

Timpson Review of School Exclusion

Briefing for the Children's Services Scrutiny Committee

'...There is more we can do to ensure that every exclusion is lawful, reasonable and fair; and that permanent exclusion is always a last resort...'

Edward Timpson's long-awaited report into school exclusions was finally published on 7 May 2019. The review (commencing in March 2018) received nearly 1,000 submissions of evidence and made more than 100 field visits.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799979/Timpson_review_of_school_exclusion.pdf

The report acknowledges that how exclusion is used **'goes beyond the influence of local context'**, and emphasises that 'it cannot be the job of schools alone to take action to understand and address the complex underlying needs that children may have'.

It puts forward a vision for reforming practice built on four pillars:

- A system that delivers ambitious **'leadership'** for every child at all levels
- Better **'equipped'** schools able to meet those expectations
- The right **'incentives'** so that schools are clearly recognised for inclusive practice and using exclusion appropriately, and
- Stronger **'safeguards'** to ensure that no child is being inappropriately pushed out of school or education altogether.

The report sets out 30 recommendations which ministers have agreed to implement 'in principle' (see Response from Damien Hinds (Sec of State for Education) below). The key points from the report are as follows:

Make schools accountable for pupils they exclude

'We should expect schools consistently to have the right systems in place and teachers to have the right skills to manage poor behaviour and implement support where children need it – but we must equip them with the right tools, capability and capacity to deliver against this expectation'

The report says that:

- The DfE should **'make schools responsible for the children they exclude and accountable for their educational outcomes'**. The report does not set out any options for how this could work in practice. Instead, the DfE will launch a consultation in the Autumn (see DfE response below). **(Incentivise)**
- To ensure schools can deliver on this responsibility, they should have greater control over alternative-provision (AP) funding, and enough money to put in place 'alternative interventions that avoid the need for exclusion where appropriate'. **(Incentivise)**
- Governing bodies, academy trusts and local forums of schools should review information on children who leave their schools, by exclusion or otherwise, and understand how such moves feed into local trends. **(Incentivise)**

The report acknowledges the risks ('unintended consequences') of the above e.g. that it may simply shift 'gaming' behaviour, hence a range of other proposal such as a 'right to return' to a school previously attended; compulsory reporting by all Schools on their use of AP through the School Census (see 'Off-Rolling' below).

Limits on fixed-period exclusions

'Currently, a pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year – the equivalent of legitimately missing nine weeks of school... this has a negative impact not only on their academic progress but also on their behaviour.'

The report:

- Continues to back headteachers' powers to exclude pupils 'where this is appropriate', and as a 'final option'. *(Leadership)*
- Raises concerns about pupils who receive a lot of fixed-period exclusions, which can become 'a revolving door' and fail to address any underlying causes of poor behaviour. *(Safeguarding)*
- Calls for the DfE to consult on reducing the current 45-day limit on the number of fixed-period exclusions a pupil can have in a single year (although it does not suggest what the new limit should be) or consult on 'revisiting the requirements to arrange AP in these periods'. *(Safeguarding)*
- Recommends a review the reasons given for exclusions – particularly the use of the 'other' category – so that they are more accurately captured. *(Safeguarding)*

Tackling 'off-rolling' (i.e. children removed from school roll without following formal exclusion procedures).

'There are children who are made to leave their school and are removed from the school roll without a formal permanent exclusion or by the school encouraging the parents to remove their child from the school, which is done in the school's interests, and at the school's request. This practice is referred to from here onwards as 'off-rolling'.

A number of recommendations from the report touch on 'off-rolling', including:

- Introducing systematic tracking of pupil moves, with Local Authorities (LAs) 'taking action where necessary'. *(Safeguarding)*
- Ofsted giving schools that 'off-roll' an 'inadequate' judgement for leadership and management. *(Incentivise)*
- Introducing a 'right of return' so that children who go into Elective Home Education can return to their previous school within a certain period of time. *(Safeguarding)*
- Social workers being notified whenever a Child in Need is moved out of their school. *(Safeguarding)*

A stronger role for LAs

'[Nationally] Children in Need were over two times more likely to be permanently excluded. Children eligible for FSM are around four times more likely to be excluded.'

Unlike most recent Government reforms, this report highlights the importance of LAs, saying that the DfE should '**clarify the powers of LAs to act as advocates for vulnerable children**, working with mainstream, special and AP schools and other partners to support children with additional needs or who are at risk of leaving their school, by exclusion or otherwise'. *(Leadership)*

The report says that:

- LAs should be enabled to convene ‘meaningful local forums’ (e.g. Behaviour and Attendance Partnerships) that meet regularly and which all schools are expected to attend. These forums would review data on pupil needs and moves, and be responsible for planning and funding local alternative provision. *(Leadership)*
- Pupil moves should be ‘systematically tracked’, and LAs should work with schools to identify trends, ‘taking action where necessary and ensuring children are receiving suitable education at their destination’. *(Safeguarding)*
- The government should continue to invest in approaches that build multi-disciplinary teams around schools, and identify any capacity concerns across Departments to ensure that schools are supported and work productively with all relevant agencies, including Health and Social Care. *(Equipping)*
- DfE should work with others to build the capacity and capability of governors and trustees to offer effective support and challenge to schools. *(Incentivise)*
- LAs should include information about support services for parents and carers of children who have been, or are at risk of, exclusion, or have been placed in AP, in their SEND Local Offer. *(Incentivise)*
- Real-time data on exclusion and other moves out of education should be routinely shared with Local Safeguarding Children Boards and their successors, so they can assess and address any safeguarding concerns. *(Safeguarding)*

Alternative Provision (AP)

‘We should not accept that permanent exclusion comes at the cost of the excluded child getting a good education.’

The report calls for the DfE to promote the role of AP by:

- Developing the role of AP in supporting mainstream and special schools to deliver effective intervention and recognising the best AP institutions as teaching schools so that they can share best practice across the wider system. *(Equipping)*
- Supporting AP Schools to attract the staff they need. *(Equipping)*
- ‘Significantly improving and expanding’ AP buildings and facilities, with the ‘right level of capital funding’ to be a priority for the next spending review. *(Equipping)*
- Renaming Pupil Referral Units (PRUs) to ‘reflect their role as both schools and places to support pupils overcome barriers to engaging in education’ and also help to remove ‘the stigma attached to being educated in these settings’. *(Equipping)*
- Better understand and act on the current challenges with the workforce in AP, by backing initiatives to support its development. *(Equipping)*

While the report acknowledges the ‘dedication’ of many AP settings, it also warns that there is ‘much variation’ in quality. [This view has not been helped by recent controversies around AP provision, e.g. the Schools Company Trust, which closed down after a series of safeguarding failures and financial mismanagement, and TBAP Multi-Academy Trust, who ran up a £2.4 million deficit because of a ‘systematic’ failure in its financial systems.]

Funding

'The cost [following permanent exclusion] to the public purse was and continues to be disproportionate to what early intervention with the pupil/family would have cost'.

Many schools nationally say that funding cuts have meant they have had to reduce support for vulnerable pupils, contributing to the increase in exclusions. The report acknowledges the challenge of funding, but says the good practice seen in some schools as part of the review shows 'it is possible' to do things well in the current climate.

However, on 3 May 2019, the Government has separately launched a 'call for evidence' on the **Funding of SEND and those who need AP**. The call for evidence acknowledges 'concerns' about levels of funding as well as the 'perverse incentives' within the current funding system which mitigate against good inclusive practice.

The Timpson Review also touches on this, warning that the current funding system 'does not incentivise or reward schools for taking responsibility for the needs of all children and using permanent exclusion only when nothing else will do'. It adds that **'it cannot be right to have a system where some schools stand to improve their performance and finances through exclusion'**.

The report also calls for:

- The creation of a new Practice Improvement Fund to help LAs and schools deliver good interventions for children who need support. The fund should support effective partnership working to commission and fund AP and enable schools to create positive environments, target support effectively and provide the opportunity to share their best practice successfully (Behaviour and Attendance Partnerships?) (*Equipping*)
- Investment in buildings and facilities for pupils who need AP (*Equipping*)
- Enough funding for schools to put in place interventions needed to avoid exclusions. (*Incentivise*)
- Schools to be able to access the government's £200 million Youth Endowment Fund to test ways of preventing children getting involved in crime and violence. (*Safeguarding*)
- The DfE to look carefully at the timing and amounts of any adjustments to schools' funding following exclusion, to make sure they neither act as an incentive for schools to permanently exclude a pupil at particular times, nor discourage a school from admitting a child who has been permanently excluded from elsewhere. (*Incentivise*)
- The DfE to extend funding to equality and diversity hubs (an initiative to increase diversity of senior leadership teams in schools) beyond the current spending review period. (*Leadership*)

Behaviour

'The roots of challenging behaviour have long been debated by educational experts, and the debate can sometimes become deeply polarised. At one end are those who see challenging behaviour as either a choice or the inevitable consequence of a lack of boundaries and, at the other, are those who perceive it as the communication of unmet needs. The truth is, as ever, more complex....'

The report says the DfE should ensure:

- 'Well-evidenced, meaningful and accessible training and support for new and existing school leaders to develop, embed and maintain positive behaviour cultures'. (*Leadership*)

- ‘Accessible, meaningful and substantive training on behaviour’ to be a mandatory part of initial teacher training, including expert training on the underlying causes of poor behaviour, as well as strategies to deal with it when it arises. (*Leadership*)
- Ensure designated senior leads for mental health and Special Educational Needs Co-ordinators (SENCOs) are effective by:
 - reviewing the training and support available to SENCOs to equip them to be effective in their operational and strategic role as SEND leaders (*Equipping*)
 - ensuring the training designated senior leads receive includes a specific focus on attachment and trauma. (*Equipping*)

[On 4 May 2019, the Government announced a £10 million project to support 500 schools across England to develop their behaviour management practice. The money will be used to identify lead schools and fund their activities in supporting others, through staff training, the creation of centralised detention systems, and new sanctions and rewards schemes for pupils, with a focus on pupil attendance and punctuality.]

Tom Bennett, a proponent of zero-tolerance behaviour policies who led the DfE’s independent review of behaviour in schools (March 2017), will be the lead adviser of the programme, set to launch in September 2020.]

In-school units and off-site alternative provision

The report wants:

- A requirement on schools to submit information about pupils who are in off-site AP through the school census. (*Safeguarding*)
- Social workers to be notified when a Child in Need is moved into such provision. (*Safeguarding*)
- The DfE strengthen guidance on in-school units so that they are ‘always used constructively and are supported by good governance’. (*Equipping*)

Ofsted should ‘consistently recognise’ inclusive schools

‘Schools must be respectful and welcoming environments where every child has the opportunity to succeed.’

- Ofsted should ‘consistently recognise schools who succeed in supporting all children’ under its leadership and management category [rather than feel they are *clobbered* for being inclusive]. (*Incentivise*)
- The report also urges Ofsted to give schools found to be ‘off-rolling’ an inadequate rating for their leadership and management. (*Incentivise*)

Conclusion

‘These recommendations are just as much about changing perceptions and behaviour as they are about improving practice. Indeed, the two go hand in hand.’

Response from Damien Hinds

Damien Hinds (Secretary of State for Education) commended the report to the House of Commons on 7 May 2019 and accepts the recommendations 'in principle'. He said that the Government's response to the report is based on four key commitments.

- To support headteachers to maintain a safe and orderly environment for pupils and staff.
- To support schools to give pupils at risk of exclusion the best chance to succeed.
- To make when and how it is appropriate for headteachers to remove children from their school much clearer, and at the same time ensure sufficient oversight when they are.
- To do more to support schools and AP so that excluded pupils continue to receive a high-quality education.

To deliver that, the Government have committed to the following actions:

- Making schools accountable for the outcomes of permanently excluded children. The intention is to design a consultation on how to deliver this in practice over the summer, to be launched in autumn 2019. [The consultation will also look at implications of any changes to how alternative provision is commissioned and funded, as well as how to tackle 'off-rolling' – see below].
- Establishing a practice programme to drive better partnership working between LAs, schools, AP and other partners, building on good practice identified through the review.
- Working with sector experts, led by Tom Bennett (the Department's lead adviser on behaviour), to rewrite DfE guidance on exclusions, behaviour and discipline in schools, by summer 2020.
- Calling on LAs, governing bodies, academy trusts and local forums of schools to establish a shared understanding of the characteristics of children who leave schools by exclusion or otherwise (and use that information to inform improvements in practice).
- Working with Ofsted to define and tackle the practice of 'off-rolling' (i.e. children removed from school roll without following formal exclusion procedures).
- Setting out future plans for AP this autumn.

Before concluding, Mr Hinds also addressed knife crime, confirming that the issues surrounding serious violence, antisocial behaviour and absence and exclusion from school are complex, and require a multi-agency response. He stated 'While exclusion is a marker for increased risk of being a victim or perpetrator of crime, we must be careful not to draw a simple causal link between exclusions and knife crime. There is no clear evidence to support that. I am clear, though, that engagement with and success in education are a protective factor for children. **The measures outlined in our response to Timpson will play a key role in ensuring that every young person is safe and free to fulfil their potential away from violent crime.**'

Candy Holder
Head of Pupil Services
12 May 2019