area of behaviour management, and set out some straightforward methods by which schools can have an impact on standards of behaviour. The report also advocates a much stronger focus on the use of early intervention to tackle the underlying causes of bad behaviour before problems come to a head, forestalling the need for costly and ineffective 'fire fighting' interventions in later life.

In this context, the Coalition government's proposals to devolve control of funding for alternative provision for excluded children to individual school level are potentially revolutionary, as they give schools the opportunity to divert this funding towards pre-emptive measures. The plans constitute potentially radical reforms to a failing system for managing excluded pupils, 50% of whom are not in education, employment or training two years after their exclusion. However, as with all significant reforms, there exists the potential for unintended consequences, as well as challenges in implementation and delivery. We examine these in the final section of this report.

“A 2010 survey found that 80% of teachers felt that their ability to teach effectively was reduced by pupils' poor behaviour”

## Behaviour

### The Coalition so far

One focus of the measures taken by the Coalition government so far in relation to school behaviour is to strengthen the authority of teachers and school leaders in relation to pupils. The Coalition's measures so far include:

- Prevention of pupil reinstatement following an independent appeal against permanent exclusion from school
- Abolition of 24 hour detention notice requirement
- Extension of teachers' powers to search for banned items

- Confirmation and clarification of teachers' right to use physical restraint where necessary
- Restrictions on reporting of allegations against teachers

We welcome the Coalition's progress on strengthening the authority of teachers and heads to discipline badly-behaving pupils in the interests of the class. This approach is necessary, but on its own is not sufficient to ensure an improvement in standards of behaviour in schools. Also key to behavioural improvement are:

- A coherent and consistently applied whole-school behaviour policy
- A high standard of leadership and teaching
- Training for teachers, both initial and ongoing, on challenging disruptive behaviour and exercising their authority effectively
- Effective engagement with parents
- A focus on early intervention

#### Whole-school behaviour policy

The importance of a coherent, consistently-applied whole-school behaviour policy for promoting good behaviour and addressing bad behaviour is widely accepted, especially by teachers themselves; the 2010 Teacher Support Network Behaviour Survey found that 81% of teachers considered an annually reviewed behaviour policy to be "essential" or "important" to improving pupil behaviour. This report features a case study of the highly successful Harris Federation disciplinary model, which has had demonstrable success in schools serving some of London's most deprived areas. The model includes the use of a tiered system of sanctions, house structures to create smaller communities within the school, a strict uniform policy, and universally high expectations of students' appearance and conduct. These straightforward measures have been highly effective in addressing disciplinary problems in exceptionally challenging state schools.

#### Recommendation

All schools should ensure that they have a coherent behaviour policy in place which is of practical use to staff. Schools should take into account the demonstrable value of 'traditional' disciplinary approaches in schools with challenging behaviour when formulating their policy.

#### Engagement with parents

The need for schools to work with parents in order to improve standards of behaviour is widely accepted: the Education Committee concluded that "a key element to effective leadership of behaviour is engagement with parents," while 77% of teachers consider it "essential" that pupils are "disciplined and motivated to learn by their parents/carers" if they are to behave better. Schools may therefore choose to invest in programmes which seek to improve the ability of parents to address children's misbehaviour themselves. This report features a case study of such a programme, in which a parent support worker from the independent charity Family Lives was contracted to support parents at a Stevenage

primary school for little more than half the cost of a single place in a Pupil Referral Unit. The head teacher told us that “the effect of the Parent Support Worker on the school has been dramatic, reducing incidences of bullying and challenging behaviour, improving attendance and raising attainment.”

### **Recommendation**

Schools should consider how they can best assist parents who have difficulty addressing their child’s behaviour, either through internal engagement or through the use of specialist support from external providers in the voluntary and private sectors.

### **A focus on early intervention**

There is broad consensus that earlier identification and intervention to tackle the underlying causes of poor behaviour, underachievement and educational disengagement has the potential to produce significant social and economic benefits. A 2007 study by New Philanthropy Capital estimated that each permanently excluded child costs an average of £63,851 to society due to the cost of crime, greater use of health and social services, reduced earnings and greater reliance on welfare payments. The case for early intervention to address the obstacles to effective learning is strong; however, schools have little incentive to pursue these avenues as they can easily sever their connections with troublesome pupils. The government’s proposals aim to address this problem by handing schools continued responsibility for permanently excluded children, and by giving schools control of funding for alternative provision and behavioural support. Schools would therefore have a clear financial incentive to address behavioural problems through early intervention, rather than pay for expensive external provision following a permanent exclusion.

### **Exclusion and alternative provision**

Alternative provision takes three main forms: pupil referral units (PRUs) funded and managed by the local authority; independent projects (private or charitable sector); and Further Education Colleges (FECs). Around one third of children in alternative provision attend PRUs, while the other two thirds attend either independent providers or FECs. Pupils transfer from mainstream schools to alternative provision via either pre-emptive referrals, managed moves or following a permanent exclusion. The last five years have seen a sharp rise in the number of managed moves and referrals, partly attributable to the previous Labour government’s focus on reducing the number of children excluded from school. On taking office in 1997, the Labour government set a target to reduce the number of permanent exclusions by a third over the following five years. Although this target was scrapped in 2001, the government continued to put pressure on schools to focus on avoiding exclusions. Guidance produced by the DCSF in 2008 explicitly recommended the use of managed moves and placements in alternative provision or Pupil Referral Units “for pupils at risk of exclusion and as an alternative to permanent exclusion.”



We argue that attempts to impose a culture of zero exclusions, whether at central or local government level, are ultimately misguided. Schools need to be able to permanently exclude pupils for two main reasons: to protect the education of the well-behaved majority, and to signal that serious breaches of discipline are unacceptable. At the same time it is important to recognise that where permanent exclusion can be avoided through early intervention, this is a preferable approach.

### The weaknesses of the current system

There are without doubt numerous examples of high-quality alternative provision, whether in FECs, independent projects or PRUs. However, quality of provision remains excessively variable across the country and too much of it is below an acceptable standard. A 2007 Ofsted inspection report into PRUs found that one in eight were “inadequate”, while a 2010 survey by the National Children’s Bureau found that 41% of pupils in PRUs were not receiving the support required to address their mental and emotional issues. Independent alternative provision is also highly variable in quality, partly because of its largely unregulated and unmonitored state. Unlike PRUs, independent providers are not inspected by Ofsted, apart from the few that are officially registered as independent schools. Furthermore, the lack of central monitoring of these projects is often mirrored at local level. The Joseph Rowntree Foundation found that “local authorities and schools could not ensure the quality of programmes, develop reliable plans for the future or monitor whether young people had access to a broad and balanced curriculum.”

The alternative provision sector as a whole currently suffers from a number of systemic weaknesses, including:

- Poor quality assurance, particularly of independent projects
- Poor communication of needs at the point of transfer
- Lack of coordination between the mainstream and alternative sectors
- Shortage of competition and a failure to challenge existing provision
- A lack of data on the extent of school’s use of alternative provision, and on the outcomes of children in alternative provision

### Redefining permanent exclusion

The Coalition government set out proposals for an ambitious overhaul of the system of alternative education provision in its 2010 Schools White Paper. It proposes that permanent exclusion should no longer result in the removal of the excluded pupil’s name from the roll of the excluding school. Schools would have a duty to commission and fund alternative provision for excluded or transferred pupils, and be given the means to do so via the devolution of funding for alternative provision and behavioural support, which is currently held by local authorities. In a sense, this amounts to a fundamental alteration to the meaning of exclusion from school.

## Practical challenges

Although a number of studies have concentrated on the virtues of such a system, there has been little examination of the practical challenges that could arise in implementation. Below we draw upon the experience of Cambridgeshire, where

funding for behavioural support and alternative provision was devolved to schools from September 2009 onwards. It therefore provides a useful indication of the practical challenges involved in handing this responsibility from local authorities to schools.

### Funding

The transfer of funding for alternative provision from local authority level to schools is a key aspect of the government's proposals. Cambridgeshire's arrangements for the devolution of funding were determined through positive engagement with Cambridgeshire's secondary schools, and was described to us as "one of the smoothest parts of the process." Importantly, the full quantum of funding for alternative provision was devolved to schools. Both Cambridgeshire County Council and Cambridgeshire's secondary schools saw this as the preferred arrangement- the schools because it released sufficient funds both to add internal capacity for intervention and to buy in external services when required, and the local authority because it emphasised to schools that they could not rely on being 'bailed out' by the authority in case of overspends.

#### Recommendations

- Devolved funds should be distributed through a locally-determined formula, agreed through a process of consultation between schools and the local authority.
- The full quantum of funding for behavioural support should be available for devolution.
- The local authority should not seek to dictate how devolved funding is used by schools.

### Capacity

Amongst the most common concerns voiced in relation to the government's proposed reforms is whether schools have the capacity to carry out their additional duties effectively. Some of the school leaders we spoke to expressed anxiety over the extra work involved in commissioning appropriate provision that matches pupils' needs, and undertaking the ongoing monitoring required to ensure that provision is of a suitable standard. Consequently, effectual partnership working between schools is essential to the successful implementation of the proposed reforms, as it allows schools to build the required additional capacity on a joint basis, sharing the extra workload.

Cambridge's Alternative Education Service is built on five pre-existing Behaviour and Attendance Improvement Partnerships (BAIPs); nevertheless, the establishment of the partnerships required a good deal of work, including a full revision of existing protocols and procedures. We argue that the success of Cambridgeshire's approach reflects the importance of allowing the details of partnership working to be determined at a local level, in consultation with local stakeholders, rather than by implementing a centrally-determined framework across different areas.

### Recommendations

- School partnerships should put in place collectively-agreed protocols to cover the use of referrals, exclusions and managed moves, and to ensure that the burden of challenging pupils is shared across partnerships.
- The government should highlight and circulate examples of best practice in partnership working, but should refrain from mandating the use of particular partnership models.
- Primary schools (as well as secondary schools) should be involved in the pilot programmes trialling the devolution of alternative provision funding and commissioning, with the intention of including the primary sector in the future implementation of the reforms.

### Quality assurance and accountability

The devolution of funding for alternative education to consortia of schools will give schools a financial incentive to look closely at the costs of alternative provision. The danger is that if this incentive is not matched by an equally strong incentive to find the most effective provision for pupils, schools may select the least expensive options without giving sufficient priority to considerations of quality. For this reason, the 2010 White Paper includes the proposal that the academic results of children in alternative provision should continue to count towards the performance table rankings of the mainstream school responsible for referring or excluding the pupil in question. This measure has a number of points to recommend it: firstly, it reinforces the principle of continued responsibility for the outcomes of pupils transferred to alternative provision; secondly, it encourages schools to maintain an ongoing interest in the quality of service offered by local providers; thirdly, its basis in academic performance measures encourages the selection of provision that will lead pupils towards academic achievement and the attainment of useful qualifications. However, although the ongoing league table link is an important aspect of the proposed reforms, it is not in itself sufficient as an accountability measure.

#### *Local authority – Quality assurance role*

The 2010 Schools White Paper states that the government will expect to see local authorities “take responsibility for quality assurance,” at least in “the short to medium term,” adding that “over time, we hope to see responsibility pass more and more to schools themselves.” This is a sensible approach which recognises that the implementation of the planned reforms will be challenging for schools and will involve a degree of organisational upheaval. The White Paper hints that, over time, the devolution of responsibilities to school level could extend to quality assurance (QA) and monitoring duties. The obvious objection to this idea is that it would constitute a form of self-regulation which might be vulnerable to abuse by unscrupulous schools. However, a mature system of partnership working could offer a solution to this problem. The experience of Cambridgeshire indicates that partnership working contributes to the development of a culture of collective accountability, whereby schools

within a partnership monitor each other's use of devolved budgets. As school partnerships become more developed and better established, the government could examine the possibility of allowing them to take responsibility for providing quality assurance for schools' usage of devolved funds.

### Recommendations

- In the event of the devolution of responsibility for commissioning and funding alternative provision to schools, the local authority should take on a quality assurance role to hold schools to account for their use of the funds.
- Local authority QA arrangements should be locally determined in consultation with local schools and partnerships. However, there must be an assumption that local QA frameworks will be strongly outcomes-focused.
- Mainstream schools should record the rates of attainment of qualifications or successful reintegration to mainstream amongst the pupils they refer to each commissioned external provider.
- As partnership working amongst schools becomes better established, local authorities should be encouraged to transfer QA responsibilities to existing partnerships. The local authority would then assume a light-touch oversight role, undertaking periodic monitoring to ensure that partnerships carry out their QA functions effectively.

### Ofsted

Ofsted's monitoring of alternative education provision is distinctly patchy, with the majority of independent providers avoiding any inspection due to their unregistered status. The government's planned reforms represent an excellent opportunity to reverse this damaging discrepancy and ensure that every alternative provider is fully accountable for the quality of their provision. Within a system of devolved responsibility for commissioning and funding alternative provision, we suggest that Ofsted should assess the extent to which schools make good use of their devolved budgets during regular school inspections (which take place on a three-yearly cycle). This would include both internal measures (such as intensive support units or in-school intervention programmes) as well as any use of external provision, so that alternative providers would be inspected as subsidiaries of the mainstream school that contracts with them.

### Recommendations

- Ofsted should inspect alternative providers as subsidiaries of the mainstream school that contracts with them.
- Ofsted should assess the extent to which mainstream schools make good use of their devolved budgets during regular school inspections, including internal measures and any use of external provision.
- A 'quality mark' for alternative provision should be assigned to alternative providers achieving a ranking of "good" or better on Ofsted's four-point scale.
- Alternative providers in receipt of Ofsted's quality mark should be added to a national database of approved and certified provision.

### Impact

The decision to give schools control of funding for alternative provision and behavioural support in Cambridgeshire has led to significant changes in the way these funds are used. Although less than two full academic years have passed since the devolution of funds, a number of clear effects are already discernible.

- Referrals to alternative provision have fallen from 650-700 two years ago to around 220 this year (from a total secondary school population of around 30,000).
- Schools use the money saved through significantly reduced levels of referral to external providers to acquire the extra capacity needed for effective internal intervention.
- Only 145 PRU places in total will be required from the academic year 2011-12 onwards. Consequently, there are plans to replace the current four registered PRUs in Cambridgeshire with a single county-wide PRU.
- As the devolved commissioning arrangements have been in place for only a short time, it is too early for statistical data on their effect on pupils' outcomes to become available. However, all BAIPs are now committed to a number of principles regarding the use of alternative provision which are likely to improve the quality of provision and the success of reintegration, including:
  - All pupils in alternative provision to have an entitlement to 25 hours of education per week
  - All pupils to have a provision plan agreed at the point of referral agreed by the pupil, parents, the referring school and the PRU head, which will be regularly reviewed.
  - Regular reporting processes adopted by the PRU will inform the ongoing educational provision for each referred pupil.

### Protecting the power to exclude and diversifying alternative provision

The increase in the use of pre-emptive intervention by schools in Cambridgeshire is to be welcomed, if it allows schools to tackle the causes of misbehaviour in a pre-emptive fashion. However, a policy of total inclusion risks jeopardising the ability of the majority of pupils to learn in a calm and ordered environment. As the 2010 White Paper put it, “head teachers must be able to exclude pupils from school as a last resort, where behaviour is unacceptable and everything else has been tried.”

Areas such as Cambridgeshire would benefit from greater use of independent alternative providers from the voluntary or private sector. As in many local authority areas, alternative provision in Cambridgeshire is dominated by PRU provision, with limited use of FECs. Use of the independent sector remains limited; however, the local authority informed us that “expansion in this area is likely” following the devolution of funding, and that there have already been some inquiries by private-sector organisations looking at the potential of entering into arrangements directly with schools. Greater diversity of provision would increase the commissioning options available to mainstream schools and allow for a higher degree of specialisation within the local alternative provision sector. It is therefore important that the devolution of commissioning responsibilities across the country is accompanied by efforts to encourage more independent providers to enter the market.

### Recommendations

- The right to exclude disruptive children for the good of the wider school population must be maintained in all schools.
- All pupils transferred to external provision should have a provision plan agreed at the point of referral between the pupil, parents, referring school and recipient provider, which should be subject to regular review.
- The government's pilot programmes trialling the devolution of funding and commissioning responsibility for alternative provision should collect detailed data on the impact of the changes on pupils' outcomes.
- The government should actively seek out potential sponsors of alternative provision free schools.
- PRUs rated "outstanding" by Ofsted should be offered a route to academy status, in line with outstanding mainstream schools.
- Local authorities should be challenged to tender the management of failing PRUs via a competitive process.

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# Introduction

The frequency and severity of misbehaviour in schools has long been the subject of debate. A review of behaviour standards and practices in schools, commissioned by the previous Labour government and completed by Sir Alan Steer in 2009, concluded that, despite “legitimate concern” over standards of behaviour in young people, “there is strong evidence from a range of sources that the overall standards of behaviour achieved by schools is good and has improved in recent years.”<sup>1</sup> The most significant evidence cited for this assertion derives from Ofsted’s Annual Reports; the 2009/10 Annual Report states that behaviour was rated either “good” or “outstanding” in 89% of primary schools and 70% of secondary schools, although these figures represent a small decline in standards compared to previous years.<sup>2</sup> However, the experience of teachers themselves stands in stark contradiction to this optimistic perspective. A 2010 survey by the Teacher Support Network found that 92% of teachers believe classroom behaviour to have become “worse” or “much worse” over their career. In addition, 45% of respondents felt pupils’ behaviour in their current school to be “inadequate”, with under 20% believing it to be either “good” or “outstanding.”<sup>3</sup> As the House of Commons Education Committee recently noted, “some Ofsted reports and the Steer report don’t ring true with what teachers see.”<sup>4</sup>

The reported experiences of teachers clearly shows that disruptive behaviour in school continues to have a harmful effect on the quality of teaching and learning in the classroom. A survey conducted by the Teacher Support Network found that 80% of teachers felt that their ability to teach effectively was reduced by pupils’ poor behaviour, while 70% had considered leaving the profession as a consequence. In addition 81% of teachers had experienced “stress, anxiety or depression” as a result of misbehaviour in the classroom.<sup>5</sup> Not only is lower-level disruption harming teachers’ ability to do their job, but there is also a worrying trend of increased frequency of severe incidents of misconduct in the classroom. Serious violent assaults on teachers recently reached a five-year high, with 44 teachers hospitalised with severe injuries in 2010-11, while each day over 100 children are suspended from school for abuse and assault.<sup>6</sup> Recently, teachers at a school in Lancashire took strike action over pupils’ misbehaviour, which reportedly included “challenging teachers to fights, pushing and shoving staff, and constant swearing.” This occurred at a school where Ofsted had judged behavioural standards to be “good” in June 2010.<sup>7</sup>

Schools across the country should not be in a position where they have to tolerate such behaviour. Disruptive behaviour from a small number of pupils can have a significantly adverse effect on the learning of the well-behaved majority. As Sir Alan Steer put it, “Poor behaviour cannot be tolerated as it is a denial of the right of pupils to learn and teachers to teach.”<sup>8</sup> Consequently, we welcome the focus on school discipline of the Secretary of State for Education, who recently

1 Sir Alan Steer, *Learning Behaviour: Lessons Learned*, April 2009

2 Ofsted, *The Annual Report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills*, 2009/10, The Stationery Office

3 Teacher Support Network, *Behaviour Survey 2010*, available at [http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYivEf\\_2bmzoj0BwZW841Bm\\_2fuUM\\_2buZOAc8\\_3d](http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYivEf_2bmzoj0BwZW841Bm_2fuUM_2buZOAc8_3d). Accessed 13/03/11

4 House of Commons Education Committee, *Behaviour and Discipline in Schools*

5 Teacher Support Network, *Behaviour Survey 2010*, available at [http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYivEf\\_2bmzoj0BwZW841Bm\\_2fuUM\\_2buZOAc8\\_3d](http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYivEf_2bmzoj0BwZW841Bm_2fuUM_2buZOAc8_3d). Accessed 13/03/11

6 Department for Education press notice, 4 April 2011, available at <http://www.education.gov.uk/intenews/pressnotices/a0076417/new-powers-for-teachers-to-improve-discipline-in-schools>. Accessed 05/04/11

7 BBC News, ‘Darwen Vale teachers pupil behaviour strike goes ahead’, 6th April 2011, available at <http://www.bbc.co.uk/news/uk-england-lancashire-12987266>. Accessed 06/04/11

8 Sir Alan Steer, *Learning Behaviour: Lessons Learned*, April 2009

stated that “improving discipline is a big priority. Teachers cannot teach effectively and pupils cannot learn if schools cannot keep order.”<sup>9</sup>

The Coalition government has already taken a number of measures aimed at addressing poor standards of discipline in schools, focusing chiefly on increasing the authority of teachers, for example by giving them greater powers to search for banned items, and reinforcing their ability to use sanctions such as detention and exclusion. We review and assess these measures in the following section. Additionally, however, we argue that more should be expected of schools in the area of behaviour management. In the first half of this report we set out some straightforward methods by which schools can have an impact on standards of behaviour. We advocate the development and consistent application of practical whole-school behaviour policies, particularly highlighting the successful behaviour model of the Harris Federation of Academies, which has had a striking and demonstrable impact on disciplinary standards in schools serving some of London’s most deprived areas. This

model includes ‘traditional’ elements such as a tiered hierarchy of sanctions, the use of a house system, and high expectations of students’ conduct and appearance. In addition, we advocate the encouragement of parental engagement in children’s learning, and

the provision of support for those parents who struggle to engage with their children’s behaviour and learning in a constructive way. We highlight the example of a Stevenage primary school which made use of the services of the family support charity, Family Lives, to assist parents in this way, resulting in marked improvements in the behaviour of challenging children.

The report also advocates a much stronger focus on the use of early intervention to tackle the underlying causes of bad behaviour before problems come to a head. Effective early intervention to address problems such as low literacy and numeracy, poor communication and a lack of social competencies can produce significant social and economic benefits by forestalling the need for costly and ineffective ‘firefighting’ interventions in later life. In this context, the Coalition government’s proposals to devolve control of funding for alternative provision for excluded children to individual school level are potentially revolutionary, as they give schools the opportunity to divert this funding towards pre-emptive measures. Under the plans (put forward in the 2010 Schools White Paper),<sup>10</sup> schools would be incentivised to commission preventative services, rather than pay for costly external provision for children whose behavioural problems have grown too severe for them to remain in the mainstream classroom.

These proposals, for which pilot areas are currently being selected,<sup>11</sup> constitute potentially radical reforms to a failing system for managing excluded pupils, 50% of whom are not in education, employment or training two years after their exclusion.<sup>12</sup> However, as with all significant reforms, there exists the potential for unintended consequences, as well as challenges in implementation and delivery. Consequently we examine the practical implications of the proposals in the second half of this report, which assesses the strengths and weaknesses of the plans, identifies obstacles to their implementation, and seeks to put forward

“A 2010 survey by the Teacher Support Network found that 92% of teachers believe classroom behaviour to have become “worse” or “much worse” over their career”

9 Sky News, ‘Heads Given Powers To Prosecute Lying Pupils’, April 2011, available at <http://news.sky.com/skynews/Home/Politics/School-Discipline-Education-Secretary-Michael-Gove-Published-New-Guidelines-On-Behaviour-In-Schools/Article/201104115965647?rss>. Accessed 05/04/11

10 Schools White Paper, *The Importance of Teaching*, November 2010

11 Private information

12 Tom Ogg and Emily Kalil, *A New Secret Garden? Alternative provision, exclusion and children’s rights*, Civitas, November 2010



potential solutions. In doing so we make use of the example of Cambridgeshire County Council, which in 2009 took the lead in devolving behavioural support funding and commissioning duties to consortia of schools, and consequently provides a useful indicator of the practical difficulties involved in implementation, as well as the effects on schools' behaviour and the shape of available alternative provision. We welcome the potential of the proposals to incentivise the use of early intervention, to establish clear lines of responsibility for the outcomes of excluded pupils, and to improve coordination and communication between the mainstream and alternative provision sectors. At the same time, it must be recognised that the implementation of the proposals raises practical challenges with regard to areas such as funding allocation, the development of commissioning capacity, quality assurance mechanisms, and the creation of genuine diversity within the alternative provision sector. We seek to recommend measures to mitigate these challenges and support the successful implementation of the reforms. The report argues for a more varied and accountable alternative provision sector, and for schools to have both the freedom and the responsibility to choose the intervention or provision best suited to the needs of pupils.

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# 1

## Behaviour

### Review of the Coalition so far: a focus on authority

One focus of the measures taken by the Coalition government so far in relation to school behaviour is to strengthen the authority of teachers and school leaders in relation to pupils. This is a welcome aim, given the importance of classroom discipline to the ability of pupils to learn, and of teachers to teach. As the Steer Review of behaviour stated, where there is disruptive and damaging behaviour in schools, “the interests of the class must be seen as paramount by the school and the disruption cannot be allowed to continue.”<sup>13</sup> Teachers need to be secure in the exercise of their legally-established powers to address disruptive behaviour with firm disciplinary measures. In the following section we assess the chief measures on school behaviour and discipline contained in the Coalition’s Education Bill, which is currently progressing through Parliament.

### Independent appeals against permanent exclusion from school

The right of a pupil to appeal against permanent exclusion from school to an independent panel was originally established in 1986, and reinforced by provisions in the School Standards and Frameworks Act 1998, later replaced by Section 52 of the Education Act 2002. The 2002 Act required the local authority to “make arrangements for enabling a prescribed person to appeal ... to a panel constituted in accordance with the regulations.”<sup>14</sup> It is the duty of the local authority to constitute the panel and appoint a clerk. Panels have either three or five members, including a lay member as chair, who should not have worked in a school in any paid capacity. One panel member must have been a governor of a school or PRU for at least one year out of the last six, and another member must have been a head teacher of a school or PRU during the previous five years. In five-member panels, there should be two members meeting each of the above criteria.<sup>15</sup> Once a head teacher has taken the decision to permanently exclude a pupil, the child remains on the school’s roll until either the outcome of the appeal is known, the deadline for an appeal has passed (usually 15 days after notification of exclusion), or the child’s parents have stated that no appeal against the decision will take place.<sup>16</sup>

If an appeal does take place, the panel will “decide, on the balance of probabilities, whether the pupil did what he or she is alleged to have done.”<sup>17</sup> The strength of evidence required to corroborate an allegation is related to its severity; more serious allegations require more convincing evidence to support them. If an allegation is upheld, the panel must also judge whether the school’s response is proportionate, and whether the disciplinary process has been correctly carried out. Under the

13 Sir Alan Steer, *Learning Behaviour: Lessons Learned*, Department for Children, Schools and Families, 2009

14 Education Act 2002, Section 52 (3) (c), available at <http://www.legislation.gov.uk/ukpga/2002/32/section/52>. Accessed 08/02/11

15 Teachernet, *Guidance on Independent Appeals Panels*, available at <http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion/2008guidance/part5/>. Accessed 08/02/11

16 *Improving behaviour and attendance: guidance on exclusion from schools and Pupil Referral Units*, Department for Children, Schools and Families, September 2008

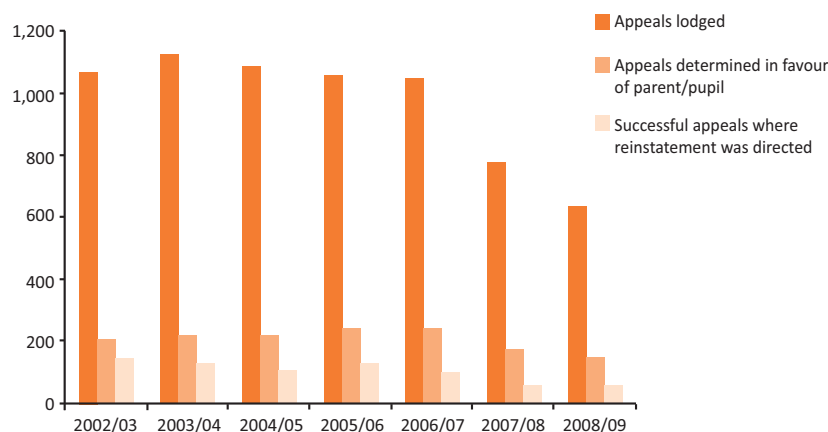
17 Ibid

system as it stood before the passage of the 2011 Education Bill (still progressing through Parliament at the time of writing), the panel would then make one of three decisions: to uphold the original decision to exclude, to overturn the decision and order the reinstatement of the pupil to the excluding school, or to overturn the decision without ordering reinstatement, if it is decided that reinstatement “is not a practical way forward in the best interests of all concerned.”<sup>18</sup>

Prior to the 2010 general election, the Conservatives pledged to abolish pupils’ right to an independent appeal against permanent exclusion from school.<sup>19</sup> The reasoning behind the proposal was to prevent situations where an appeal process results in a child’s reinstatement to the excluding school, against the head teacher’s wishes. Such incidents, it was argued, serve to undermine the authority of head teachers in the eyes of both reinstated children and the wider student body, and send a signal that “the school cannot cope with violence.”<sup>20</sup> In addition, it was suggested that the appeals panels discouraged heads from making the decision to permanently exclude, and consequently encouraged the ‘serial’ use of fixed-term exclusions (suspensions), of which there were 363,280 in 2008/9. It is important to note that, prior to any recourse to an independent panel, all permanent exclusions are subject to review by the excluding school’s governing body, to whom parents can appeal against any decision to exclude. The Conservatives’ original proposal would have retained a right of appeal to the school’s governing body whilst abolishing the right of appeal to an independent panel.

Despite these concerns, it should be noted that the latest available statistics on exclusion appeals, for the academic year 2008/9, show that orders to reinstate an excluded pupil are issued relatively infrequently. There were 6,550 permanent exclusions in 2008/9, against which appeals to an independent panel were made in 640 cases (9.8%). Of these appeals, 150 (25.2%) found in favour of the excluded pupil, and 60 resulted in the reinstatement of the excluded pupil. Therefore, 38.9% of successful appeals resulted in reinstatement; however, of total appeals lodged (successful and unsuccessful), 9.4% resulted in reinstatement, while the proportion of all excluded children who were reinstated in the excluding school is as low as 0.9%.<sup>21</sup>

**Figure 1: Appeals against permanent exclusion from school, 2002-2009<sup>22</sup>**



18 Ibid

19 Conservative Party Working Paper, *Giving power back to teachers*, April 2008

20 Ibid

21 Department for Education, *Permanent and Fixed Period Exclusions from Schools in England 2008/09*, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>. Accessed 08/02/11

22 Ibid

Ultimately, the Conservative/Liberal Democrat government chose not to abolish independent appeals panels entirely; instead, the 2011 Education Bill contains provisions to divest appeals panels of the power to order reinstatement of excluded pupils, permitting them only to require the school governing body to reconsider its decision to exclude. This is a sensible compromise. As the Association of School and College Leaders (ASCL) has pointed out, the total abolition of appeals panels could have exposed schools to the risk of exclusions being contested by parents through the courts, potentially a much more expensive and time-consuming process.<sup>23</sup> By retaining the panels but restricting their powers, the government has acted to prevent rulings that undermine the authority of a school's leadership, whilst retaining the principle that rulings made by public employees concerning specific individuals should be subject to independent appeal.

### Detention notice requirement

The 2011 Education Bill seeks to further strengthen teachers' ability to sanction badly-behaved children by abolishing the duty on schools, established under the Education and Inspections Act 2006, to give at least 24 hours' notice of a detention outside school hours. This allows teachers to hold after-school detentions on the day they were issued. This measure has met with some opposition from organisations such as the ASCL, which expressed concerns to the Education Committee over potential disruption to pupils' and parents' travel arrangements, and the possibility that short-notice detentions might sour relationships between teachers and parents. In addition, concerns were raised over how same-day detentions might affect children with responsibilities in the home, such as those who care for another family member.

The ASCL and others are right to highlight the importance of taking the specific circumstances of parents and pupils into account when issuing after-school detentions. However, the government's proposals do not require schools to issue same-day detentions; they merely allow schools to use this option where it is justified. As the Schools Minister told the Education Committee, "This isn't a prescriptive policy... it is a permissive power." Clearly, teachers should be mindful of pupils' circumstances when making use of the power, and should not issue a same-day detention where it might (for example) conflict with a child's care-giving responsibilities, or cause a child to make his or her way home in unsafe circumstances. This policy allows teachers to use their professional judgement to determine whether a same-day detention is appropriate and justified in a specific case. As the Education Committee noted, schools will be expected to make "sensible and appropriate use" of the powers, and take particular notice of "the needs of young carers and those with transport difficulties."<sup>24</sup> We support the policy of giving teachers greater freedom in their use of detention as a punishment, and fully expect that teachers will exercise that freedom sensibly, taking into account a child's particular circumstances.

### Powers of search and restraint

The 2011 Education Bill includes measures to further extend teachers' powers to search pupils for banned or harmful items. The 2009 Apprenticeships, Learning and Skills Act had given teachers a power of search for particular proscribed

<sup>23</sup> TES Magazine, 'Should we give heads the final say?', 9 November 2007

<sup>24</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

items including weapons, drugs and alcohol. The 2011 Bill introduces a broader power of search for “an article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury” and for items banned under school rules.<sup>25</sup> It also allows teachers to view and delete content stored on electronic devices, such as mobile telephones, if “there is a good reason to do so.”<sup>26</sup> The broad nature of these powers has been criticised in some quarters, with objections focusing on their potentially “intrusive” nature and the possibility of “confrontations between school children and their teachers.”<sup>27</sup> However, school leaders have expressed support for the extended powers. The General Secretary of the Association of School and College Leaders stated that “It is not something we envisage using frequently but the government is committed to strengthening school powers on discipline... it is essential that schools are able to investigate a problem to make sure that schools are orderly places where learning can take place.”<sup>28</sup> The Teacher Support Network’s 2010 survey of teachers found that 69% considered powers to search for items “which could cause disorder or pose a threat” as important or essential.<sup>29</sup>

As with the power to issue same-day detentions (see above), the introduction of extended powers to search relies upon teachers to use their professional judgement to make sensible decisions as to the appropriate use of the powers. This reflects the Conservative Party’s emphasis prior to last year’s general election on “trusting teachers to do their job”.<sup>30</sup> This faith in the professionalism of teachers stands in contrast to the previous government’s centrally prescriptive approach, and underpins other key education reforms embarked on by the Coalition, including expanding the number of autonomous schools through the Academies and Free Schools programmes.

The government has also signalled its intention to clarify teachers’ powers to use physical restraint when necessary. The Education and Inspections Act 2006 gives teachers the legal power to use physical restraint in order to prevent a pupil from “(a) committing any offence, (b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or (c) prejudicing the maintenance of good order and discipline at the school or among any pupils”.<sup>31</sup> However, despite the existence of clear legal powers, a number of schools are reported as having ‘no-touch’ policies in place – an issue highlighted by Michael Gove prior to the election, who added that “teachers have become reticent about asserting themselves.”<sup>32</sup> While no statistics exist on the prevalence of ‘no-touch’ policies in schools, anecdotal evidence suggests that a significant number of schools remain reluctant to allow teachers to use their legal powers to restrain pupils physically in the interests of the class. It is therefore useful, as Ofsted noted in its evidence to the Education Committee, “to have these powers reiterated in succinct guidance”<sup>33</sup> to ensure that schools and teachers are aware of their powers and responsibilities.

### Abolition of Behaviour and Attendance Partnerships

A statutory requirement for all schools to participate in a local Behaviour and Attendance Partnership was created by the Apprenticeships, Learning and Skills Act 2009. The purpose of the partnerships is to enable schools to cooperate at a local level in order to improve behaviour and attendance. The work of the partnerships includes the sharing of best practice, expertise and resources, the

25 House of Commons Education Bill, Part 2, January 2011, available at <http://www.publications.parliament.uk/pa/cm/201011/cmbills/137/11137.1-7.html#j145>. Accessed 11/02/11

26 Ibid

27 Richard Vaughan, ‘Search powers ‘exceed those of police’’, *Times Education Supplement*, 4th February 2011

28 Angela Harrison, ‘Liberty attacks new school search powers for phones’, BBC News, available at <http://www.bbc.co.uk/news/education-12365292>. Accessed 11/02/11

29 Teacher Support Network, *Behaviour Survey 2010*, available at [http://teachersupport.info/uploads/1/Final\\_survey\\_results.pdf](http://teachersupport.info/uploads/1/Final_survey_results.pdf). Accessed 11/02/11

30 Michael Gove, quoted on the Conservative Party website, 31 March 2010, available at [http://www.conservatives.com/News/News\\_stories/2010/03/Scrapping\\_Big\\_Brother\\_restrictions\\_on\\_teachers.aspx](http://www.conservatives.com/News/News_stories/2010/03/Scrapping_Big_Brother_restrictions_on_teachers.aspx). Accessed 11/02/11

31 *Education and Inspections Act 2006*, Part 7, Chapter 1, Section 93, available at <http://www.legislation.gov.uk/ukpga/2006/40/section/93>. Accessed 11/02/11

32 Peter Henshaw, ‘Heads react to ‘no touch’ policy shift’, SecEd, 07 Oct 2010. Available at [http://www.sec-ed.co.uk/cgi-bin/go.pl/article/article.html?uid=78827;type\\_uid=1;section=News](http://www.sec-ed.co.uk/cgi-bin/go.pl/article/article.html?uid=78827;type_uid=1;section=News). Accessed 11/02/11

33 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

arrangement of ‘managed moves’ (which allow children to transfer between schools without undergoing exclusion), and the placement of excluded children in another local school. Prior to the passage of the 2009 Act, the majority of schools were already participating in Behaviour and Attendance Partnerships on a voluntary basis;<sup>34</sup> the Labour government felt that all schools should participate in the partnerships if they were to be as effective as possible, and legislated to place participation on a mandatory footing. The Coalition government has since revoked the commencement order that would have implemented this requirement.

There is general agreement that partnership working is a valuable, even essential, part of behaviour management in schools. The Education Committee heard that “working in partnership with other schools, local services and the wider community to draw on local expertise and resources [is] of critical importance in addressing challenging behaviour,”<sup>35</sup> while Sir Alan Steer stated in his review of pupil behaviour that “the need for schools to operate in partnership with each other and with those organisations supporting children should be beyond question.”<sup>36</sup>

However, the fact that voluntary partnership arrangements have had positive effects does not necessarily imply that entrance into such partnerships should be made compulsory. Partnerships work well when participants are willing and keen to work together for mutual benefit. When placed on a mandatory footing, however, they can become dysfunctional and bureaucratic, with participants merely going through the motions rather than engaging to constructive effect. In areas where voluntary partnerships work well, it is unnecessary to make them compulsory, and may simply add a bureaucratic veneer to existing arrangements; in areas where schools have not engaged in effective partnerships, a compulsory requirement to do so may not produce worthwhile results. Our conversations with both school leaders and local authority personnel indicated support for voluntary partnerships, which were seen as working well, but a degree of scepticism over compulsory partnership working. One local authority representative informed us that “schools were working in partnership anyway” and felt that mandatory partnerships would become merely “a vehicle for promoting government policies”,<sup>37</sup> lacking genuine engagement on the part of schools. A similar point of view was heard by the Education Committee, to which a head teacher explained that “if you require people to participate in partnerships, they can be there in spirit but not in body and vice versa, so required partnership working tends to produce no better effects than voluntary partnership working.”<sup>38</sup>

Nevertheless, concerns have been raised over the effect of the abolition of statutory Behaviour and Attendance Partnerships on those local areas where partnership working is uncommon or ineffective. The NASUWT, a union of teachers, described the plans as a “regrettable and retrograde step that will harm developments to encourage cross-community support for schools in managing behaviour.”<sup>39</sup> Sir Alan Steer informed us of his view that, where partnerships remain insufficiently developed, mandatory Behaviour and Attendance Partnerships would have provided useful impetus towards closer collaboration. The Education Committee suggested that the government should “monitor areas where voluntary partnerships do not exist or are not operating effectively” and

<sup>34</sup> Ibid

<sup>35</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

<sup>36</sup> Sir Alan Steer, *Review of Pupil Behaviour – Fourth Interim Report*, February 2009

<sup>37</sup> Private information

<sup>38</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

<sup>39</sup> Ibid

retain the option of reintroducing compulsory Behaviour and Attendance Partnerships “if voluntary partnership working fails to deliver behavioural improvements.”<sup>40</sup>

If the White Paper proposals on the devolution of alternative provision commissioning duties and funding to school level are implemented, the need for local partnership working may take on additional significance. Only the largest schools are likely to have the capacity to commission on their own, and so the majority would have to join together in partnerships in order to commission provision in an economical way. We will therefore revisit the issue of Behaviour and Attendance Partnerships in the second section of this report.

### Restrictions on reporting of allegations against teachers

The 2011 Education Bill contains a provision ensuring that any teacher facing allegations of criminal conduct made by a registered pupil can remain anonymous, until such time as criminal charges are brought against them. This is a welcome and long-overdue measure designed to protect teachers from baseless allegations which not only represent an ordeal for the member of staff concerned, but also negatively affect the relationships between teachers and pupils. Fear of malicious allegations can prevent teachers from making use of their legal powers to search and restrain where required; in addition, some badly-behaved pupils are emboldened by the knowledge that one unfounded accusation can seriously affect a teacher’s life and career. The number of unfounded allegations is not known with certainty, but is undoubtedly significant: teaching unions estimate that only 5% of misconduct allegations result in a charge,<sup>41</sup> while of over 1,700 misconduct allegations against school staff in 2009/10, only 143 (fewer than 1%) led to either the dismissal or resignation of the staff member concerned.<sup>42</sup> The former chairman of the House of Commons Children, Schools and Families Committee (now the Education Committee) stated in 2009 that “the vast majority of complaints made against school staff have little or no foundation”, and urged the government to “take immediate action to ensure people’s lives are not ruined.”<sup>43</sup>

The government’s action on this issue will not only prevent careers being ruined by unfounded accusations; it also helps to re-balance the relationship between pupils and staff in favour of teachers and school leaders, providing much-needed assurance that the lawful exercise of authority will not result in public humiliation. As the Association of School and College Leaders stated, “The growing culture of litigation and false allegations has helped to undermine the authority of school staff by presuming guilt and denying anonymity. This bill gives a clear and welcome message to parents and students that this won’t be tolerated.”<sup>44</sup>

### What can schools do?

We welcome the Coalition’s progress on strengthening the authority of teachers and heads to discipline badly-behaving pupils in the interests of the class. This approach is necessary, but on its own is not sufficient to ensure an improvement in standards of behaviour in schools. Also key to behavioural improvement are:

40 Ibid

41 BBC News, ‘Unjust suspensions hit teachers’, 16 July 2009. Available at <http://news.bbc.co.uk/1/hi/education/8152453.stm>. Accessed 11/02/11

42 BBC News, ‘School staff get 1,700 complaints’, 10 August 2010. Available at <http://www.bbc.co.uk/news/education-10918940>. Accessed 11/02/11

43 BBC News, ‘Unjust suspensions hit teachers’, 16 July 2009. Available at <http://news.bbc.co.uk/1/hi/education/8152453.stm>. Accessed 11/02/11

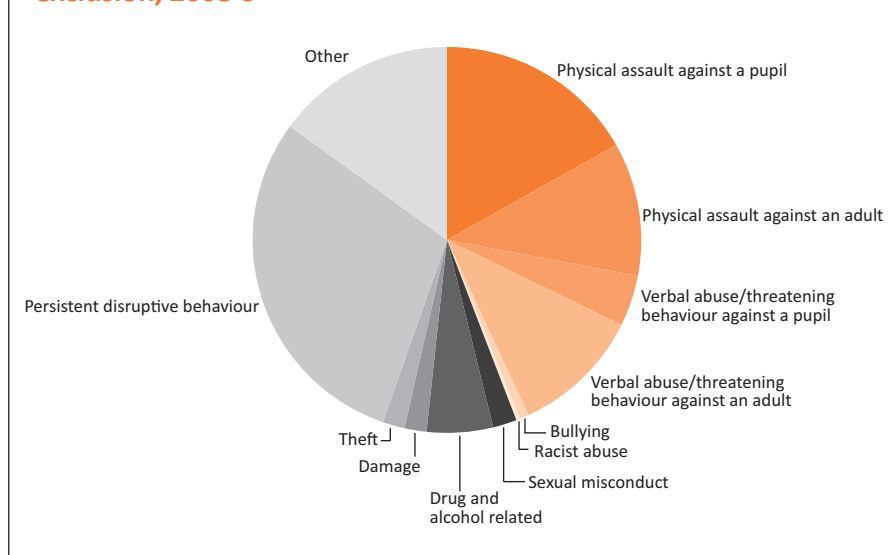
44 Association of School and College Leaders statement, available at [http://www.ascl.org.uk/home/news\\_results/?l=I&ListItemId=738&ListGroupID=2](http://www.ascl.org.uk/home/news_results/?l=I&ListItemId=738&ListGroupID=2). Accessed 10/02/11



- A coherent and consistently applied whole-school behaviour policy
- A high standard of leadership and teaching
- Training for teachers, both initial and ongoing, on challenging disruptive behaviour and exercising their authority effectively
- Effective engagement with parents
- A focus on early intervention

However, there are limits to the power of central government to instil these qualities in schools via new legislation. Schools are already required to produce behaviour policies and engage with parents; the Coalition should not seek to replicate the at times over-centralised approach of the previous government. To do so would contradict the Coalition's push towards greater autonomy within the state school system. Instead of central prescription, the government should seek to give schools the freedom and the support to develop effective solutions to disruptive and damaging behaviour. Statistics for 2008-9 demonstrate that the most common reason for permanent exclusion is persistent disruptive behaviour, which lies behind 30% of permanent exclusions from school. By addressing lower-level disruptive behaviour effectively, schools could improve their ability to focus on children with more severe behavioural problems. As the *Importance of Teaching* White Paper put it, "effectively promoting good behaviour reduces the number of children causing low-level disruption. Resources can then be focused on those with serious behaviour problems who are perhaps at risk of exclusion and may need additional behaviour or specialist support to tackle underlying problems."<sup>45</sup>

**Figure 2: Permanent exclusions from school by reason for exclusion, 2008-9<sup>46</sup>**



One important facet of the White Paper, and an example of the present government's less prescriptive approach, is the proposed reforms to the funding of alternative education provision. We examine these proposals in detail in the second part of this report. Although the proposals relate chiefly to the management of pupils at risk of exclusion, they would also have implications for schools' wider

<sup>45</sup> Schools White Paper, *The Importance of Teaching*, December 2010

<sup>46</sup> Department for Education, Permanent and Fixed Period Exclusions from Schools in England 2008/09, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>. Accessed 15/03/11



disciplinary strategies. This is because these reforms, if implemented, would allow schools the flexibility to divert some of their devolved alternative provision funding to other projects. Schools may therefore choose to invest in initiatives which would reduce their need to purchase alternative provision. This might include the use of early intervention to address behavioural issues before they come to a head, or the

“A successful behaviour policy must be of practical use to teachers and other school staff, containing comprehensive guidance on the use of disciplinary sanctions, as well as a clear statement of a school’s values and expectations of students”

development of school-wide strategies to achieve broad improvement in standards of behaviour and to reduce the prevalence of persistent disruption.

Below we use case studies to illustrate how investment in the development of behaviour policies and parental engagement could reduce the need for exclusion by improving behavioural standards. We also address

how the government can support schools in this aim by improving sources of training and support for school leaders, teachers and governors. School accountability, including the role of Ofsted, is addressed in the second section of this report.

### Whole-school behaviour policy

The importance of a coherent, consistently-applied whole-school behaviour policy for promoting good behaviour and addressing bad behaviour has long been accepted. The 1989 Elton Report into discipline in schools recommended that “head teachers and teachers should, in consultation with governors, develop whole school behaviour policies which are clearly understood by pupils, parents and other school staff”, and that “schools should ensure that their rules are derived from the principles underlying their behaviour policies and are consistent with them.”<sup>47</sup> These views were echoed 20 years later in the Steer Review of behaviour management, which noted that “the core message of the 1989 report ... about the need for a coherent whole school approach to promoting behaviour that is based on good relationships between all members of the school community, still holds true.”<sup>48</sup> This opinion is firmly shared by teachers themselves; the 2010 Teacher Support Network Behaviour Survey found that 46% of teachers considered an annually reviewed behaviour policy to be “essential” to improving pupil behaviour, while 35% considered it “important”.<sup>49</sup>

The 2006 Education Act places a duty on school governing bodies to “ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school,” and the evidence suggests that a large majority of schools have such policies in place; a NASUWT survey found that 93% of its members reported their school to have a whole-school behaviour policy.<sup>50</sup> While individual schools should be free to design their own behaviour policies, there are certain common features to the behaviour policies of well-disciplined schools. It is important that high standards of behaviour are demanded of pupils; 83% of teachers view “high behavioural and educational expectations in school” as “essential” to improving behaviour.<sup>51</sup> In addition, a successful behaviour policy must be of practical use to teachers and other school

47 The Elton Report (1989), *Discipline in Schools*, London: Her Majesty’s Stationery Office 1989

48 Sir Alan Steer, *Learning behaviour: The Report of The Practitioners’ Group on School Behaviour and Discipline*, 2005

49 Teacher Support Network, *Behaviour Survey 2010*, available at [http://teachersupport.info/uploads/1/Final\\_survey\\_results.pdf](http://teachersupport.info/uploads/1/Final_survey_results.pdf). Accessed 11/02/11

50 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

51 Teacher Support Network, *Behaviour Survey 2010*, available at [http://teachersupport.info/uploads/1/Final\\_survey\\_results.pdf](http://teachersupport.info/uploads/1/Final_survey_results.pdf). Accessed 11/02/11

staff, containing comprehensive guidance on the use of disciplinary sanctions, as well as a clear statement of a school's values and expectations of students. As the NUT put it to the Education Committee, "a school behaviour policy must be a practical document which includes clear guidelines to staff on practice and procedure" not just a "paper exercise" for school governors.<sup>52</sup> Finally, if a behaviour policy is to have a successful impact, it must be consistently implemented across the school. This requires teachers and other staff to have a clear understanding of the policy, as well as adequate support from the school leadership. The Education Committee was told that "the critical difference (between a successful and unsuccessful policy) is that 'people sign up to it and teachers act with one voice and one message: 'this is how we do it here.'"<sup>53</sup>

Below we feature a case study of the behaviour policy adopted by the Harris Federation of Academies, which has proved successful in transforming standards of behaviour in a number of schools. The Harris Federation's behaviour policies exhibit the characteristics identified by the Practitioners' Group of the Steer Review of behaviour: "positive strategies for managing pupil behaviour that help pupils understand their school's expectations, underpinned by a clear range of rewards and sanctions, which are applied fairly and consistently by all staff."<sup>54</sup> Given the potential of such policies to effect significant behavioural improvement, schools may consider diverting part of any future devolved budget for alternative provision to developing a coherent policy and assisting staff to implement it consistently.

### Case study: Harris Academy South Norwood

The experience of the Harris Federation of Academies is indicative of the way that a coherent and consistently applied behaviour policy can have a significant impact on standards of behaviour in a school. The Federation has achieved considerable success in turning around some of London's most deprived and poorly-performing secondary schools, most of which had significant problems with disruptive and damaging behaviour amongst pupils.

One example is the Harris Academy South Norwood, which opened in September 2007 in a new building on the site of Stanley Technical High School, which it replaced. Stanley Technical was the lowest achieving school in the Borough of Croydon, rated as "failing" by Ofsted, which subjected it to ongoing scrutiny,<sup>55</sup> and was undersubscribed. Exam results were consistently poor; in 2006, only 24% of pupils achieved the benchmark of 5 GCSEs at A\*-C grade, including English and Maths.<sup>56</sup> In addition, the school suffered from serious disciplinary issues, with reports of pupils in possession of weapons and drugs. The response to such incidents was extremely weak; for example, pupils found in possession of a knife were simply sent home for the rest of the day – taking their weapons with them, as knives were not confiscated.<sup>57</sup>

The improvement in results since the school's conversion into a Harris Academy has been dramatic. The proportion of pupils achieving 5 A\*-C GCSEs including English and Maths rose to 30% in 2008, then to 43% in 2009, and jumped once again to 60% in 2010. Ofsted visited the Academy in January 2010 and rated it as "outstanding", noting that "behaviour is good and attendance well above the national average ... Learning takes place in a calm and orderly way. Disruptions or a lack of concentration are rare."<sup>58</sup>

52 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

53 Ibid

54 Sir Alan Steer, *Learning behaviour: The Report of The Practitioners' Group on School Behaviour and Discipline*, 2005

55 *Outline proposal for the provision of an academy at Croydon*, 16 December 2006, available at <http://media.education.gov.uk/assets/files/pdf/t/the%20harris%20academy%20at%20stanley%20south%20norwood%20%20expression%20of%20interest.pdf>. Accessed 16/02/11

56 *The Guardian*, Secondary School League Tables 2006, available at <http://education.guardian.co.uk/secondaries/table/s/0,,1985424,00.html>. Accessed 16/02/11

57 Private information

58 Ofsted Inspection Report on Harris Academy South Norwood, January 2010, available at [http://www.ofsted.gov.uk/oxedu\\_reports/download/\(id\)/120308/\(as\)/135249\\_345498.pdf](http://www.ofsted.gov.uk/oxedu_reports/download/(id)/120308/(as)/135249_345498.pdf). Accessed 16/02/11

Much of the reason for this improvement lies in the implementation of the Harris disciplinary model, which is implemented across each Harris Academy. Harris Chief Executive Dan Moynihan told us that each school is asked to implement the key features of the model before adapting it to local circumstances where necessary. The longer a Harris Academy has been open, the more differentiated its approach to tackling damaging behaviour.

The chief features of the model are as follows:

- A traditional house structure creates smaller communities within the school. Within a house every student is personally known to the house staff. This allows for greater continuity of supervision and closer tracking of pupils' progress. In addition it encourages greater participation in school life and a sense of friendly competition among students.<sup>59</sup>
- New uniforms are introduced to schools that join the Federation, and high standards of uniform are expected of students, helping to create an orderly environment and sense of community within the school.
- Within houses a vertical staffing structure is in place, so that a single member of staff is ultimately responsible for both academic and pastoral issues relating to pupils. This allows staff to maintain a rounded picture of each pupil's progress within the school, and to develop a stronger understanding of pupil's needs.
- The 'Vivo Miles' reward card system is in use to incentivise good behaviour with rewards. Pupils earn merit points known as 'Vivos' by exhibiting good behaviour or outstanding progress. Once enough points have been accumulated, pupils can exchange them for a range of approved goods and services including sports equipment and electronic gadgets.<sup>60</sup>
- The system of rewards is matched by a tiered system of sanctions. There are four types of detentions of increasing severity: subject detention, senior manager's detention, principal's detention and Saturday detention. The use of these sanctions is consistent throughout the school, so that all pupils are aware of the consequences of their misbehaviour. More severe incidents may result in a fixed-term exclusion, while incidents involving illegal drugs, weapons or violence will result in a permanent exclusion.
- The school has an internal 'inclusion unit' to give tailored support to children whose persistent misbehaviour or vulnerable background indicates that they may be at risk of exclusion. This allows the school to attempt to forestall exclusion by addressing the causes of a pupil's bad behaviour, whilst at the same time protecting children in mainstream classes from disruption to their learning. Ofsted noted that "the inclusion unit is a good resource that enables those few students who need it to develop skills to reintegrate without the need for exclusion."<sup>61</sup> Exclusion remains an available sanction when preventative efforts fail or are not appropriate.

59 New Schools Network, *About the Harris Federation*, available at <http://newschoolsnetwork.org/assets/events/files/The%20Harris%20Federation.pdf>. Accessed 18/02/11

60 See the Vivo Miles website, available at <https://school-rewards.vivomiles.com/index.php>. Accessed 16/02/11

61 Ofsted Inspection Report on Harris Academy South Norwood, January 2010, available at [http://www.ofsted.gov.uk/oxedu\\_reports/download/\(id\)/120308/\(as\)/135249\\_345498.pdf](http://www.ofsted.gov.uk/oxedu_reports/download/(id)/120308/(as)/135249_345498.pdf). Accessed 16/02/11

The disciplinary model set out above could hardly be described as radical; the use of traditional house structures, uniforms and a hierarchy of sanctions have long been in widespread use in the independent schools sector. These straightforward measures have, however, been highly effective in addressing

disciplinary problems in exceptionally challenging state schools, and can be particularly effective in reducing low-level disruptive behaviour, allowing a greater focus of resources on serious behaviour problems.<sup>62</sup> Head teachers' representatives such as the Association of School and College Leaders (ASCL) have resisted suggestions that such models should be rolled out more widely in the state sector, stating that "encouragement by government to adopt certain uniforms and house systems contradicts its promise of less prescription."<sup>63</sup> The ASCL is right to observe that to impose particular disciplinary strategies on schools would contradict the government's policy direction towards greater school autonomy, and is correct to insist that school policies are best set at a local level, in consultation with parents and the wider school community. However, the exceptional success of 'traditional' disciplinary models in challenging schools should confirm that such strategies need not be confined to the independent sector. We hope that all schools will consider the evident value of these approaches when designing or reviewing their behaviour policies.

### Recommendation

All schools should ensure that they have a coherent behaviour policy in place which is of practical use to staff. Schools should take into account the demonstrable value of 'traditional' disciplinary approaches in schools with challenging behaviour when formulating their policy.

## Implementation of behaviour policies – training and support

The success of a behaviour policy such as that described above depends on the ability of governors, management and teachers to develop and implement it effectively. Survey data reveals a lack of confidence in the training of teachers and school leaders in behaviour management and the implementation of behaviour policies. A longitudinal survey of newly-qualified teachers (NQTs) by the NASUWT teachers' union found that over 40% of NQTs in 2008 were dissatisfied with the quality of their training on both "dealing with indiscipline" and "behaviour management."<sup>64</sup> This constitutes a reduction in confidence in the quality of training on discipline and behaviour since the survey was first conducted in 2003. In addition, 62% of NQTs surveyed in 2008 felt unprepared to deal with physical violence, and over half felt unprepared to address discrimination and harassment. Although NQTs felt much more confident in dealing with low-level classroom disruption, these figures nevertheless indicate a failure of teacher training to prepare NQTs adequately for the challenge of managing behaviour.<sup>65</sup> We therefore welcome the Coalition government's plans to reform teacher training so that it becomes less college-based and more schools-based<sup>66</sup> (a recommendation made by Policy Exchange in its 2008 report, *More Good Teachers*) and incorporates a greater focus on 'key teaching skills' including behaviour management. In addition, we expect that the proposed new national network of Teaching Schools will assist in spreading best practice in all areas of teaching including behaviour management.

However, although initial teacher training plays a crucial role in preparing teachers to deal with challenging behaviour, ongoing support, training and the

62 *Schools White Paper 2010, The Importance of Teaching*, Department for Education, November 2010

63 ASCL response to Education Bill, available at [http://www.ascl.org.uk/home/news\\_results/?l=1&ListItemId=738&ListGroupID=2](http://www.ascl.org.uk/home/news_results/?l=1&ListItemId=738&ListGroupID=2). Accessed 18/02/11

64 Owen, Broadhurst and Yeats, *Sink or Swim? Learning Lessons from Newly Qualified and Recently Qualified Teachers*, NASUWT, 2009

65 Ibid

66 *Schools White Paper, The Importance of Teaching*, December 2010

sharing of best practice throughout a teacher's career is also required. There are concerns over the effectiveness of the ongoing support that teachers receive in this area. Around 40% of respondents to the NASUWT survey felt that the training, briefing and support they had received in implementing the school-wide policy on dealing with indiscipline was either "unhelpful" or "not at all helpful."<sup>67</sup> These findings were echoed in a study conducted by the DCSF in 2008, which found that only 35% of teachers felt that there was adequate training available for teachers who struggle to manage bad behaviour. An equal proportion disagreed that this was the case.<sup>68</sup> The Education Committee heard that teachers were frequently "being left to their own devices", and were told of a lack of "development support, leadership and professional guidance."<sup>69</sup> This indicates that the lack of any requirement for head teachers to undergo training and ongoing development in discipline and behaviour management may be hindering the effective implementation of measures to address misbehaviour. We therefore welcome the White Paper proposal to ask the National College to review the content of the National Professional Qualification for Headship so that it focuses more strongly on the "key skills required for headship."<sup>70</sup> It is important that this welcome realignment of the qualification towards practical leadership skills includes a strong focus on the leadership of behaviour management, including supporting teaching staff in their implementation of school-wide behaviour policies.

In addition, school governors play an important role in developing a school's approach to improving standards. They are charged with the responsibility of putting a school behaviour policy in place, and are also expected to hold head teachers to account over its implementation. The Steer Review noted that "Governors play a pivotal role in monitoring and supporting the policies they have adopted;"<sup>71</sup> this view was echoed by the Education Committee, which stated that it is important that governors are able to both "challenge and support head teachers effectively to ensure that behaviour policies are applied consistently."<sup>72</sup> However, as the 2010 Schools White Paper noted, "sometimes governing bodies lack the information or training to challenge effectively and support the head teacher and senior leadership of a school to improve."<sup>73</sup> The White Paper proposed working with the National Governors Association to clarify the extent of governing bodies' responsibilities, giving governors access to more data on school performance, and allowing chairs of governors to access training from the National College.<sup>74</sup> We support these proposals, which could prove valuable in ensuring that school governing bodies have the capacity to provide their school's leadership with the required level of effective challenge and support. It is important that the training supplied to governing bodies includes adequate focus on the development of behaviour policies, on monitoring their implementation and providing both challenge and support to the school management where necessary.

### Recommendation

Initial training and ongoing support in behaviour management should be made available to teachers, school leaders and governors, and best practice in this area should be disseminated through the national teaching schools network.

<sup>67</sup> Owen, Broadhurst and Yeats, *Sink or Swim? Learning Lessons from Newly Qualified and Recently Qualified Teachers*, NASUWT, 2009

<sup>68</sup> *Teacher Voice Omnibus 2008 Survey: Pupil Behaviour*, DCSF 2008

<sup>69</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

<sup>70</sup> Schools White Paper, *The Importance of Teaching*, December 2010

<sup>71</sup> Sir Alan Steer, *Learning Behaviour: Lessons Learned- A review of behaviour standards and practices in our schools*, 2009

<sup>72</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

<sup>73</sup> Schools White Paper, *The Importance of Teaching*, December 2010

<sup>74</sup> Ibid

## Engagement with parents

For a school's behaviour management strategy to succeed, it must be supported not only by teachers and school leaders, but also by parents. The need for schools to work with parents in order to improve standards of behaviour is widely accepted: the Education Committee concluded that "a key element to effective leadership of behaviour is engagement with parents,"<sup>75</sup> while the final report of the Steer Review stated that "the support of parents is essential for the maintenance of good behaviour. Parents and schools each need to have a clear understanding of their rights and responsibilities."<sup>76</sup> Research by the Sutton Trust concluded that "the level of family support for young children directly affects their later educational achievement."<sup>77</sup> Most parents are more than willing to engage with their child's learning and to respond to concerns over behaviour or academic progress that are communicated to them by the school. However, the small minority of parents who take an indifferent, suspicious or antagonistic attitude to school authority, and refuse to support schools in addressing bad behaviour, can make life very difficult for teachers. Equally, problems arise when parents find it difficult to communicate with their children, and feel unable to respond to misbehaviour in an effective way. According to the Teacher Support Network behaviour survey, 69% of teachers consider it "essential" that parents receive guidance about their responsibilities to support school behaviour policies, while 77% consider it "essential" that pupils are "disciplined and motivated to learn by their parents/carers" if they are to behave better.<sup>78</sup>

The necessity of cooperation between schools and parents is formally recognised in the use of "home-school agreements", drawn up by each school's governing body in consultation with school leadership, staff, parents and pupils. Schools have been required to produce home-school agreements since 1999, and parents of registered pupils must be invited to sign the agreement to indicate their acceptance of it.<sup>79</sup> The most important aspect of an effective home-school agreement is that it should promote better communication between staff and parents, enabling them to work together to address any issues of concern. Parents should be kept aware of pupils' progress and of the school's expectations for them, as well as of any disciplinary issues arising. At the same time, parents must be able to keep the school informed of any issues at home that may affect a child's behaviour or educational performance. The key purpose of a home-school agreement, as stated by the Department for Education, should be to "generate high expectations, parental encouragement and support, and strong home-school links."<sup>80</sup>

The successful functioning of such arrangements relies on the support and participation of parents, which is usually forthcoming. However, problems arise when parents undermine teachers' efforts to address bad behaviour. This can occur for a variety of reasons. Low parental aspirations or expectations for their children's education may affect parents' level of engagement with schools. Some parents feel unable to communicate with their child effectively, while in a few cases parents are openly at odds with the disciplinary measures taken by teachers. Christine Blower, General Secretary of the NUT, told the Education Committee that at times "very basic ... misunderstandings or differences of values"<sup>81</sup> can lead to a teacher's message being undermined. In addition, "chaotic or disordered home environments,"<sup>82</sup> particularly those affected by mental health problems,

<sup>75</sup> House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

<sup>76</sup> Sir Alan Steer, *Learning Behaviour: Lessons Learned- A review of behaviour standards and practices in our schools*, 2009

<sup>77</sup> David Laws MP, 'Introduction 3' in Jean Gross ed. *Getting in Early: primary schools and early intervention*, Smith Institute and Centre for Social Justice, November 2008

<sup>78</sup> Teacher Support Network, *Behaviour Survey 2010*, available at [http://teachersupport.info/uploads/1/Final\\_survey\\_results.pdf](http://teachersupport.info/uploads/1/Final_survey_results.pdf). Accessed 11/02/11

<sup>79</sup> Department for Education, 'Law on home-school agreements', 28 September 2010, available at <http://www.education.gov.uk/publications/eOrderingDownload/D-CSF-RR059.pdf>

<sup>80</sup> Department for Education, *Home-school agreements*, 22 September 2010, available at <http://www.education.gov.uk/schools/pupilsupport/parents/involvement/hsa/a0014905/the-outcomes-of-home-school-agreements>. Accessed 15/02/11

<sup>81</sup> *The Guardian*, 'Are parents to blame for bad behaviour in schools?', 13 October 2010

<sup>82</sup> Family Lives, *Families Matter: The realities of family life in Britain today*, January 2011



abusive relationships or addictions to alcohol or drugs, are highly likely to have a negative effect on a child's education, and reduce the chances of an effective relationship between parents and the school. The Education Committee heard that children "model the behaviour of adults"<sup>83</sup> and will emulate damaging behaviour if it is exhibited in the home.

Research indicates that it is frequently the most socio-economically deprived families that are affected by these problems, and find it hardest to deal with bad behaviour by their children. The 2008 DCSF National Survey of Parents and Children found low income groups to be "associated with higher than average levels of inconsistent behaviour management."<sup>84</sup> In addition, parents who had negative experiences of school themselves are less likely to engage successfully with their children's education; the DCSF's research found that one in eight parents lacked confidence in helping their child at school, and concluded that this was "clearly linked to parents' own education."<sup>85</sup> This view is supported by the experience of Family Lives, a charity which supports parents and families (see below), and which believes that "a parent's own experience of the education system can affect their ability and desire to work with their child's school."<sup>86</sup> Parents who had a negative educational experience themselves may feel mistrustful of schools' authority, or find the school environment to be "alienating and intimidating."<sup>87</sup> The consequence of this is the perpetuation of educational underachievement across generations.

Schools may therefore choose to invest in programmes which seek to improve the ability of parents to address children's misbehaviour themselves. This is especially likely to be of value in areas of socio-economic deprivation. Below we feature a case study of such a programme, which had a significant impact on behaviour in a Hertfordshire primary school for little more than half the cost of a single place in a Pupil Referral Unit (PRU).

83 *The Independent*, 'Parents' behaviour 'undermining school discipline', 13 October 2010

84 Department for Children, Schools and Families, *National Survey of Parents and Children: Family Life, Aspirations and Engagement with Learning in 2008*, October 2008. Available at <http://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-RR059>, accessed 15/02/11

85 Department for Children, Schools and Families, *National Survey of Parents and Children: Family Life, Aspirations and Engagement with Learning in 2008*, October 2008. Available at <http://www.education.gov.uk/publications/standard/publicationdetail/page1/DCSF-RR059>, accessed 15/02/11

86 Family Lives, *Families Matter: The realities of family life in Britain today*, January 2011

87 Ibid

### Case study: Fairlands Primary School

The example of Fairlands Primary School in Stevenage illustrates the impact that effective engagement with parents can have on standards of behaviour. Fairlands serves the more deprived Lonsdale and Bedwell areas of the town; around 23% of its intake have child protection records of some kind, while the proportion of children in receipt of free school meals is twice the national average. As the head teacher told us, in a school with a high number of children with social and behavioural needs, "getting parenting right is an absolute priority".

In order to help parents who find it difficult to address their child's misbehaviour, Fairlands made use of a parental support service run by the charity Family Lives (formerly Parentline Plus). Family Lives is a national charity providing a range of services for parents, such as a confidential advice helpline, as well as operating face-to-face support groups in schools, GP surgeries and prisons. Fairlands School shares 14 hours of specialist support per week from Family Lives with a neighbouring secondary school. For the first three years, the programme was paid for through a central grant from the Department for Children, Schools and Families; although this grant has now expired, Fairlands has decided that the programme's impact justifies its continued funding from the school's own budget. The annual cost of 14 hours support per week is around

£16,850; shared between two schools, this comes to £8,425 per school, or slightly more than half the cost of a single place in a PRU.

The support takes the form of sessions with parents, in groups and individually, conducted by a specialist worker. Parents can refer themselves, or be referred by any member of the school's staff. The workshops focus on teaching families simple tools and techniques to reduce tension, anger and frustration in the home, enabling parent and child to communicate to resolve issues that may lie behind misbehaviour or bullying. Parents are taught to "talk assertively" to their child, to identify the issues behind a child's misbehaviour, and to express their own concerns and feelings. The sessions also help to give parents the confidence to engage actively with teachers to address behavioural concerns, and provide a forum through which parents can share experiences and support each other.

Both parents and teaching staff at Fairlands can testify the impact that these simple support arrangements have had on both parents and pupils. The head teacher told us that "the effect of the Parent Support Worker on the School has been dramatic, reducing incidences of bullying and challenging behaviour, improving attendance and raising attainment." The testimony of parents also demonstrates the impact of the Family Lives programme on individual cases. Some of the testimonies are reproduced below:

*"My son started school in September. By the second week he had started misbehaving; he was hitting, biting and shouting. When the problems began, I started having one to one sessions, as well as going along to a parenting group. All of the tools she [the Family Lives worker] gave me to use with my son were amazing. Now things are so much better at home, and it has changed absolutely everything. It was so important having someone to talk to about everything that was going on, and me and the girls from the group still meet up. We've built up our own network to help each other."*

*"I have been very lucky to have been able to take part in three courses run by Family Lives and benefited not only in gaining confidence on how to challenge my children's behaviour but I have been given new ways in which I can deal with it. I have found that even if you are only able to take on half of what you are shown while on the course, the difference it can make in everyday life is amazing."*

*"My child had been excluded from two primaries and this was his third. He had low self esteem and behaviour problems. He was always being sent out of class, and was on the verge of exclusion. Without Family Lives he would have been excluded. Instead, I have learnt how to react to bad behaviour before I lose control, and have the confidence to raise my concerns with his teachers. His behaviour has begun to change dramatically."<sup>88</sup>*

The above testimonies reflect the fact that practical support, advice and guidance can be of enormous benefit to parents struggling to address their child's behaviour. We argue that all schools should pay greater attention to how they can engage parents in the management of the behaviour of their children, and support those parents who find it more difficult to do so. As the Specialist Schools and Academies Trust put it, "when parents feel they have the opportunities, skills and knowledge required to help their children, they are not only more likely to be

<sup>88</sup> Private information



engaged; they are also empowered to make a difference to their child's learning and achievement.”<sup>89</sup> Successful interventions to improve parenting skills and assist parents to engage with their children's learning will have a significant effect on future attainment, particularly with regard to children from disadvantaged backgrounds; a study carried out in the US found that “parenting style and the home learning environment explain between a third and a half of the early attainment gap between children from low-income and higher-income families.”<sup>90</sup>

Consequently, we argue that all schools should take an active approach to promoting and supporting parental engagement in children's learning and behaviour. Given the success of cost-effective interventions such as that described above, we postulate that a large number of schools, particularly those serving relatively socio-economically deprived communities, would benefit from the specialist parental support provided by independent organisations such as Family Lives. The government's proposals for devolving funding for alternative provision create an opportunity for more schools to consider investment in specialist parental support programmes of this type, thereby improving standards of behaviour and reducing the need to purchase relatively expensive alternative provision. However, it is equally important that an understanding of the value of parental engagement is ingrained within a school's culture and policies. As stated in a research project conducted by the SSAT and the (then) Department for Children, Schools and Families, “parental engagement must be a priority in schools – it cannot be a bolt-on extra. It must be embedded in teaching and learning policies, and school improvement policies, so that parents are seen as an integral part of the student learning process.”<sup>91</sup> This should include a particular focus on pro-active measures to support those parents who find it hard to engage with their child's learning and behaviour in an effective way.

### Recommendation

Schools should consider how they can best assist parents who have difficulty addressing their child's behaviour, either through internal engagement or through the use of specialist support from external providers in the voluntary and private sectors.

### A focus on early intervention

There is growing consensus that earlier identification and intervention to tackle the underlying causes of poor behaviour, underachievement and educational disengagement has the potential to produce significant social and economic benefits. A 2009 report by the New Economics Foundation estimated that greater use of preventative intervention to address underlying problems at an early stage could save the UK £486 billion over 20 years through a reduction in costly social problems including crime, family breakdown, drug abuse and ill-health.<sup>92</sup> A 2007 study by New Philanthropy Capital estimated that each permanently excluded child costs an average of £63,851 to society due to the cost of crime, greater use of health and social services, reduced earnings and greater reliance on welfare payments.<sup>93</sup> In addition, both Sir Alan Steer's review of behaviour for the previous government and the recent report of the House of Commons Education

89 Specialist Schools and Academies Trust, 'Engaging parents toolkit', available at <https://www.ssatrust.org.uk/achievement/eca/Pages/Engagingparentssecondarytoolkit.aspx>. Accessed 28/03/11

90 Dr Lee Elliot Major, 'Educational mobility, attitudes and aspirations during the primary school years,' in Jean Gross ed. *Getting in Early: primary schools and early intervention*, Smith Institute and Centre for Social Justice, November 2008

91 Harris, A. and Goodall, J., *Engaging Parents in Raising Achievement: Do Parents Know They Matter?*, Department for Children, Schools and Families Research Report RW004, 2007

92 Jody Aled, *Backing the Future: Why investing in children is good for us all*, New Economics Foundation, 16 September 2009

93 Brookes, M., Goodall, E., and Heady, L., *Misspent Youth*, New Philanthropy Capital, June 2007

Committee accepted and emphasised the value of early intervention to tackle problems which, if left unaddressed, lead to greater economic and social costs in the longer term.

While the precise financial quantifications mentioned above may be open to question, the link between identifiable issues in childhood and later-life problems is supported by clear evidence. A 2008 report by the Smith Institute and the Centre for Social Justice demonstrated a strong connection between educational underachievement, unemployment and criminality and early childhood issues including a lack of parental support, low literacy, numeracy and communication skills, and low behavioural and social competencies. Severe literacy and numeracy difficulties are found in over 50% of permanently excluded children and in 50-60% of the prison population, while 60-90% of juvenile offenders have poor communication and language abilities.<sup>94</sup> A study conducted in New Zealand found that children displaying serious antisocial behaviour at age 7 were 20 times more likely to show criminal behaviour by age 26 than their peers,<sup>95</sup> while a report by the Office of National Statistics found that 80% of children showing behavioural problems at the age of 5 go on to develop more serious forms of anti-social behaviour, and over 90% of young offenders have had a mental health problem as a child.<sup>96</sup>

“The earlier these problems can be addressed, the more likely it is that the intervention will have a lasting and meaningful effect”

The earlier these problems can be addressed, the more likely it is that the intervention will have a lasting and meaningful effect. A number of intervention programmes have had success in addressing the causes of educational disengagement during primary school age. A study by KPMG found that the Reading Recovery programme, a short-term, school-based intervention aimed at improving the literacy of children in the first year of primary school, succeeded in lifting 79% of children out of literacy failure. As a consequence, KPMG calculated the rate of return to be over £14 for every pound spent on the programme.<sup>97</sup> Organisations such as Place2Be, which works within schools (predominantly primaries) to address children's behavioural and social issues through one-to-one counselling, group sessions and parental counselling, have had success in improving children's self-esteem and communication skills, with a consequent effect on the prevalence of disruptive behaviour in the classroom.<sup>98</sup> A survey of users of the service found that 94% of school staff agreed that Place2Be had had a positive effect, while 90% of children felt that the service had been helpful to them. An internal evaluation estimates the rate of return at £6 for every pound spent on the intervention.<sup>99</sup>

The case for early intervention to address the obstacles to effective learning is strong; however, schools have little incentive to pursue these avenues as they can easily sever their connections with troublesome pupils. As we discuss in the next section, the current system of permanent exclusion allows schools to wash their hands of their most difficult pupils, transferring them to the responsibility of the local authority, which must then meet the cost of finding expensive alternative provision – for example at a Pupil Referral Unit with a per-pupil cost around three times that of a place in a mainstream school. It is much easier for schools

94 Jean Gross ed., *Getting in Early: primary schools and early intervention*, Smith Institute and Centre for Social Justice, November 2008

95 Ibid

96 *Mental Health of Children and Adolescents in Great Britain*, Office of National Statistics, 2000

97 KPMG Foundation, *The long-term costs of literacy difficulties*, December 2006

98 Place2Be – Why it Matters, available at [http://www.theplace2be.org.uk/why\\_it\\_matters.aspx?menuid=2](http://www.theplace2be.org.uk/why_it_matters.aspx?menuid=2). Accessed 06/04/11

99 *Cost Effective Positive Outcomes for Children and Families: An economic analysis of The Place2Be's integrated school-based services for children*, Place2Be, September 2010

to simply exclude difficult pupils than to put in place early intervention programmes to identify and address the causes of misbehaviour before it reaches unmanageable levels.

The government's proposals aim to address this problem by handing schools continued responsibility for permanently excluded children, and by giving schools control of funding for alternative provision and behavioural support. Schools would therefore have a clear financial incentive to address behavioural problems through early intervention, rather than pay for expensive external provision following a permanent exclusion. In principle, this seems like a simple way of giving schools both the funds and the incentive to make best use of early intervention programmes to tackle the causes of bad behaviour. As with any significant reform, however, the potential exists for unintended consequences or challenges of implementation to affect the success of the government's plans. In the next section we review the proposals in detail, identifying both strengths and weaknesses, and seeking to anticipate the problems that are likely to arise in their national implementation. In doing so we make use of the example of Cambridgeshire County Council, which has already taken the step of devolving funds for alternative provision and behavioural support to schools. This provides a useful opportunity to examine the effect of devolved funding and commissioning powers on schools' behaviour and on the shape of alternative provision in the area. We begin, however, with a review of the state of the system as it currently stands.

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# 2

## Exclusion and Alternative Provision

The 2010 Schools White Paper contains a number of potentially far-reaching ideas, but the proposals regarding the provision of education for children excluded from school are potentially the most transformative of them all. The core idea behind the proposals is that schools should have much greater freedom over their management of disruptive pupils, a view consistent with the present government's policy direction towards greater school autonomy and more localised decision-making. In addition, it is recognised that such freedom cannot be granted in isolation, but must be accompanied by greater responsibility and accountability for the outcomes of such children. This contrasts with the system as it currently stands, where responsibility for a child's education transfers from his or her school to the local authority at the point of exclusion. The proposals amount to a vision of a very different system for managing excluded children – one in which schools, rather than local authorities, hold both the responsibility and the funding to arrange alternative provision for pupils they exclude, and are held to account for the outcomes of every excluded pupil.

The main points of the White Paper plans are as follows:

- Schools will be responsible for commissioning and funding educational provision for pupils they exclude.
- The majority of funding for alternative educational provision, currently held by local authorities, will be devolved to schools to enable them to carry out this responsibility.
- In order to hold schools to account for their use of the funds, the academic performance of excluded children will continue to count towards the excluding school's performance data.<sup>100</sup>

In addition, the government plans to increase the quality of alternative provision, and the range of options available to schools when commissioning alternative provision, by opening up the sector to new providers. The White Paper includes plans to allow PRUs to become Academies, to encourage the development of new alternative provision Free Schools, and to encourage more voluntary providers into the sector.<sup>101</sup>

Unlike many of the 2010 White Paper proposals, the reforms set out above did not make it into the 2011 Education Bill (currently going through Parliament) for immediate enactment. The government recognises that systemic reforms of this

100 Schools White Paper, *The Importance of Teaching*, December 2010

101 Ibid

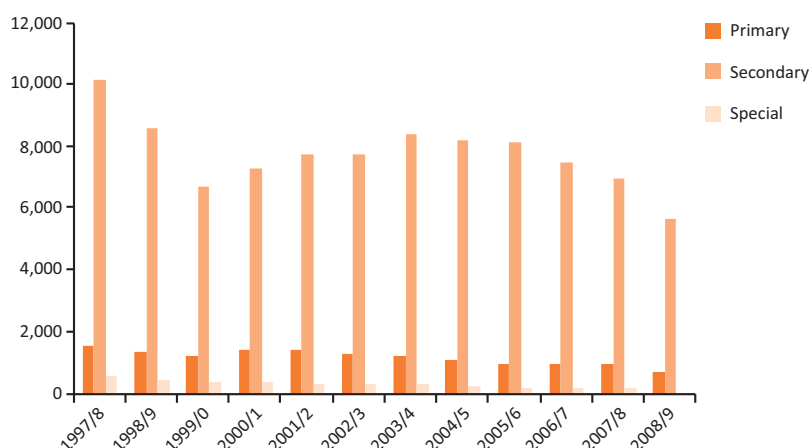
nature are likely to encounter problems, be they difficulties with implementation, opposition from the school or local authority sectors, or simply unforeseen or unintended consequences. Rather than push ahead with implementation, therefore, the reforms are to be piloted in around ten local authority areas over a three year period.<sup>102</sup> In this report we examine and assess the proposals in detail, aiming to identify strengths and weaknesses, and to anticipate where difficulties might arise in their implementation. Firstly, however, we review current trends around schools' use of exclusion and the state of the present system for the management of excluded pupils.

### Exclusion and alternative provision – current trends

The decision to permanently exclude a child from school can only be made by the head teacher of the excluding school.<sup>103</sup> Once the decision has been made, the child and parents have the right to appeal the decision, firstly to the school's governing body, and then to an independently constituted panel (see the previous section). If the decision to exclude is upheld, responsibility for arranging the child's continued education falls to the local authority, which is required under the Education Act 1996 to "make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them."<sup>104</sup>

The Department for Education collects annual figures for the amount of permanent exclusions issued to pupils (see graph below), which show that the large majority of permanent exclusions are from mainstream secondary schools. In addition, the data shows that the total number of children permanently excluded from school has been in consistent decline for some time, falling to a total of 6,550 in 2008/9 (the latest year for which data is available) in comparison to a figure of over 12,000 exclusions in 1997/8.

**Figure 3: Permanent exclusions from school, 1997-2009<sup>105</sup>**



<sup>102</sup> Private information

<sup>103</sup> Education Act 2002, Section 52

<sup>104</sup> Education Act 1996, Section 19 (1)

<sup>105</sup> Department for Education, Permanent and Fixed Period Exclusions from Schools in England 2008/09, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>. Accessed 15/03/11

The steady decline in rates of exclusion from 2003 onwards, both in absolute terms and as a percentage of the total school population (see below), clearly shows that schools reduced the frequency of their use of exclusion over the period. However, this should not necessarily be taken to indicate that a greater proportion of children remained in mainstream education than was previously the case. Pupils may transfer from mainstream to alternative education provision without undergoing a formal exclusion, and evidence suggests that the reduction in the number of children being excluded was mirrored by a rise in transfers to alternative provision via these other routes, which we set out below.

### Transfers to alternative provision:

<b>Permanent exclusion</b>	Issued by the head teacher of the excluding school as a disciplinary measure. Right of appeal to school governing body and independent panel. If upheld, the child's name is removed from the roll of the excluding school and responsibility for his or her continued education transfers to the local authority. The local authority is under a duty to arrange full-time education from the sixth day of an exclusion. <sup>106</sup>
<b>Referral</b>	A school can refer a pupil to attend "any place outside the school premises for the purposes of receiving educational provision which is intended to improve the behaviour of the pupil." <sup>107</sup> Can be used as a pre-emptive measure to forestall exclusion, or if the school believes that the child is best suited to non-mainstream education. The referred child remains on the roll of the excluding school. No right of appeal.
<b>Managed move</b>	A school can arrange the transfer of a child to another establishment, usually another mainstream school. The child's name is removed from the roll of the first school and transferred to that of the new school. There is no right of appeal, but Government guidance states that managed moves should "only be done with the full knowledge and co-operation of all the parties involved, including the parents, governors and the local authority, and in circumstances where it is in the best interests of the pupil concerned." <sup>108</sup>

Although there are no statistics kept of the number of managed moves or referrals to alternative provision, there is little doubt that the use of both routes increased significantly during the previous government's period in office. Local authority representatives whom we spoke to were clear that the practice of 'swapping' pupils between schools in managed moves had become much more common, and was usually encouraged at local authority level as a preferable alternative to exclusion. In addition, as Tom Ogg and Emily Kalil showed in their paper *A New Secret Garden? Alternative provision, exclusion and children's rights*, the number of children educated in Pupil Referral Units almost doubled between 1997 and 2007, even as the number of permanent exclusions issued by schools fell significantly.<sup>109</sup> This suggests that large numbers of children were transferred to PRUs following either a referral or a managed move.

The rise in the use of managed moves and referrals over the last five years is at least partly attributable to the previous Labour government's focus on reducing the number of children excluded from school. It initially tried to achieve this through the use of targets; on taking office in 1997, the Labour

<sup>106</sup> See the Education and Inspections Act 2006

<sup>107</sup> Education Act 2002, Section 29

<sup>108</sup> *Improving behaviour and attendance: Guidance on exclusion from schools and pupil referral units*, Department for Children, Schools and Families, 2008

<sup>109</sup> Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010

government set a target to reduce the number of permanent exclusions by a third over the following five years.<sup>110</sup> Although this target was scrapped in 2001, following complaints from school leaders that it had created pressure to overturn justified exclusions,<sup>111</sup> the government continued to put pressure on schools to focus on avoiding exclusions.<sup>112</sup> The National Strategies programme initiated by the Labour government encouraged schools to “put inclusion at the heart of planning and provision,”<sup>113</sup> while the number of exclusions was used as an indicator of progress towards the outcomes of the flagship Every Child Matters agenda.<sup>114</sup> In addition, both managed moves and pre-emptive referrals were promoted as preferable alternatives to permanent exclusion through the DCSF. Guidance produced by the DCSF in 2008 explicitly recommended the use of managed moves and placements in alternative provision or Pupil Referral Units “for pupils at risk of exclusion and as an alternative to permanent exclusion.”<sup>115</sup>

110 Liz Lightfoot, ‘Blunkett attacked over exclusion target’, *The Daily Telegraph*, May 2001

111 Ibid

112 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children’s rights*, Civitas, November 2010

113 The National Strategies Inclusion website, available at <http://nationalstrategies.standards.dcsf.gov.uk/inclusion>. Accessed 22/02/11

114 *Every Child Matters Outcomes Framework*, Department for Children, Schools and Families, available at <http://www.dcsf.gov.uk/childrensplan/downloads/ECM%20outcomes%20framework.pdf>. Accessed 22/02/11

115 *Improving behaviour and attendance: Guidance on exclusion from schools and pupil referral units*, Department for Children, Schools and Families, 2008

116 Department for Education, ‘Schools, Pupils and their Characteristics’, available from <http://www.education.gov.uk/rsgateway/sc-schoolpupil.shtml>. Accessed 14/03/11

117 Brookes M, Goodall E, and Heady L, *Misspent Youth: The costs of truancy and exclusion*, New Philanthropy Capital, June 2007

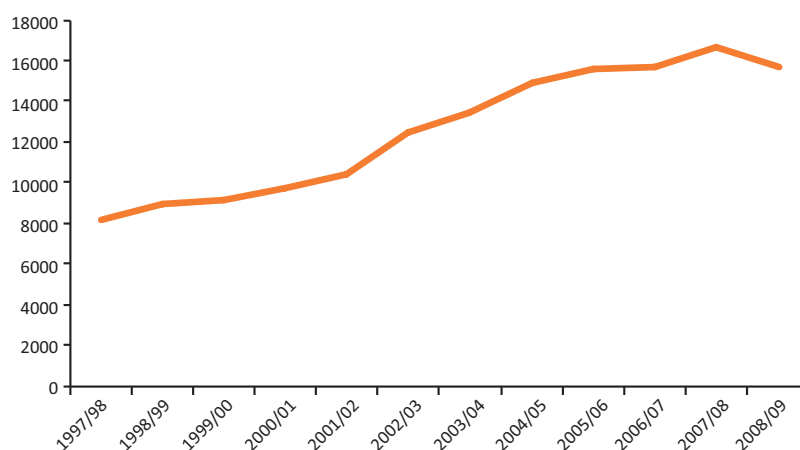
118 DCSF Research Report RR405, *Study of Young People Permanently Excluded From School*, Department for Education and Skills, March 2003

119 Adam Abdelnoor, *Managed Moves*, Calouste Gulbenkian Foundation, 2007

120 Brookes M, Goodall E, and Heady L, *Misspent Youth: The costs of truancy and exclusion*, New Philanthropy Capital, June 2007

121 Adam Abdelnoor, *Managed Moves*, Calouste Gulbenkian Foundation, 2007

**Figure 4: Numbers in Pupil Referral Units, 1997-2009<sup>116</sup>**



While the evidence suggests that Labour succeeded in its goal of reducing the use of permanent exclusion from school, the question of whether it was right to aim for such a goal continues to divide opinion. Its supporters point to the unequivocally dreadful outcomes associated with permanent exclusion from school. Research indicates that half of excluded children leave school with no GCSE level qualifications,<sup>117</sup> and a similar proportion end up not in education, employment or training (NEET).<sup>118</sup> There is also a strong link with criminal activity in later life; over 80% of boys in the criminal justice system have been excluded from school.<sup>119</sup> These negative outcomes carry significant social and economic costs; New Philanthropy Capital estimates that excluded children are 37% less likely than their peers to be employed after leaving school.<sup>120</sup> Supporters of the inclusion agenda therefore argue that exclusion from school is damaging both to the child concerned, and to society as a whole. Pre-emptive referrals and (particularly) managed moves are consequently promoted as consensual alternatives to exclusion that “bring everyone involved together to find a solution, rather than simply to punish and blame.”<sup>121</sup>



However, there are a number of valid objections to this perspective. Firstly, it is important not to equate causation with correlation regarding the poor outcomes associated with excluded children. The behaviour and underlying problems associated with permanent exclusion from school are likely to cause further problems in later life if not adequately addressed. It is therefore false to assume that school exclusion is the sole cause of the negative outcomes noted above; it is more probable that both exclusion from school and (e.g.) unemployment are linked to the same underlying behavioural, mental and social issues. In addition, the total inclusion agenda fails to prioritise sufficiently the needs of the well-behaved majority. As Sir Alan Steer's review of behaviour affirmed, poor behaviour in the classroom "cannot be tolerated as it is a denial of the right of pupils to learn and teachers to teach."<sup>122</sup> Bad behaviour diverts teachers from the job of teaching, and causes stress and disillusionment; the Teacher Support Network's 2010 survey found that poor behaviour had caused 70% of teachers to contemplate leaving the profession.<sup>123</sup> In addition, disruptive behaviour in class can be a major factor hindering others' enjoyment of school and learning, while bullying and abuse by a small minority of pupils can have a serious impact on their peers in school. When the education of the majority suffers due to the actions of one or two individuals, the removal from class of disruptive pupils is justified.

Of course, through the use of managed moves and referrals instead of exclusion, disruptive children can be removed from the mainstream classroom without undergoing a punitive exclusion. However, in response to serious incidents of misconduct a punitive approach can be justified to demonstrate that such behaviour is considered unacceptable by the school. In addition, it is not clear that managed moves or referrals always produce better outcomes than exclusions. When a managed move or a referral to alternative provision is undertaken in genuine collaboration with the child concerned, the parents and the recipient school, it can be an effective way of giving a young person a chance at a fresh start. However, it is difficult to distinguish between genuinely collaborative moves, and situations where schools pressurise parents to accept a move under the implicit threat of exclusion. These 'backdoor exclusions' serve as a means for unscrupulous head teachers to free themselves of difficult pupils without employing either a formal exclusion, for which they would be held to account by the school governing body, or a properly managed transfer that addresses the pupil's behavioural issues. Our conversations with local authorities indicated that the majority are aware of this practice; we were told that "we know that it happens but we aren't able to identify it."<sup>124</sup> While the majority of schools fulfil their responsibilities to all pupils conscientiously, in a minority of schools an "out of sight, out of mind" attitude prevails with regard to challenging pupils.<sup>125</sup>

Arguably the use of backdoor exclusions is an inevitable consequence of the pressure put on schools to avoid official exclusions. Despite the desire of the Labour government to reduce exclusion totals, much of the pressure felt by schools on this issue derives from local authorities. Labour continued to emphasise schools' continuing right to exclude, even while promoting alternatives; former Children's Secretary Ed Balls wrote in 2008 that "of course heads must exclude pupils where their behaviour has overstepped the mark in a

<sup>122</sup> Sir Alan Steer, *Learning Behaviour: Lessons Learned*, April 2009

<sup>123</sup> Teacher Support Network, *Behaviour Survey 2010*, available at [http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYiEf\\_2bmz0j0BwZW841Bm\\_2fuUM\\_2buZOAc8\\_3d](http://www.surveymonkey.com/sr.aspx?sm=NEtFz9kweJBvYiEf_2bmz0j0BwZW841Bm_2fuUM_2buZOAc8_3d). Accessed 13/03/11

<sup>124</sup> Private information

<sup>125</sup> Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010



serious way and young people and their parents must face up to the consequences of their actions.”<sup>126</sup> However, a number of local authorities have chosen a more hard-line approach: we were told by a Conservative local authority that “a decision to exclude is always a failure by the school,”<sup>127</sup> while in 2008/9, there were 17 local authorities in which no permanent exclusions from school were issued.<sup>128</sup> There is scant evidence that such ‘zero exclusion’ policies have a positive effect on educational outcomes; 10 of the 17 authorities scored below the

national average for the attainment of five or more GCSEs at A\*-C grades in that year.<sup>129</sup>

“ Schools need to be able to permanently exclude pupils for two main reasons: to protect the education of the well-behaved majority, and to signal that serious breaches of discipline are unacceptable ”

We argue that attempts to impose a culture of zero exclusions, whether at central or local government level, are ultimately misguided. Schools need to be able to permanently exclude pupils for two main reasons: to protect the education of the well-behaved majority,

and to signal that serious breaches of discipline are unacceptable. The guidance produced by the DCSF in 2008 makes it clear that exclusion for these purposes is justified, stating that exclusion should only be carried out “a) in response to serious breaches of the school’s behaviour policy; and b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.”<sup>130</sup> This principle, if accepted, stands in contradiction to the view that sees all use of permanent exclusion as a failure or an abdication of responsibility on the part of the excluding school.

At the same time it is important to recognise that where permanent exclusion can be avoided, either by early intervention to address the root causes of misbehaviour before it reaches a level of severity that would justify exclusion, or by pre-emptively transferring a pupil to an educational setting better suited to their needs, then these alternative solutions are preferable. Permanent exclusion can solve the immediate problem of disruption to a particular school’s learning environment, but does not provide a solution to the underlying causes of misbehaviour – instead, it simply transfers the problem to another institution. There now exists a wide range of alternative provision of different types, aimed at addressing the varied and contrasting needs of young people, and an equally broad range of early intervention services. The goal of government should be to incentivise and support schools to make best use of these approaches, whilst upholding schools’ right to exclude when necessary for the maintenance of school discipline and a properly functioning learning environment.

This goal is reflected in the Coalition government’s ambitious proposals to reform the management of excluded children and the commissioning of alternative educational provision. Rather than seeking to put artificial downward pressure on exclusion rates, the government proposes to give schools greater freedom over their use of exclusion (by removing appeals panels’ power to reinstate students), and much more control over the use of funding for alternative provision. At the same time, it will hold schools to account over the outcomes of excluded children, incentivising them to pre-empt exclusion

126 Ed Balls, *Foreword to Back on Track: A strategy for modernising alternative provision for young people*, Department for Children, Schools and Families, May 2008

127 Private information

128 Department for Education, *Permanent and Fixed Period Exclusions from Schools in England 2008/09*, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>. Accessed 15/03/11

129 Department for Education, *GCSE and Equivalent Attainment in England, 2008/09*, available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000880/index.shtml>. Accessed 15/03/11

130 *Improving behaviour and attendance: Guidance on exclusion from schools and pupil referral units*, Department for Children, Schools and Families, 2008

through early intervention, and to seek out the most suitable provision for those that are excluded. We believe that the core idea behind these proposals – that schools should be free to make their own choices, but should be held accountable for the choices that they make – is to be applauded. Nevertheless, there remains a great deal of uncertainty over how the plans will work when implemented in practice. In the following section we examine the proposals in detail, with the aim of anticipating potential difficulties and unwanted side-effects, and suggesting possible solutions in advance. We begin, however, with the most important driver of change in this area – the unacceptably poor state of provision for excluded and at-risk children under the current, local authority-dominated system.

## The current state of non-mainstream education provision

As we observed previously in this report, the government's thinking around the area of exclusion and alternative provision draws upon the principles that inform much of its policy on mainstream education. The expansion of the Academies programme to over 400 schools,<sup>131</sup> and the expected opening of the first Free Schools in September of this year,<sup>132</sup> reflect the government's desire for more autonomous schools, taking control of areas of operation previously managed by local authorities. In this sense the White Paper proposals around the management of alternative provision represent a continuation of the government's policy vision for the mainstream sector. However, there is another, more urgent driver of change to the system of alternative education provision: the extremely variable and often unacceptably poor quality of provision under the system as it currently stands. Alternative provision takes three main forms: schools funded and managed by the local authority, known as pupil referral units (PRUs); independent projects, operated by charitable groups, social enterprises and limited companies; and Further Education Colleges (FECs). Around one third of children in alternative provision attend PRUs while the other two thirds attend either independent providers or FECs.<sup>133</sup> In January 2010 there were 13,240 pupils in PRUs and 22,510 in other forms of alternative provision.<sup>134</sup>

## Pupil referral units

PRUs are established and maintained by local authorities in order to fulfil their statutory duty to provide "suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education."<sup>135</sup> There are approximately 450 PRUs,<sup>136</sup> some of which provide an excellent education – we provide a case study of a high-performing PRU below. However, the standard of provision at the national level could charitably be described as mixed. A 2007 Ofsted inspection report into PRUs found a high degree of variation in the standard of provision offered. One in eight were judged to be "inadequate", while Ofsted identified a number of problems common to the majority of PRUs including inadequate facilities, a shortage of specialist staff and "children of different ages and with diverse needs arriving in an unplanned way."<sup>137</sup> This last issue reflects the wide range of pupils admitted to PRUs; the

131 Department for Education News, available at <http://www.education.gov.uk/intenews/intenews/a0072357/for-hundred-academies-now-open>. Accessed 01/04/11

132 Department for Education News, available at <http://www.education.gov.uk/intenews/intenews/a0073963/eight-free-schools-have-business-plans-approved>. Accessed 01/04/11

133 Sodha, S and Margo, J. Ex *Curricula*, Demos, 2010

134 Department for Education, 'Schools, Pupils and their Characteristics', January 2010. Available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000925/index.shtml>. Accessed 15/03/11

135 Education Act 1996, Section 19 (1)

136 Sodha, S and Margo, J. Ex *Curricula*, Demos, 2010

137 Ofsted, *Establishing successful practice in pupil referral units and local authorities*, September 2007

majority are considered to have emotional and behavioural difficulties or mental health issues of various kinds, but PRUs also accept children who are not diagnosed with behavioural or mental issues but are deemed unsuitable for mainstream schooling, as well as pupils temporarily without a school place, for example because of a recent move into the area.<sup>138</sup> This variation in the circumstances of pupils admitted to PRUs makes it particularly difficult for provision to be adequately tailored to their specific needs. A 2010 survey by the National Children's Bureau found that 41% of pupils in PRUs were not receiving the support required to address their mental and emotional issues, and that over 60% of these children had their development negatively affected "in a significant way" as a result.<sup>139</sup> There are long-standing concerns over the quality of provision for students classified as having Special Educational Needs (SEN) in PRUs; a 2006 Ofsted report found that, while good quality SEN provision could be found across different types of establishments, "PRUs were the least successful" in "achieving high outcomes for pupils academically, socially and personally." The best SEN provision was found to be in suitably resourced mainstream schools.<sup>140</sup>

These problems are exacerbated by the failure of communication at the point of a child's transfer from mainstream schooling to alternative provision. We were informed by the leadership of a mainstream school that "at the point of exclusion, collaboration between services tends to break down due to a lack of intelligent joint working."<sup>141</sup> Often PRU staff do not know why a child has been referred to the provision in the first place, making it very difficult to identify and address their particular issues and circumstances. Ofsted noted that "almost all" of the PRUs inspected "received too little information from pupils' previous schools ... This hampered the PRUs in establishing pupils' attainment levels on admission."<sup>142</sup> A number of our interviewees were scathing about the ability of PRUs to meet the needs of their pupils, with one head teacher telling us that "some PRUs offer the worst provision around ... no-one takes responsibility for them. Some are little better than holding pens."<sup>143</sup>

As Ofsted pointed out in its report, the quality of PRU provision depends to a large extent on the degree of support delivered by the local authority, which is highly variable. Good PRUs receive assistance from the local authority in developing links with other agencies to meet children's differing needs, and support for leadership and staff development; in addition, it is the responsibility of local authorities to monitor the performance of the PRUs they operate, and ensure that they are capable of delivering good outcomes for their pupils. Unfortunately, as Ofsted pointed out, there are widespread deficiencies in many local authorities' procedures for monitoring PRU performance and holding them to account. Monitoring and evaluation arrangements "varied in quality" and were often insufficiently concerned with children's outcomes, lacking "the necessary focus on pupils' progress."<sup>144</sup> Although Ofsted inspects PRUs on a three-yearly cycle, it undertakes no ongoing monitoring unless a PRU is judged to be in special measures or is given a notice to improve. Monitoring of outcomes at a local level is therefore required, and the failure of local authorities to fulfil their duties in this area reflects the low-priority status of alternative education in many areas. Local authorities have little incentive to undertake rigorous monitoring of PRUs, which do not attract the attention of voters and the media in the same way as mainstream schools. Additionally, because local authorities act as both

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138 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010

139 Kerra Maddern, 'Distressed' children let down in pupil referral units', *Times Education Supplement*, 5th November 2010

140 Ofsted, *Inclusion: does it matter where pupils are taught?*, July 2006

141 Private information

142 Ofsted, *Establishing successful practice in pupil referral units and local authorities*, September 2007

143 Private information

144 Ofsted, *Establishing successful practice in pupil referral units and local authorities*, September 2007

commissioner and provider of PRUs, there is a lack of external pressure acting to drive up standards in local authority-operated provision, since failing PRUs can be confident that a competing provider will not be commissioned in their stead. A commissioner/provider split would help to create external pressure on standards, as the commissioning body would have the option to switch to a different education provider in response to poor performance. This is one of the central ideas informing the White Paper proposals, which we examine below (see page 49).

### **A high-quality PRU: The Bridge Academy, Hammersmith**

The Bridge Academy in the London borough of Hammersmith and Fulham is an example of a secondary PRU that offers excellent provision to pupils with a wide range of needs, many of whom are from particularly troubled backgrounds. Despite the name, it is not part of the national Academy schools programme, but (like all PRUs) is local authority-maintained. The Bridge Academy is the automatic first port of call for pupils excluded from secondary schools in Hammersmith and Fulham; in addition, it accepts pupils at risk of exclusion from mainstream secondary schools via managed moves, and any children resident in the borough who are without a secondary school place. It also provides around 25 places per year for pupils with a statement of Special Educational Needs, usually emotional and behavioural. It has a maximum capacity of 175 pupils; it usually begins the academic year with around 90, the total rising throughout the year as children are referred or excluded from mainstream schools.

The diversity of circumstances of the children admitted to The Bridge Academy would pose a challenge to any institution, but the school achieves exceptional outcomes for its cohort. Many of the children are affected by the familiar problems affecting many families in deprived circumstances: family breakdown, drugs, alcohol, criminal gangs, and young carers, among others. Most students are in receipt of free school meals and the majority have what Ofsted termed “histories of disturbed education and exceedingly low levels of prior attainment.”<sup>145</sup> In the face of these challenges, Ofsted judged that “the progress students make in their education, and in their social and emotional development, is quite staggering. The outcomes are far in excess of what might have been expected given the students’ starting points.”

Ofsted also noted the “inspirational” quality of the school’s leadership and the “dedication and commitment of the staff”. The school was recently confirmed as a National Support School and Leadership Development School for the National Professional Qualification for Headship. Twenty-four highly-motivated teaching staff take classes of between one and six pupils, allowing close attention to be paid to individual’s learning needs. In total there are 60 staff, including teaching assistants and learning mentors (as well as administrative staff), who support teachers in managing behaviour, allowing them to focus on providing an academic education.

A feature of the school’s success is its detailed assessment of pupil’s needs and close monitoring of their progress against agreed targets. Like many PRUs, The Bridge Academy receives only patchy information on the pupils it admits from mainstream schools. However, upon induction a number of tests are carried out including literacy and numeracy tests, subject-based tests and an age appropriate Cognitive Abilities Test (CAT). Targets for progress in both behaviour and learning are then set in consultation

145 Ofsted, *The Bridge Academy inspection report*, June 2010

with the pupil and parents, which feed into an individual learning plan which is created for all students, and follows them even after leaving the school. Behaviour is tracked through the Capita online SIMS Learning Gateway system,<sup>146</sup> on which all incidences of negative behaviour as well as positive achievement are recorded. Parental online access to the SIMS system is due to be launched shortly, allowing for close parental involvement in the ongoing monitoring of pupils' progress. This innovative use of ICT is typical of the school, which has three ICT suites, interactive whiteboards in all classrooms, and runs a home learning package for all students through the school's online learning platform. All pupils receive a desktop computer to access resources at home.

All pupils study a core academic curriculum including English, Science, ICT and Maths; in addition, the school offers subjects such as art and cookery and has an extensive extra-curricular programme including activities such as boxing and gardening. These activities help engage learners' interest but, as Ofsted noted, "the management of teaching and learning is strongly focused on raising attainment." The focus for older, Year 11 students is on helping them progress towards college education or employment, and so emphasis is placed on gaining the necessary qualifications and accreditation. For younger students at Key Stage 3 level, the goal is reintegration into mainstream schooling where appropriate, and so greater emphasis is placed on addressing behavioural issues and other barriers to successful reintegration. Where reintegration is particularly challenging, pupils can remain dually registered for up to a year after their return to mainstream school, and receive ongoing support from staff at the Bridge Academy. On occasion, pupils are referred to independent alternative providers operating in the local area, such as Kids Company or the Prince's Trust, if such provision is judged more suited to their individual needs.

The quality of provision at the Bridge Academy earned it an "outstanding" Ofsted rating in 2010 and is appreciated by the local mainstream schools, which can rely on a dependable source of high-quality alternative provision in the local area. Given the troubled history of many of its pupils, the atmosphere at the school is remarkably calm and focused. The school places high importance on developing respectful and honest relationships of trust between adult staff and pupils of all ages, and this is discernible in the quality of the learning environment. The school's tailored and flexible learning programmes and focus on academic progress help it to stand out amongst PRUs; the Bridge Academy sees itself as an "alternative secondary school" rather than any kind of social or remedial centre, and its staffing and governance structure as well as its academic focus reflect that ethos. The governing body has both a finance sub-committee and a management committee, which are able to operate with minimal local authority interference, so that the school has a high degree of control over its own finances. This has allowed the Bridge Academy to become an innovative and forward-thinking institution, which does an exceptional job of securing academic progress for its pupils whilst addressing an array of challenging behavioural and emotional problems at the same time.

<sup>146</sup> See Capita SIMS Learning Gateway, available at <http://www.capita-cs.co.uk/SecondarySchools/SecondarySchoolProducts/SIMSAdditions/Pages/SIMSLearningGateway.aspx>. Accessed 04/03/11

## Independent alternative provision

Alternative provision run by independent bodies such as charities, social enterprises and limited companies takes a wide variety of forms. The nature of the provision varies according to the ethos and capacity of the providing organisation.

Unlike PRUs, independent providers are able to select the pupils best suited to their provision; they do not act as presumptive destinations for any children. This is a necessary freedom as the majority of independent projects are comparatively small in scale, and are aimed at addressing particular types of behavioural and emotional needs. They therefore admit those pupils most likely to benefit from their specific approach. Referrals are usually made by mainstream schools or PRUs, or by local authorities where the child in question is not on a school roll.

It is common for independent alternative providers to take a broadly therapeutic approach to addressing the causes of children's misbehaviour and lack of academic attainment. Providers such as Kids Company, a large-scale charitable organisation serving 14,000 children across the London area, take a 'wraparound' approach, seeking to address the psychological causes of behavioural problems as well as practical needs that restrict educational progress, such as a lack of suitable housing or poor physical health. The curriculum of many alternative providers is often heavily vocational in focus, seeking to engage disaffected learners by offering courses such as auto-mechanics or cookery. This can lead to a lack of focus on academic attainment and progress towards recognised qualifications. The Joseph Rowntree Foundation's review of alternative provision noted "an assumption that all excluded pupils need vocational and basic life skills training ... Academic options were often limited."<sup>147</sup> The Labour government's 2008 White Paper, *Back on Track*, noted the narrowness of the curriculum offered by a number of independent providers, and its failure to adequately prepare pupils for later life.<sup>148</sup> We heard this criticism of some independent projects from heads of both mainstream schools and PRUs; one told us that the alternative providers in his area saw themselves more as "youth clubs" than schools, and that this was reflected in the lack of emphasis placed on academic attainment.<sup>149</sup>

A second problem with independent alternative provision is its largely unregulated and unmonitored state. Unlike PRUs, independent providers are not inspected by Ofsted, apart from those that are officially registered as independent schools and are inspected as such. Although independent projects offering over 15 hours of education per week are technically required to register as independent schools under the Education and Skills Act 2008,<sup>150</sup> in practice "almost none" are actually registered in this way.<sup>151</sup> By the letter of the law most providers are therefore acting unlawfully,<sup>152</sup> although neither central government nor local authorities appear to have shown any interest in applying the law in this area. Furthermore, the lack of central monitoring of these projects is often mirrored at local level. The best local authorities maintain a database of young people in alternative provision, and monitor their progress against a range of outcomes; 2007 research conducted by the then Department for Children, Schools and Families highlighted Stoke on Trent's practice of requiring alternative providers to feed back information on key outcomes indicators including retention rates, levels of behaviour and attendance, and post-16 progression.<sup>153</sup> However, good practice of this type is insufficiently widespread. As noted in *Back on Track*, many independent alternative providers produce very little by way of outcomes data, which contributes to the failure of local authorities to hold them to account for their performance or to assess the value of their approach. The Joseph Rowntree Foundation found that "local authorities and schools could not ensure the quality of programmes, develop reliable plans for the future or monitor whether young people had access to a broad and balanced curriculum."<sup>154</sup>

147 Joseph Rowntree Foundation, *Mapping the alternatives to permanent exclusion*, September 2007

148 *Back on Track: A strategy for modernising alternative provision for young people*, Department for Children, Schools and Families, May 2008

149 Private information

150 Education and Skills Act 2008, Section 92

151 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010

152 Teachernet, *Alternative Provision*, available at <http://www.teachernet.gov.uk/wholeschool/behaviour/altprov/database/>. Accessed 07/03/11

153 Kendall, S., Wilkin, A., Kinder, K., Gulliver, C., Harland, J., Martin, K. and White, R., *Effective Alternative Provision*, DCSF, 2007

154 Joseph Rowntree Foundation, *Mapping the alternatives to permanent exclusion*, September 2007



## Further Education Colleges

Some FECs provide alternative education, primarily for students who are not considered to have identified behavioural or emotional issues but are thought likely to benefit from education outside the mainstream classroom.<sup>155</sup> FECs are able to admit the pupils best suited to the provision on offer. They are inspected by Ofsted under the Education and Inspections Act 2006,<sup>156</sup> and the majority are judged to offer a good standard of provision. 63% of colleges were judged to be “good” or “outstanding” by Ofsted in 2008/9, and none of the colleges inspected that year were deemed “inadequate”. The sector was found to be particularly strong in “employer engagement” and “student progression to higher education or employment.”<sup>157</sup> The majority of courses offered are vocational in nature or focused on basic skills such as literacy and numeracy. The chief role of FECs is the provision of 16-19 education, and younger children attending a college for alternative provision will often join classes for older children; there is however an increasing trend towards dedicated under-16 provision in FECs, an area which Ofsted judged to be “a strength of the sector.”<sup>158</sup>

The strength of FECs is their focus on progression to employment or tertiary education. However, they lack the capacity or expertise to address severe behavioural or emotional problems and as such are suitable only for certain excluded or at-risk children, for whom the priority is to acquire basic skills or vocational qualifications in order to progress towards employment.

## The weaknesses of the system

There are without doubt numerous examples of high-quality alternative provision, whether in colleges, independent projects or PRUs, and we highlight examples above. However, quality of provision remains excessively variable across the country and too much of it is below an acceptable standard. The alternative provision sector currently suffers from a number of weaknesses, including:

### **Poor quality assurance, particularly of independent projects**

As discussed above, independent alternative provision in particular remains a largely unregulated sector, which lacks a “common and transparent measure of quality.”<sup>159</sup> The majority are not formally registered as independent schools and consequently are not routinely inspected by Ofsted, while monitoring at the local level is variable and dependent on the attitude of the local authority in question. A 2009 Ofsted report found that almost 40% of local authorities surveyed failed to effectively monitor the educational outcomes of permanently excluded children, while almost 45% did not evaluate the overall effectiveness of provision for excluded children.<sup>160</sup> Both PRUs and FECs are subject to regular Ofsted inspection, but this should be supplemented by ongoing monitoring and support from the local authority. The inconsistency of local authorities’ monitoring of outcomes and quality assurance reflects the low-priority status of alternative education in many areas. In addition, the lack of available outcomes data for alternative providers stands in stark contrast to the mainstream sector, and makes life difficult for parents wishing to assess the quality of available provision in their locality. As stated in the 2008 White Paper *Back on Track*, “the accountability

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155 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010

156 Education and Inspections Act 2006, Section 125

157 Ofsted News, ‘Annual Report focus on adult learning and skills’, 2011, available at <http://ofstednews.ofsted.gov.uk/issue/34/adultlearning>. Accessed 07/03/11

158 Ibid

159 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

160 Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, May 2009

framework for Pupil Referral Units and alternative provision is under-developed, and there are no requirements for any performance data to be shared with parents.”<sup>161</sup>

### **Poor communication of needs at the point of transfer**

As mentioned above, alternative providers of all types find it difficult to obtain the required information regarding the educational and behavioural history of pupils they admit, their identified needs and goals, and even basic information such as the child’s home address. In theory this should be provided by the mainstream school involved in the transfer, although there are no legal stipulations as to what information should be passed on – indeed, the mainstream school is under no legal requirement to pass on any information whatsoever.<sup>162</sup> Ofsted has stated that mainstream schools should “ensure the receiving placement is given a full picture, including their academic profile, of the permanently excluded pupil. This should also include detailed information about the support and development needs of the young person.”<sup>163</sup> Unfortunately, as discussed above, our conversations with alternative providers indicate that this is rarely the case. Ofsted’s report suggests that this failure of communication is widespread, with 10 of 16 inspected PRUs reporting that they did not receive information “that was either sufficient or timely enough to help them start a planned learning programme.”<sup>164</sup> This problem could be regarded as a symptom of the next point we list:

“The fact that responsibility for ensuring education provision for child transfers immediately from the school to the local authority at the point of exclusion means that schools effectively sever their links with the pupils they exclude”

### **Lack of coordination between the mainstream and alternative sectors**

As stated in the 2009 DCSF research report, *Effective Alternative Provision*, “close links between alternative provision and mainstream schools form a major element of effective provision... Promoting schools’ ownership of the young person and their achievements in alternative provision is also important for improved attendance, behaviour and reintegration.”<sup>165</sup> Unfortunately, as indicated by schools’ failure to communicate to alternative providers the full circumstances of children they refer, there remains a damaging disconnect between mainstream education and alternative provision. The fact that responsibility for ensuring education provision for child transfers immediately from the school to the local authority at the point of exclusion means that schools effectively sever their links with the pupils they exclude. While good schools fulfil their responsibilities conscientiously, it is clear that in certain schools an “out of sight, out of mind”<sup>166</sup> attitude prevails with regard to difficult pupils. The White Paper proposals assessed in the next section include the proposal that schools should retain ongoing links with excluded children.

### **Underuse of early intervention**

Sir Alan Steer’s review of behaviour in schools concluded that “effective early intervention is particularly important in preventing pupil behaviour

161 *Back on Track: A strategy for modernizing alternative provision for young people*, Department for Children, Schools and Families, May 2008

162 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children’s rights*, Civitas, November 2010

163 Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, May 2009

164 Ibid

165 Kendall, S., Wilkin, A., Kinder, K., Gulliver, C., Harland, J., Martin, K. and White, R., *Effective Alternative Provision*, DCSF, 2007

166 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children’s rights*, Civitas, November 2010



problems,”<sup>167</sup> a view widely echoed in evidence heard recently by the Education Committee.<sup>168</sup> If pupils at risk of exclusion can be identified sufficiently early and receive a targeted intervention that addresses the causes of their behaviour before it reaches a level of severity that justifies exclusion, then that is clearly a preferable alternative to simply waiting until matters reach crisis point. Early intervention can take a number of forms, including pre-emptive transfer to suitable alternative provision, engagement with parents, or the use of internal ‘withdrawal rooms’ within a mainstream school,<sup>169</sup> among others. However, there is currently little incentive for schools to invest in targeted intervention – the easier option is simply to exclude and allow the local authority to pick up the pieces. A better-aligned system of incentives would ensure that schools retained the capability to exclude where necessary, whilst encouraging the use of pre-emptive measures to forestall this eventuality where possible.

### **Shortage of competition and a failure to challenge existing provision**

The Education Committee reported the present government’s view that “local authorities currently see their own pupil referral units as the default provider for alternative provision and... fail to capitalise on expertise from third sector and other providers.”<sup>170</sup> The available evidence supports this view. Ofsted found in 2009 that 16 of 18 surveyed local authorities placed permanently excluded pupils in PRUs, largely because the PRUs were “already established” and their use consequently required “little adjustment.”<sup>171</sup> Only one authority commissioned teaching from an independent provider. Additionally, the Joseph Rowntree Foundation found that local authorities tended not to look outside their own network of contacts when choosing alternative providers, without consulting any directory of provision, and that the range of available options was often extremely limited.<sup>172</sup> As we noted above, PRUs by their nature cater for a wide range of pupils and circumstances, and although some meet this challenge well, in many cases more specialised alternative provision can deliver better outcomes for pupils. In the following section we examine the government’s plans to encourage new providers into the system and create a more diverse and specialised sector. A stronger system of quality assurance would also encourage commissioners to make greater use of independent provision.

### **A lack of data**

The alternative provision sector as a whole suffers from a lack of available data and statistical evidence. Among the glaring shortcomings are a lack of outcomes data, particularly for independent providers; a lack of destination data, so that we cannot know for certain exactly how many children are currently being educated in independent projects or FECs; and a lack of data on process, so that there is no record of how many referrals are made from mainstream schools to any form of alternative provision. Furthermore, while most local authorities keep a record of permanently excluded children, many do not keep track of referrals and there is plenty of opportunity for children to get lost in the system. The Education Committee heard that there are as many as 12,000 school-age children in receipt of no education at all, of which 1,500 are entirely absent

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167 Sir Alan Steer, *Learning Behaviour: Lessons Learned- A review of behaviour standards and practices in our schools*, 2009

168 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

169 Sir Alan Steer, *Learning Behaviour: Lessons Learned- A review of behaviour standards and practices in our schools*, 2009

170 House of Commons Education Committee, *Behaviour and discipline in schools*, February 2011

171 Ofsted, *Day six of exclusion: the extent and quality of provision for pupils*, May 2009

172 Joseph Rowntree Foundation, *Mapping the alternatives to permanent exclusion*, September 2007

from any record, and thus untraceable.<sup>173</sup> A better system would incorporate greater continuity of responsibility for excluded children and those otherwise transferred out of mainstream education.

## Redefining permanent exclusion

The flawed state of alternative education provision in this country has led to growing calls for reforms aimed at fostering closer links between the mainstream and alternative sectors. The Joseph Rowntree Foundation in 2007 called for “the needs of young people excluded from school to be made central to the work of all education providers” and argued for “greater dialogue and cooperation between alternative providers and schools.”<sup>174</sup> The desire for closer ongoing connections between mainstream schools and alternative providers has led a number of organisations to question schools’ ability to sever their links with the pupils that they permanently exclude. In 2010, both Demos and Civitas criticised the practice whereby schools can remove pupils’ names from the school roll following a permanent exclusion. Demos argued that “the formal concept of exclusion, in which a child leaves the school rolls and the local authority becomes accountable for them, should be abolished;”<sup>175</sup> similarly, Civitas recommended that “once a pupil is placed on the roll of a secondary school it should not be possible for the pupil to be removed from the school roll, except in the case of a transfer to another school initiated by the parents of the child.”<sup>176</sup>

In addition, there is growing support within the local government sector for the idea that schools should take greater responsibility for the education of challenging children. In fact, a small number of local authorities have already taken the lead in reforming their systems of alternative provision to hand greater control and responsibility to schools. Both Surrey and Cambridgeshire County Councils, for example, have taken the step of devolving the large majority of funding for behavioural support and alternative provision to partnerships of schools, which can then use it either to commission alternative provision or to fund internal measures designed to reduce the need for external provision. We focus on these examples in more detail later in this section. Furthermore, the Local Government Association (LGA) in 2010 produced a discussion paper setting out “a new model for pupils at risk of exclusion from school,” based on the principle that “schools should be responsible for ensuring the continued education of every child in the school.”<sup>177</sup> Similarly to the proposals mentioned above, the LGA suggests that schools should not be able to remove pupils from the school roll, but should instead be funded to enable them to arrange and purchase alternative provision for pupils.

The Coalition government’s proposals for an ambitious overhaul of the system of alternative education provision, as set out in the 2010 Schools White Paper, are clearly influenced by these ideas. The White Paper strongly emphasises schools’ continued right to exclude where necessary, stating that “head teachers must be able to exclude pupils from school as a last resort, where behaviour is unacceptable and everything else has been tried.”<sup>178</sup> However, it proposes that permanent exclusion should no longer result in the removal of the excluded pupil’s name from the roll of the excluding school, in effect giving schools continued responsibility for excluded pupils. In a sense, this amounts to a

173 Nick Collins, ‘12,000 children ‘missing’ from education’, *The Daily Telegraph*, 11th February 2011

174 Joseph Rowntree Foundation, *Mapping the alternatives to permanent exclusion*, September 2007

175 Sodha, S and Margo, J. *Ex Curricula*, Demos, 2010

176 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children’s rights*, Civitas, November 2010

177 Rae D., ‘Discussion paper- school attendance, exclusions and alternative provision’, Local Government Association, September 2010. Available at <http://www.adcs.org.uk/downloads/mag/lga-exclusions.pdf>. Accessed 10/03/11

178 Schools White Paper 2010, *The Importance of Teaching*, Department for Education, November 2010

fundamental alteration to the meaning of exclusion from school, which could potentially have a significant effect on schools' behaviour in relation to their management of excluded children, and those at risk of exclusion. In this section we examine the likely effects, both positive and negative, of this redefinition of the concept of permanent exclusion.

As well as altering the lines of responsibility for managing excluded children, the White Paper envisages a greater number of voluntary and private-sector providers entering the alternative provision market. In essence, the proposals aim for two main goals: to increase the diversity and autonomy of the alternative provision sector, and to make school responsible for the outcomes of excluded or at-risk pupils, with concomitant accountability for their decision-making in this area. The main points are as follows:

***Greater powers and responsibility for schools: the government plans to 'trial' a new approach to exclusion in which:***

- Schools will be free to exclude pupils, but will be responsible for finding and funding alternative provision for the excluded children. This responsibility will therefore no longer pass to the local authority after exclusion.
- Alternative provision funding will be devolved from local authorities to schools to allow them to fulfil this responsibility.
- The academic performance of excluded children will continue to count towards the league table performance of the excluding school.

***A more diverse and autonomous sector:***

- New alternative provision Free Schools to be encouraged, managed by voluntary and private sector organisations.
- PRUs to be granted greater self-governing powers, including giving their governing bodies powers over staffing and finance.
- Legislate to allow PRUs to become Academies, independent of the local authority.
- Local authorities "to be expected" to close down failing provision and choose the best available provision from a range of providers.
- Reserve the Secretary of State's right to force the closure of inadequate PRUs and replace them via a competitive process, open to new providers.
- Consider the case for a 'quality mark' for alternative provision.

Behind these proposals is the idea that schools will make better use of funding for alternative provision than local authorities, as long as they are held responsible for their choices, are properly incentivised to seek out the best available solution for every child, and are able to select from a sufficiently broad range of good quality alternative provision. Proponents of the White Paper proposals believe that reform along these lines would have a number of beneficial systemic effects, the most significant of which we set out below:

***Clear lines of responsibility***

By preventing schools from removing excluded pupils from the roll, requiring the excluding school to arrange and fund alternative provision, and maintaining a link between the excluded pupil's academic performance and

the excluding school's league table results, the government's plans clearly place responsibility for a pupil's continued education in the hands of the excluding school. Many would argue that this would represent an improvement upon the muddled system that exists at present, in which the local authority automatically assumes responsibility for the continued education of a permanently excluded child. Consequently, although the decision to exclude can only be made by the school, the consequences of that decision must be dealt with by the local authority. Schools are therefore free to adopt an attitude of "out of sight, out of mind" with regard to troublesome pupils in the knowledge that they are in no way held responsible for the impact of their decisions. At the same time, "systems of holding local authorities accountable for (excluded children's) outcomes are inadequate,"<sup>179</sup> due to the lack of available performance data and the low public profile of alternative provision.

As noted above, the previous government and local authorities attempted to use external pressure on schools to lower total exclusion rates as a proxy for genuine accountability in this area. This approach is entirely unsatisfactory. Total exclusion rates make no distinction between justified and unjustified exclusions, nor does this approach incentivise schools to take an interest in the provision available to excluded children. By contrast, the White Paper envisages a system in which mainstream schools are freely able to exercise their right to exclude, but are held responsible for each individual decision they make.

Clearer lines of responsibility for excluded pupils is an attractive idea in principle, which would also be likely to produce practical benefits, including a reduction in the prevalence of unofficial exclusions and children becoming lost to the education system. As the Local Government Association has stated, there are currently "too many opportunities for children to drop out of the (schools) system."<sup>180</sup> This can occur for a number of reasons, including failure of information transfer, particularly after a referral to alternative provision,<sup>181</sup> as well as unscrupulous behaviour by schools seeking to divest themselves of difficult pupils without excluding officially. An Ofsted report into children missing from education found that all authorities surveyed could name at least one school which had not followed the agreed procedures for excluding children, and instead tried to remove pupils from the roll through unofficial means.<sup>182</sup> This can include putting pressure on parents to educate children at home under the implicit threat of exclusion, or simply removing pupils from the roll after a period of absence; schools are currently able to take pupils off the school roll when they have not attended for 20 continuous school days.<sup>183</sup> By establishing the principle that pupils should not be removed from a mainstream school's roll unless they transfer to another mainstream school, the government's proposals would reduce the opportunity for unofficial exclusion, and prevent schools from washing their hands of difficult or persistently absent children.

#### **Improved cooperation between the mainstream and alternative sectors**

By maintaining a continued link between the league table performance of mainstream schools and the academic performance of the pupils they exclude, the government's plans would create a strong incentive for mainstream schools

179 Sodha, S and Margo, J. *Ex Curricula*, Demos, 2010

180 D. Rae, 'Discussion paper-school attendance, exclusions and alternative provision', Local Government Association, September 2010. Available at <http://www.adcs.org.uk/downloads/mag/lga-exclusions.pdf>. Accessed 10/03/11

181 Ogg, T. and Kalil, E. *A New Secret Garden? Alternative provision, exclusion and children's rights*, Civitas, November 2010

182 Ofsted, *Children missing from education*, August 2010

183 Ibid

to establish effective lines of communication with local alternative providers. As discussed above, there is a widely-recognised problem of ‘weak links’ between schools and alternative providers, “including inadequate communication from schools about the prior attainment and ‘case histories’ of their former pupils.”<sup>184</sup> There is currently little incentive for schools to address this problem; under the proposed system, however, it would be in mainstream schools’ interests to ensure that alternative providers were passed all the information required to address pupils’ needs effectively and lead them towards the achievement of academic qualifications, or towards reintegration into mainstream schooling. In addition, schools would be incentivised to carrying ongoing monitoring of the performance of local alternative providers, in order to ensure that excluded pupils were transferred to the best available provision.

The Labour government’s 2008 White Paper, *Back on Track*, proposed that every pupil in alternative provision should have a “Personalised Education Plan” (PEP), building on the pupil’s mainstream school records and including information on attainment, attendance, behaviour and any SEN, with additional information from outside agencies where required, such as health and social services.<sup>185</sup> Information of this type, delivered in a timely manner following a transfer to alternative provision, would be of great help to providers aiming to deliver a personalised offering, tailored to address specific needs and circumstances. Rather than place a regulatory requirement on schools to create PEPs, however, the present government’s approach is to incentivise schools to provide all the information required for positive outcomes in alternative provision. While we believe that it is preferable to avoid adding to the regulatory burden on schools, a successful incentives-based approach relies on clear and effective accountability for schools’ decision making in this area. We address the issue of effective accountability below.

### **Stronger incentive to use pre-emptive interventions**

Requiring schools to fund provision for excluded pupils from a devolved budget is likely to create a stronger incentive for them to forestall the need for exclusion wherever possible. Given the high cost of a place in a PRU, at around £15,000 per-pupil or more,<sup>186</sup> schools will have a financial incentive to divert a proportion of their devolved funds to purchase cheaper, pre-emptive interventions aimed at addressing the causes of misbehaviour before it reaches the point where exclusion is required. Intervention of this type can take a number of forms, and take place both within and outside of the mainstream school. Examples include the use of internal units where a child can receive specialist support away from the mainstream classroom, engagement with parents such as that described in the first section of this report, or transfers to alternative provision which is better suited to addressing the causes of misbehaviour than a mainstream school. The value of early intervention is widely accepted; as the White Paper states, “exclusion should always be the last resort and good schools always seek to intervene early with pupils whose behaviour is a problem.”<sup>187</sup>

The system as it currently stands fails to encourage sufficiently the use of early interventions. While innovative and forward-thinking schools make the effort to seek out effective intervention to improve behavioural standards, less

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<sup>184</sup> *Back on Track: A strategy for modernising alternative provision for young people*, Department for Children, Schools and Families, May 2008

<sup>185</sup> Ibid

<sup>186</sup> Ibid

<sup>187</sup> Schools White Paper 2010, *The Importance of Teaching*, Department for Education, November 2010

conscientious schools know that they can simply exclude once matters get out of hand, and pass on the problem to the local authority. Furthermore, many schools that have made use of early intervention programmes over the past few years have relied on short-term, ring-fenced funding for specific programmes emanating from central government.<sup>188</sup> The Labour government funded a number of programmes in this manner, such as Learning Support Units and learning mentors, which frequently proved unsustainable once the central grant supporting them was discontinued.<sup>189</sup> At the same time, local authorities (which control ongoing grant funding for alternative provision and behavioural support) are under no legal requirement to spend any of these funds on preventative interventions.<sup>190</sup> They consequently tend to focus more strongly on post-exclusion provision (which they are obligated to fund under the Education Act 2003), or on ‘fire fighting’ measures aimed at addressing the needs of the most severe and urgent cases. This can have the effect of marginalising programmes aimed at tackling problems before they reach crisis point.

Under the government’s proposals, schools would have the funds, the freedom and the financial imperative to fully explore the potential of pre-emptive intervention to address behavioural problems at an early stage. A system of school-based commissioning of preventative programmes, driven by a financial incentive to purchase those interventions that will be most effective in reducing the need for permanent exclusion, would represent a marked improvement on the current system.

#### **A higher standard and broader range of alternative provision**

As discussed above, the standard of available alternative provision is currently extremely variable and often very poor. Failing PRUs are allowed to carry on regardless; the local authority’s role as both provider and commissioner of PRUs means that even poorly-performing PRUs are secure in the knowledge that they will not face a competitive challenge from higher-quality provision being commissioned in their place. Independent provision is largely unmonitored and unregulated, with a dire shortage of available performance data and a sometimes inadequate focus on academic achievement. The system as a whole is characterised by a shortage of accountability and an absence of competitive pressure on standards.

The White Paper plans aim to shake up this system by turning mainstream schools into commissioners and buyers of alternative provision. The vision is of a competitive marketplace, from which schools “purchase for themselves the alternative provision they think will best suit disruptive children.”<sup>191</sup> The fact that the excluded pupil’s results will count towards the school’s performance tables should, at least in theory, motivate schools to seek out the best possible outcomes for excluded children, and commission provision that will either guide the pupil towards positive academic attainment, or towards successful reintegration into the mainstream sector. The use of independent alternative provision, already on the rise as discussed earlier in this report, may become still more attractive to schools, because many charge considerably lower rates for pupil placements than PRUs. Voluntary-sector providers in particular, with their ability to attract charitable funding, are often able to provide education at or below cost; a large charitable provider such as Fairbridge receives around half its income from

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188 Sodha, S and Margo, J. *Ex Curricula*, Demos, 2010

189 Ibid

190 Ibid

191 Schools White Paper 2010, *The Importance of Teaching*, Department for Education, November 2010



donations and is consequently able to charge around £8,000, about half the price of a place in a PRU, for a full-time-equivalent pupil place.<sup>192</sup>

Naturally, schools' ability to commission provision that matches the needs of pupils will depend upon the range and diversity of available alternative provision in the local area. The government's plans to encourage new providers into the system are therefore essential to the success of its proposals. The need for a broader range of alternative provision is widely accepted: the previous Labour government acknowledged that there is "limited provision available outside the public sector" in many areas, and proposed to give the Secretary of State powers to direct the closure of PRUs and require local authorities to replace them with a

“We believe that the transfer of responsibility and funding for the continued education of excluded pupils to the excluding school has the potential to produce a number of clear benefits”

specified alternative, or through a competitive process.<sup>193</sup> The Coalition government plans to create similar powers for the Secretary of State, as well as incorporating alternative provision into the Academies and free school programmes that are being developed in the mainstream sector. New

alternative provision Free Schools would provide valuable competition for existing forms of alternative provision. Our conversations with voluntary sector alternative providers indicate a high degree of interest in the creation of alternative Free Schools; moreover, a number existing providers of mainstream Academies, including the Harris Federation and ARK, expressed an interest in operating alternative provision Academies, including conversions of existing PRUs. These providers have had considerable success in transforming the fortunes of struggling mainstream schools and would bring a fresh approach to the sector, as well as a competitive challenge to underperforming provision.

#### **Greater use of internal provision for challenging pupils**

Given that mainstream schools are to be held responsible for the outcomes of pupils who transfer to alternative provision, it is likely that many schools will seek out internal solutions which allow them to maintain direct control over pupils' learning. A devolved funding system would also create a financial incentive to avoid external referrals in favour of internal provision. Consequently, schools are likely to explore the potential of programmes such as small-group units where pupils can receive intensive behavioural support within the mainstream school, but away from the mainstream classroom. Such programmes depend on schools' capacity to offer genuinely personalised programmes tailored to match pupils' needs and circumstances. To this end, schools will divert funding that would otherwise have paid for places in external provision to build the internal capacity required.

#### **Practical challenges**

Overall, we believe that the transfer of responsibility and funding for the continued education of excluded pupils to the excluding school has the potential to produce a number of clear benefits, as set out above. However, although a number of studies have concentrated on the virtues of such a system,<sup>194</sup> there has

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<sup>192</sup> Private information

<sup>193</sup> *Back on Track: A strategy for modernising alternative provision for young people*, Department for Children, Schools and Families, May 2008

<sup>194</sup> E.g. Sodha, S and Margo, J. *Ex Curricula*, Demos, 2010

been little examination of the practical consequences that could arise, including potential drawbacks and challenges of implementation. A number of local areas have taken the lead on devolving funding for behavioural support, with devolved arrangements of varying scale existing in Surrey, Cambridgeshire, Kent, Leeds, and Dorset, among others. Cambridgeshire devolved funding for behavioural support and alternative provision to schools from September 2009 onwards.<sup>195</sup> Below we draw upon the experience of this particular area in order to analyse the obstacles and issues that need to be resolved in order for such a system to work in practice, and the challenges likely to be posed by the nationwide implementation of the White Paper proposals. We also seek to anticipate the likely effects of the planned reforms on schools' behaviour and on the structure of alternative education provision. Cambridgeshire chose to delegate the full quantum of behaviour support and alternative provision funding to schools, and has given schools a high degree of control over the commissioning of alternative provision. It therefore provides a useful indication of the practical challenges involved in handing this responsibility from local authorities to schools. For the purposes of our analysis, we group these issues into three broad categories: funding, capacity, and accountability. In addition we review the impact of the changes on existing provision and on schools' behaviour.

### Cambridgeshire

In 2007, Cambridgeshire County Council took the decision to move towards a system in which funding and commissioning alternative education provision would be the responsibility of secondary schools, rather than local authorities. This was done for three main reasons:

- To address the high level of referrals to alternative provision in Cambridgeshire, which placed increasing pressure on budgets, resulting in reductions in the allocation of teaching time to pupils and service overspends;
- To increase schools' capacity for early intervention;
- To address the "major organisational and cultural gaps" between mainstream schools and alternative provision, which was "generally remote from schools organisationally and operationally with low levels of reintegration."<sup>196</sup>

The devolution of funding to school level took place from September 2009 onwards. It is important to note that alternative provision funding was devolved not to individual schools but to five consortia of schools, based around existing Behaviour and Attendance Improvement Partnerships (BAIPs) already operating in the area. The new arrangements applied at secondary level only. All schools were required to be a member of a BAIP and to sign a partnership agreement before they could receive any of the devolved funding.

There is little available data on the effect of the changes on pupil outcomes as the project has been in operation for less than two years. However, even over that short period there have been noticeable changes to the shape of Cambridgeshire's alternative provision sector, and to schools' practices when dealing with difficult pupils. We examine these outcomes in more detail below, as well as exploring the practical issues that had to be resolved prior to the successful implementation of the Cambridgeshire reforms.

<sup>195</sup> Loades, A., *Devolution of funding for education other than at school provision to schools*, Cambridgeshire County Council, March 2010

<sup>196</sup> Ibid



### Funding

The transfer of funding for alternative provision from local authority level to schools is a key aspect of the government's proposals, without which schools would be unable to fulfil their newly acquired responsibilities to pupils at or near the point of exclusion. Clearly therefore, the success of the reforms will depend on funding being distributed in a way which is fair to all schools, and which enables all schools to carry out their responsibilities in full. In addition, in order to ensure positive engagement from school leaders, funding must be devolved in a transparent manner, agreed in consultation with local stakeholders. For this reason, arrangements for the devolution of funding are likely to be more successful if agreed at the local level, rather than through the imposition of a centrally-determined formula. The test of locally-determined funding arrangements will be whether they are agreeable to local schools and enable schools to fulfil their duty to arrange suitable and targeted provision for challenging and vulnerable children.

The example of Cambridgeshire is instructive in this regard, in that arrangements for the devolution of funding were determined through positive engagement with Cambridgeshire's secondary schools, and was described to us as "one of the smoothest parts of the process." The agreed funding formula for the devolution of Cambridgeshire's budget of over £4.6 million for alternative provision is based on three variables: attainment levels, levels of income deprivation, and pupil numbers. These indicators are intended to act as a proxy measure of schools' need for specialist or alternative provision for their pupils.

#### Formula factors

**Attainment:** Prior attainment in English in Key Stage 2 SATS – pupil numbers in current Years 7, 8, and 9 attaining below Level 4.

**Deprivation:** Income Deprivation Affecting Children Index (IDACI) by individual pupil postcode – Years 7-11 current roll.

**Pupil numbers:** 11-16 school roll pupil numbers – three year average.

The most heavily weighted indicator is prior attainment, specifically literacy skills as measured by the scores achieved in English Key Stage 2 Standard Assessment Tests (SATs). 45% of a school's funding allocation is determined according to the proportion of pupils achieving below level 4 (the expected level for primary school children)<sup>197</sup> at Key Stage 2 (the final year of primary school). This reflects the fact that the prior attainment of pupils educated in alternative provision is commonly low; poor levels of basic skills, particularly literacy, are strongly associated with exclusion from school and persistent behavioural problems,<sup>198</sup> while around 75% of children in PRUs are judged to have special educational needs of some kind.<sup>199</sup>

The second indicator is a measure of socio-economic deprivation, the Income Deprivation Affecting Children Index (IDACI). The IDACI is intended to capture the proportion of children experiencing income deprivation in a local area, based on the percentage of children under 16 living in families reliant on various means tested benefits, including Income Support, Jobseeker's Allowance, Pension Credit,

197 [www.satsguide.co.uk](http://www.satsguide.co.uk), SATS Levels, Results and Timetable, available at [http://www.satsguide.co.uk/sats\\_resources\\_area/sats\\_levels\\_results\\_and\\_timetable.htm](http://www.satsguide.co.uk/sats_resources_area/sats_levels_results_and_timetable.htm). Accessed 12/03/11

198 Sparkes, J., *Schools, Education and Social Exclusion*, London School of Economics, November 1999

199 Department for Education, 'Schools, pupils and their characteristics: January 2010', available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000925/index.shtml>. Accessed 15/11/03

and either Working Tax Credit or Child Tax Credit.<sup>200</sup> 30% of funding is devolved according to the IDACI rating of the postcodes of individual pupils in Years 7-11. There is a clear correlation between socio-economic deprivation and challenging behaviour; for example, children eligible for free school meals are around three times more likely to receive either a permanent or fixed period exclusion than non-eligible children.<sup>201</sup>

The final indicator, weighted at 25%, is the total number of pupils between the ages of 11 and 16. A three-year average of pupil numbers is used in order to increase the consistency and predictability of the funding allocation.

### Distribution of Funding

Area	Funding	
Attainment below level 4	45%	£2,070,060
IDACI	30%	£1,380,040
Pupil Numbers 11-16	25%	£1,150,033
<i>Total</i>	<i>100%</i>	<i>£4,600,133</i>

The consensus amongst head teachers in Cambridgeshire whom we spoke to is that the above funding formula is fair to schools and adequately reflects schools' level of need for alternative provision. Notably, the formula does not incorporate rates of exclusion over previous years – a sensible omission, as the use of exclusion data could create a perverse financial incentive to exclude more frequently. In addition, Cambridgeshire school leaders expressed satisfaction with the quantity of funds received through this formula. Importantly, the full quantum of funding for alternative provision was devolved to schools. Both Cambridgeshire County Council and Cambridgeshire's secondary schools saw this as the preferred arrangement – the schools because it released sufficient funds both to add internal capacity for intervention and to buy in external services when required, and the local authority because it emphasised to schools that they could not rely on being 'bailed out' by the authority in case of overspends. If and when the government's proposed reforms are implemented on a national basis, there should be a presumption that funding for alternative provision and behavioural support should be devolved in its entirety to schools. Partial devolution of funds would blur the lines of responsibility for their use, and lessen schools' ability to acquire the capacity necessary to discharge their new duties effectively.

As we discuss below, partnership working between schools is essential to the successful devolution of funding and commissioning responsibility, and Cambridgeshire's schools are each a member of one of five school consortia based on existing Behaviour and Attendance Partnerships (BAIPs). Within each BAIP, schools negotiate with each other to come to a collective agreement on the use of the devolved funds. Schools are free to decide for themselves how best their funds should be used, and this has led to markedly differing approaches amongst BAIPs, with some continuing to purchase centrally commissioned PRU places, and others choosing to focus more strongly on

200 Department for Communities and Local Government, *Local Index of Child Well-Being: Summary Report*, January 2009

201 Department for Education, 'Permanent and Fixed Period Exclusions from Schools in England 2008/09', available at <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>. Accessed 06/11/03

building internal capacity in schools. One BAIP (South Cambridgeshire) has chosen to stop purchasing places at the local PRU altogether. We focus on how school's practices have changed as a result of the devolution of funding later in this section. It is important, however, that local authorities do not impinge on schools' ability to decide for themselves how their devolved funds can best be spent. A strength of the planned reforms is that they allow schools to spend their devolved budgets in a manner more closely adapted to local needs and circumstances. As in Cambridgeshire, they must be given the freedom to do so.

### Recommendations

- Devolved funds should be distributed through a locally-determined formula, agreed through a process of consultation between schools and the local authority.
- The full quantum of funding for behavioural support should be available for devolution.
- The local authority should not seek to dictate how devolved funding is used by schools.

### Capacity

Amongst the most common concerns voiced in relation to the government's proposed reforms is whether schools have the capacity to carry out their additional duties effectively. A number of the school leaders we spoke to expressed anxiety over the extra work involved in commissioning appropriate provision that matches pupils' needs, and undertaking the ongoing monitoring required to ensure that provision is of a suitable standard. One school representative noted that "to properly monitor and manage a child's alternative provision and progress you have to maintain relationships with the family and the alternative provider, as well as social services, police and medical professionals in some cases." She added that "you also have to get detailed reporting back on every child, if you are to be held responsible for their performance."<sup>202</sup> Furthermore, this burden is likely to fall most heavily on schools with the most challenging intake, and which already have the most difficulty managing challenging behaviour. We were informed that "schools which have a structurally tough intake will have many more children to manage. At the same time these are the schools with the biggest problems."<sup>203</sup>

It is a fair observation that schools operating alone will struggle to build the capacity to commission and monitor alternative provision successfully, particularly those facing the most challenging ongoing disciplinary issues. Consequently, effectual partnership working between schools is essential to the successful implementation of the proposed reforms. Well-managed partnerships allow schools to build the required additional capacity on a joint basis, whilst spreading the extra workload across a group of schools to ensure that no single school is disproportionately affected. Partnership working is at the heart of existing arrangements for the devolution of responsibility for alternative provision. For example, Surrey's Alternative Learning Programme (SALP), described as a "county-wide initiative in partnership with mainstream secondary

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<sup>202</sup> Private information

<sup>203</sup> Private information

schools,”<sup>204</sup> is based around four geographically-defined school clusters, while Cambridge’s Alternative Education Service is built on five pre-existing (BAIPs), also geographically defined, which act as a forum for decision making in regard to the use of the devolved funding.

Importantly, all 33 secondary head teachers in Cambridgeshire were “involved in the project from its inception” with “strong engagement throughout.”<sup>205</sup> Nevertheless, the establishment of the partnerships required a good deal of work to establish areas of responsibility and ensure that the necessary capacity was put in place. Cambridgeshire report that “the scale of work and issues that would need to be addressed by the project was not fully appreciated from the start.”<sup>206</sup> The new arrangements required a full revision of existing protocols and procedures including:

- A partnership agreement for BAIPs to cover decision-making arrangements and individual school responsibilities
- Arrangements so that every young person would be allocated to the responsibility of a BAIP
- Revised protocols for managed moves, registration to alternative provision and medical needs referrals

The purpose of these revisions is to ensure fairness in the division of responsibility between individual schools, and data on the number of requests for managed moves and referrals is made available to schools on request, to allow schools to hold each other to account on a collective basis. Ultimately, the revised protocols are aimed at ensuring that no one school is expected to admit a disproportionate number of students with challenging behaviour over time. It is important that schools are confident that the burden of managing children with challenging behavioural problems will be shared fairly. Otherwise, there is a danger that schools will become reluctant to admit children with a history of behavioural problems or a troubled background, particularly in the context of the proposed ongoing link between a school’s performance data and the results of excluded and referred children. This would be an unacceptable side-effect of the proposed reforms, and it is therefore essential that all schools have confidence in the internal procedures for the fair allocation of challenging pupils. In addition, there must be a clear process in place for involving the local authority in circumstances where a child’s needs go beyond what schools could reasonably be expected to cater for. Examples may include children whose circumstances require a high degree of ongoing work with outside agencies such as the police or social services, or children with severe mental illnesses (such as schizophrenia, which often occurs during the teenage years)<sup>207</sup> requiring intensive support and supervision at all times. For such rare but severe cases, the local authority may be required to co-ordinate external agencies or fund round-the-clock supervision, and schools must be assured that such assistance is available where required.

The strength of Cambridgeshire’s partnership arrangements is that they were agreed in consultation with all BAIP members, and this consensual approach has enabled the development of protocols that are agreeable and acceptable to all schools involved. The process involved considerable time and effort, and the appointment of a dedicated Partnership Manager for each BAIP was considered in response to the

204 Surrey County Council, ‘Surrey Alternative Learning Programmes’, available at <http://www.surreycc.gov.uk/education/sbdb.nsf/WebViewTitle/A24CFB7CA4DCA62E802576DA00320D18?opendocument&txt=y>. Accessed 17/03/11

205 Loades, A., *Devolution of funding for education other than at school provision to schools*, Cambridgeshire County Council, March 2010

206 Ibid

207 Great Ormond Street Hospital, ‘Teens first for health’, [http://www.childrenfirst.nhs.uk/teens/health/mental\\_health/book2/a\\_z\\_sch.htm](http://www.childrenfirst.nhs.uk/teens/health/mental_health/book2/a_z_sch.htm)

level of work required of each BAIP immediately after the devolution of responsibility for alternative provision. However, due to the high level of engagement amongst local head teachers, this was not found to be necessary. Instead, each BAIP has a nominated lead head teacher to coordinate the development of procedures and protocols, and lead engagement with the local authority.

The result of these efforts is a system of partnership working with clearly defined areas of responsibility and collaboratively-determined procedures. We spoke to a number of head teachers in Cambridgeshire who expressed satisfaction with the new arrangements. We argue that this indicates the importance of allowing the details of partnership working to be determined at a local level, in consultation with local stakeholders, rather than by implementing a centrally-determined framework across different areas. During the implementation of the White Paper proposals, the government should refrain from imposing specific partnership models on schools; it should instead confine itself to highlighting examples of best practice, while allowing schools the freedom to decide for themselves how best to divide responsibility and ensure that all children's needs are met within a devolved system.

Given the centrality of partnership working to the success of devolved arrangements, the government's decision to cancel Labour's plans to place BAIPs on a mandatory footing may come into question. It is notable that Cambridgeshire decided to make the receipt of devolved funding contingent on schools' membership of a BAIP and their signing of a partnership agreement, to guarantee full engagement from all schools. As discussed in the first section of this report, the Education Select Committee recently recommended that the government retain the right to impose mandatory partnership working in areas where partnerships are underdeveloped. While we fully accept that successful partnerships are crucial to the success of the proposed reforms, we argue that the government should refrain from placing BAIP membership on a mandatory footing. Our conversations with stakeholders indicate that such a requirement would be unhelpful, as it replaces genuine collaboration with box-ticking compliance. Centrally driven partnerships, we were told, tend to become a "vehicle for promoting government policies" rather than a forum for effective and willing cooperation. Cambridgeshire has found that engagement from head teachers has been both strong and universal, and that this has been driven by school leaders' acknowledgement that effective cooperation is in their own best interests, rather than its compulsory nature. Effectively the requirement for mandatory partnership membership has been found to be redundant. Collaborative arrangements work best when they are entered into freely, rather than in compliance with directives emanating from central government.

A final noteworthy point is that the devolution of behaviour support funding in Cambridgeshire applies to secondary schools only. Primary schools tend to be considerably smaller than secondary schools and have lower per-pupil budgets, and so have markedly fewer financial resources. It is therefore more challenging for primary schools to develop the capacity to carry out a commissioning role effectively. In addition, primary schools have significantly lower exclusion rates than do secondary schools, with only 720 permanent exclusions in 2008/9 (compared to 5,330 exclusions from secondary schools), and many primaries will go several years without the need for an exclusion or a transfer to external

provision. For these reasons, Cambridgeshire has judged that devolved commissioning arrangements are better suited to the secondary sector, and there are currently “no plans” to extend the devolution initiative to the primary sector.

This approach is understandable, particularly in the early stages of implementation of devolved commissioning; however, including primary schools in the devolved arrangements would strengthen them in the long run. As noted earlier in this report, pre-emptive interventions are at their most effective when undertaken as early as possible. Primary schools would benefit from the freedom to use devolved funding for targeted, preventative programmes; if successful, these programmes would have a knock-on effect on the prevalence of behavioural problems amongst children transferring to secondary school. There are some existing examples of partnership arrangements where both primary schools and secondary schools have collaborated to use devolved funding, including in Leeds and in Dorset,<sup>208</sup> and we argue that the government should aspire to a system in which both secondary and primary schools work in partnership to improve standards of behaviour for mutual benefit. Consequently, it should include primary schools in the pilot programmes trialling the devolution of alternative provision funding and commissioning, with a view to including primary schools in any national implementation of the reforms.

### Recommendations

- School partnerships should put in place collectively-agreed protocols to cover the use of referrals, exclusions and managed moves, and to ensure that the burden of challenging pupils is shared across partnerships.
- The government should highlight and circulate examples of best practice in partnership working, but should refrain from mandating the use of particular partnership models.
- Primary schools (as well as secondary schools) should be involved in the pilot programmes trialling the devolution of alternative provision funding and commissioning, with the intention of including the primary sector in the future implementation of the reforms.

### Quality assurance and accountability

The success or otherwise of the government’s proposed reforms to the system of commissioning and funding alternative provision will depend to a large extent on the existence of effective mechanisms to hold schools to account for their decision-making in this area. The devolution of funding for alternative education to consortia of schools will give schools a financial incentive to look closely at the costs of alternative provision. The danger is that if this incentive is not matched by an equally strong incentive to find the most effective provision for pupils, schools may select the least expensive options without giving sufficient priority to considerations of quality. As one representative of a group of schools warned, “pupils would be likely to be placed with the cheapest provider reaching minimum standards of acceptability.”<sup>209</sup>

For this reason, the 2010 White Paper includes the proposal that the academic results of children in alternative provision should continue to count towards the performance table rankings of the mainstream school responsible for referring or excluding the pupil in question. This link would be ongoing, unless the pupil

208 Department for Education and Skills, ‘Devolving funding to schools working in partnership to improve behaviour and persistent truancy’, May 2006

209 Private information

transfers to a different mainstream school (which would then assume responsibility for his or her academic performance). This measure has a number of points to recommend it: firstly, it reinforces the principle of continued responsibility for the outcomes of pupils transferred to alternative provision; secondly, it encourages schools to maintain an ongoing interest in the quality of service offered by local providers; thirdly, its basis in academic performance measures encourages the selection of provision that will lead pupils towards academic achievement and the attainment of useful qualifications.

However, although the ongoing league table link is an important aspect of the proposed reforms, it is not in itself sufficient as an accountability measure. Schools which make little use of alternative provision, perhaps referring or excluding only one or two pupils per year, might calculate that the impact of those pupils' grades on league table performance is insufficiently significant to warrant paying much attention to their outcomes and progress. Additionally, there is a danger that schools might 'write off' pupils with more severe problems, calculating that they are unlikely to achieve much by way of academic qualifications regardless of the provision they receive, and consequently accepting sub-standard provision for them. Finally, there is a need for accountability measures that take account of pupils' wider progress in alternative provision, recognising that children's progression towards academic achievement can be seriously hampered by severe behavioural problems, and including a measure of children's progress towards agreed goals aimed at addressing these underlying issues.

It is therefore necessary to ensure that separate accountability and quality assurance systems are in place to hold schools to account for their management of challenging pupils, above and beyond the proposed league table link. We anticipate that this will take two main forms: local accountability, led (at least at first) by the local authority; and central accountability, led by Ofsted. We address these two areas in turn below.

#### **Local authority – Quality assurance role**

The 2010 Schools White Paper, *The Importance of Teaching*, states that the government will expect to see local authorities "take responsibility for quality assurance," at least in "the short to medium term", adding that "over time, we hope to see responsibility pass more and more to schools themselves."<sup>210</sup> This is a sensible approach which recognises that the implementation of the planned reforms will be challenging for schools and will involve a degree of organisational upheaval. Local authorities are best placed to carry out a quality assurance (QA) role in the near term, and ensure that the education of challenging pupils does not suffer as a result. In the longer term, as school partnerships become better established and schools better adapted to their new responsibilities, it may be possible to transfer this oversight function to school consortia themselves.

The example of Cambridgeshire indicates that, while the local authority remains best placed to undertake the quality assurance function in this area, the development of appropriate QA arrangements is challenging. In Cambridgeshire, funding for alternative provision and behavioural support was devolved to schools, rather than delegated – an important distinction which means that the local authority retains the right to hold schools to account for their use of the funds. As a result, "quality assurance (of provision in and out of school) will

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<sup>210</sup> Schools White Paper 2010, *The Importance of Teaching*, Department for Education, November 2010



remain an important aspect of the work undertaken by the County Council.”<sup>211</sup> In order to carry out this work, the Council has created the post of Alternative Education Service (AES) County Manager whose job description includes “overall responsibility for managing the quality assurance process of the alternative provision made in schools and across BAIPs.”<sup>212</sup> We spoke to representatives of a number of schools in the area who were satisfied that the local authority was the organisation best placed to carry out this role. However, the process of developing suitable QA arrangements has been described as “problematic” by the Director of Strategy and Commissioning for Children’s and Young People’s Services.<sup>213</sup> Part of the problem has been the need to produce a QA framework that is sufficiently focused on children’s educational outcomes. Initially, Cambridgeshire attempted to develop QA arrangements based on the self-assessment material for BAIPs published by the National Strategies (central school improvement programmes initiated by the erstwhile Labour government). However, these were found to be overly concerned with process – “too focused on the workings of the BAIP rather than outcomes”<sup>214</sup> – which echoes criticisms of the “bureaucratic” National Strategies programme made by Policy Exchange in 2009.<sup>215</sup>

Cambridgeshire decided instead to make a “fresh start on quality assurance” in order to develop suitably outcomes-focused QA arrangements. The new arrangements will concentrate on the quality of provision available to pupils and “specifically focus on the risk that as a result of the devolution of funding students will not receive the education and support that they need.”<sup>216</sup> It is sensible to explicitly address this risk, particularly in the years immediately following the devolution of funding. The example of Cambridgeshire shows that the implementation of the proposed reforms is likely to result in significant changes to schools’ decision-making with regard to providing for difficult pupils (discussed below), and although we expect the long-term impact to be beneficial, there is always a risk that major upheaval of this type will have negative short-term consequences for the quality of service provided. Cambridgeshire has therefore decided to specifically address this possibility through the local authority monitoring role, whilst putting in place quality assurance procedures which will ensure a continued focus on pupil outcomes in the longer term. The arrangements are currently in development and are due to be put in place for the start of the next academic year in September 2011; they will make use of available data including complaints, data on attendance, exclusions, referrals and managed moves, as well as information from schools, staff and BAIPs, to develop “an overview of practice and risk for individual schools.”<sup>217</sup> The QA procedures will also involve visiting schools to review how they have spent their devolved budgets, and following up anecdotal evidence of poor performance.<sup>218</sup> The Alternative Education Service Manager will have a function to flag poor quality provision to the relevant school and also to the BAIP.

As discussed in the previous section, the country-wide performance of local authorities in monitoring and quality-assuring alternative provision is patchy to

“The success of the government’s proposal depends on effective accountability and quality assurance measures and the local authority must play an important role in monitoring schools’ use of devolved funds and ensuring that provision is of an acceptable standard”

211 Cambridgeshire County Council, *Children and Young People’s Services: Consultation on the future of EOTAS provision in Cambridgeshire*, March 2011

212 Ibid

213 Loades, A., *Devolution of funding for education other than at school provision to schools*, Cambridgeshire County Council, March 2010

214 Ibid

215 See Richmond, T. and Freedman, S., *Rising Marks, Falling Standards: An investigation into literacy, numeracy and science in primary and secondary schools*, Policy Exchange, 2009.

216 Loades, A., *Devolution of funding for education other than at school provision to schools*, Cambridgeshire County Council, March 2010

217 Ibid

218 Private information



say the least. It would therefore be appropriate for all local authorities to review and redevelop their QA procedures in the event of the devolution of commissioning powers to schools, as Cambridgeshire has done. The success of the government's proposal depends on effective accountability and quality assurance measures and the local authority must play an important role in monitoring schools' use of devolved funds and ensuring that provision is of an acceptable standard. The details of these QA arrangements should be locally determined, and authorities should be free to design an appropriate QA framework, in consultation with local schools and school partnerships. However, there must be an assumption that local QA frameworks will be strongly outcomes-focused, concentrating on the quality of provision made available to pupils and their subsequent attainment. Individual schools may take very different approaches to spending their devolved budgets, and local authorities should not curtail this freedom by seeking to micro-manage schools' decision-making processes.

The White Paper hints that, over time, the devolution of responsibilities to school level could extend to QA and monitoring duties. The obvious objection to this idea is that it would constitute a form of self-regulation which might be vulnerable to abuse by unscrupulous schools. However, a mature system of partnership working could offer a solution to this problem, in which schools operating as a local consortium take collective responsibility for monitoring the quality of provision offered by each individual school. Clearly, this must be contingent on partnerships' ability to take an appropriately detached and critical view of the performance of their constituent schools. While some may be cynical about this possibility, the experience of Cambridgeshire indicates that partnership working contributes to the development of a culture of collective accountability, whereby schools within a partnership monitor each other's use of devolved budgets. Data on each school's use of alternative provision, including the frequency of referrals and exclusions, is made available to its fellow partnership members, which then, we were told, "put pressure on one another" to improve their practices in this area. As school partnerships become more developed and better established, the government could examine the possibility of allowing them to take responsibility for providing quality assurance for schools' usage of devolved funds. The local authority could then take a back-seat role in quality assurance, periodically monitoring the practices of partnerships to ensure that they carry out their QA functions adequately.

If collective accountability through school partnerships is to be effective in practice, adequate data must be made available, not only on the extent of schools' use of referral and exclusion, but also on the outcomes of students referred to external providers. As discussed in the previous section of this report, there is a glaring shortage of outcomes data by which the independent alternative provision sector can be assessed. Within a devolved system of funding for alternative provision, schools will have a clear incentive to collect outcomes data for external providers in order to ensure that the provision they offer is effective and gives value for money. We suggest that mainstream schools should record the rates of attainment of qualifications or successful reintegration to mainstream amongst the pupils they refer to each external provider used. This data should not be difficult to collect as all transferred pupils will have a continued presence on the roll of the mainstream school. The data should then be made publicly available, allowing scrutiny by parents as well as fellow members of school partnerships.

### Recommendations

- In the event of the devolution of responsibility for commissioning and funding alternative provision to schools, the local authority should take on a quality assurance role to hold schools to account for their use of the funds.
- Local authority QA arrangements should be locally determined in consultation with local schools and partnerships. However, there must be an assumption that local QA frameworks will be strongly outcomes-focused.
- Mainstream schools should record the rates of attainment of qualifications or successful reintegration to mainstream amongst the pupils they refer to each commissioned external provider.
- As partnership working amongst schools becomes better established, local authorities should be encouraged to transfer QA responsibilities to existing partnerships. The local authority would then assume a light-touch oversight role, undertaking periodic monitoring to ensure that partnerships carry out their QA functions effectively.

## Ofsted

Ofsted constitutes the chief accountability mechanism for the majority of schools in England and Wales. However, as we noted in the previous section of this report, its monitoring of alternative education provision is distinctly patchy, with the majority of independent providers avoiding any inspection due to their unregistered status. As Ofsted puts it, “there is ... no inspection evidence about the quality of and outcomes from [independent] alternative provision.”<sup>219</sup> The government’s planned reforms represent an excellent opportunity to reverse this damaging discrepancy and ensure that every alternative provider is fully accountable for the quality of their provision. At the same time, Ofsted should hold mainstream schools to account for the provision offered to difficult pupils, whether internal or through an external provider.

It is notable that the present government has asked Ofsted to develop a new framework for mainstream school inspections in which “behaviour and safety” will be one of four key areas of focus, alongside quality of teaching, leadership, and pupils’ achievement.<sup>220</sup> We welcome this development, having criticised Ofsted’s current areas of focus as overly broad and too inclusive of peripheral concerns, such as a school’s contribution to community cohesion and other non-academic outcomes, in the 2010 Policy Exchange report *Blocking the Best: Obstacles to new, independent state schools*. Ofsted’s renewed focus on behavioural standards will allow for close assessment of school’s management of pupils at risk of exclusion.

Within a system of devolved responsibility for commissioning and funding alternative provision, we suggest that Ofsted should assess the extent to which schools make good use of their devolved budgets during regular school inspections (which take place on a three-yearly cycle). This would include both internal measures (such as intensive support units or in-school intervention programmes) as well as any use of external provision, so that alternative providers would be inspected as subsidiaries of the mainstream school that contracts with them. Schools would thereby be held accountable for their use of alternative provision for pupils who would, under the proposed system, have a continued

219 Ofsted explanatory note, ‘Alternative provision - the 2010 Ofsted survey’, available at [www.ofsted.gov.uk/content/download/11559/135748/file/Alternative%20provision%20-%20the%202010%20Ofsted%20survey.doc](http://www.ofsted.gov.uk/content/download/11559/135748/file/Alternative%20provision%20-%20the%202010%20Ofsted%20survey.doc) Accessed 22/03/11

220 Angela Harrison, ‘Schools inspections slimmed down’, BBC News, 23 September 2010. Available at <http://www.bbc.co.uk/news/education-11400774>. Accessed 24/03/11

presence on the school roll. This system would ensure that all alternative provision catering for pupils transferred from mainstream schools, whether via exclusion or pre-emptive referral, would be subject to inspection and assessment.

Additionally, the *Importance of Teaching* White Paper suggests that the use of a 'quality mark' for alternative provision might be an effective tool to ensure the quality of alternative provision. This should be assigned to alternative providers following a positive Ofsted inspection (i.e. where a provider is ranked "good" or better on Ofsted's four-point scale), and used to develop a national database of approved and certified alternative providers over time. Although a national directory of alternative provision currently exists, it is merely a list of names and addresses to which any provider can apply to be added. No quality assurance is required and the Department for Education emphasises that "inclusion on the directory is not a mark of quality assurance or endorsement by the Department."<sup>221</sup> A directory of inspected and certified providers would assist schools in carrying out their commissioning duties and bring much-needed transparency to an opaque and poorly monitored sector.

Ofsted is currently working on an evaluation of alternative provision, which is due to be completed later this year. Given the diversity of approaches existing within the alternative provision sector, it is important that any inspection framework is sufficiently flexible so as not to penalise innovative providers, or those offering a niche service to children with specific needs. Therefore, accountability mechanisms for non-mainstream education should be strongly focused on children's outcomes. The more difficult question is how to effectively measure "soft" outcomes achieved by providers which focus on addressing the underlying causes of misbehaviour and educational disengagement. While the ultimate goal for all children in alternative provision should be progression towards the attainment of meaningful qualifications, it must also be recognised that in some cases there are serious barriers to educational achievement which must be tackled first. Indicators of success in this area could include improved attendance, a reduction in recorded instances of misbehaviour or successful reintegration into the mainstream classroom. A more flexible approach would be for short-term, reintegration-focused providers to agree specific targets with the pupil and parents from the outset, allowing progress towards them to be assessed. Providers would then be judged according to how effectively they addressed identified obstacles to learning, such as low levels of literacy or anger management issues.

### Recommendations

- Ofsted should inspect alternative providers as subsidiaries of the mainstream school that contracts with them.
- Ofsted should assess the extent to which mainstream schools make good use of their devolved budgets during regular school inspections, including both internal measures as well as any use of external provision.
- A 'quality mark' for alternative provision should be assigned to alternative providers achieving a ranking of "good" or better on Ofsted's four-point scale.
- Alternative providers in receipt of Ofsted's quality mark should be added to a national database of approved and certified provision.

<sup>221</sup> Department for Education, 'Alternative provision directory,' available at <http://www.education.gov.uk/schools/pupilsupport/inclusionandlearnersupport/alternativeprovisiondatabase>. Accessed 25/03/11

## Impact

The decision to give schools control of funding for alternative provision and behavioural support in Cambridgeshire has led to significant changes in the way these funds are used. Although less than two full academic years have passed since the devolution of funds, a number of clear effects are already discernible. Here we examine these impacts in detail, in order to gain a sense of how schools' behaviour changes following the devolution of funding and commissioning responsibilities for alternative provision, and how these changes affect the nature and scale of alternative provision.

The most striking effect of the devolved budgets is a dramatic fall in the number of pupils being transferred to external alternative provision from mainstream schools. Referrals have fallen from around 650-700 two years ago to around 220 this year<sup>222</sup> (from a total secondary school population of around 30,000).<sup>223</sup> This is largely due to schools' greatly increased propensity to seek out internal solutions to behavioural issues. Within the collaborative decision-making framework of the county's five BAIPs, schools are choosing to "retain young people in mainstream settings more frequently" by making use of internal intervention and support for pupils with challenging behaviour. They use the money saved through significantly reduced levels of referral to external providers to acquire the extra capacity needed for effective internal intervention. This added capacity takes a variety of forms, depending on the preferred approach of the school. A number of schools have created internal support units which allow disruptive children to be removed from the mainstream classroom without transferring out of the school altogether; others have increased staffing levels in the student support faculty, or chosen to hire tutors to deliver intensive support to struggling students. Others have invested in online learning services that allow children to study from home, such as Accipio. In addition, all five BAIPs have decided to withdraw from the provision of medical need places in alternative provision and are now committed to retaining pupils with medical needs within mainstream settings as far as possible. A working group has been established to "devise and deliver alternative strategies for the identification, education and engagement of students with medical needs"<sup>224</sup> within mainstream schools.

Naturally, the precipitous reduction in schools' use of referrals has significant implications for existing alternative provision in the Cambridgeshire area, which predominantly consists of four local authority-run PRUs, as well as some smaller support units. Schools in one of the five BAIPs (South Cambridgeshire) have jointly decided to withdraw from the centrally commissioned PRU service altogether from April 2011, reserving only two places in case of "exceptional circumstances." Although the other four BAIPs have not gone as far, they nevertheless expect to require only 145 PRU places between them from the academic year 2011-12 onwards. As a result, demand for alternative provision outside of Cambridgeshire's mainstream secondary schools has dropped sharply. Referrals at Key Stage 3 (KS3) in particular have "dropped so low that the behavioural need services at KS3 are no longer required in all areas."<sup>225</sup> This has led to the closure of some KS3 provision including the Peacock House KS3 Unit in the Ely area. Referrals at KS4 have also fallen to the extent that a consultation has been opened into a major restructuring of Cambridgeshire's

222 Private information

223 New Schools Network, 'Cambridgeshire data sheet', available at <http://www.newschoolsnetwork.org/assets/events/files/Cambridgeshire%20Secondary%20School%20Data.pdf>. Accessed 20/03/11

224 Cambridgeshire County Council, *Consultation on the future of EOTAS provision in Cambridgeshire Community Impact Assessment*, Annexe 5

225 Ibid

alternative provision, which would replace the current four registered PRUs with a single county-wide PRU, based across three sites in Fenland, Huntingdon and Cambridge, under the leadership of a single executive head teacher. This will involve a reduction in staff posts, equivalent to the loss of 34 full-time staff.

Perhaps inevitably, the rapid reduction in demand for alternative provision has created a degree of short-term disruption and uncertainty. The current ongoing consultation is the sixth since 2007, when the decision was made to move towards a devolved commissioning system, and it is acknowledged that the restructuring efforts and reductions in provision so far have “caused a great deal of anxiety and change for both staff and students.”<sup>226</sup> In particular, the rapidity of change in schools’ management of challenging pupils has led to a lack of stability from the point of view of the local PRUs, for whom the fall in pupil numbers translates to a loss of funding that raises questions over the future sustainability of the provision. Consequently, the current restructuring initiative constitutes an attempt to shape provision in the area in a way that reflects the changing needs of schools, whilst also allowing for a degree of long-term stability in the structure of provision in the area. Cambridgeshire argues that “the County cannot maintain a staff group which is changed each year to reflect the needs of the BAIPs.”<sup>227</sup> It is therefore asking BAIPs to commit to a three-year funding plan for the slimmed-down PRU provision, in order to “provide certainty that the fixed costs associated with the establishment of the new PRU can be met over time.”<sup>228</sup> It is anticipated that the four BAIPs which have chosen to continue purchasing PRU places will agree to the three-year funding plan in order to ensure the ongoing availability of this provision in future.

As the devolved commissioning arrangements have been in place only for a short time, it is too early for statistical data on their effect on pupils’ outcomes to become available. However, some concerns have been raised about the short-term effect on the provision made available to pupils, particularly those with medical needs. Medical needs students and their parents have made strong representations against the proposed changes which would cause medical needs pupils to be predominantly educated within mainstream settings, rather than predominantly in PRUs as at present. Parents’ evidence suggests that the “threat of change” has caused a “strongly adverse effect with increased symptoms of anxiety and distress being manifested in a number of ways.”<sup>229</sup> The County concedes that the restructuring of services has had a short-term disruptive effect, but argues that over the longer term, medical needs students will benefit from increased inclusion as schools develop their understanding of medical needs, and increase their capacity for early identification and intervention. As Cambridgeshire states, “the final test will be whether outcomes are better or worse across a range of indicators including educational attainment, well being and attendance.”<sup>230</sup>

For pupils with behavioural issues, although it is too early for reliable outcomes data, there is reason to believe that the reformed and restructured provision will prove beneficial. The ongoing responsibility held by mainstream schools for students in alternative provision is proving to create closer links between the sectors. All BAIPs are committed to a number of principles regarding the use of alternative provision which are likely to improve the quality of provision and the success of reintegration, including:

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226 Adrian Loades, EOTAS consultation letter, 10th March 2011

227 Cambridgeshire County Council, *Children and Young People’s Services: Consultation on the future of EOTAS provision in Cambridgeshire*, March 2011

228 Ibid

229 Ibid

230 Ibid

- All pupils in alternative provision to have an entitlement to 25 hours of education per week.
- All pupils referred to the PRU at KS3 to have a reintegration plan attached to the provision.
- All pupils to have a provision plan agreed at the point of referral agreed by the pupil, parents, the referring school and the PRU head. The plan will be regularly reviewed to examine progress towards targets set and update according to the outcome of the review.
- Regular reporting processes adopted by the PRU will inform actions agreed between the PRU head and individual schools about the ongoing educational provision for each referred pupil.<sup>231</sup>

These commitments are encouraging and reflect the value of fostering closer links between mainstream and alternative provision. Overall, it is clear that the devolution of funds for alternative provision has had a number of beneficial effects in Cambridgeshire. Schools have reacted to the strong financial incentive to look again at the cost, quality and size of local alternative provision, leading to a slimming-down of the local PRU provision and the planned amalgamation of four existing PRUs into one. This smaller service will better match the needs of mainstream schools which have rapidly moved towards retaining a far greater number of pupils within the mainstream setting. This trend is clearly influenced by the financial benefits of commissioning fewer PRU places at £15,000 per head; however, an additional impetus is schools' belief that they can offer a better standard of provision internally. One head teacher told us that "we felt we didn't need central [external] provision in South Cambridgeshire – we can offer better provision ourselves." In addition, the fact that transferred students remain on the roll of the mainstream school has incentivised greater retention of pupils in mainstream settings- schools feel that since they are accountable for pupil outcomes even after transfer, they are better off retaining direct responsibility for teaching where possible. As one head put it, "under the new system we know we are accountable for outcomes, so we want to keep in control of them."<sup>232</sup>

The fact that the number of pupils in alternative provision has fallen so markedly allows for closer monitoring by mainstream schools of those pupils that are transferred, improving the prospects for reintegration as well as releasing funds with which schools can improve their capacity for internal intervention and identification of needs. Given the high level of referrals to PRUs prior to the reforms, which suggest that the service was previously over-used, it is likely that a number of children will benefit from staying within mainstream schools who would otherwise be referred. There is a clear expectation that "when a school seeks to use devolved funding to support a young person who may be at risk of exclusion ... the mainstream school should make an appropriate offer of education which will be as tailored to individual need as possible,"<sup>233</sup> and schools have made strong commitments to making personalised provision available in internal settings.

However, a policy of total inclusion risks jeopardising the ability of the majority of pupils to learn in a calm and ordered environment. We are therefore sceptical about the commitment by the South Cambridgeshire BAIP that "there

<sup>231</sup> Ibid

<sup>232</sup> Private information

<sup>233</sup> Cambridgeshire County Council, *Consultation on the future of EOTAS provision in Cambridgeshire Community Impact Assessment*, Annexe 5

will be no permanent exclusion by the BAIP schools except in highly exceptional circumstances,” and of the broader commitment across BAIPs to “retain young people within school as far as possible.”<sup>234</sup> We argue that a more suitable commitment would be to seek to retain young people in school as far as is in the best interests of the young person, whilst recognising the need to maintain a disciplined and ordered learning environment.

Furthermore, we recommend that the government’s pilot programmes trialling the devolution of funding and commissioning responsibility for alternative provision should collect detailed data on the impact of the changes on pupils’ outcomes, of the kind that is not currently available for the Cambridgeshire initiative. This should include data on the academic attainment, attendance, and frequency of disciplinary sanctions amongst both pupils transferred to alternative provision and pupils retained within mainstream schools for internal intervention. This should be supplemented with survey data canvassing the experiences and opinions of teachers, pupils and parents of the devolved system, and qualitative assessments of the provisions (both external and internal) made by mainstream schools to address pupils’ behaviour. While there is good reason to expect positive results from the proposed reforms, their impact must ultimately be judged with reference to educational and behavioural outcomes.

Additionally, we argue that areas such as Cambridgeshire would benefit from greater use of independent alternative providers from the voluntary or private sector. As in many local authority areas, alternative provision in Cambridgeshire is dominated by PRU provision, with limited use of FECs. Use of the independent sector remains limited, although there are well-established links between mainstream schools and Romsey Mill, a Christian charity offering a number of courses to disengaged young people through its Social Inclusion Programme. However, Cambridgeshire expect that schools will use their power to commission to make greater use of the independent alternative provision sector. The local authority informed us that “expansion in this area is likely” following the devolution of funding, and that there have already been some inquiries by private-sector organisations looking at the potential of entering into arrangements directly with schools. Greater diversity of provision would increase the commissioning options available to mainstream schools and allow for a higher degree of specialisation within the local alternative provision sector. It is therefore important that the devolution of commissioning responsibilities across the country is accompanied by efforts to encourage more independent providers to enter the market. The government’s proposals to allow alternative provision Free Schools and Academies, and to transfer failing PRUs to independent management, would create a more competitive and varied sector, and increase the impact of reforms to the process of commissioning and funding alternative provision. As proposed in the 2010 White Paper, the government should actively begin the process of seeking out sponsors for new alternative provision Free Schools, and provide a route by which high-performing PRUs can acquire academy status, similar to the route created for outstanding mainstream schools. Where PRUs are failing, the government should challenge local authorities to replace them via a competitive tendering process.

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234 Cambridgeshire County Council, *Children and Young People’s Services: Consultation on the future of EOTAS provision in Cambridgeshire*, March 2011



**Recommendations**

- The right to exclude disruptive children for the good of the wider school population must be maintained in all schools.
- All pupils transferred to external provision should have a provision plan agreed at the point of referral between the pupil, parents, referring school and recipient provider, which should be subject to regular review.
- The government's pilot programmes trialling the devolution of funding and commissioning responsibility for alternative provision should collect detailed data on the impact of the changes on pupils' outcomes.
- The government should actively seek out potential sponsors of alternative provision free schools.
- PRUs rated 'outstanding' by Ofsted should be offered a route to academy status, in line with outstanding mainstream schools.
- Local authorities should be challenged to tender the management of failing PRUs via a competitive process.

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# 3

## Conclusion

This report has sought to underline the fact that effective school discipline is more than a matter of dealing with the most severely disruptive and disengaged pupils. It is also a question of creating a well-managed learning environment and a culture of good behaviour within a school. For this reason we have emphasised the importance of effective training in behaviour management, both initial and ongoing, for teachers, school leaders and governors, whilst welcoming the government's efforts so far to strengthen the authority of classroom teachers and heads. In addition, we highlight effective and inexpensive measures which have had a demonstrable effect on disciplinary standards in schools serving deprived and challenging cohorts. The example of the Fairlands School, Stevenage displays the value of close engagement with parents, particularly those who find it difficult to respond to their children's misbehaviour. The outstanding success of the Harris Academies clearly demonstrates the value of a coherent and comprehensive school behaviour policy, consistently applied, and drawing upon well-established practices including house structures, a tiered system of sanctions, and universally high expectations for all students.

In addition, throughout the report we have emphasised the importance of early intervention to address the causes of misbehaviour and educational failure before matters come to a head. The system as it stands fails to incentivise or encourage a focus on pre-emptive, rather than reactive, solutions to behavioural problems. Schools which fail to make use of early intervention do not suffer the consequences of that omission; they can simply sever their links with difficult and disruptive pupils, who then transfer to an unaccountable and failing system of local authority-commissioned provision. This point of transfer is characterised by a lack of communication of pupils' needs, so that alternative providers frequently receive children without knowing the circumstances behind their transfer. This severely hinders the development of personalised and targeted programmes to effectively address the causes of misbehaviour and educational failure. The disconnect between the mainstream and alternative education sectors reflects the failure of many local authorities to coordinate and manage the education of children outside mainstream schools in a way that promotes improved outcomes.

This report maintains that schools must retain the freedom to exclude severely disruptive pupils in order to maintain high standards of discipline and protect the wider school population's ability to learn in a calm and

ordered environment. However, it is vital to encourage pre-emptive interventions aimed at preventing permanent exclusions, as well as to ensure that the best standards of alternative provision are deliverable across the country.

The Coalition government's proposals to hand schools responsibility for commissioning and funding alternative education are to be welcomed, intended as they are to both encourage the use of early intervention and to address the poor standard of provision offered to many pupils outside of mainstream schools. By establishing the principle that schools should hold ongoing responsibility for the outcomes of pupils transferred to external provision, an incentive is created for schools to address behavioural issues before this stage is reached. Furthermore, schools acting as commissioners and budget-holders will have a strong financial motivation to favour cheaper preventative approaches as much as possible. While the proposals will undoubtedly pose a challenge to schools, which will have to assume a significant degree of additional responsibility, they provide a much needed restructuring of the current system in which failing provision is allowed to stagnate by complacent local authorities acting as both commissioner and provider.

As our analysis of the situation in Cambridgeshire shows, however, the implementation of devolved funding poses a number of practical challenges, including the need to develop effective, outcomes-based accountability measures to monitor schools' use of devolved budgets, and ensure that the financial incentive for schools to reduce their use of alternative provision is matched by concomitant pressure to improve pupil outcomes. In addition, clear and mutually-agreed local partnership frameworks are required so that the extra capacity needed for schools to carry out their new responsibilities can be acquired on a shared basis. Funding must be distributed via a transparent and locally-agreed formula, and the quantum of devolved funding must be sufficient both to enable schools to develop internal solutions to bad behaviour, and to ensure that financial constraints do not prevent schools from making use of exclusion or referral where necessary. Finally, without a competitive and diverse alternative provision sector in the local area, schools' options for addressing bad behaviour through specialist intervention will remain limited.

Despite these challenges, we consider the proposed reforms to be an important step in the right direction towards a stronger system for addressing low standards of behaviour amongst children of school age. However, they must be accompanied by a determination on the part of schools to tackle the causes of bad behaviour, and to foster a culture of high expectations and equally high standards. This can best be encouraged within a system in which schools have the freedom and the funds to explore a range of solutions to behavioural issues, and are held to account for the choices they make in this

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area. Schools must be strongly incentivised to seek out the best outcomes for each child, and be supported in this aim both by the local authority and by neighbouring schools, working together for the benefit of all.

Disruptive behaviour in school has a sharply detrimental effect on teaching and learning in the classroom. Survey data shows 80% of teachers feel that their ability to teach effectively is reduced by pupils' poor behaviour, while 70% have considered leaving the profession as a consequence. A recent strike by teachers in Lancashire over standards of behaviour reflects the damaging effect of ill-discipline on teachers' ability to teach, and pupils' ability to learn. Improving standards of behaviour is vital to achieving improvement in educational outcomes.

The report identifies measures to address pupils' misbehaviour which are proven to have a positive effect, particularly in schools with a history of disciplinary problems. These include the development of comprehensive and consistently applied behaviour policies, such as the demonstrably successful disciplinary model of the Harris Federation of Academies. In addition, it advocates the encouragement of parental engagement in children's learning, and the provision of support for those parents who struggle to engage with their children's behaviour and learning in a constructive way. The report also calls for effective initial and ongoing training and support in behaviour management for teachers and school leaders, and for a stronger focus on the use of early intervention to tackle the underlying causes of bad behaviour before problems come to a head. Effective early intervention can produce significant social and economic benefits by forestalling the need for costly and ineffective 'fire fighting' interventions in later life.

In this context, the Coalition government's proposals to devolve control of funding for alternative provision for excluded children to individual school level are potentially revolutionary, as they give schools the opportunity to divert this funding towards pre-emptive measures. In addition, the proposals present an opportunity for a much-needed restructuring of alternative provision for children outside mainstream schools, which is currently characterised by a lack of accountability, the absence of clear lines of responsibility, and substandard provision in many areas. However, as with all significant reforms, there exists the potential for unintended consequences, as well as challenges in implementation and delivery. The second half of this report examines the practical implications of the proposals, assessing strengths and weaknesses, identifying obstacles to implementation, and putting forward potential solutions.

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Policy Exchange  
Clutha House  
10 Storey's Gate  
London SW1P 3AY

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