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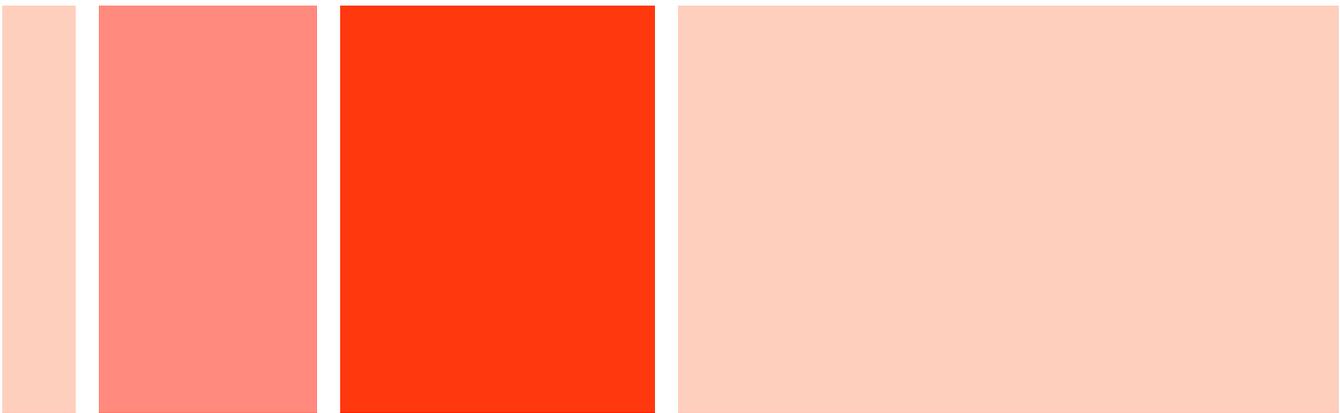


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Evaluation of Education Provision for Children and Young People Educated Outside the School Setting Final Report



Evaluation of Education Provision for Children and Young People Educated Outside the School Setting

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Views expressed in this report are those of the researchers and not necessarily those of the Welsh Government

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Executive Summary

Overview

In 2011, the Welsh Government commissioned a research team from the University of Edinburgh to examine the process of exclusion from school in Wales and the delivery, planning and commissioning of education provision for children and young people educated outside the school setting (such provision is commonly known as EOTAS; education otherwise than at school). The research team was also asked to make recommendations for policy development. The research followed on from issues and recommendations in the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (WAG, 2011a), the Behaving and Attending: Action Plan (WAG, 2009b) and the Behaviour and Attendance Action Plan 2011-13 (Welsh Government, 2011c).

It was of obvious importance to collect robust evidence of the nature and extent of exclusion from school and provision for those educated outside the school setting, so that a clear and reliable picture could be established and recommendations made for future policy development. The research was conducted using statistical and policy analysis, interviews with key stakeholders, a telephone survey and interviews of local authority representatives and interviews with young people, their families and a range of professionals working with children and young people educated outside the school setting. The advantages of a mixed method approach such as this are well documented and have been used successfully in previous research in this field by the research team. While there are always limitations about the claims to be made from different kinds of data, the overall picture emerging here is one which indicates that some good progress has been made in implementing the recommendations of these reports but that significant issues remain.

Context of the research

A number of critical issues emerged from the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (WAG, 2011a) as well as recent reports from Estyn (2011; 2012) and voluntary organisations in Wales (Butler, 2011). These issues included:

- Variation between local authorities in implementing Welsh Government guidance on school exclusion.
- Significant variation between schools in the policy and practice of managing actual and potential exclusions.
- Evidence of unlawful exclusion from school.
- Some educational provision which was not properly monitored.
- Some pupils educated outside the school setting were not receiving an appropriate education.
- Variation between authorities in the quality of the curriculum and behaviour management approaches in educational provision outside the school setting.
- The lack of reintegration back into schools after exclusion and from education outside the school setting.

The Welsh Government published new guidance on exclusion from schools and pupil referral units in October 2012, replacing guidance published in 2004 and 2006. This guidance emphasises that the school's general approach should be in line with the specific duties set out in the Equality Act 2010 and the United Nations Convention on the Rights of the Child (1989). According to this revised guidance, policy and practice on exclusions should promote:

...the wellbeing of pupils, advance equality of opportunity between pupils, and tackle inequalities and discrimination (Welsh Government, 2012a, p. 7).

The Welsh Government has expressed concern over the comparative underachievement of Welsh pupils in relation to other countries (Andrews, 2011). Exclusion from school and EOTAS are both associated with educational failure, lack of subsequent employment or training, and offending. They are critical areas for Government interest.

Key Findings on School Exclusion

- Rates of both permanent exclusion and fixed term exclusions decreased in Wales in 2011/12. Exclusions of six days or more had been decreasing for some time, whereas rates of exclusion for five days or fewer had been increasing until 2011/12.
- Three quarters of excluded pupils were male.
- Pupils with special educational needs accounted for just over half of all exclusions during 2011/12.
- There were 817 fixed term exclusions of five days or fewer, and 76 exclusions of six days or more, of 'looked after children'.
- Rates of exclusion varied considerably between local authorities and between schools.
- The reasons given for exclusion varied between schools.
- Reasons given for use of exclusion were found to be largely consistent with Welsh Government Guidance on Exclusion (2004, revised 2012) but interpretation of its terms led to inconsistency and may also lead to inequitable outcomes for children and young people, particularly those with special educational needs.
- Local authorities were not consistently meeting the requirement to provide education within 15 days of exclusion.
- There was some inconsistency in the ways pupil discipline committees followed exclusion guidance.
- Parents often felt that exclusion processes were complex and unfair
- Independent appeal panels were infrequent but where they took place were largely felt to be fair.

The existence of EOTAS is largely due to exclusion from school, either formal disciplinary exclusion, placement as an alternative to exclusion, or informal exclusion where groups such as pregnant young women are not considered suitable for school education. The population of EOTAS responds to decisions made by mainstream schools about exclusion. The two issues of exclusion and EOTAS are inextricably linked in policy and practice, and both should be seen as part of the landscape of social exclusion in Wales.

Key Findings on Education Outside the School Setting

- The rate of pupils educated outside the school setting has remained largely unchanged in recent years, although the EOTAS statistics as currently collected are likely to represent an underestimate of the numbers educated outside the school. This likely underestimate relates to inconsistencies in where pupils' attendance is recorded; some pupils are recorded as attending mainstream school though in practice are attending elsewhere.
- Nearly 90 per cent of pupils in EOTAS provision had special educational needs and nearly 70 per cent were entitled to free school meals. Three quarters were boys.
- Forty per cent, the largest group, were educated in Pupil Referral Units (PRUs). Others attended further education college, work – related education, education arranged through training providers or private sector provision, often as part of an individual programme.
- Provision for education outside the school setting was highly variable between authorities. The number of available places varied between authorities, as did the nature and purpose of the provision. Diverse referral criteria were used. There was also considerable variation in the ways such education provision in different areas identified its aims and purposes.
- Some authorities had recently restructured and developed their provision with clear referral criteria and processes, and specific aims and outcomes for different settings.

- Education provision ranged across local authorities from two hours per day through to a full 25 hours per week, although most authorities were moving to offering 25 hours per week for longer fixed term exclusions, permanent exclusion and in EOTAS generally.
- Variable approaches to registration raised a fundamental issue about the locus of responsibility for young people in EOTAS provision, particularly where pupils are permanently on out of school programmes but still fully registered at school.
- Parents and local authorities found it helpful when there was a clear system in place with identified individual professionals responsible for ensuring the education and personal progress of each student.
- There were continued concerns from a wide range of local authority professional staff and key stakeholders about the quality of the curriculum in some EOTAS provision; some provision had responded to previous criticism with revised and updated curricula and pedagogy; others still offered a narrow curriculum with little challenge, failing to conform to national expectations. Some secondary provision did not yet offer strong routes to examination / certification.
- There was acknowledgement by many research participants of the difficulties associated with providing a full curriculum for children educated outside the school setting. This was often because of smaller staff numbers in EOTAS provision, the need to address gaps in pupils' basic skills, or the need to prioritise counselling and support for pupils who had experienced severe trauma and disruption in their lives.
- In some EOTAS provision, including some PRUs, poor quality and unsuitable accommodation was a significant issue in relation to the delivery of the curriculum.
- Young people who participated in the research valued the support for their learning and the positive approaches to behaviour management and relationships; however there were also concerns

from a range of participants about excessively punitive use of restraint and restrictive isolation.

- Reintegration to mainstream school from EOTAS has not been common; some authorities have now established clear policies and procedures to encourage reintegration of younger pupils into schools and of older pupils into mainstream or alternative curricula.
- Some authorities have improved the quality of assessment and planning information provided by schools on referral, and provided by EOTAS on reintegration.
- Some EOTAS settings had constant positive communication with parents about their child's progress. Parents contrasted this strongly with infrequent and negative communication from mainstream schools.
- Young people interviewed valued the respect shown to them in some EOTAS settings but did not always feel fully involved in decision making and planning about their lives.
- Some moves were being made to restructure management committees in PRUs, but most local authority staff and some staff working in EOTAS noted issues of concern with leadership, scrutiny and support in PRUs.
- There was evidence that, in some authorities, some PRUs were still very isolated, although in other authorities they were becoming involved in local initiatives on curriculum and behaviour.
- There was a lack of common agreement about what constitutes 'good practice' in EOTAS though research visits found examples of well planned, thoughtful practice in individual settings.
- Value for money will be more easily assessed, when as recommended by the Welsh Government, there is a benchmarking framework for EOTAS pupils, including aspects such as attainment, reintegration rates, exclusions and attendance. Some authorities were already developing this.
- Youth Offending Services (YOS) expressed concerns that there were a number of young offenders in Wales without access to full-

time education; in general they felt that their responsibility was to encourage the provision of satisfactory education by the local authority rather than offer alternative educational services.

Research has consistently indicated that continuing to offend is often associated with a lack of schooling.

- Overall, the research found many of the concerns expressed in the NBAR report, the Estyn reports and the Welsh Government Review to be well-founded. It also, however, found evidence that some authorities were responding very positively to these concerns with substantial change and attention to improving the quality of EOTAS. Intervention by the Welsh Government in the form of reports/reviews and professional visits had been seen as helpful by many of the local authority staff interviewed.

Recommendations

The recommendations which follow are based on the data gathered in this research, and the extent to which recommendations made in the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (WAG, 2011a), the Behaving and Attending: Action Plan (WAG, 2009b) and the Behaviour and Attendance Action Plan 2011-13 (Welsh Government, 2011c) have been achieved.

The recommendations for Welsh Government are offered first, followed by those for local authorities. Within each set of recommendations, those related to exclusion are offered first, followed by those related to EOTAS. A small number of recommendations relate both to exclusion and to EOTAS. These are to be found at the end of the relevant set of recommendations.

Recommendations for Welsh Government:

- Welsh Government should continue to recognise and address the negative impact of exclusion from school on individual lives and on communities in Wales.
- Welsh Government should emphasise the use of exclusion from school as a sanction of last resort and, in the longer term, move away from the use of exclusion as a disciplinary sanction.
- Consideration should be given to the development of a national strategy to support staff training, communication and development in positive behaviour management, children's rights and wellbeing.
- The research supports the Welsh Government proposal that local authorities or consortia should designate specialist staff to assist the reintegration and support of excluded pupils.
- An information leaflet on exclusion and pupils' rights in the exclusion process should be available to all children in all schools.
- A good practice guide on strategies to support children and young people at risk of exclusion from school should be developed.
- Welsh Government should support local authorities to address the factors that currently restrict their capacity to meet the statutory requirement to provide education within 15 days of exclusion.
- The use of managed moves should be monitored and evaluated.
- Welsh Government should offer clear guidance on the registration, and monitoring of progress of pupils not following standard educational programmes in mainstream schools.
- The activities of pupil discipline committees and independent appeal panels, and their adherence to national guidance on exclusion procedures, should be monitored by Welsh Government.
- In the interests of equity and consistency, a National Appeal Panel should be established.
- Welsh Government should increase resources to promote effective consortium working at local authority level; to support pupils at risk of exclusion, to develop common processes and procedures for access

to EOTAS, to share strategies for reintegration and to explore possibilities for sharing EOTAS provision across authorities.

- Individual level statistics should be used to develop and promote a better understanding of the profile of excluded pupils, and those in EOTAS.
- Clear national guidance should be developed on the use of isolation and seclusion in mainstream schools and in EOTAS. Unacceptable practices, such as forced isolation, should be specified.
- Welsh Government should continue to encourage local authorities to develop clear aims and purposes for EOTAS provision, particularly pupil referral units, and benchmark frameworks for evaluating outcomes and value for money.
- Standardised systems for reporting and monitoring local authority costs of EOTAS should be introduced so that comparisons can be made across Wales, between local authorities and increase value for money.
- Advice should be issued on recognised effective strategies for promotion of behaviour management and relationships in EOTAS; such strategies should both support staff and respect pupils' rights.
- Good practice in EOTAS provision should be identified and promoted and regular meetings of providers should encourage dissemination of good practice. This should include sharing of good examples of curricula which meet current standards, and of effective child-centred behaviour management.
- Welsh Government should ensure monitoring of appropriate support for girls in EOTAS, where they are often in a minority.
- Data on reintegration should be gathered and disseminated, along with accounts of effective reintegration strategies developed in some local authorities.
- Data on education outcomes and post-school destinations of excluded pupils and those educated outside the school setting should be gathered and disseminated.

- Welsh Government should clarify and harmonise terminology used in policy and statistical reports relating to school exclusion and educational provision outside the school setting, for example, in relation to the terms, ‘individual tuition’/’home tuition’.

Recommendations for local authorities:

- Efforts to reduce exclusion from schools should focus on building the capacity, skills and confidence of staff in mainstream schools using, for example, restorative practices, to improve relationships and behaviour in schools.
- Local authorities should carefully record, monitor and challenge exclusions from special schools, pupil referral units and other forms of EOTAS, to avoid further disadvantaging pupils with special educational needs. To that end, they should also record exclusions from mainstream schools for children with special educational needs and for those who are ‘looked after’. Such records should form the basis of regular reporting to Welsh Government.
- Local authorities should further develop and share data management systems which can be used to monitor and challenge schools’ use of exclusion, including unlawful exclusion.
- Training for governors and particularly for members of pupil discipline committees should ensure they understand equity issues, children’s rights, the social context of exclusion and strategies to avoid exclusion.
- Advocacy and mediation services should be more widely publicised and used to support pupils and their families.
- Local authorities should prioritise resources in order to increase capacity to meet the statutory requirement to provide education for excluded pupils.
- There should be a requirement for local authorities to provide education by the 11th day following exclusion.

- Local authorities should encourage the identification of key workers for pupils in EOTAS so that there is consistent monitoring of their education and support.
- Local authorities should ensure that EOTAS staff are fully included in all local staff development opportunities and information dissemination on curriculum, behaviour management and additional learning needs.
- Local authorities should continue to improve communication between EOTAS provision, special schools and mainstream schools.

1 Introduction

- 1.1 In 2011, the Welsh Government commissioned a research team from the University of Edinburgh to examine the process of exclusion from school in Wales and the delivery, planning and commissioning of provision for children and young people educated outside the school setting. The research focussed on issues and recommendations from the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (WAG 2011a), the Behaving and Attending: Action Plan (WAG, 2009a) and the Behaviour and Attendance Action Plan 2011-13 (Welsh Government, 2011c).
- 1.2 A number of critical issues emerged from the above reports. These included:
- Variation between local authorities in implementing Welsh Government Guidance on school exclusion.
 - Significant disproportionality in exclusion from school.
 - Significant variation between schools in the policy and practice of managing actual and potential exclusions.
 - Evidence of unlawful exclusion from school.
 - Some educational provision was not properly monitored.
 - Some out of school pupils were not receiving education appropriate to their individual needs, age or stage.
 - There was variation between authorities in the quality of the curriculum and behaviour management approaches in out of school educational provision.
 - Concern over the lack of reintegration back into schools after exclusion and from education outside mainstream schools.

The specific objectives of the research were to:

- 1.3 Assess the effectiveness of the exclusion process in terms of the extent to which Guidance on Exclusion from Schools and Pupil Referral Units (Welsh Assembly Government, 2004) is consistently applied across schools and local authorities and results in equality of outcomes for children and young people.
- 1.4 Assess the effectiveness of the delivery, planning and commissioning of education for children and young people educated outside of the school setting in terms of the effectiveness of practices and processes in achieving:
 - Equitable outcomes for children and young people - provision of education for children and young people which is based on need and facilitates their reintegration into mainstream education or training.
 - Legislative requirements – consistency in quantity and quality of education within statutory timeframes.
 - Value for money – providing education for children and young people which is both equitable and economical.

In terms of the exclusion process, these questions in the research specification focused on the extent to which:

- i. The reasons given by schools to exclude young people are consistent with Welsh Government guidance.
- ii. Schools' Pupil Discipline and Exclusion Committees and local authority run Independent Appeal Panels consistently adhere to the practices and processes set out in Welsh Government guidance.
- iii. Decisions made by Discipline Committees and Independent Appeal Panels consistently result in equitable outcomes for young people across schools and local authorities.

In terms of the delivery, planning and commissioning of provision for young people educated outside the school, the focus was on:

- i. The extent to which the quantity of education for children and young people educated outside of the school setting was consistent across local authorities. That is:
 - To what extent is there variation in the degree to which full-time education outside of the school setting is provided for young people across local authorities within statutory timeframes. Which children and young people, in what settings, are provided with full-time education, which are not?
 - Where local authorities are fulfilling the requirements, what factors enable them to do this?
 - Where local authorities are not fulfilling the current requirements, what factors prevent them from doing this.
- ii. To what extent is there variation in the quality of education outside of the school setting provided across local authorities? That is, education which is based on the needs and capabilities of individual pupils and provides them with the highest level of basic skills and qualifications possible.
- iii. How effective are local authorities in reintegrating children and young people back into mainstream education and training?
 - What practices are effective for which children and young people, in what settings?
 - Where local authorities have a high reintegration rate, what factors facilitate this? What factors act as barriers to reintegration?
 - Would it be feasible, and effective, for local authorities not achieving high reintegration rates to adopt approaches used in more successful local authorities?
- iv. To what extent is partnership working taking place in the delivery, planning and commissioning of education provision for children and

young people educated outside the school setting? This will include an assessment of:

- What approaches/models have been adopted across local authorities? Which partners are included?
 - The effectiveness of models of partnership working in terms of:
 - Delivering full-time education within the statutory timeframe.
 - Facilitating early intervention.
 - Delivering education which is of a high quality – is based on need, facilitates reintegration of children and young people into mainstream education and has equitable outcomes.
 - What factors facilitate effective partnership working across local authorities, what factors act as barriers?
 - How can effective partnership working be encouraged and implemented across Welsh local authorities.
- v. To what extent do local authorities pool resources across agencies/ service providers when commissioning education provision for children and young people educated outside of the school setting:
- What approaches/ models have been adopted across local authorities? Which agencies/ services are involved?
 - How effective are models of joint commissioning in terms of delivering cost-effective full-time education within the statutory timeframe?
 - What factors facilitate effective joint commissioning, what factors act as barriers?
 - How can effective joint commissioning be encouraged and implemented across Welsh local authorities?
- vi. To what extent is there variation across local authorities in the costs of provision for children and young people educated outside of the school setting? This will include an assessment of:
- The costs of existing models of education provision adopted by local authorities.
 - Factors which impact on the cost of education provision – for example, quantity and quality of provision, partnership working,

joint commissioning, socio-economic context, geographic location .

- Costs associated with providing education for children outside of the school setting if the current requirement is reduced to 10 days.

Finally, the research team was asked to make recommendations on:

- Whether establishing a National Independent Appeal Panel to replace those currently run by local authorities would improve the equity of outcomes for children and young people.
- How feasible it would be to reduce the statutory requirement for local authorities to provide full-time education for children and young people outside of the school setting from 15 days to 10 days.
- How inequalities in both the quality and quantity of education provision for children and young people could be reduced.
- How improvements can be achieved in the reintegration rates of EOTAS pupils back into mainstream education and training.
- How the planning and commissioning of alternative provision could be improved to increase benefits for the local authorities and individual pupils.
- How partnership working across agencies and services working with young people can be encouraged and implemented.
- How local authorities can work collaboratively, particularly in established consortia, to improve the quality and cost-effectiveness of EOTAS.
- The cost implications for the various forms of provisions and how provision can be made in the most cost-effective manner.

The structure of the report

1.5 The report of the research is structured as follows:

Introduction sets out the key aims and objectives of the research and describes the areas on which policy recommendations were considered; section two outlines the research design and

methods used; section three sets these aims and objectives within the context of policy and practice on exclusion in Wales and beyond; section four examines the findings on questions related to exclusion from school; section five examines the findings on questions related to education provision for children and young people educated outside the school setting; and section six summarises the conclusions from these findings and offers recommendations based on these conclusions.

2 Research Design and Methods

- 2.1 The research draws on both quantitative and qualitative data to answer the research questions and to make recommendations relating to the process of school exclusion and the provision of education for children and young people educated outside of the school setting in Wales.
- 2.2 In the light of concern about exclusion from school noted earlier, it was of obvious importance to collect robust evidence of the nature and extent of exclusion from school and provision for those educated outside the school setting, so that a clear and reliable picture could be established and recommendations made for future policy development.
- 2.3 Understanding and assessing exclusion from school and education provision outside school is never straightforward. Teachers and other professionals vary in what they see as disruptive behaviour depending, for example, on the age, stage, ethnicity and gender of pupils, the nature of the lesson and the time of day or year and levels of confidence and support. (See e.g. Francis and Mills 2012, Riddell and McCluskey, 2012, Munn et al., 2009, Cox, 2000). Similarly, responses to disruptive behaviour will differ according to the pupils or class concerned, the type of behaviour encountered and its frequency, the attitudes of senior management and the general ethos of the school (e.g. Munn, Lloyd and Cullen, 2000).
- 2.4 It was therefore important to develop a research design which combined qualitative and quantitative analysis. The research combined an analysis of national trends and patterns as revealed by national and local authority statistics, whilst also providing an informed understanding of those trends and patterns from the

perspectives of key stakeholders within the relevant policy fields. These statistical and key stakeholder overviews were complemented by interviews with local authority staff and direct contact with children, young people and their families. Reliability was achieved through these multiple sources of evidence and the overlapping foci of the different instruments of data collection (Cohen, Manion and Morrison, 2007).

Methods

2.5 There were four main strands within the research:

- Statistical and policy analysis.
- Telephone surveys/interviews with key stakeholders.
- Survey of local authority representatives.
- Interviews with young people, their families and a range of professionals working in education provision outside the school setting.

Policy and statistical analysis

2.6 Policy documents relevant to the process of exclusion and educational provision outside the school setting in Wales were analysed. These are listed in the bibliography. The statistical analysis examined publicly available national data on additional learning needs, exclusions, provision made for pupils on the 16th day after exclusions and EOTAS, drawing on the Pupil Level Annual School Census (PLASC), and, in some authorities, on detailed local data on exclusion and EOTAS.

Interviews with key stakeholders

2.7 To provide context and an indication of current issues, face-to-face individual interviews took place with 16 key stakeholders with

a national and/or specific and relevant perspective, including, for example, Estyn, Welsh Government, Barnardo's and Snap Cymru. The interviews focused on questions related to policy development, the exclusion process and the commissioning of alternative education provision.

- 2.8 These key stakeholders were also asked to identify examples of good or improving practice in EOTAS provision, based on their expertise and professional experience. These examples of practice were not required to be 'perfect' in their entirety. Most were suggested because they had achieved important successes, often noted in positive Estyn inspection reports, e.g. in providing access to a full curriculum or multi-agency working or processes of reintegration. More detail on this aspect of the research is given below.

Survey of local authority representatives

- 2.9 A telephone survey was conducted with 26 representatives from 21 of the 22 local authorities¹. The survey questions were sent out in advance by email to the officer with responsibility for exclusion and alternative provision in each local authority. This gave respondents the opportunity to consider the scope of the questions and allowed time for them to discuss any possible issues with colleagues. A suitable time was then arranged for the telephone interview. As expected, roles and responsibilities differed across local authorities and this strand of the research often involved repeated contacts and occasionally involved two separate interviews. Face-to-face interviews were conducted with nine local authority respondents in order to explore some issues in greater depth.

¹ The representative from one local authority did not respond to requests to participate

- 2.10 In terms of the exclusion process, these interviews specifically addressed the following issues:
- The extent to which decisions made by schools' Discipline Committees result in equitable outcomes for young people across schools.
 - The extent to which Independent Appeal Panels consistently adhere to the practices and processes set out in Welsh Government guidance.
 - Reasons given for exclusions and variation between schools.
 - Views on unlawful exclusions.
 - Views on the creation of a National Independent Appeal Panel.
 - The role of the local authority in relation to school exclusion and strategies to reduce it.

2.11 During these interviews, local authority professional staff were asked to provide documentation on local policy initiatives and priorities, any locally gathered statistics and data management systems as well as details on costs associated with exclusion and education provision outside the school setting. Some authorities, but not all, were clearly very well organised and able to provide extensive documentation for analysis by the research team. Information gathered and analysed from these sources is referred to throughout sections four and five: the findings chapters. One example of a very well developed local authority template, which shows tracking and monitoring of exclusion, is provided in the appendix.

- 2.12 In terms of the delivery, planning and commissioning of education for children and young people outside the school setting, these interviews specifically addressed:
- Costs of provision
 - Models and approaches adopted

- The extent to which local authorities are fulfilling their current requirements and the reasons for success where applicable
- The extent to which local authorities pool resources across agencies/service providers and barriers to doing so
- Variability in the quality of alternative education provided across local authority areas
- Rates of success and reasons for that success with regard to reintegration into mainstream education and/or training
- The extent and effectiveness of partnership working
- Factors which impact on multi-agency working.

Interviews with children, young people, their families and professionals

2.13 The research team visited eight examples of education provision outside the school setting, with further telephone interviews with families in one other local authority. In addition, interviews and visits were undertaken to examine the current role of youth offending services in relation to education. This study was not of a single provision but involved three face to face and two phone interviews as well as email correspondence with seven professional participants from youth justice, including three Youth Offending service managers.

2.14 The research team consulted with key stakeholders as outlined above to identify a range of settings where aspects of good practice were developing well and showing signs of promise, as well as those where good practice and policy had been implemented and sustained for longer. The research team then selected those settings where focus groups and interviews could appropriately take place to gather the views of children, young people and their families or carers, and those professionals working directly with them. In one of these, the setting was in the process of major transition. While it was clearly facing some key

challenges, we were also able to identify some strengths. In making decisions about direct contact with children and their families, the research team was mindful of the need to be sensitive to current circumstances and on-going issues for families (Alderson and Morrow 2011, Lindsay, 2000).

- 2.15 The interviews gathered a range of views in settings considered to have good and/or promising practice in offering education of high quality as described above. The settings selected aimed to reflect the geographical and social diversity of such provision in Wales and also to allow an examination of key issues identified in previous research (e.g. Pirrie et al., 2009) and reports (e.g. Taylor, 2012) in this area.
- 2.16 Fifteen parents/grandparents were interviewed, twelve face-to-face and three by telephone. In addition one parent who was unable to meet the research team wrote a letter to express her very positive views about the provision for her child. We interviewed 48 children and young people individually, in pairs or in small groups. Information on the different settings is given in the table below.

Table 1: Interviews with children, families and professionals in EOTAS

EOTAS	Pseudonym	Provision	Number of pupils	Age range	Focus
1	Carn Menyn	14-19 Network	80-100	14-17 years	Individualised education packages aiming to re-engage young people in education and training
2	Cadair Idris	Pupil referral unit	48	Primary	Reintegration into mainstream where possible
3	Yr Wyddfa	Pupil referral unit	66 in 2011/12 in 6/7week blocks	KS3/4	Planned 'rapid' reintegration to mainstream school
4	Carnedd	Pupil referral unit	Up to 85 in different centres	KS3/4	Varies according to identified needs, reintegration aimed for
5	Cwm silyn	Pupil referral unit	30	KS4	Preparation for college and/or work
6	Hirnant	Charity run Education centres	up to 75 in 7 different centres	KS3/4	Individualised learning through charity's curriculum; personal and social support for young people / families
7	Cwm Coch	Pupil referral unit	34	KS4	Offers opportunities to gain qualifications for young people unlikely to return to mainstream
8	Pen y fan	Individual educational pathways	up to 110	KS3/4	Academic & workplace learning, and personal support for disengaged or excluded pupils.

2.17 So the interviews gathered information about experiences of:

- Pupil referral units
- 14-19 provision including college attendance.
- Provision that included work experience.
- Provision that included home tuition.
- Provision involving the youth service.
- Voluntary sector provision.
- Support delivered by the Youth Offending Service.

2.18 Several of the settings provided a combination of the above.

Home tuition, although not looked at as an individual case study, was part of several types of EOTAS provision studied and an interview was conducted with a local authority home tuition manager in one setting.

2.19 Interviews took place with a range of service users and practitioners including children and young people, their parents/carers, education practitioners and other professionals such as educational psychologists, social services staff, youth offending team members and voluntary sector practitioners.

Questions for children, young people and families focused on:

- Their direct experience of the exclusion process.
- Their experience of education outside the school setting.
- The curriculum.
- Discipline and sanctions used.
- Their views of the support offered.
- Opportunities for expressing their opinions.
- The availability of advocacy services.

2.20 One important aim of this aspect of the research was to consider how the settings identified as examples of 'good practice' were experienced by the young people and their families. We therefore asked young people and their families for their perceptions of effective process and provision. These interviews were conducted informally, drawing on a topic guide used flexibly to encourage the flow of conversation and to enable participants to initiate discussion of areas of concern to them. Interviews were recorded with the consent of those taking part and guarantees of anonymity were made.

2.21 Consideration was given throughout to whether it would be feasible and effective for approaches used in one setting to be adopted in another setting.

Participants in the research

2.22 Overall, 156 people were involved in the formal interviews in this project. The detail on this is outlined below.

Table 2: Participants in the research

Participants in the Research	
Key stakeholders	16
Local authority personnel	26
Children and young people	48
Parents/carers	15
Professionals working with children and young people	51
Total	156

2.23 Interviews and focus groups with key stakeholders, local authority staff and with young people educated outside the school setting were digitally-recorded (except for a very small number where those interviewed preferred not to be recorded) and extensive notes were taken.

2.24 The research team mainly worked in pairs to facilitate all direct contact with children and their families/carers. The qualitative data were analysed by summarising key themes from each visit. The researchers visiting particular educational settings then wrote up a report based on these themes. Researchers varied across the eight EOTAS settings and the youth justice interviews so that different people were involved in writing each report. These were aide memoirs backed by extensive notes and recordings where details could be checked as need be. The main advantage of this approach is that it generates rich qualitative data that provides insight into the lives of a small number of children and young people who have been excluded from school and/or are educated outside the school setting. Caution should always be taken in generalizing from a small sample such as this, but the reflections of families summarized in the report, nonetheless offer a very helpful 'snapshot' of personal experience of policy and practice in this area as well as a useful set of reflections on the views of other research participations.

2.25 The local authority and key stakeholder interviews were likewise analysed to identify key themes and to identify similarities and differences. These were shared amongst the team to check for accuracy. The picture provided by the local authority interviews reveals patterns of perceptions which suggest some commonality of view. The stakeholder views were more diverse at times but also revealed many shared concerns. The picture gained from this qualitative data complements the review of administrative statistical data to provide a robust overall analysis of the current situation in Wales.

3 The Welsh Context

Introduction

- 3.1 In this section, we first provide an overview of the policy context in Wales, and recent key reviews and reports. The section then moves on to examine policy on inclusion and exclusion, equality issues and children's rights. From there, it looks in more detail at Welsh Government policy on the use of exclusion and EOTAS provision. Finally, it sets out the key issues that have emerged from findings of recent reports and reviews and which form the basis of the current research.
- 3.2 Exclusion from school is likely to have a detrimental impact on a child's life chances, dislocating them from their peer group, depriving them of access to the mainstream curriculum and exposing them to serious risks of under-achievement, long term unemployment and poverty (McAra and McVie, 2010; The Prince's Trust, 2007; Parsons, et al., 2001). The practice of exclusion from school is a phenomenon in the UK and other English speaking countries, such as the USA, Australia and New Zealand. It is not used widely in continental Europe (Office of the Children's Commissioner, 2012) and when used is mainly for what are thought to be serious permanent issues. It is not common in Europe for students to be sent home regularly or frequently for short periods of time.

The policy context in Wales

- 3.3 The Welsh Government has a strong commitment to the principles of social justice, sustainability and inclusivity, and to tackling the root causes of social and economic disadvantage. There is a strong policy direction within education that emphasises social inclusion and an equally strong emphasis on

the need to raise educational achievement and attainment for all children and young people in Wales (Andrews, 2011).

- 3.4 This research builds on, and responds to, a number of key recent reviews and reports from the Welsh Government, Estyn and voluntary bodies (WAG, 2008; Estyn, 2011; Estyn, 2012; Butler, 2011) as noted earlier. The research also drew on policy and research from England and Scotland.
- 3.5 The National Behaviour and Attendance Review (Welsh Assembly Government, 2008) was established to explore alternative approaches for promoting good behaviour and tackling poor behaviour in schools. The review found an uneven pattern of school exclusion both across local authorities and between different schools. It also found major differences across local authorities in provision for children educated outside the mainstream. The authors accepted the need for exclusion in exceptional circumstances but felt that this sanction was used too frequently. The report made a number of recommendations intended to reduce the scale of exclusion, ensure greater fairness in the process and also ensure the quality of education provided outside the school setting (EOTAS). In brief, the key recommendations relevant here address the need to:
- Promote early intervention with pupils who need help with their attendance or behaviour.
 - Ensure schools and local authorities follow national legislation and official guidance on exclusion.
 - Provide access to advocacy support for pupils and their families, for those at risk of exclusion or who have been excluded from school.
 - Put in place a national point of appeal following the independent appeal panel.
 - Introduce guidance on the use of managed moves and transfers

- Ensure that Welsh Government works closely with local authorities and high excluding schools.
 - Ensure Welsh Government revises its guidance for schools on physical intervention and the use of restraint.
 - Establish behaviour support teams in all local authorities.
- 3.6 The subsequent Review of Education Otherwise Than at School and Action Plan (2011) also emphasised the importance of local authorities, schools and their partners adopting preventative strategies to reduce the number of children and young people requiring EOTAS provision, by ensuring that additional support needs are recognised as early as possible and suitable support is put in place to avoid exclusion (Welsh Assembly Government, 2011a, p. 2). Recommendations focussed on better communication and staff development, revised funding arrangements, management and organisation of EOTAS, standards and commissioning of EOTAS.
- 3.7 Recent Estyn reports have emphasised issues relating to safeguarding, child protection, behaviour management, and use of physical restraint (Estyn, 2011; 2012).
- 3.8 All these reports, which form an important part of the wider context for the current study, highlighted a number of weaknesses in the system including the excessive use of punitive rather than preventative approaches. Critical issues included the over-representation of some minority and marginalised groups in the national statistics on exclusion; evidence of unlawful exclusion; and concerns about the quality of education out of school in terms of referral, curriculum, behaviour management and reintegration.
- 3.9 The problems created by the use of disciplinary exclusion have also been identified in other parts of the UK (Parsons, 2009) and

Scotland (McCluskey, 2008; Munn and Lloyd, 2005). Its disproportionate use in relation to particular social groups has also been noted:

Disciplinary exclusion is disproportionately experienced by boys, those aged 14-15, and those who are already suffering from the disadvantage of poverty, having special educational needs or being 'looked after' by the local authority. Thus, the chances of experiencing disciplinary exclusion from school are not equally distributed across the school population. This sense of being singled out, of the unfairness of exclusion, is a common theme in pupils' views (Munn and Lloyd 2005, p. 205).

- 3.10 The relationship between school exclusion and poverty is a particular issue for Wales, which has the highest proportion of children in the UK living in severe poverty (National Assembly for Wales, 2011).
- 3.11 Concerns about exclusion are also part of wider current debate about attainment and achievement in Wales. As noted above, pupils excluded from school are already more likely to be disadvantaged and the experience of exclusion further reduces their life chances. Additional learning needs may be further compounded by missing significant periods of education through exclusion. Official statistics across the UK show that the achievement levels of excluded pupils are much lower than those of other pupils, and that they are more likely to be involved in the criminal justice system both as victims and offenders. They are less likely to go on to further or higher education and more likely to have poor or irregular employment as adults (McAra and McVie, 2010).
- 3.12 The Welsh Minister for Education recently emphasised the need for a renewed focus within education that seeks to improve

outcomes for all children in maths, reading and science, following the publication of PISA test scores in 2009, which showed that Wales had poorer results than England, Scotland and Northern Ireland (Andrews, 2011). Results for Wales were also below the OECD average in reading and maths. Improving the attainment of children from poorer backgrounds, who are more likely to be excluded from school, was identified as a necessary measure to improve results overall.

- 3.13 The issue of educational underachievement is equally significant for pupils in education provision outside the school setting. Recent attempts to improve alternative provision in England (Taylor, 2012) have also drawn attention to the poor academic outcomes of pupils educated outside mainstream schools who are particularly likely to have been identified as having special educational needs. Taylor suggested that children living in rural areas might be particularly at risk of under-achievement, due to a shortage of appropriate alternatives to mainstream schooling. These issues are all important considerations in Wales.

Inclusion and Exclusion

- 3.14 Inclusion and Pupil Support (WAG, 2006) underlines the importance of adapting the child's learning environment to meet their needs, rather than expecting all children to fit into a rigid and uniform system. This circular states:

Inclusion of pupils involves much more than the placement of a child or young person in a mainstream or a special school. It requires an inclusive curriculum and measures to improve the awareness of teaching and other staff of inclusive learning and equality issues (WAG, 2006, para 2.1, p. 2).

- 3.15 The need for close interaction between learning and behaviour support policies is emphasised, and it is stated that a school's

behaviour and attendance policy should be seen as an integral part of its curriculum. Challenging Pupils: Enabling Access Meeting the Needs of Pupils with Emotional and Behavioural Difficulties (QCAA Wales, 2000) accepts that occasionally it may be necessary to remove a child with behavioural difficulties from a mainstream class for a cooling down period. The publication states:

Pupils with EBD need access to the same broad and balanced curriculum as all pupils. There is a danger that a 'cut-down' curriculum will be perceived as a 'low status' curriculum, by both the pupils who are taught it and their peers who are not. There is a need to constantly monitor the curriculum that individuals and groups of pupils receive, especially when alternative curricula are devised. (QCAAW, 2000, p.11)

Exclusion and equality

- 3.16 The Welsh Government has fully adopted the United Nations Convention on the Rights of the Child (UNCRC, 1989) and its emphasis on equality of opportunity and the right of children and young people to receive high quality education, no matter where that education may be offered. This convention stipulates that the rights of the individual child must be safeguarded at all times, that children must be involved in all decisions about their lives and that adults must protect the rights of children where they are unable to do so on their own behalf. Again, this is a pertinent issue in relation to school exclusion, reintegration and placement in EOTAS, where children and young people are often particularly vulnerable.
- 3.17 The report How Fair is Wales? (EHRC, 2011) argues that intersectional analysis is essential in order to understand the complexity of inequalities, so that, for example, the socio-economic dimensions of disability and gender should be

investigated, rather than considering these as binary categories. Such analysis is clearly important in relation to school exclusion where some groups of children and young people are over-represented nationally.

- 3.18 The Equality Act 2010 does not prohibit schools from excluding pupils with 'protected characteristics' (for example disability, race and sexual orientation, as specified in the Act), but does prohibit schools from excluding pupils because of their protected characteristics. Under the legislation, discrimination occurs when a person treats one person less favourably than they would another because of a protected characteristic. Disability discrimination can be direct or indirect, for example because of failure to make reasonable adjustments or because of less favourable treatment of someone with a disability. This implies that school behaviour policy cannot be applied in exactly the same way to a disabled and non-disabled person. If a disabled child behaves in a disruptive way as a result of their disability (for example, a child with a diagnosis of autism, making noises in class), then the school would need to be able to demonstrate that it had taken every possible course of action to make reasonable adjustments.

Exclusion and children's rights

- 3.19 Welsh policy on inclusion and pupil support is underpinned by the principles of the UNCRC (1989). In 2012, the Children's Commissioner for England published the findings of an inquiry into school exclusions (Office of the Children's Commissioner, 2012). In its statement of key principles, the report notes that in upholding the rights of children, it might on occasion be necessary to balance the rights of the child at risk of exclusion with those of other children in the school and the wider community. Overall, the Inquiry reported that there were many areas of tensions between the current practice of exclusion and the principles of

equality, human rights and natural justice. The report focused on the situation in England, where the Education Act 2011 has reduced parents' and children's rights of appeal, but many of its findings are equally relevant to Wales.

Welsh Government policy on the use of exclusion

General principles

3.20 The Welsh Government published new guidance on exclusion from schools and pupil referral units in October 2012 (Welsh Government, 2012a), replacing guidance published in 2004 (revised 2006). We refer here to this new guidance, which revised and clarified aspects of the previous guidance, while maintaining a similar overall approach. The most recent advice emphasises that the school's general approach should be in line with the specific duties set out in the Equality Act 2010 and the UNCRC (1989) and that policy and practice on exclusions should promote the wellbeing of pupils, advance equality of opportunity, and tackle inequalities and discrimination.

Permanent exclusions

3.21 Permanent exclusion should only happen as a final step in the process of dealing with disciplinary problems following a wide range of other strategies that have been tried without success. In exceptional circumstances, a pupil may be permanently excluded for serious offences such as serious actual or threatened violence against another pupil or member of staff; sexual abuse or assault, supplying an illegal drug, or use or threatened use of an offensive weapon. The new guidance on exclusion (Welsh Government, 2012a) states that other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements of SEN. They should also make every effort to avoid excluding pupils who are being supported at School Action or School Action Plus.

Fixed term exclusions

3.22 The regulations allow head teachers to exclude a pupil for one or more fixed terms not exceeding 45 school days in any one school year. The guidance emphasises that if exclusion is to be used, a child or young person should be excluded for the shortest period possible on the grounds that:

one to three days is often long enough to secure the benefits of exclusion without adverse educational consequences. (Welsh Government, 2012a, p. 13).

3.23 The guidance specifies that exclusion should not be used as punishment for poor academic performance; breaches of school uniform code; lateness or truancy; or punishing children for the behaviour of their parents or carers such as failure to attend a meeting.

Unlawful exclusions

3.24 The guidance published by the Welsh Government states clearly that unlawful exclusions, more commonly referred to as informal or illegal exclusions, are unlawful regardless of whether they are done with the agreement of parents or carers. If a pupil is sent home, even for a short period of time, this must be formally recorded as an exclusion.

3.25 A number of recent studies in Wales and in various parts of the UK have highlighted the practice of unlawful exclusions, whereby a child is encouraged to stay at home in the guise of 'extended study time', a 'cooling off period', or, in the case of pregnant teenagers, for 'health and safety' reasons (Evans, 2010; Butler, 2011). Riddell et al. (2010) noted the use of unlawful exclusions in relation to pupils with additional support needs, particularly children with a diagnosis of autistic spectrum disorder and behavioural difficulties.

The provision of education during exclusion

- 3.26 The guidance underlines the school's obligation to provide education as long as the pupil is on the roll. Head teachers must arrange for work to be set and marked as soon as the pupil has been excluded, and parents or carers should arrange for the work to be collected and returned to the school. Clearly, these arrangements may be problematic since, particularly for pupils with additional learning needs, who make up a high proportion of excluded pupils, working independently is likely to pose major problems. Many parents and carers of excluded children may find it difficult to collect and return homework.
- 3.27 The guidance acknowledges the danger of depriving vulnerable children of education, noting that:

The Welsh Government expects LAs and schools to work towards ensuring all pupils excluded for more than three weeks receive full-time and appropriate education' (Welsh Government, 2012a, p. 14-15).

Exclusions and appeal

- 3.28 Excluded pupils and their parents have access to various means of appeal if they wish to challenge the school's decision to exclude. All excluded pupils aged 11 and above have the right to be notified formally of their exclusion and to appeal exclusion of more than five days. As explained below, there may be issues in exercising these rights within a system which is complicated and which may offer limited advice, guidance and support to individuals, some of whom may be socially marginalised.
- 3.29 It is mandatory for every school to have a discipline committee made up of three to five governors and a clerk to carry out the necessary administrative arrangements. Neither a local authority

officer nor the school head teacher may be part of the committee, although LA officers may attend and the head teacher will be invited to give their views. Within one school day of a permanent exclusion or an exclusion of more than five full days, the head teacher must inform the school discipline committee and provide a report. (In the case of exclusion from a Pupil Referral Unit, the local authority must scrutinise the exclusion process and may require reinstatement).

- 3.30 The discipline committee is required to meet quickly to consider the case, and has the power to confirm the exclusion or to require reinstatement. At the meeting, the views of the parents, pupil and head teacher should be taken into account. The parent is entitled to have lay or legal representation and advocacy services must be made available to both the parent and the pupil. The outcome of the meeting should then be conveyed to all parties in writing. If the discipline committee endorses a head teacher's decision to exclude for more than 15 days, it should be satisfied that the pupil has the opportunity to continue with their education while they are away from school. The 2012 Welsh Government guidance also emphasises the importance of training for members of the pupil discipline committee.
- 3.31 In the case of a permanent exclusion, a parent/carer, or child over the age of 11, has the right to appeal to an Independent appeal panel whose members are appointed by the local authority. This panel is composed of a layperson who chairs the hearing, an education practitioner and a school governor. The appeal panel must consider the case no later than the fifteenth school day after which the appeal was lodged, although cases may be adjourned. Having considered written and oral evidence from the various parties, the appeal panel may decide to reinstate the pupil or uphold the head teacher's decision to permanently exclude. It should be noted that questions have been raised about the

independence of such appeals panels by the Administrative Justice and Tribunals Council, and it has been suggested (WAG, 2008) that an over-arching national body should take responsibility for all appeals against permanent exclusion.

- 3.32 Further remedies exist following an unsuccessful appeal to an independent appeal panel, including (i) a complaint to the Public Services Ombudsman for Wales; (ii) a complaint to the Welsh Ministers and (iii) judicial review. It should also be noted that appeals on fixed term exclusions involving disabled children, who make up a significant proportion of excluded children, may be made to the Special Educational Needs Tribunal for Wales. Appeals against permanent exclusion where disability discrimination is alleged to have taken place, will be heard by the independent appeal panel.
- 3.33 Advocacy is recommended by Welsh Government (Welsh Government, 2012a) for parents and children who wish to appeal against exclusion, but a report by the Children's Commissioner for Wales in 2012 (Children's Commissioner for Wales, 2012) indicated that there were major problems for children in accessing advocacy services. This report noted that most vulnerable children and young people, including those looked after by the local authority, those leaving care and those identified as being in need, were unaware of their entitlement to advocacy services or how to access them. Parents of children with special educational needs are entitled to receive information, advice and support from Parent Partnership Services (SNAP Cymru).

Managed moves

- 3.34 A guidance document on managed moves, *Effective Managed Moves: a Fresh Start at School for Children and Young People* (Information document No: 096/2011) was published in February

2011 (Welsh Assembly Government, 2011b). A managed move is defined as:

a carefully planned transfer of a pupil from one school into another', enabling a child or young person to move on to a new placement or programme in a way which is acceptable to all parties, especially the pupil. A managed move is seen as much more likely to ensure that the rights and dignity of the child are not infringed, in line with the UNCRC. The guidance sets out the broad principles and procedures to be followed in the arrangement of a managed move.

Rates of exclusion

3.35 In relation to the rest of Britain, Wales has a higher rate of permanent exclusion than Scotland but lower than England. The relationship is reversed for fixed term exclusions as Scotland has the highest rate and England the lowest. In Wales, the rate of permanent exclusions and fixed term exclusions lasting for six days or more has been declining over time, but the rate of shorter fixed term exclusions has been increasing. In addition, the figures indicate considerable variation between local authorities. This is discussed further in Section Four.

Education Other than at School: the context

3.36 The National Behaviour and Attendance (NBAR) Review (Welsh Assembly Government, 2008) included a range of critical comments and recommendations with respect to education provision outside the school setting. The Welsh Government has already responded positively to many of the key recommendations of this report. In addition, the need to gather more information on numbers of young people in education provision outside the school setting has been addressed through establishing the EOTAS Pupil Level Annual School Census (PLASC).

3.37 The NBAR made a number of critical points with particular reference to EOTAS:

- There are a number of pupils who are out of school for a variety of reasons, whose educational provision is not being properly monitored and who are not receiving an appropriate education.
- Although some excellent alternative curriculum and provision exists, this too, tends to vary from authority to authority. In some parts of Wales, there are presently too few, if any, places available.
- There was concern about current arrangements for funding of PRUS, and about strategies for behaviour management, attendance and achievement.
- Pupils' and young people's opinions could be utilised to greater effect in helping our understanding of behaviour and attendance. Children and young people could also be much better involved in influencing their learning environment.
- The report recommended giving parents and pupils the opportunity to access an advocacy support service similar to that provided to those with SEN in the event of permanent exclusion or where there is a threat of permanent exclusion.
- The report raised the possibility of an additional national point of appeal beyond the independent appeal panel. This national panel would be overseen by the Welsh Government to test whether this brings greater objectivity in a more neutral setting.

3.38 As noted earlier, the NBAR report was followed by the Welsh Government's Review of Education Otherwise than at School and Action Plan (WAG, 2011a). This review sets out 17 action points to both improve the quality of educational provision in EOTAS and the scrutiny of that provision.

3.39 Some critical observations were also recently made about some pupil referral units (PRUs) in a survey of the arrangements for the pupils' wellbeing and behaviour management in referral units

(Estyn, 2012). This reported a survey of seven PRUs across Wales undertaken by Estyn and Care and Social Services Inspectors during the autumn term of 2011 (Estyn, 2012). The inspection team evaluated the work of the local authorities and their PRUs in light of the Welsh government's guidance about safe and effective intervention with behaviour (WAG, 2010). Estyn reported that, while pupils valued their overall experience in the PRUs, was highly critical of the use of restrictive physical intervention and restraint by staff. The report was also critical of local authority arrangements for the line management and governance of PRUs, arguing also that reporting arrangements did not focus enough on the wellbeing of pupils and on helping PRUs to evaluate their strategies for supporting pupils with challenging behaviour. The report makes some very clear recommendations for improved practice.

3.40 Recent Estyn inspection reports of a number of PRUs in 2012, identified strengths in relationships but failures in breadth of curriculum and level of expectation of academic achievement. In England, some similar criticisms were made in the report of a survey of Alternative Provision conducted by Ofsted (2011). This also found that:

‘the quality of the alternative provision being used was variable. There were examples of students being taught in poor-quality accommodation’ (Ofsted 2011, p. 3).

This was followed by a report by Taylor, Improving Alternative Provision (2012), that recognised the high quality of work in the best examples of alternative provision in England but was highly critical of much practice. He argued that:

‘It is important to note that many children who are referred to PRUs and AP come from the most deprived backgrounds. They often

come from chaotic homes in which problems such as drinking, drug taking, mental health issues, domestic violence and family breakdown are common. These children are often stuck in complex patterns of negative, self-destructive behaviour and helping them is not easy or formulaic. Many also have developed mental health issues. To break down these patterns they need the time, effort, commitment and expertise of dedicated professionals working in well-organised, well-resourced and responsive systems' (Taylor, 2012, Introduction).

- 3.41 This report also pointed out that children in this kind of provision were likely to be poor, to have special educational needs, to have had poor school attendance and to be offenders.

Conclusion

- 3.42 Policy and practice on exclusions and EOTAS in Wales is focused on ways to improve:

'the wellbeing of pupils, advance equality of opportunity between pupils, and tackle inequalities and discrimination' (Welsh Government, 2012a, p. 7).

The Welsh Government and local authorities have begun to address many of the issues and recommendations from the series of research and policy reports discussed in this section. These reports clearly identify a range of successful initiatives and approaches; acknowledging good practice in many settings across Wales.

- 3.43 However a number of key issues remain and are discussed further in the findings sections that follow. These issues include:
- Disproportionately high levels of exclusion among certain groups of pupils.

- Variation in rates of exclusion both across local authorities and between different schools.
- Unlawful school exclusion.
- Issues about appeal processes.
- Access to advocacy and support.
- Concerns about the quantity and quality of education offered to excluded pupils.
- Low levels of reintegration from exclusion and from EOTAS.
- Wide variation in provision and character of EOTAS.
- Lack of monitoring of quality and outcomes in EOTAS.
- Confusion about funding mechanisms for placement in EOTAS.
- Criticism of curricula in EOTAS.
- Use of restraint and restrictive physical intervention in EOTAS.
- Leadership and governance of PRUs.

4 Findings: Exclusion from School in Wales

- 4.1 This section discusses findings on national and local policy and practice on school exclusion in Wales. The particular research objective examined in this section is:
- To assess the effectiveness of the exclusion process in terms of the extent to which Exclusion from Schools and Referral Units (2006) is consistently applied across schools and local authorities and results in equality of outcomes for children and young people.
- 4.2 The section begins by examining findings from an analysis of national statistics on school exclusion. More detailed statistical data supporting this section can be found in Welsh Government (2013) Exclusions from Schools in Wales, 2011/12. This section then looks at the effectiveness of the exclusion process in terms of the consistency of application of the guidance on exclusion across Wales. This is followed by an account of work now being undertaken by Welsh Government and local authorities to address inconsistency, improve policy and practice and ensure equitable outcomes for pupils at risk of exclusion.

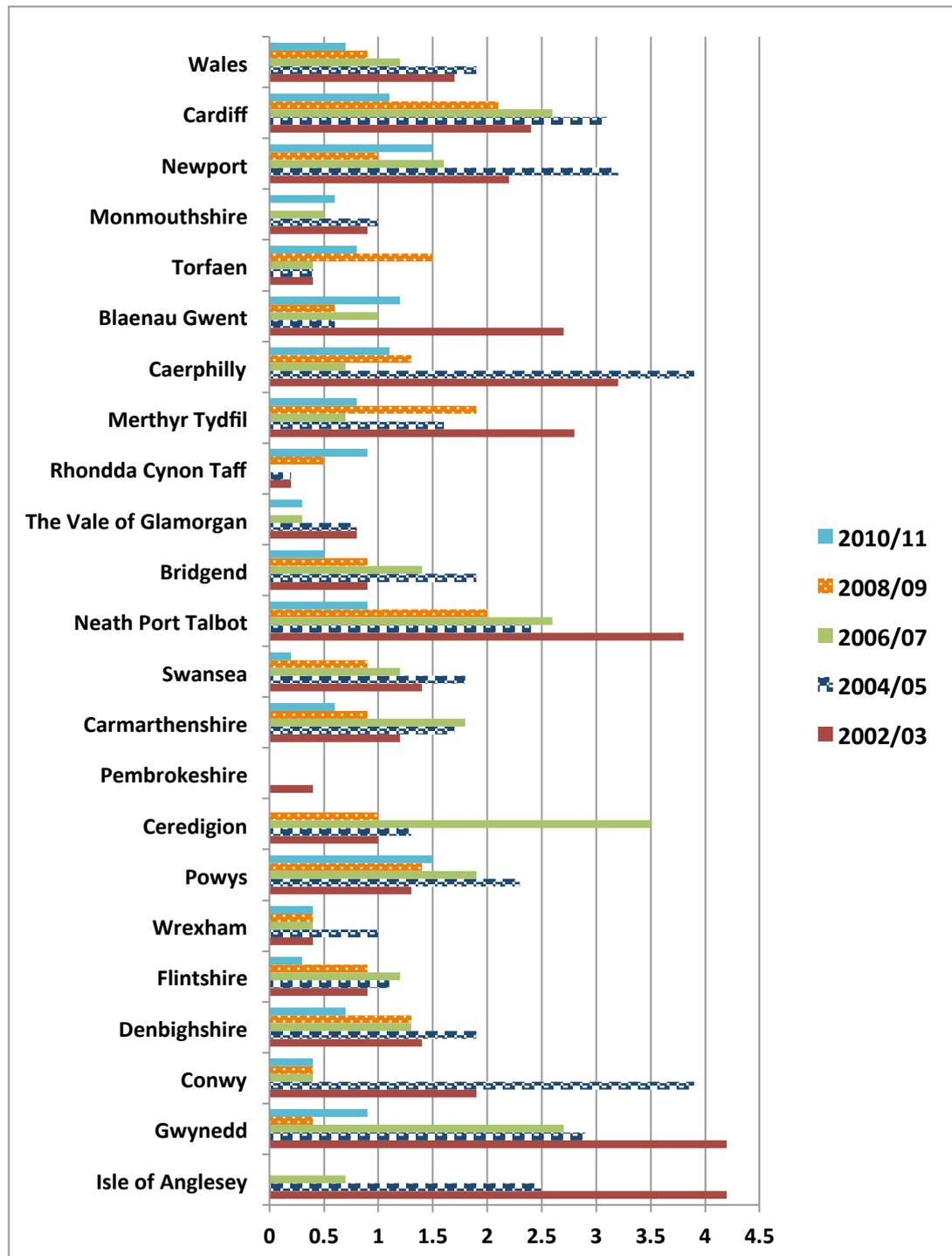
A changing national picture

- 4.3 In Wales, in 2011/12, there were 102 permanent exclusions from primary, secondary and special schools and PRUs in Wales, a decrease of 56 from 2010/11 (Welsh Government, 2013). The number of permanent exclusions of girls had increased from 32 in 2009/10 to 42 in 2010/11; in 2011/12 this number reduced to 27. There were 17,508 fixed-term exclusions in 2011/12, including 16,279 fixed-term exclusions of 5 days or fewer. The latter represents a rate of 41.2 per 1000 pupils, the lowest rate since 2003/4. There were 1,229 fixed term exclusions of six days or more, which represents a rate of 3.1 per thousand pupils and again, also a reduction overall on the previous year.

Variation across authorities

4.4 The rate of permanent exclusion varies. There were no permanent exclusions from secondary schools in Conwy, Ceredigion or Monmouthshire in 2011/12. The highest rate of permanent exclusions from maintained secondary schools in 2011/12 was in Gwynedd. In 2011/12, four authorities had an incidence of permanent exclusion greater than the Welsh average. The figure below shows changes in the rates of permanent exclusion across Wales, at two-year intervals, from 2001/02 to 2010/11. The figure covers a period before and after guidance on exclusion was issued in 2004 (WAG, 2004) and shows that permanent exclusions in Wales have been reducing over this period nationally. It also shows the considerable level of variation between local authorities over that period.

Figure 1: Permanent exclusion in Wales, at two-year intervals, 2001/02 to 2010/11, rate per thousand pupils



4.5 The local authority variation seen in permanent exclusion was also in evidence in relation to fixed term exclusion of six or more

days. The rate was particularly high in Wrexham and the Isle of Anglesey. For exclusions of five days or fewer there was also variation between local authorities, with Wrexham again the highest, followed by Cardiff. Six authorities were above the national Welsh average and the remainder below in 2011/12.

4.6 The variation between authorities in 2010/11 for all three types of exclusion is shown in the following table. Shaded boxes indicate rates of exclusion above the national average.

Table 3: Permanent and fixed term exclusion from maintained secondary schools, by local authority, 2011/12 rate per thousand pupils, within authority

* denotes number too few to include, in case individual students identifiable

	Permanent	6 days or more	5 days or fewer
Isle of Anglesey	*	10.5	31.2
Gwynedd	2.0	2.8	24
Conwy	0	2.2	38.4
Denbighshire	*	0.8	55.9
Flintshire	*	4.2	52.1
Wrexham	*	16	146.8
Powys	1.2	4.8	48.3
Ceredigion	0.	0	31.8
Pembrokeshire	*	4.1	62.6
Carmarthenshire	*	1.4	30.6
Swansea	*	6.5	54.7
Neath Port Talbot	1.2	6.2	59.6
Bridgend	*	4.1	55.2
The Vale of Glamorgan	*	2.8	21.2
Rhondda Cynon Taff	0.4	5.7	89.5
Merthyr Tydfil	*	7.4	72.9
Caerphilly	0.4	3.4	62
Blaenau Gwent	*	8.3	66.6
Torfaen	*	7	86.6
Monmouthshire	0	2.4	49.9
Newport	1.2	6.4	72
Cardiff	0.3	8.6	136.7
Wales	0.5	5.3	66.6

- 4.7 Overall, then, rates of exclusion of permanent and longer term fixed term exclusions have been reducing in Wales for some time; this year there was also a reduction in the rate of shorter, fixed term exclusions. There continues to be considerable variation between local authorities.

Reasons given for exclusion

- 4.8 Statistics reveal that the two most common reasons for permanent exclusions were assault or violence towards staff and defiance of rules, together accounting for over 40 per cent of permanent exclusions during 2010/11. These were followed by assault/violence towards pupils (17.6 per cent), threatening or dangerous behaviour (10.8 per cent) and substance misuse (7.8 per cent).
- 4.9 The most commonly cited reason for both categories of fixed term exclusions was defiance of rules. Threatening or dangerous behaviour was the second most common reason for exclusion of six or more days; followed by assault/violence to pupils and threatening or dangerous behaviour. The second most common reason for fixed term exclusions of five days or fewer was assault/violence towards pupils, and then verbal abuse. We do know, however, from much research on school behaviour and exclusion that these reasons may be understood differently between schools, and that standards of behaviour considered unacceptable vary considerably between schools (Parsons, 2009).

Patterns of exclusion and disproportionality

- 4.10 Overall, in the UK (Riddell and McCluskey, 2012; Parsons, 2009), the sanction of exclusion is applied disproportionately to children and young people who have the following characteristics:
- Male.

- Living in poverty.
- Age 13-15 years.
- Looked after by the local authority.
- Have special educational needs/additional support needs.
- Have family who have experienced more ill health, trauma and bereavement than the norm.
- Of African-Caribbean origin.
- School-aged mothers.
- Have a low level of educational attainment.
- Of Gypsy, Roma or Traveller heritage.

Such disproportionality is linked to inequitable educational outcomes (Riddell and McCluskey, 2012; Parsons, 2009).

4.11 In Wales, the statistics indicate disproportionate exclusion of boys, pupils with additional learning needs, and in some aspects, pupils from ethnic minorities (although the overall numbers of pupils from ethnic minority backgrounds are not large, their over-representation has been a common feature in the statistics over time and should therefore be a cause for concern). There are three times more boys excluded from school than girls. More than half of pupils excluded permanently, or for six days or more, and for five days or fewer, have identified additional learning needs. Children with non-statemented special needs account for half of permanent exclusions and more than 40 per cent of fixed term exclusions. Children with statements of SEN (about 3 per cent of pupils in Wales), make up nearly 6 per cent of permanent exclusions, 10 per cent of fixed term exclusions of five days or fewer and more than 12 per cent of exclusions of six days or more. The statistics also show disproportionately high rates of fixed term exclusion from special schools in relation to mainstream schools. There were also 923 exclusions of five days or fewer and 40 of six days or more from Pupil Referral Units in 2011/12. Black pupils have the highest rates of exclusions of five

days or fewer and the highest rate of exclusions of six days or more was amongst pupils with mixed ethnic background, though, as noted above, the numbers are small.

- 4.12 In 2012 there were 5726 'looked after' children in Wales (Welsh Government, 2013b). In 2011/12 there were 817 fixed term exclusions of five days or fewer of looked after children, and 76 exclusions of six days or more. To date, the Welsh Government has not published data on exclusion that allows for examination of the relationship between exclusion and social disadvantage. However, statistics on EOTAS do show that a considerable majority are entitled to free school meals. A substantial proportion of these pupils are likely to have been excluded from school. As recommended in the updated Behaviour and Attendance Action Plan (Welsh Government, 2011), methods are being introduced nationally to collect and report data at pupil and school level. This should allow for stronger links to be made in the near future between exclusion and key educational and social dimensions.
- 4.13 Schools in Wales continue to use exclusion, both permanent and fixed term, as disciplinary sanctions, although the rates of permanent exclusion have been reducing over the last 10 years. There has also been a decrease in fixed term exclusions of six or more days; those of five days or fewer have decreased in 2011/12 after a continuing increase in previous years. There is variation in rates of exclusion across Wales and evidence of disproportionate exclusion of certain groups.
- 4.14 Overall, this suggests that there is a continuing inconsistency in the application of Welsh Government guidance on exclusion (WAG, 2008) and also indicates a lack of equality of outcomes for children and young people. However, findings from qualitative data in our research suggest that, while there continues to be

strong support in Wales for the use of exclusion from school as a sanction of last resort, there is evidence that a number of local authorities are making significant progress in addressing these issues.

The application of the Guidance on School Exclusion

4.15 The findings indicate some continued inconsistency in the application of the Guidance, and issues about equity in outcomes for children and young people in the following areas:

- Variable patterns of exclusion.
- Reasons for exclusion.
- Education and support provided during exclusion.
- Use of multiple fixed term exclusion to make case for permanent exclusion.
- Unlawful exclusion.
- Managed moves.
- Operation of pupil discipline committees.
- Independent appeal panels.

These issues are examined in more detail below.

Variable patterns of exclusion

4.16 Local authorities are now beginning to gather relevant data much more rigorously. The local authority survey data clearly demonstrated variable rates of exclusion between schools. This variation was not always related to characteristics of the pupil population, for example, to rates of socio-economic disadvantage and may more probably reflect other aspects of school staff or culture, for example different approaches to discipline and to the use of exclusion. Local authority staff identified some schools where higher exclusion rates were associated with, for example, the arrival of a new head teacher, or a culture of punitive approaches to pupils with difficult behaviour, or rigid tariff systems. Exclusion remained high in a few schools as a

reflection of strongly held views by head teachers about their right to continue to use disciplinary exclusion as they chose.

Reasons for exclusion

4.17 The reasons given for exclusion varied from school to school. Most schools recorded exclusion in line with national guidance. However, particularly with respect to fixed term exclusions on the grounds of 'defiance of rules', it was clear that some schools interpreted this category in different ways and to include for example, issues about school uniform or attendance:

'The wearing of jewellery is also contentious, particularly pierced ears and navels which may have health and safety issues attached. Many head teachers had nothing in their policies about jewellery until recently. Some will send children home for wearing earrings. There appear to be quite a lot of problems with this in primary school. Schools must also state in their policy that only natural hair colours are allowed if they want to be able to send children home for having dyed hair' (*Council 1*).

4.18 At times there was felt to be a lack of clear communication from schools about the details of the circumstances leading up to exclusion. An exclusion letter might state, for example, that a pupil had been 'abusive to staff' or had been involved in 'defiance of rules'. While parents did not wish to see a 'litany of crimes' those interviewed often said they wanted more specific information to help guide conversations with their children and any subsequent meetings with school.

4.19 The findings indicate therefore that the reasons given for use of exclusion largely follow Guidance but that the interpretation of some terms of the Guidance at times leads to inconsistency and may also lead to inequitable outcomes for children and young people.

Education and support provided during exclusions of up to 16 days

4.20 Although schools are obliged to provide work for pupils who have been excluded for a fixed term up to 16 days, most local authority staff and key stakeholders were in agreement that this duty rarely received high priority and the resulting work supplied was often minimal. A few local authorities offered a short-term place (two or three days for example) in a PRU for pupils on fixed term exclusion and this enabled those local authorities to meet the recommendation of 25 hours per week tuition. Monitoring the use of, and educational provision for, short fixed term exclusions was not seen as a priority by all local authorities. One member of local authority staff noted that some parents were reluctant for their children to go into a PRU as they felt it might reduce the chances of a successful appeal against exclusion. So, there is still clearly inconsiderable inconsistency in the quality and quantity of education provided to pupils excluded for fixed terms up to 16 days. There continue to be issues for parents and carers of pupils in collecting and returning work provided and supporting their children in trying to keep up with their schoolwork.

Education and support provided during exclusions of more than 16 days

4.21 The provision made for pupils while excluded from school beyond 16 days was also found to be varied across Wales. In one authority, pupils received only two hours tuition a day, although this was an issue staff were aware of and working on. Most received some home or individual tuition (though definitions of this varied and often referred in practice to group tuition offered in community centres or libraries) or were offered a short term place in a PRU, depending on capacity:

‘If possible we try to put them into the PRU. But again it would depend on capacity, you know. And again the time of the year, I mean the start of the year, tail end of the year, you’d have capacity,

because the year eleven would have gone and the places hadn't been taken up. But if you're looking just before Easter and after Christmas you're chock a block...' (Council N).

4.22 Staff noted that parents were sometimes concerned about their child going to a PRU, like the parents of children on shorter fixed term exclusions, noted above:

'They don't like the concept that their child could be going to a PRU...because they think that means it's a foregone conclusion what the outcome of the appeal will be. So that's been really tricky' (Council B).

4.23 In 2011/12, around 20 per cent of pupils were reported as having no provision (Welsh Government, 2012b). A number of young people interviewed talked of spending periods at a time with no educational provision.

4.24 Most local authority staff noted that information about advocacy services was provided to families at the point of exclusion. None reported having a system for following up on take up of the service.

4.25 Overall, it was clear that local authorities were not always meeting the Welsh Government requirements in terms of quality and quantity of education to be provided following exclusion. Local authority staff described a range of factors involved in this:

- Head teacher reluctance to liaise with the local authority when exclusion was being considered.
- Slow referral processes.

- Lack of detailed, relevant personal and educational information about excluded pupils (including for example, outdated statements of need).
- Complex and variable funding systems.
- Lack of clarity about roles and responsibilities of professionals involved in supporting individual excluded pupils.
- Under-developed systems of multi-agency working.
- Schools which did not prioritise the provision and marking of work for excluded pupils.
- Local authorities which did not have ways to challenge this effectively.

4.26 Most local authority staff were working to overcome such issues but they were still common. Clearly, there would be additional costs if the requirement to provide education were to reduce to 10 days. However there would be a substantial benefit for the pupils and a wider gain for young people and families generally.

Use of multiple fixed term exclusions to make a case for permanent exclusion

4.27 Inconsistency and lack of fairness were also evident in the use of multiple fixed term exclusion in some local authorities. A number of key stakeholders and local authority staff expressed concern that multiple fixed term exclusions were used by schools to build a case for permanent exclusion. It was also noted by one key stakeholder that fixed term exclusion was often used to provide time for an investigation rather than carrying out an investigation beforehand and then deciding whether or not to exclude. Sometimes schools extended fixed term exclusions once a child was out of school. This extension might be related to a legitimate search for a more appropriate education placement for a pupil but the immediate consequence is that the child might be out of school for a long period. A few local authority staff still seemed to

be of the view that a fixed term exclusion automatically became a permanent exclusion after 45 days.

Unlawful exclusion

- 4.28 Nearly all local authority staff acknowledged that unlawful exclusion continued to some extent but most felt that this situation was improving substantially, helped by closer collaboration between local authority and schools and greater understanding in schools of relevant legislation and guidance.
- 4.29 Most local authority staff felt that unlawful exclusion could arise in different ways. It could relate to a head teacher's earnest wish to avoid a pupil having an exclusion on their record. On the other hand, most noted that unlawful exclusion also arose when a head teacher did not wish to have to go through the formal process of exclusion and sought an easier route, or when they did not want to admit that they had failed with a particular pupil.
- 4.30 The views of most key stakeholders were more critical than some local authority staff on this issue, with numerous examples offered of different ways in which schools continued to permit unlawful exclusion. These included asking a parent to collect their child from school during school hours, because s/he was unsettled, needed to 'cool down' or 'could only cope with half a day' and/or suggesting that another day or two at home might be helpful. It was felt that families did not always understand when an exclusion was unlawful. For example, schools sometimes cited health and safety regulations as the reason for an exclusion and families were unlikely to challenge this explanation.
- 4.31 In addition, parents in the research talked about times when they had been told that unless their child was moved, the school would have to exclude. One commented:

‘You don’t want an exclusion on his school record’.

Parents were not always sure whether an exclusion had been official, but were always keen for their child to avoid an exclusion, knowing that this would have an adverse impact on finding another mainstream school prepared to take their child.

- 4.32 A recent Green Paper noted that young people involved with the Youth Offending System were particularly likely to be unlawfully excluded from school:

‘There were many examples of schools often trying everything to help young people before resorting to excluding them from school because of their behaviour. However it was also recognised that some education establishments appeared less tolerant of young people in the youth justice system. It could be that this group of young people can be difficult to engage with. This manifests itself in unlawful exclusions from school and training providers and colleges not offering enough flexibility for some young people to engage with education and training while they are working with the YOT’ (Welsh Government, 2012e, p. 20).

- 4.33 The issue of internal, hidden exclusion in school was noted by a few key stakeholders. It was felt that there were instances where ‘isolation rooms’ were being used in ways that compromised access to high quality education and that inappropriate use of restraint and physical intervention could also be taking place in these rooms.

Managed moves

- 4.34 Some authorities were developing and using Welsh Government protocol for managed moves, but not all. There was variation in the ways that local authority staff saw their role in respect of working with schools on managed moves. This led to

inconsistency at times. Some local authority staff felt that secondary schools and schools in urban areas were better placed to make use of managed moves.

Operation of pupil discipline committees

4.35 Local authority staff felt that most pupil discipline committees follow Welsh Government guidance in general, although most also acknowledged that committee members were not always independent and neutral. Most key stakeholders reported that parents felt the process was too complex and unfair. One noted:

‘school PD committees do tend to support the head’ (Council H).

Another felt that:

‘basically they are cheer leaders for the head’ (Council P).

It was also noted that training tended to focus primarily on legal requirements and did not often include a focus on, for example, how to prevent exclusion.

4.36 Many local authority staff noted that schools have an increasing understanding and awareness of their legal duties with regard to exclusion and this had helped reduce rates of permanent exclusion. However, one key stakeholder expressed concern that this often did not extend to disability discrimination and understanding of the requirements of the Equality Act 2010.

Independent appeal panels

4.37 The number of appeals at this level each year is very small and local authority staff had few comments to make on this issue. It was noted, however, by one local authority staff member that panels tended to attract ‘stalwarts of the community’ who tended to be largely middle class (Council I). The infrequency of these appeals may mean that panel members are inexperienced in the

process. Parents also felt concern that even at local authority level, panel members often appeared to know the head teacher and reinforced a feeling of 'them and us'.

4.38 The NBAR found that:

'Whilst there has been adequate guidance on managing exclusions from the Welsh Assembly Government, in practice, the implementation processes have varied considerably from authority to authority. Significant school variations in the policy and practice of managing actual and potential exclusions also exist. It is also apparent that a number of unlawful exclusions are taking place entirely contrary to Welsh Assembly guidelines' (2008, p. 6-7).

4.39 Echoing the findings of NBAR (WAG, 2008), this current research found continued inconsistency in the application of the guidance, and continued issues about equity in outcomes for children and young people. It was also clear, however, that implementation of guidance is now a main focus and priority in the work of most local authorities and there was evidence of improving practice. This is discussed in detail below.

Addressing inconsistency, improving policy and practice

4.40 The Welsh Government responded to the NBAR with the Behaving and Attending: Action Plan (2009, updated 2011). The 2011 Action Plan aimed:

'... to impact positively on the lives of children and young people by putting in place new methods and processes to develop an improved, cohesive approach to promoting positive behaviour and attendance and help develop consistent practices across Wales' (Welsh Government, 2011c, Introduction).

4.41 One of the actions identified in the 2011 Action Plan was that Welsh Government staff would:

‘Hold annual ‘open and honest’ discussions with local authorities to discuss performance on exclusions / attendance and pupils Educated Otherwise Than at School (EOTAS)’ (Welsh Government, 2011c, p. 9).

It was clear from interviews with local authority representatives that such meetings had taken place over 2011/12. Some local authorities were able to report significant improvements in monitoring and addressing exclusion from school. The majority of authorities had responded to these meetings with proposals for improving policy and practice.

4.42 We report under the following headings on data gathered from key stakeholders and local authority staff relating to improvements noted above, with examples from authorities where there was significant progress in relation to the issues identified below:

- Monitoring and challenging schools through the use of data.
- Communication and collaborative working.
- Addressing educational needs of pupils during exclusion.
- Training and development.
- Support for individual pupils at risk of exclusion.
- Improving appeal processes.

Monitoring and challenging through use of data

4.43 Most local authorities were making increasing use of data to support their approaches and initiatives. They felt that data gathering and analysis at a local level was a helpful tool in supporting and challenging schools on exclusion. There was variability in the levels of analysis undertaken but one local

authority reported that rates of exclusion had been addressed effectively in the following way:

‘We do it [analyse the exclusion data] by school, we do it by year group, we do it by category, we do it by instance and we do it by days lost’ (Council V).

- 4.44 It was clear from interviews with local authority staff that comprehensive data gathering and monitoring was developing fast in most authorities, but that some areas were moving more quickly than others. A few local authorities noted that the Welsh Government’s increasing requirements for data gathering on attendance and exclusion were helpful, but also placed an enormous burden on staff resources.
- 4.45 There were a number of examples of local authorities using data to challenge schools’ practice. Some local authorities reported that they tracked exclusion data against the weekly attendance returns from schools weekly. In some they sent a monthly report to each individual school on their exclusion rates and used this as a basis on which to challenge schools with relatively high rates of exclusion. Some authorities shared all local schools’ exclusions data with all local head teachers and, in their view, this created peer pressure which acted as an effective driver for change.
- 4.46 In one authority they were cross-referencing exclusion data with factors such as additional learning needs (School Action, School Action Plus and SEN statements), free school meal entitlement, whether a pupil was looked after and so on. A colour coded form was then produced which highlighted patterns of exclusions, multiple exclusions of the same child, and how this related to dimensions of inequality. This local authority felt that exclusions data were very helpful both in tracking individual pupils and identifying larger patterns of exclusion, commenting:

'Monitor and challenge, that's what it's about!' (Council O).

4.47 Staff in some local authorities with higher than average rates of exclusion felt that they were more honest in their reporting of exclusion than elsewhere. They were keen to point out that where recording of data on exclusions in a local authority was tackled and therefore undertaken rigorously and transparently, this might result in a rise, rather than decrease, in exclusion rates in the short term.

4.48 Data was also being used by some local authorities to monitor patterns of exclusion across all their schools. Several authorities were developing regular meetings of managers and leaders from schools and support services to monitor and analyse exclusion data:

'Well what we've done is we've introduced a system over the last 12 months where we look at all the data for exclusions in relation to lots of other factors. So, you know, it's not in isolation. So when, so when we're reporting we're looking at the outreach support that goes in. We're looking at, the numbers at School Action, School Action Plus. We're looking at trends in relation to incidents in schools. We're looking at access to specialist provision. And then that gives us, you know, a really round picture' (Council H).

4.49 In the local authority referred to above, monitoring was part of their overall system of monitoring and quality assurance. In another authority there was a member of staff responsible for gathering the data, monitoring the data and challenging schools promptly in relation to issues emerging or possible unlawfulness. In addition, this member of staff was the parent complaints contact, and therefore well positioned to check complaints against the exclusions data provided by schools.

4.50 One local authority noted concern about hidden exclusion in schools, and said they were challenging schools where they felt that Pastoral Support Plans inappropriately included provision for a reduced timetable. In other ways, the improved collection and analysis of data allowed authorities to challenge illegal exclusion more fully:

‘We had one school. We knew they were ‘grey excluding’. We had challenged the head on a number of occasions because his exclusions were at zero which didn’t feel right for the catchment area of the school. We had done a leaflet drop to parents to remind them of how exclusion should be managed. And we also developed a sort of exclusion hotline for other agencies where they could give me a ring if they came across young people who said, ‘oh I’ve been told not to come back to school until my mum’s had a meeting at the school’ (Council V).

Communication and collaborative working

4.51 Most local authorities saw closer collaboration and multi-agency working as essential to making improvements. One described it as ‘Engraved across our hearts!’ (Council K). Most local authorities had working groups on the major issues associated with exclusion and felt that these had been productive, improving communication and developing shared understanding of policy aims:

‘We have developed a senior leadership group, all our deputies, who are the inclusion /behaviour/attendance managers in their schools. They meet very regularly, every six weeks. We did a lot of work in the early days on sharing good practice. We looked at, we had, if you like, scenarios, exclusion forms. So looked at what was acceptable. Did a lot of work on issues that were do with substance misuse for example. That group drew up a substance misuse policy

with sanctions that are common across secondary schools. Specifies number of days etc. They do now tend to be fairly consistent. Very much joint working' (Council C).

4.52 The developing focus for the work of Families First action plans was also noted by a few local authority staff. They referred specifically to the role of Families First in developing the 'team around the family', paralleled by their 'team around the school'. The Families First initiative is part of Welsh Government's efforts to improve outcomes for children, young people and their families, especially those living in poverty.

4.53 Local authority consortia were at very different stages of development but where development was more advanced, this was also seen as very helpful in tackling issues surrounding exclusion:

'in developing monitoring and tracking, planning and commissioning of services' (Council A).

'I mean we share lots of things like, you know, policies and protocols and, you know, regularly talk to each other and provide mutual support' (Council G).

Training and Development

4.54 Moves to introduce a Masters level qualification for teachers with a core option on behaviour management were seen as helpful by many local authority staff and key stakeholders. Mentoring and coaching and local training were also seen as essential by many:

'We've got training for governors, schools and counsellors actually on exclusion protocol' (Council J).

In another local authority, briefing papers were issued every year on

different topics to governors, as part of their training. (Council O).

- 4.55 One local authority reflected on the positive impact of local training as follows:

'[In] exclusions committee training we always take a case, a piece of casework there. And they're always astonished about what the school should be doing, prior to getting to the pupil disciplinary committee. But also our governors are very empathetic to our young people who may be in quite difficult circumstances ... when you actually put that forward in a case. And it has strengthened the paperwork that they're receiving. So I certainly don't feel that they're rubber stamping any more' (Council V).

Support for individual pupils at risk of exclusion

- 4.56 Most local authorities had recently revised their exclusions guidance or were in the process of doing so. Most local authorities required clear information from schools about interventions and strategies put in place before resorting to exclusion, unless the exclusion was for an exceptional, very serious incident. The information requested varied across local authorities but in the most thorough it included questions about whether a child had a disability or diagnosis of some kind, whether s/he was a 'child at risk', had a Pastoral Support Plan, the extent of outside agency involvement, use of school's own resources, contact with parents and so on.

- 4.57 In some local authority areas, efforts had been made to introduce multi-agency working, where members of different professional groups met to consider the needs of particular pupils:

'All secondary schools have multi-agency panels. They are very effective, well attended and meet monthly. Very much about shared action which is reported at each meeting. They use a common

referral form to the multi-agency panels' (Council C).

- 4.58 Some local authority staff reported that flexible individualised packages for excluded young people had increased reintegration.
- 4.59 In one local authority, each excluded young person had an appointed 'key worker' based in Social Services tasked with helping them understand the exclusions process, their future options and ways to avoid further exclusion. Further research would be helpful in assessing the effectiveness of this approach.
- 4.60 A few local authorities had transferred funds from alternative provision to supplement, for example, a behaviour support service and/or mainstream schools' inclusion programmes and found this to be effective in reducing the numbers of children and young people excluded.
- 4.61 Many mainstream schools were developing internal 'inclusion' or 'time out' units. As noted earlier, some key stakeholders expressed concern about their potential misuse as 'sin bins', where informal exclusion could take place, but there was also some strong support for them from local authority staff, who usually saw them as helpful spaces for nurture groups, preventing exclusion, de-escalating tension and helping with reintegration.
- 4.62 The work of SNAP Cymru was referred to very positively by most local authorities and seen as valuable by key stakeholders and families participating in the research. The Children in Wales, Tros Gynnal Plant and Meic websites were also mentioned in positive terms by individual local authority staff interviewed.

Improving appeal processes

4.63 Some, but not all, key stakeholders and local authority staff supported the idea of a national point of appeal to improve equity of outcomes for children and young people.

Summary

4.64 Section Four has addressed the following research objective:

- To assess the effectiveness of the exclusion process in terms of the extent to which Exclusion from Schools and Referral Units (2006) is consistently applied across schools and local authorities and results in equality of outcomes for children and young people.

4.65 Within this overall research objective, it focused on addressing the following specific questions:

- i. Are the reasons given by schools to exclude young people consistent with Welsh Government guidance?
- ii. Do schools' Pupil Discipline and Exclusion Committees and local authority run Independent Appeal Panels consistently adhere to the practices and processes set out in Welsh Government guidance?
- iii. Do the decisions made by Discipline Committees and Independent Appeal Panels consistently result in equitable outcomes for young people across schools and local authorities?

4.66 In order to address these key questions, the Section has drawn on qualitative and quantitative data on exclusion and education provision outside the school setting in Wales, and located this analysis within findings from relevant research across the UK. It has reported and analysed evidence of the extent of variation across local authorities; reasons given for exclusion; unlawful exclusion, patterns of exclusion, managed moves and appeals, drawing attention to the issues of disproportionality. It then analysed the findings from interview data to deepen understanding of known inconsistencies in application of the guidance on exclusion, and to illuminate ways in which this has

significant impact on equitable outcomes for children and young people. The Section then examined the successes and challenges for Welsh Government and local authorities in making progress in each of these key areas.

4.67 The findings revealed that:

- 1) Reasons given by schools to exclude young people were largely consistent with Welsh Government guidance but that some schools continue to interpret the guidance in ways that impact negatively on equitable outcomes for children and young people.
- 2) There was clear inequity in the disproportionate numbers of pupils with special educational needs being excluded from mainstream schools and also, compounding their disadvantage, from special schools and PRUs.
- 3) Pupil discipline and exclusion committees were seen as too complex and unfair by parents. Some key stakeholders and parents interviewed questioned the neutrality of exclusion committee members. Training often concentrated on ensuring legal requirements are met, but less often on ensuring children, young people and their families were authentically involved in the process.
- 4) Independent appeal panels were felt to follow practices and processes set out in Welsh Government guidance and were seen as fair overall by those (few) research participants who had had contact with them. A few key stakeholders felt that a national appeal panel would strengthen equity and impartiality.
- 5) It was also clear that improving the outcomes for excluded children and young people was an increasing focus of attention and effort by Welsh Government and local authorities. Although some of these efforts were still at an early stage, it is important to recognise the likely long term gains from their focus on work to reduce rates of permanent exclusion, improve monitoring and challenge of schools through the use of data, increase effective communication and collaborative working, introduce more training and

development and provide better support for individual pupils at risk of exclusion. These are all strategies proven to improve the outcomes for those excluded and those at risk of exclusion (Thomson, 2010; Parsons, 2009; Kane et al., 2007; Lloyd, Stead and Kendrick, 2001; Munn, Lloyd and Cullen, 2000).

5 Findings: Education Provision for Children and Young People Outside the School Setting

- 5.1 This section discusses the findings of the research on the effectiveness of the delivery, planning and commissioning of education for children and young people educated outside of the school setting, in terms of:
- Equitable outcomes for children and young people - provision of education for children and young people which is based on need and facilitates their reintegration into mainstream education or training.
 - Legislative requirements – consistency in quantity and quality of education within statutory timeframes.
 - Value for money – providing education for children and young people which is equitable and economical.
- 5.2 The section begins by relating the findings of reports discussed earlier (Welsh Assembly Government, 2008; Welsh Assembly Government, 2011a; Estyn, 2012) to the present research. It then examines national statistics on education provision outside the school setting; commonly known as EOTAS (Education Otherwise Than at School), to provide a picture of the current situation in Wales. It discusses the provision made in pupil referral units, individual pathways and 14-19 provision, and independent and voluntary sector provision. The section then draws on findings from the case studies² to look in closer detail at the national picture in respect of the following relevant issues: delivery of EOTAS, access to EOTAS, the diversity and variability of provision, curriculum, behaviour management and relationships, reintegration, the involvement of pupils and their families, leadership and management, funding arrangements and the current situation with regard to pupil registration.

² Further information about the case study settings is attached as Appendix 3.

- 5.3 The findings overall reveal extensive variation, diversity and variability within EOTAS provision. In order to aid analysis of this variation and to answer the key research questions outlined above, the section then examines what is meant by ‘good practice’. The section ends with a summary of the conclusions about EOTAS provision in Wales.

The context for change in EOTAS

- 5.4 The NBAR review (WAG, 2008) made a number of critical observations with particular reference to EOTAS; these are listed in section three. The subsequent Review of Education Otherwise Than at School and Action Plan (WAG, 2011a) made recommendations for improved communication between EOTAS and mainstream and between EOTAS settings, for improved staff development; for amending funding formulae to include pupils solely registered in EOTAS; to improve and clarify registration, data collection and monitoring; establish effective management committees for EOTAS; and to improve standards in EOTAS, through guidance on commissioning, minimum standards of attendance and attainment. The findings of our research confirm concerns expressed in these reports but also identify areas where progress has been made in response to their recommendations.

The national picture

- 5.5 Data on pupils educated other than at school (EOTAS) are gathered during a census week in January and refer to children of compulsory school age not receiving their education in mainstream schools for reasons such as illness, exclusion from school or other circumstances (Welsh Government, 2012c). EOTAS can include pupils in independent or non-maintained special schools if the local authority pays all or part of the fees. The focus in this research was not on all children in EOTAS provision (which may include for example, elective home education or independent special education provision for children

with severe and complex medical needs). This research was specifically concerned with children and young people in EOTAS for reasons associated with disaffection, disruption and/or exclusion from school.

5.6 The most recent statistical release indicated:

- 2,577 pupils were recorded as being educated other than at school, with 1,026 of these receiving their main education outside of school³.
- The rate of pupils educated other than at school remains the same as 2010/11 (2.2 per 1,000 pupils).
- Just under 90 per cent of EOTAS pupils receiving their main education outside of school were recorded as having special educational needs.
- Pupil referral units were the most frequently-used form of education provided to EOTAS pupils, accounting for almost 40 per cent of all enrolments.

5.7 Three quarters of pupils in EOTAS in 2011/12 were boys and the largest number were 15 years old; nearly 70 per cent were entitled to free school meals, a proxy measure of poverty. Pupils may be solely registered with one establishment or may have dual registration, for example, with a mainstream school and EOTAS provision. Four hundred and sixty five pupils were singly registered at a PRU, with just over three quarters of these pupils too being boys. Of those pupils singly registered at a PRU, almost half were aged 15. Four hundred and sixty one pupils attending PRUs were dual registered. Education was also provided through further education college, work – related education, training providers, or ‘bought in private sector provision’ (Welsh Government, 2012c). These figures, however,

³ The use of the term ‘outside of school’ here is a direct quotation from the statistical release (Welsh Government, 2012c). It offers one example of the different terms used across Government; terms which also include ‘EOTAS’, ‘home tuition’, ‘individual tuition’, ‘group tuition’. It would aid clarity if the range of relevant terms were defined and applied consistently in reporting and recording.

apply to those pupils registered as having their main education out of the mainstream (1,026). It is clear from our research that, among the 1,551 pupils registered as having their main or current enrolment status at a maintained school, many young people may not actually ever attend that named school.

- 5.8 There are some difficulties in making sense of the figures for EOTAS as pupils in more than one provision have their attendance recorded against each. It is apparent, however, that the use of education provision described as a PRU varies considerably between authorities, with, for example, Monmouthshire recording the fewest (8) and Rhondda Cynon Taff the most (171). Overall, in 2011/12 Swansea had the highest rate of EOTAS pupils (4.3 per 1,000 pupils), while Monmouthshire had the lowest rate (0.3 per 1,000 pupils).
- 5.9 Findings from this research indicate that in many authorities provision is under review and the pattern of provision is changing. The current population in some provision reflects changing practices but also includes some young people effectively 'left over' from previous approaches. This changing picture of EOTAS in many Welsh local authorities suggests an awareness by local authority staff of the issues and criticisms identified in the various reports detailed above.
- 5.10 The overall range of provision catered variously for the following groups:
- Pupils at primary and/or secondary stages of schooling.
 - Pupils with identified Behavioural, Social and Emotional Difficulties.
 - Excluded pupils.
 - KS3/4 pupils who are disaffected/disengaged from school.
 - Pupils who are 'vulnerable' or with mental health difficulties.
 - Pupils identified as 'school-phobic' or 'school refuser'.

- Young women who are pregnant.
- Young mothers.

5.11 In most authorities there was some combination of:

- ‘Home’ tuition, including individual and group tuition, which despite the term, is not usually at home, but often in libraries or community centres.
- PRUs which may be in one building or a range of buildings, for one age group or a range of ages.
- Individual alternative curriculum programmes including work-based learning providers.

5.12 However, the picture is further complicated as a result of the different use of terminology within and between authorities, because of changes in registration of provision and because of varying practice in where and how young people are enrolled. The term ‘PRU’, for example, may refer to a portfolio of education provision in various locations or alternatively may refer to something much more like a small school in one building with a clearly identifiable population. Confusingly, the term ‘EOTAS’ in some authorities was understood to be synonymous with ‘home tuition’.

5.13 It is difficult to establish from the statistics how many hours education are received by pupils being educated other than at school, as they may have multiple placements. However, interview data indicated that while some authorities had made significant progress in guaranteeing 25 hours per week, a majority were still working on this. Some were still offering very limited hours, particularly of home/individual tuition which could be as little as two hours a day.

- 5.14 EOTAS provision includes independent or non-maintained provision for pupils with other special educational needs. In a very few instances, such provision is shared across local authorities, for example, for pupils with the most severe and complex mental health difficulties. This provision was not included in this research.
- 5.15 As noted earlier, most local authorities provide 'home' or 'individual' or 'group' tuition. It is worth noting that different terms occur in different sets of official statistics and in different local authority areas, and refer to a wide range of on-site and off-site provision. Increasingly, 'home', 'individual' or 'group' tuition is offered only to pupils in hospital, or who are ill at home or on advice of Community Adolescent Mental Health Services, rather than to pupils with social, emotional and behavioural difficulties. Where 'individual tuition' is provided for excluded pupils, it is often offered only in a limited number of subjects and for fewer hours than the recommended 25 hours per week.
- 5.16 The voluntary sector and some private training providers also offer EOTAS provision in some local authority areas. In addition, the 14-19 networks in authorities often help plan support, work experience or college placements for disaffected or disengaged pupils in the later years of compulsory schooling.

Pupil referral units

- 5.17 Forty per cent of pupils whose 'main education is other than at school' (the term used by Welsh Government in the EOTAS 2011/12 statistics) were placed in PRUs, the most frequently used education provision. Definitions of what constitutes a PRU differ substantially across the local authorities; not all pupils in PRUs are there because they have been excluded and some pupils at risk of exclusion will be placed there

- 5.18 A PRU is not a mainstream school or special school, but is legally both a type of school and education otherwise than at school (EOTAS). Registration by local authorities of PRUs ensures that they are inspected. Historically they were established to be more flexible than schools and not subject to the same statutory requirements with respect to premises, curriculum or qualification of heads as schools.
- 5.19 The total number of PRUs in Wales varies from year to year. At the time of this research, several local authorities were restructuring and renaming their EOTAS provision including PRUs⁴ increased from 27 in 1998/00 to 53 in 2008/09. The greatest increase in the number of PRUs was in Rhondda Cynon Taff from five to 11 overall and Conwy also saw an increase. Only one local authority, Anglesey, had no PRU in 2011/12. There was found to be no relationship between the number of PRUs in an authority and the total pupil population; for example, Cardiff had only one PRU compared to four in Neath Port Talbot, which had a population of less than half that of Cardiff in 2008/09. Of the local authorities that had PRUs in 2011/12, Monmouthshire had the least number of pupils on roll (eight pupils), while Rhondda Cynon Taff had the most number of pupils attending pupil referral units (171 pupils). In 2011/12, 359 pupils were registered singly at a PRU and 461 were dually registered at a PRU, attending at least one other placement. All PRUs had more boys attending than girls.
- 5.20 PRUs have a management committee rather than a board of governors and they are not part of devolved funding arrangements under local management of schools. The role of the management committee was the object of criticism among

⁴ Because of the fluidity in definition and in the provision of a PRU, Welsh Government discontinued the reporting of the numbers of PRUs after session 2008/2009.

many of the local authority staff and key stakeholders we interviewed. They expressed concern about the lack of specific training for managers, and the lack of scrutiny and support of these roles.

5.21 It is clear, then, that EOTAS provision is very diverse in Wales. Within that, the range of PRU provision also varies significantly across and between local authorities. Pupil referral units have historically catered for a wide range of pupils unable to attend mainstream schools but who were not felt to have the kind of difficulties that would require a permanent place in a special school. In England, Ofsted described the PRU population as:

‘... pupils with behavioural difficulties and others who can be identified as vulnerable because of their health or social and emotional difficulties.’ (Ofsted 2007, p. 30).

5.22 In Wales, PRUs offer places to a similar range of pupils. The majority of places are for pupils who have difficulties with their behaviour, who are disengaged and/or whose behaviour has been challenging for staff in mainstream schools. These may include pupils with diagnosed mental health issues, disabilities or specific learning difficulties, for example ADHD or diagnoses on the autistic spectrum, such as Aspergers.

5.23 The diversity of PRU provision was variously described by a number of key stakeholders and local authority staff as both a strength and a weakness, mirroring comments about EOTAS as a whole.

5.24 One key stakeholder with a national perspective said:

‘It is not a one size fits all, nor should it be because actually we are talking about kids with multiple needs and they are all individual...’

what might appear to be good practice in one authority might not necessarily be the same in another authority’.

- 5.25 However, some other key stakeholders felt that PRUs were still often regarded as ‘dumping grounds’. A few key stakeholders felt that although this was slowly changing, they still tended to be forgotten in terms of access to new developments, for example, in curriculum and that the educational outcomes for pupils in PRUs were still poor. Another key stakeholder felt that Welsh Government needed to:

‘clarify what needs to be registered as a PRU and how it should be inspected if not’.

- 5.26 Some local authorities have a range or ‘patchwork’ of provision under one umbrella or ‘portfolio’ of PRUs. Some provision is full-time and some is part-time. In some a full school curriculum is offered, while in others a core curriculum is seen as more appropriate. Some PRUs focus on reintegration and some, particularly for pupils in Year 11, aim to prepare young people for transition to college or work. A few have close links with mainstream schools, though most do not.

- 5.27 Local authority staff talked about the way that pupil referral units may open and close again over a relatively short period of time as a need is identified or decreases. The overall number of PRUs in Wales is growing, and local authority staff often accounted for this in terms of their efforts to maintain pupils in their local authority area or avoid use of residential schools. One local authority respondent summed up his view of this diverse and sometimes confusing situation as follows:

The debate has been going on for years, hasn’t it ... I remember saying, ‘what’s a PRU?’ And the answer was anything which isn’t a,

which is other than, a school. But, you know, the definition of a PRU is both a school and not a school. Our PRU looks very much like a school and operates for, you know, the teaching day very much like a school... I mean I guess when you start putting groups of kids together, that was always my argument, if you start putting groups of kids together then is it a PRU? We have got two discrete services. One is a tuition service. One is EOTAS part of which is the PRU. Now the alternative curriculum part where we were teaching kids in groups and providing an alternative curriculum around it, that is a, I guess that could be a grey area ... Well I think it's at what point you can inspect it. I think that's the worry. And I think that's why you've got lots of authorities who've shied away from it saying, 'this is a not a PRU, this is a service'. But I mean the services are inspected as part of local authority inspections...' (Council J).

5.28 As noted above, the majority of pupils in PRUs have behavioural and or learning difficulties but only a minority have a statement of need. Three quarters of them are boys. Amongst older pupils there are often issues of alcohol and drug abuse and offending. Most young people in PRUs are from families with a range of difficulties. Most, but not all, have been excluded from school.

5.29 In the past, young people with very poor attendance, known as school phobics, were placed in PRUs, but this practice has changed and this group is more likely to receive support from Child and Adolescent Mental Health Services whilst remaining on the roll of the mainstream school. One local authority respondent commented:

'We don't have school refusers coming in. We tend to get them back into school ... And I think our learning support centres that we've put in [every secondary school] helps with that because our school refusers will be often attending the learning support centre as the intervention rather than coming out of school completely' (Council

V).

5.30 Views about the educational needs of pregnant young women and young mothers were also found to be changing. One member of staff explained that PRU provision was often inappropriate in such a situation, saying:

‘The only PRU is for excluded pupils with social, emotional and behavioural needs, drugs, criminal problems... far more boys’ (Council P).

5.31 While some authorities did offer separate and designated provision for pregnant young women, others assumed that the pupils would continue at school unless there were other reasons for them to be offered a placement outside mainstream provision. In a few local authorities, the advantage of continued involvement with mainstream school was noted:

‘We haven’t had any pregnant or young mothers into the PRU for five years. Our schools managed them all and they’re in and they’re attending and they’re getting qualifications’ (Council V)

5.32 To summarise, it seems that PRUs are growing and changing in terms of their pupil population. In many areas they are now catering for a more narrowly defined group, in particular boys with behavioural and learning difficulties, problems with drug and alcohol abuse, some of whom have involvement with the youth justice system. Most, but not all, pupils in PRUs have been excluded from school; some permanently, others for fixed terms, prior to placement in a PRU.

Individual pathways/14-19 provision

5.33 In many local authorities, EOTAS provision includes support for young people in the last years of compulsory schooling and who

are not in PRUs. Most of these young people are deemed to be disengaged or disaffected rather than having seriously challenging behaviour problems. This provision is often the responsibility of local 14-19 networks who devise individually negotiated education packages. These are varied according to need but may include, for example, some formal education in a mainstream school or by the home tuition service, access to personal counselling, time with a workplace provider or in a vocational centre, and/or youth service, a charity or outdoor education provider. One local authority respondent described the shifting pattern of provision within his local authority thus:

‘There was a move from PRU provision to individualised routes. The PRU used to exist, but a decision was made to close it down... The teacher in charge and other staff were moved. Now the schools retain responsibility for the children, even if they have been excluded. Some units are staffed by LA personnel and some are in the private or third (not for profit) sector. Some children spend time with a range of providers, e.g. they may go to a climbing centre for a few days of outdoor activities. Contracts are set up for delivery of the academic programme, which focuses on basic literacy and numeracy skills. Each child’s programme is worked out by EOTAS staff – two teachers and four learning support assistants. There are about 40 pupils in EOTAS. They are predominantly male and from years 7-11. College and apprenticeship placements [e.g. in hairdressing] are also used’ (Council F).

- 5.34 As in the case above, some local authorities used local further education colleges and found them very successful. In one authority visited a PRU was based within a further education college, though in other areas, staff were less convinced that college was likely to be an appropriate placement for pupils under 16 years of age.

5.35 Local authority staff often reported using a mix of in-house and private or voluntary sector provision, though reduction in council budgets had led some to review and curtail use of more expensive training providers. Some initiatives had been started with funds from Welsh Government or other bodies, and there was sometimes concern about continuing the work once that funding ended or was withdrawn.

5.36 In general, this aspect of EOTAS provision was felt to work well and help young people to achieve across a range of areas:

[‘There is] some really good practice. So there are things within the council like the riding school, for example, that run a lovely course for half a day. And it’s accredited. And other things which were started from scratch through the leisure centre. So they got first aid, bike skills, mechanics, road safety courses’ (Council J).

5.37 Many pupils on this kind of pathway were registered with their mainstream school although it was clear from interviews that often this meant very little in terms of actual contact with the school or any real sense of responsibility by school staff.

5.38 One key stakeholder felt that there were issues about scrutiny and accountability for some aspects of this provision, noting that there were pockets of provision that were neither part of the formal 14-19 provision nor part of PRU provision. In these cases, schools retained official responsibility for ensuring educational quality, a responsibility the stakeholder felt was not often exercised by schools who were glad to have moved some pupils out of school.

Independent, voluntary sector and other provision

5.39 Some local authorities used BESD (Behaviour, Emotional and Social Difficulties) schools maintained by another authority or

educational provision provided by major charities in the community. This provision was usually considered more appropriate when the pupil was identified as having needs which were likely to be long term. The local authority pays directly for the service provided. Independent special schools differ from PRUs or other forms of EOTAS in that they have to meet statutory standards for curriculum, teaching, safeguarding and premises. A few local authorities used the service of charities and there most local authority respondents felt they offered a good service, for example, where a charity offered small group education on several sites in the community, with specialist teachers and support workers (Council I).

5.40 Having surveyed the main types of EOTAS provision and the ways in which these are changing, we turn to look in closer detail at the findings in respect of the following relevant issues: delivery of EOTAS, access to EOTAS, the diversity and variability of provision, curriculum, behaviour management and relationships, reintegration, the involvement of pupils and their families, leadership and management, funding arrangements and the current situation with regard to pupil registration.

Issues in delivery, planning and commissioning of EOTAS

5.41 The main types of EOTAS provision for pupils with behavioural difficulties have been outlined above. The findings indicate a number of issues associated with this provision. These are listed and discussed further below, drawing on the analysis of statistical data, the survey of local authority staff, interviews with key stakeholders as well as the case studies of EOTAS. The main issues were found to be:

- Differential levels of access by young people. As the threshold for exclusion clearly varies between schools and authorities, so does the threshold for referral to PRUs.

- The diversity of provision. This sometimes reflects the history of provision in the authority rather than assessed current needs of pupils.
- Substantial variation in curriculum; some provision had responded to criticism with revised and updated curricula and pedagogy, other provision still offered a narrow curriculum with little challenge, failing to conform to national expectations. Some secondary provision did not yet offer strong routes to examination / certification.
- Behaviour management and relationships. In some PRUS there were continued issues regarding punitive approaches to behaviour management.
- Lack of focus on reintegration to mainstream school.
- Involvement of pupils and families in planning/evaluation.
- Poor leadership and management of EOTAS.
- Disparate approaches to funding of EOTAS.
- Variation in approaches to place of pupil registration.
- A lack of common agreement about what constitutes 'good practice' in EOTAS.

Access to EOTAS

5.42 Most key stakeholders and local authority staff had concerns about variation in referral processes. While it was often noted by local authority staff that they needed to be able to respond to local needs and circumstances, they also acknowledged that very localised processes could lead to inconsistency and disparity at times. Key stakeholders, often able to offer a country-wide perspective, pointed to some areas where they saw evidence of such inconsistencies.

5.43 One key stakeholder felt that schools were often too slow in providing assessment information in the referral process to EOTAS provision and that the quality of information provided by secondary schools in particular, was too variable. This key

stakeholder commented that local authorities could do more to encourage good communication between schools and PRUs.

5.44 Some local authority staff recognised that pupils were much more likely to be admitted to a PRU in some areas rather than others, and that some schools were quicker to refer on to EOTAS than others. They felt that behaviour which would lead to exclusion in some schools and/or to placement in EOTAS provision did not necessarily give rise to the same response elsewhere in the country.

5.45 In response to this concern, some local authorities had begun to develop referral panels to collate and more rigorously scrutinise referrals. These panels typically comprised professionals from a range of different agencies including, for example, SEN officers, educational psychologists, attendance officers, youth service workers, local PRU managers, and inclusion support staff. In some areas, this panel also included representatives from local secondary schools and this was felt by local authority staff to be especially beneficial. It enabled the views of schools to be included but also enabled them to understand the referral process more fully and gain awareness of strategies being used in other schools. No examples were found of involvement of parents or children and young people.

5.46 In one local authority this development was felt to have contributed to a reduction in the number of requests from schools for alternative placements:

‘The biggest success would be the pupil placement panel. And the success of that has been giving ownership to the schools and not making it the local authority. Cause I think that’s why we’ve had such a number of contributory factors to the reduction in requests. Because when you are asking the local authority to take them, that’s

quite easy to do. Whereas the peer pressure is actually quite successful because they do challenge each other quite robustly' (Council V).

5.47 Another local authority also reviewed its referral process and set out a new and specific expectation about return to school for pupils:

'... we've also changed the entrance process for the PRU. So you now basically have to go through the same process as if you're applying for statutory assessment with the same burden of proof on schools to say that what they've tried and intervened. And the process requires that every pupil who gets accepted into the PRU either for outreach or for traditional placement, but those placements are fixed term. There is a return to school date agreed at the beginning...' (Council S).

5.48 Some local authorities explained that they were also developing common assessment forms that could be used both in mainstream schools and in EOTAS provision. This allowed more effective sharing of information about educational progress and any support needed. Many local authority respondents said that they were now asking for more detailed information from schools about pupil progress, achievements and identified needs, though they also noted that mainstream schools still varied in the extent to which they provided clear comprehensive referral information about individual pupils.

5.49 Overall, it seemed that there was growing focus at local authority level on ensuring consistency and quality of information in referral processes for EOTAS provision.

Diversity of provision

5.50 EOTAS varied considerably across different local authorities with regard to the characteristics of pupils and the scale of provision. Within this, as noted earlier, PRU provision was also changing in some authorities with a clearer focus on pupils with behavioural and social difficulties and offending behaviour.

5.51 Many local authority staff saw the diversity of provision as valuable and important because of the flexibility it offered, but others saw this as problematic. In some authorities the greater volume of provision meant that pupils were more likely to be able to access a place. This may be seen as positive, if pupils are seen to be unable to manage their education in a mainstream school, but negative if it means that mainstream schools use exclusion as a means of accessing available provision. It may act as a disincentive to the development of more inclusive approaches in mainstream. It was noted by a number of respondents that EOTAS provision was nearly always full to capacity, regardless of its size:

‘The problem we’ve got, and of course with the PRUs, is numbers and its capacity. You know, we’re always at our limit basically’
(Council P).

5.52 One important issue in terms of EOTAS is that the provision overall is dominated by boys. Although none of the girls interviewed saw this as an issue, gender imbalance in EOTAS as a whole remains a consideration.

5.53 Several local authorities are redirecting some funding from EOTAS towards developing behaviour support services and other inclusive strategies for the mainstream. Some had developed nurture groups or further emotional literacy programmes, based initially on funding following the NBAR Report (WAG, 2008).

Where such programmes were judged effective, authorities were trying to find permanent funding.

- 5.54 Some authorities were undertaking a comprehensive review of EOTAS exploring the kind of provision needed within a policy commitment to inclusion and reintegration in mainstream education. In some areas, managers of secondary schools were involved in the discussions along with a range of relevant professionals. This marked a developing perspective where EOTAS is seen as part of a continuum of provision, rather than completely separate and isolated.
- 5.55 Offending Services expressed concerns that there were numbers of young offenders in Wales without access to full-time education; these services felt that their responsibility was to encourage the provision of satisfactory education by the local authority rather than offer alternative educational services. Continuing to offend is often associated with lack of schooling (see appendix for further discussion of this issue).

Curriculum

- 5.56 All local authorities expressed commitment to providing a good educational experience in PRUs and other forms of EOTAS. At the same time, there was also acknowledgement of a range of difficulties associated with providing a full curriculum. These included for example, smaller staff numbers in EOTAS provision, the need to meet gaps in basic skills and/or to prioritise counselling, support and social and emotional learning:

‘There are always issues, you’re going to staff your PRU with people who can manage the children, so to some extent your curriculum is built around those people. So there’s not the range of the subject specialism in mainstream. We explain this to parents. But hope that the child will engage. We are OK with core subjects’ (Council C).

5.57 In another local authority, a staff member commented:

‘If you’re going to deliver the full Key Stage 3 curriculum, where’s the time to do it, you know, there’s only twenty five hours in a week, how would you manage that SEBD side of things? And I think we feel that quite strongly. And most of the youngsters are coming to us with a gap in basic skills and that’s the bit we should be focusing on. And possibly there does need to be a review about that expectation of the full curriculum. Cause it’s not meeting youngsters’ needs’ (Council A).

5.58 Most local authority staff said that the curriculum in EOTAS and particularly in PRUs, covered English, Maths, Science and Welsh but varied with regard to other aspects of the curriculum. A few based their formal curriculum entirely on literacy and numeracy, but in some other areas there was found to be a clear move towards providing access to GCSE qualifications. Some PRUs seemed to be organised more like a mainstream primary school class, with teachers covering a range of subjects.

5.59 Most staff interviewed in EOTAS settings recognised the need to balance the need for both a broad curriculum comparable to mainstream schools and access to certificate courses and qualifications. However, it was clear that opportunities to obtain a range of qualifications were extremely limited for some young people.

- 5.60 Most EOTAS staff interviewed were very aware of the potential disadvantages of being educated outside the school setting and were working to combat this, both in terms of providing intensive support for particular personal and social difficulties and in moving towards offering a more mainstream curriculum. Pupils we spoke to all had clear general ideas about future plans for training and employment and saw their placement in EOTAS provision as helpful in achieving these plans. Some settings held graduation ceremonies, attended by young people themselves, parents, support workers and staff from workplace providers. Parents who talked about such events were pleased and relieved to see their young people's achievements and to hear about their examinations. In one setting, certificates were presented by a senior official from the Council, which emphasised the value placed on such achievements.
- 5.61 In one PRU, Cwm Coch ⁵there was very strong individual personal and social and academic support. Feedback to students on progress was a priority. There were individual literacy and numeracy targets on students' exercise book and on their daily sheets. In Cwm Silyn, a PRU sited within the college, all students are presented for qualifications; in contrast with expectations preceding referral to this PRU provision.
- 5.62 In Pen Y Fan, (a local authority service providing individualised education pathways) the use of secondary subject teachers from the 'home tuition' service to teach individual and small groups within a workplace training provider meant that pupils could make a broad subject choice for GCSEs, rather than the limited focus on English and Maths often found in some other EOTAS provision. The teachers here provided a high level of personal support that was seen by them to underpin the effective

⁵ All names of EOTAS provision in the report are pseudonyms

participation in the programme. In Hirnant there was a formal curriculum taught by subject specialists with clear expectations of schoolwork and specifically targeted improvements in behaviour. In both these settings the emphasis on mainstream curricula had not compromised the commitment to strong individual support and to individualised approaches. Both were seen as essential to enable young people to succeed.

- 5.63 In some EOTAS provision including PRUs, the quality and appropriateness of accommodation continued to be a significant issue in relation to the delivery of the curriculum. There was often, for example, inadequate or no place for science or for physical education (PE). Some classrooms were extremely old-fashioned in both style and equipment. Outside space was sometimes unsuitable for play, even when there were primary age pupils.

Behaviour management and relationships

- 5.64 Some key stakeholders had serious concerns about approaches to behaviour management in some EOTAS provision. This concern has been raised in several reports on provision in Wales including Estyn's report earlier this year (Estyn, 2012). One key stakeholder noted the lack of a standard approach to behaviour management in EOTAS provision. A few others referred to their own direct knowledge of widespread use of punitive isolation.
- 5.65 A few local authority staff talked about restorative justice and said it was 'encouraged' (Council Q) but in some areas this was limited to formal conferencing at times of crisis and was not part of initiatives to build a positive ethos in general.
- 5.66 In the EOTAS settings visited, young people were generally appreciative of the way they were treated by adults. One young woman based in a work place provider, like many of the older

pupils interviewed in Key Stage Four provision, felt that she was now treated like an adult and felt that no-one had listened in school:

'I'd, like they, like within, in like school, they treat you as if like you're not your age. As if you're a lot younger than what you are. They don't treat you with as much respect, because you wanna be treated like an adult ... if I had a problem one day and I come in (here), like one a' the staff would come talk to you for five minutes. Have a word. You'd go back into the class and you'd be fine. In school it's carry on and get on with it. But I don't find that's the way it should be. It should always be, yeah take at least, what, a minute outta your time to make, you know, just to make sure the child's okay.

- 5.67 Several spoke of teachers shouting at them at school and said they were more comfortable in their new setting;

'He's kinder, doesn't shout. He doesn't put you under pressure'.

Staff were seen to be more patient and to explain things more carefully;

'They will go that extra mile. They don't just think, waste of our time'.

- 5.68 Young people interviewed were extremely positive overall about their experience in these EOTAS settings. In particular they appreciated the supportive non-judgmental attitudes of staff. Several recalled teachers shouting at them at school, and of struggles with learning, and contrasted this their feelings about new setting where staff were seen to be more patient and to explain more carefully and calmly than teachers in school.

- 5.69 There was however confusion expressed in local authority interviews around policy and practice on 'seclusion', 'isolation'

and 'detention' and one respondent argued strongly about the need for a 'common language and understanding of what we mean' (Council S). Some local authority staff felt there was a need for more central guidance about restraint and for more training of staff locally:

The only thing I think that's starting to bubble ... is, I think, some clear guidance around the use of restrictive physical intervention, I think would be helpful. We're just doing a piece of work within the authority, I've asked one of the educational psychologists to do a piece of work around that middle intervention. So where people may have got into a habit of using the calming room, let's look at a training package to remind people what the middle intervention is. You've got your normal sanctions. What else could we be using in terms of, you know, communication, communication skills and the same? We use 'Team Teach' for our physical intervention training. 90 per cent of that is on de-escalation' (Council V).

- 5.70 The same interviewee thought it would be helpful to train some staff in de-escalation techniques only, in an effort to avoid moving too quickly through the de-escalation processes to restraint.
- 5.71 Some young people interviewed talked about the use of restraint, isolation and time-out in their current placement, although some of the case study settings did not use time out/seclusion at all. Most of the young people talked about this in comparison with previous, much more negative, experience of such interventions. Where there was time-out this was sometimes used as a voluntary escape for young people needing a space or when they needed to calm down but in two settings visited, it was also used for compulsory confinement. This did not simply reflect the difficulty of the pupils' behaviour or the kind of pupil population, as it was clear that some settings with extremely challenging young people still chose not to use time-out in this way.

5.72 Overall, there remained serious concerns from some local authority staff and among most key stakeholders about training and approaches to behaviour management in EOTAS provision. There is no shared or commonly agreed emphasis on a preventative approach to disciplinary problems in such provision, and no priority given to positive ethos or climate building at present. There is a concerning emphasis on restraint, time out, seclusion and isolation in some provision.

Reintegration

5.73 One recurring concern about EOTAS in both Wales and England has been the tendency for pupils once removed from school to remain in EOTAS provision for the rest of their school career. One key stakeholder referred to 'doors that do not revolve'. Pupils placed in EOTAS at the primary school stage, for example, might have typically remained out of the mainstream for the rest of their school career, missing out on many of the most important experiences of schooling.

5.74 In light of this concern, many local authorities were reviewing their use of PRUs for primary age pupils and introducing more structures for reintegration back into mainstream. Where there continued to be PRU provision for primary age pupils, some authorities were moving to site these within or adjacent to primary schools. This enabled pupils to return to mainstream school on a part-time basis and for staff and pupils to more easily build or maintain relationships. Other developments noted as helpful included the introduction of a brief assessment period for new arrivals in a PRU and, as noted above, the identification of clear entry and exit dates at the beginning of a placement.

5.75 Reintegration was also becoming a focus for older pupils in a few local authorities. Here, staff supported the use of short-term

EOTAS provision, aware that reintegration is more likely to be successful if only a limited amount of time is spent outside mainstream provision. One approach encouraged staff to work closely with pupils moving from EOTAS back to mainstream:

‘You know, we’ve got staff going out into the schools. And when the kids go back in, they [the staff] are working alongside ...’ (Council P).

5.76 The process of reintegration can be complex, however. One young person pointed out the challenge of moving from a pupil referral unit, where he felt safe and supported, to school:

‘With (name of unit) you are in a small group and when you go back there’s about 30 – it’s pretty hard. [Here] they don’t, like, shout at you, they try to explain it first.’

5.77 One young woman had been in trouble on her weekly return day to school, when she had been made to do a test in maths despite having missed most of the teaching input:

‘We had a test. It’s like a test fortnight, and I hadn’t been there and she still made me do it. I’d rather be here, the teachers like, explain stuff’.

5.78 One Key Stage 3/4 PRU in an urban area focused entirely on rapid reintegration to mainstream school. Young people attended for half a term, six to seven weeks, four days a week, continuing with one day in their original school (or another school if permanently excluded). Reintegration was a clear expectation and structures were in place to support this. A second stay was possible if reintegration broke down. In 2011/12 a total of 42 Key Stage 3 pupils and 24 Key Stage 4 pupils attended this PRU. Attendance for 2011/12 was 93 per cent and 42 per cent of pupils were re-integrated into mainstream. Here, the local authority had

assisted by developing common assessment materials to be used across different settings.

5.79 In this provision, the weekly return to mainstream was clearly specified through an agreed protocol. All the pupils had a link person in school, with whom they met on arrival each morning. This worked well when the secondary school was committed and communicative. Sometimes secondary schools provided good information about learning strengths and difficulties but not always. The local authority was trying to standardise use of this protocol across the county. There was a strong and helpful involvement of the educational psychology service in the development of this PRU:

‘The schools that have taken that ownership seriously are fully aware of the protocol and use the resource effectively. Some schools that aren’t fully engaged with the provision have misinterpreted the protocol and said right, well, 7 week period is for assessment to see if fit to go back to mainstream anyway and if that’s the case the secondary school hasn’t done its job in putting in place things like behaviour support teaching, their own internal nurture provision ...’ (Educational Psychologist).

5.80 A different authority had developed a two-week comprehensive assessment programme, based in a PRU, for young people at risk of exclusion from secondary school. Local secondary schools could make referrals to this assessment centre, which were then considered by a placement panel. Considerable effort had been put into the selection of a comprehensive range of diagnostic appropriate assessment materials. Young people who came for assessment remained on their school roll; others were dually registered unless permanently excluded.

- 5.81 Many authorities recognised that capacity building in schools, particularly in secondary schools, was also needed for successful reintegration. For most of those interviewed, this included addressing the failure of mainstream schools to identify and meet additional learning needs.
- 5.82 A number of criticisms have been made about the quality of educational and personal assessment information provided to support applications for EOTAS and to EOTAS providers once young people are placed. Whilst staff in some case study settings conceded that this varied from excellent to poor quality, this was an issue being addressed thoroughly by EOTAS managers and by local authority staff as noted earlier. In these case studies we saw evidence of much more detailed assessment and focus on specific literacy and numeracy difficulties, as well as awareness of whether a young person had or might potentially benefit from having a statement of need. All of the case study settings were developing their use of data gathering and evidence, both in assessing and recording pupils' progress and in sharing evidence with other relevant agencies, particularly when reintegration was planned.

Involvement of families

- 5.83 Parents and pupils interviewed in case studies contrasted the quality of contact from schools with that in their current EOTAS setting. Parents spoke about how they had often feared contact from the mainstream as it had so often involved problems with their child's behaviour. In contrast the case study settings were in regular contact with parents and most had very strong and positive links with home. In several settings there was feedback to parents daily by telephone, text or by written note. In one, there was a detailed reward chart sent home weekly. Parents and carers often talked of continued support by staff even when young people were at their most challenging.

'They've got a lot of time for parents as well. They always contact you. The welcome is lovely, it's really nice' (Grandparent/carer).

Leadership and management

5.84 Systems of leadership and management have come under increasing scrutiny in EOTAS, particularly in PRUs. Some key stakeholders and most local authority staff interviewed identified a series of issues related to this.

5.85 Management committees in PRUs were not seen as strong sources either of scrutiny or support by many of those interviewed in PRUs, local authorities or among the key stakeholders. One key stakeholder described them as:

'... sometimes more a friendly network of interested parties rather than a proper critical meeting'.

Another key stakeholder was concerned about the

'lack of support and challenge'

He compared this with the stronger mechanisms in schools.

Quality assurance in general was seen as a continuing problem.

5.86 Local authority staff and from staff in PRUs themselves indicated that PRUs were still very isolated within their authorities, although in some areas moves were being made to include them more within the educational community by restructuring the management committees and involving them in local initiatives on curriculum and behaviour. The most effective management committees had broad representation from across education and included, for example, the head of children services, head teacher representatives and Youth Offending Service staff. Links were

being developed in some authorities directly between PRUs and schools. In one area (Council L), the head of behaviour support services was also manager of the PRU. The schools retained responsibility for the young person, who remained on the school roll, while in another area (Council V) the area inclusion manager led the PRU and supported the day-to-day manager of the PRU.

5.87 The national PRU conference, held in spring 2012, was frequently referred to by local authority interviewees, who welcomed this opportunity for discussion and networking. Consortium working was also valued for information sharing and supportive discussion.

5.88 Overall, there was support for individual managers of PRUs but some strong criticism of leadership and management systems. There were calls for a nationally recognised and required qualification in headship of PRU provision, for much stronger networks to support PRU managers across the country and for much clearer guidance about the composition, remit, roles and responsibilities of management committees.

Funding and cost-effectiveness of EOTAS

5.89 Most authorities were in the process of reorganizing their funding arrangements and it is, therefore, difficult to offer a precise assessment of cost-effectiveness. However, it was clear that the variation found in other aspects of EOTAS provision was also a feature of funding too. The cost of a PRU place, for example, was found to vary from £11,500 to £15,000. The cost of an individual package, involving home tuition and perhaps a college place, varied from £7,000 to £16,000; in local authority 'N' for example, it would cost about £7,000 for college plus work experience plus some tuition but £16,000 if there was much more tuition.

5.90 The cost of, and charge to, mainstream schools for a place in EOTAS also varied depending on the purpose of the provision, for example whether it was for short-term reintegration or long-term education; and whether it was full all year or increased in numbers over the school session. Some authorities would ask schools to pay the equivalent of the pupil capitation amount.

5.91 In one local authority, the secondary schools were invited to discuss how the EOTAS provision should be funded.

‘These schools said they would like it to be a flat rate across the eight secondary schools. When we did the remodelling we gave them options, you know, could charge the AWPU [Age Weighted Pupil Unit], we could charge you this much, we could charge you that much. And in fact one of our schools that’s one of the least users of the PRU said it’s for (authority) children. We should all pay the same amount. So we all pay £15,000 a year. And it means we don’t get in the grey side of permanent exclusion. Cause clearly they know that they have, it’s not a quota. We have no quota system’ (Council V).

5.92 However, in other authorities schools pay for individual placements; which is seen as a way of keeping number of referrals low:

‘They are keeping exclusions low but not using alternative provision more. Hence receptive to having much more on-site themselves. Pay the age rated pupil unit, daily rate. Re reintegration, schools don’t say “oh yes we’ll have them back because of the money”. They’re much more measured about children coming out to the PRU now, they know it’s going to cost them but they’re willing to pay that if they think that it’s the right provision’ (Council C).

- 5.93 In local authority K in 2011/12, schools contributed approximately £3000 towards the cost of a PRU place, which was £13,500-£14,000.
- 5.94 A majority of authorities were still working on new approaches to funding that would involve some clawback from schools but most did not yet have fully established systems. It was clear that individual local authorities managed budgets for EOTAS provision in different ways and there seemed to be no common template or process for monitoring these budgets.
- 5.95 It is difficult to make comparisons between authorities or indeed between different EOTAS provision in terms of value for money as the range of provision is so diverse; and also because provision has been put in place for specific groups of young people, without clearly specified outcomes against which to measure success. However in some authorities provision has been restructured with a clearer purpose and systems for monitoring outcomes are being established. Estyn's Self-evaluation for Special Schools and Pupil Referral Units (2010) suggests that, in considering value for money, schools should ask the following:
- Is our provision effective in securing appropriate outcomes for our pupils?
 - Do we balance the effectiveness of our provision against costs, including staffing costs?
 - Do we make good use of the funding we receive? (Estyn, 2010, p. 32).
- 5.96 Value for money will be more easily assessed, when as recommended by the Welsh Government, there is a benchmarking framework for EOTAS pupils, including aspects such as attainment, reintegration rates, exclusions and

attendance. Individual EOTAS provision needs to be evaluated against such specific criteria. Some, but not all, authorities were found to be developing this kind of benchmarking and were able to set the cost of the provision in the cost of an evaluation of specific objectives, such as rate of reintegration.

Place of registration

5.97 Interviews with local authority staff revealed continuing confusion and disparities about where a pupil was registered as receiving their education. In a few local authorities, the emphasis was on avoiding dual registration and maintaining pupils on the mainstream school roll. One respondent explained the rationale for maintaining a young person on the mainstream school roll as follows:

‘That way their results are still attributable to that school. So the school’s still interested then’ (Council M).

5.98 Other local authorities advocated dual registration on the grounds that this helped the mainstream school maintain a sense of involvement and ownership. One local authority staff member said that place of registration should relate to the age and stage of pupils, so that older pupils were registered with the PRU rather than the school.

‘We are debating, whether Year 11 they should be registered in the PRU, as [they are] not going to go back’ (Council C).

5.99 Another pointed out that maintaining pupils on their school roll:

‘entitles them to work placements and career advice. So school is responsible for this – because schools have the insurance for work placements’ (Council K).

5.100 One key stakeholder was concerned that different approaches to registration raised a fundamental issue about locus of responsibility for young people in EOTAS. This may be resolved to some extent by new funding arrangements for pupils proposed by the Welsh Government, whereby EOTAS PLASC data should be included in the Revenue Support Grant (RSG) distribution formula for 2013/14 settlement. However it is clear that at the moment there are large numbers of young people registered with schools whose education does not actually include attendance at the school. Although most of the young people in the settings visited may not have been recorded as permanently excluded, a majority saw themselves as having been excluded, '... chucked out of school', even where professionals said that no official exclusion had happened.

What is 'Good' practice in EOTAS?

5.101 The findings overall reveal extensive variation and variability within EOTAS provision. Local authorities and key stakeholders often talked about the need to 'share good practice' or to 'develop good practice'. We therefore, now turn to examine the meaning of 'good practice'.

5.102 What we mean by 'good' practice is inevitably contested and depends on our assumptions about the purpose of the practice:

...there is no magic formula ... and no way of clearly establishing that any change or improvement would not have happened anyway, without any intervention. ... Perceptions of success/effectiveness depends on the definition of the problem, moving us again into the vexed question around exclusion - whose problems are we discussing? Are they the management problems of schools and teachers or are they the young peoples' problems? (Lloyd et al., 2001. p. 4).

5.103 Every PRU or EOTAS provider should have their own specific aims and planned outcomes for the distinctive issues faced by their pupils. In making comparisons and generalising from provision to provision, it is important to bear in mind the different local contexts. Therefore, even where an effect might be found, it is not, of course, possible to be certain that a particular intervention was the only or main influence on behaviour. Equally, the simultaneous use of different interventions by professionals means that sometimes they merge into each other. Indeed, from a holistic perspective this may be viewed as positive. However, it also means that formal evaluation of individual strands and individual interventions is complex.

5.104 In a study of young people permanently excluded from school, Daniels et al. (2003) found that different forms of provision appealed to and were successful with different young people. It seems that it is important to provide:

the right help at the right time in the individual young person's life. When intervention or support was helpful it was seen by young people to have been what made sense for them at that time in their life ... (Lloyd et al., 2001, p. 49).

5.105 Pupils interviewed in the case studies were asked what they thought was good in their EOTAS setting. In summary, they said that good practice was:

- When they were listened to by professionals.
- When professionals were not judgmental, yet set clear boundaries.
- When professionals kept in touch with parents and told them the positive achievements of their children as well as their misdemeanours.

- When teachers explained things carefully to pupils and didn't make them feel inadequate.
- When they could learn at their own pace.
- When teachers didn't shout.
- When there was someone to talk to if you had problems.
- When they were treated with respect; for older pupils, more like an adult.
- When they felt safe and supported.

5.106 The responses of these young people, with direct experience of EOTAS, provide an important and helpful guide against which to measure 'good practice'.

5.107 Good practice can also be measured, sometimes narrowly, by relatively easy criteria. If for example, the aim for a young person is reintegration to school and the young person manages to return to school, that can be seen as success. However there may remain all kinds of issues about what counts as successful reintegration other than simply attending school. These may include issues about meeting educational needs or peer group issues. The young person may have preferred, as some in the case studies did, to have remained in the EOTAS provision.

5.108 It is more of a challenge to think about how we evaluate the complex range of factors that influence the outcomes of young people's education, outcomes that will be personal and social as well as measurable through, for example, GCSEs. So the idea of 'good' or successful practice is complex and involves both relatively easily measurable outcomes and a range of more complex outcomes that can only be more subjectively assessed.

5.109 Ofsted's (2007) report on PRUs found that those which were most successful had a clear sense of purpose, focusing strongly on

academic and personal development with high expectations of pupils. Estyn (2010) in their manual for special schools and PRUs, argue that there is no single formula or approach to self-evaluation. We need to recognise that schools are complex organisations and there are many different ways in which they can pursue the achievement of excellence in the various aspects of their work. Estyn (2010) also make the important point that schools will be at different starting points and will undertake a journey to improvement in different directions and at a different pace according to their pupils' needs. It is very clear that the EOTAS provision across Wales reflects very different stages of the journey towards effective self evaluation. The research reported here found many examples of good and promising practice, but also some key areas where less progress has been made. Estyn (2010) offers support and challenge to EOTAS provision in reflecting on this.

Conclusion

- 5.110 We set out to explore issues to do with the effectiveness of the delivery, planning and commissioning of education for children and young people educated outside of the school setting with respect to the idea of equitable outcomes for children and young people.
- 5.111 We found that were issues of equity in the diversity of provision across Wales and in the different criteria and process employed in determining access to provision, confirming the criticism made in the NBAR Report (2008). However, we also found that provision in some authorities was being subjected to greater critical scrutiny, and that clearer criteria and processes for admission were being developed.
- 5.112 There was evidence in the case study settings of greater clarity of purpose, reflected in clearer criteria for the admission of pupils.

The presence of secondary school staff, as well as professionals from other agencies, on the selection panels for some ensured that detailed questions could be asked about strategies already tried. This meant that EOTAS provision was now less likely to have the kind of rather ill-assorted groups of pupils of different ages and with different issues, whose only common feature was sometimes that they could not access their mainstream school. In some local authorities, a continuum of provision had developed, and there was a well-organised process for assessing and placing pupils in EOTAS provision. Some authorities were establishing management committees with clearer roles in terms of critical support and supervision of EOTAS.

5.113 Some local authority respondents recognised that young people in EOTAS provision had less successful outcomes than the average in mainstream schools and were improving their curricula in order to enable young people to succeed in examinations and to leave with certificates. However, some respondents emphasised the additional learning needs of their population and believed that the emphasis should be primarily on functional literacy and numeracy, as well as personal and social learning. It was pointed out that the achievements of pupils in EOTAS should be compared with those of pupils with similar characteristics, rather than pupils in Wales as a whole. The curriculum was generally much narrower than that available in mainstream schools, but some Key Stage Four provision was found to be providing access to a wider range of subjects and qualifications.

5.114 Particularly in the earlier school years, some local authorities were planning reintegration and setting up good working arrangements with mainstream schools. They were establishing broad based management committees with clearer responsibilities for scrutiny. There was little evidence of authorities pooling resources, although there has been some joint

working on externally funded projects. Although the leaders of PRUs themselves were not criticised, the systems of leadership and management were felt by many research participants to need attention.

5.115 Overall in the case study settings, we found the staff approach to young people to be positive, warm and to balance support with high expectations. Young people felt safe and respected by staff, and found them helpful and available, both for academic and personal issues. It was clear that most pupils felt a sense of engagement and connectedness with the EOTAS provision that they had not felt in schools.

5.116 However, interviews with key stakeholders and local authority staff raised concerns over excessively punitive behaviour management strategies in EOTAS, and in particular issues to do with the use of restraint and forced isolation.

5.117 It is difficult to make strong conclusions about value for money, since the cost and funding arrangements for EOTAS provision were so diverse and in such a process of change. Local authorities were beginning to develop benchmarking frameworks against which they can measure progress in EOTAS. In England, there have been recent moves to increase commissioning at school rather than authority level. These moves aim to ensure greater accountability and value for money and focus discussion about the pupils' needs, provision, and expected progress and results. This will be worth monitoring. However, there are also clear disadvantages in this approach, for example, the reduction of the role of the local authority in managing an effective continuum of provision. This would be a particular issue in Wales where the research suggests the need for a continued and enhanced important role for the local authority, as well as the

Welsh Government, in planning for EOTAS and in monitoring costs and outcomes.

5.118 Overall, the research found that many of the concerns expressed in the NBAR report, the Estyn reports and the Welsh Government review were well-founded. However, it also found evidence that some authorities were responding very positively to these concerns, with substantial change and attention to improving the quality of EOTAS. There was evidence of practice that could helpfully be shared with those authorities currently less focused on the issues.

6 Conclusion

- 6.1 This research focused on an evaluation of the exclusion process and education provision for children and young people educated outside of the school setting. It sought to:
- Assess the effectiveness of the exclusion process in terms of the extent to which Exclusion from Schools and Referral Units (2006) is consistently applied across schools and local authorities and results in equality of outcomes for children and young people, and
 - Assess the effectiveness of the delivery, planning and commissioning of education for children and young people educated outside of the school setting.
- 6.2 It was of obvious importance to collect robust evidence of the nature and extent of exclusion from school and provision for those educated outside the school setting, so that a clear and reliable picture could be established and recommendations made for future policy development. The research was conducted using statistical and policy analysis, interviews with key stakeholders, a telephone survey and interviews of local authority representatives and interviews with young people, their families and a range of professionals working with children and young people educated outside the school setting. The advantages of a mixed method approach such as this are well documented and have been used successfully in previous research in this field by the research team. While there are always limitations about the claims to be made from different kinds of data, the overall picture emerging here is one which indicates that some good progress has been made in implementing the recommendations of these reports, but that significant issues remain.

The effectiveness of the exclusion process

6.3 In assessing the effectiveness of exclusion, the research focused on addressing three key questions, as outlined in the project specification. The first of these was:

i. Are the reasons given by schools to exclude young people consistent with Welsh Government guidance?

6.4 National statistics indicate that the two most common reasons for permanent exclusions in Wales are assault or violence towards staff and defiance of rules, together accounting for over 40 per cent of permanent exclusions during 2010/11. These were followed by assault/violence towards pupils (17.6 per cent), threatening or dangerous behaviour (10.8 per cent) and substance misuse (7.8 per cent). The most commonly cited reason for both categories of fixed term exclusions was defiance of rules. Threatening or dangerous behaviour was the second most common reason for exclusion of six or more days; followed by assault/violence to pupils and threatening or dangerous behaviour. The second most common reason for fixed term exclusions of five days or fewer was assault/ violence towards pupils, and then verbal abuse.

6.5 Reasons given for use of exclusion were found to be largely consistent with Welsh Government guidance but the interpretation of terms of the Guidance at times leads to inconsistency and may also lead to inequitable outcomes for children and young people. There is clear inequity, for example, in the disproportionate numbers of pupils with special educational needs being excluded from mainstream schools and also, compounding their disadvantage, from special schools and PRUs. Parents sometimes felt that the reasons given were too general to help them understand what had happened.

- 6.6 The second question related to exclusion from school was:
- ii. Do schools' Pupil Discipline and Exclusion Committees and local authority run Independent Appeal Panels consistently adhere to the practices and processes set out in Welsh Government guidance?*
- 6.7 There was some inconsistency found in the ways pupil discipline committees followed the policies and practices in the guidance on school exclusion although most local authority staff reported that most complied. A range of research participants, including some key stakeholders, most local authority staff and families felt that members of pupil discipline committees were not always independent and neutral. Rather, they tended to support the head teacher. Parents often felt the process was too complex and unfair. There may be an issue about understanding disability discrimination and the requirements of the Disability Discrimination Act (2010).
- 6.8 The number of appeals at this level each year is small, none in most authorities and local authority staff had few comments to make on this issue. It is worth considering whether the infrequency of these appeals may mean that panel members are inexperienced in the process.
- 6.9 The third question on exclusion was:
- iii. Do the decisions made by Discipline Committees and Independent Appeal Panels consistently result in equitable outcomes for young people across schools and local authorities?*
- 6.10 Most of those interviewed felt that the processes of appeal panels were largely fair. However, the number of appeals is very small and some parents feel it is not worthwhile pursuing an appeal. Furthermore, children and young people are not always present

and able to influence decisions. The possible inexperience of panel members may have an impact on the fairness of outcomes. Parents interviewed also voiced concern that, even at local authority level, panel members often appeared to know the head teacher and this reinforced a feeling of 'them and us'. Therefore, there remain some concerns about equitable outcomes for young people.

- 6.11 Overall, findings indicate some continued inconsistency in the application of the guidance, leading to issues about equity in outcomes for children and young people. It was also clear, however, that implementation of guidance is now a main focus and a priority in the work of most local authorities and there was evidence of improving practice.

The effectiveness of delivery, planning and commissioning of EOTAS

- 6.12 In assessing the effectiveness of the delivery, planning and commissioning of EOTAS, the research focused on addressing a range of questions, as outlined in the project specification. The first of these was:

1. To what extent is the quantity of education for children and young people educated outside of the school setting consistent across local authorities?

- 6.13 Findings indicate that the quantity of education for pupils on fixed term exclusions is variable and often very poor for those pupils on shorter fixed term exclusions. This raises issues about equitable outcomes for all in this situation and particularly where pupils may experience a series of fixed term exclusions. The quality of education is similarly variable. In some provision, pupils received age and stage appropriate educational support but more often the work provided was minimal. For pupils with longer fixed term or permanent exclusions, local authorities provided education that

varied from two hours per day tuition, through to 25 hours per week in a PRU.

- 6.14 There were 2,577 pupils recorded as being educated other than at school in 2011/12, with 1,026 of these receiving their main education outside of school and the remainder still registered at school although many actually full-time in EOTAS. The rate of pupils educated other than at school remained the same as 2010/11 (2.2 per 1,000 pupils). Just under 90 per cent of EOTAS pupils receiving their main education outside of school were recorded as having special educational needs. Pupil referral units were the most common form of education provided to EOTAS pupils, accounting for almost 40 per cent of all enrolments.
- 6.15 Three quarters of pupils in EOTAS were boys, the largest number were 15 years old; nearly 70 per cent were entitled to free school meals, a proxy measure of poverty. There were 465 pupils singly registered at a PRU while 461 pupils attending PRUs were dual registered. Other EOTAS settings included further education college, work-related education, training providers, 'bought in private sector provision' (Welsh Government, 2012c).
- 6.16 Overall, provision for EOTAS was found to be variable between authorities. This sometimes reflected the history of how provision in the authority had developed, rather than a strategic assessment of the current needs of pupils. The number of available places also varied between authorities, as did the nature and purpose of the provision. Different referral criteria were applied. Some authorities are now reviewing and restructuring their provision according to policies of inclusion and in response to the concerns expressed in the various reports discussed above.

- 6.17 Variation was found in the degree to which young people were receiving fulltime education when educated outside the school setting. Some young people reported receiving no education during exclusion and while awaiting a decision about appeal, reintegration or onward placement. Some local authorities were struggling to provide education within the statutory timeframes for pupils on fixed term exclusions. Education provision ranged across local authorities from two hours per day through to a full 25 hours per week, although most authorities were moving to offering 25 hours per week for long term and permanent exclusion.
- 6.18 Those pupils least likely to receive full time education were mainly those on fixed term exclusions, particularly those excluded for up to 15 days. In some authorities those excluded for 16 days or more may not have full-time education, although efforts were being made to improve this. Some students still registered in mainstream may be on restricted timetables; some students with work-based providers may also be on limited timetables. Pupils in PRUs were mainly on 25 hours and most students on individualised programmes were also usually receiving 25 hours education, though there was variability in how well this was monitored.
- 6.19 There were a number of factors that assisted local authorities in fulfilling their requirements. These included: close working between local authorities and schools where the head teacher liaised with the local authority before exclusion; regular local authority monitoring of exclusion and provision made by school for excluded pupils; clear structures of accountability in relation to exclusion; and the monitoring and challenging of exclusion and of provision made.
- 6.20 It was helpful where there was a clear system with identified individual professionals responsible for ensuring education and

personal progress of each student. Where students followed individualised mixed programmes of education and work-based training, some authorities had strong teams of support staff monitoring and intervening if there were difficulties of attendance, behaviour or problems with the provision. Use of 'home' tuition services to provide formal teaching in work-based provision was also helpful in offering different aspects of a pathway in the same place. Regular multi-agency meetings for referral and placement in EOTAS and for monitoring provision were also helpful in fulfilling the requirements for full-time education.

6.21 Where local authorities were not fulfilling requirements, the factors preventing them doing this included: individual schools not providing/marking work for excluded students; parents unable to support their children in completing work; local authorities not monitoring/challenging this; schools not informing authorities quickly enough about exclusion; students on some individual work based programmes inadequately monitored by their school or by authority; lack of clarity as to who was responsible for this monitoring; and infrequent multi-agency meetings.

6.22 Successful practice could be showcased in practice documents, training and conference. There is clearly developing successful practice that could be shared across authorities.

6.23 The second question related to the delivery, planning and commissioning of EOTAS was:

II. To what extent is there variation in the quality of education outside of the school setting provided across local authorities? That is, education which is based on the needs and capabilities of individual pupils and provides them with the highest level of basic skills and qualifications possible.

- 6.24 There is clear variation in the quality of education provided; this was recognised by local authorities and is evident in the case studies. EOTAS was still sometimes isolated from mainstream. Some students still received small numbers of hours of 'home' tuition. There was considerable variation in the quality of educational and personal information provided by mainstream schools at the point of referral to EOTAS.
- 6.25 There was also variation in the clarity of purpose about EOTAS provision. Some authorities had restructured and developed their provision with clear referral criteria and processes, and specific aims and outcomes for different settings. For example, some were focusing much more on reintegration to mainstream school; others were recognising that certain groups, such as pregnant young women, could be educated successfully in mainstream. Several had acknowledged criticisms of the quality of curricula in EOTAS and the low attainment of pupils by developing curricula and pedagogy more appropriate to the age and stage of pupils. There was a greater focus in the secondary stages on subject curricula leading to certification. In the best practice this increased focus on curriculum and attainment was developed without loss of emphasis on, indeed was underpinned by, a high level of personal and social support.
- 6.26 There was variation, too, in approaches to behaviour management and relationships in EOTAS. Concern was expressed by a range of respondents about this; in particular about the punitive use of restraint and isolation in some provision. However, some settings had eliminated the use of punitive isolation and many of the young people interviewed in the case studies of good practice were very positive about their relationships with teachers and other adults and felt that the greater informality and supportive climate outside mainstream was helpful to learning.

6.27 The third question relating to the delivery, planning and commissioning of EOTAS was:

III. How effective are local authorities in reintegrating children and young people back into mainstream education and training?

6.28 There was some very good work being developed to help older pupils (aged 14+) to re-engage with education, sometimes returning to their own school, but more often building links to college and vocational learning. There was also an increasing recognition that reintegration of primary aged children from EOTAS to mainstream provision has not received sufficient focus and that this has led to educational disadvantage. Some authorities were found to be developing clear processes for short-term placement in EOTAS, for planned, structured reintegration and for monitoring of this.

6.29 The findings from the research suggest that focusing on the following practices can prove effective for all settings:

- Clear selection criteria and processes.
- Clear specified purposes for each setting.
- Individual educational and personal planning for pupils.
- Curricula appropriate to assessed educational need and to age and stage.
- Behaviour management that is firm, fair, student-centred, rooted in unconditional positive regard for students and based on clear policies delivered by trained staff.
- Clear non-punitive policies and practice on the use of restraint, seclusion and isolation.
- Clear commitment to children's rights and to hearing their views.
- Flexibility and willingness to continue to find ways of supporting very challenging young people.

- 6.30 In addition, the following practices are particularly helpful in settings for older disengaged /disaffected young people:
- Imaginative and flexible curricula focused on life after school.
 - Climate where young people feel treated more like adults.
 - Structured opportunities for young people to participate fully in planning their programmes.
 - Access to certificates/examinations.
 - Strong personal support and coordination of programmes.
 - Identified key person responsible for coordinating support from range of agencies.

- 6.31 Factors which facilitated effective reintegration were identified as follows:
- Clear protocols agreed between mainstream school and EOTAS setting, that specify responsibilities both of EOTAS setting and of mainstream school.
 - Comprehensive assessment information provided by mainstream school and by EOTAS on return.
 - Pre-specified length of time in EOTAS (in one authority there was a built-in flexibility to support one further attempt at reintegration if the first attempt was unsuccessful).
 - Contact maintained with mainstream school, often one day a week, so pupils does not lose touch with their peer group and teachers.
 - Specific help for students with literacy/numeracy and or/ maintenance of subjects from mainstream.
 - Recognition within mainstream schools that reintegration would involve changes in their approaches as well as changes on the part of the pupil.
 - Flexibility by schools in making arrangements for pupils on their return.

- 6.32 In some authorities, a two-week assessment period was offered where schools were provided with detailed advice and help for the young person. This worked well when schools were willing to provide the additional support specified.
- 6.33 The main barriers to reintegration identified were:
- Reluctance by mainstream schools to participate in reintegration programmes.
 - Lack of clear processes and structures for reintegration.
 - Lack of impetus from local authority.
 - The isolation of EOTAS from mainstream curricula and pedagogy.
 - Pupils losing touch with their peer group.
 - The absence of clear aims and purpose in EOTAS settings with diverse populations.
- 6.34 It would be helpful to disseminate the practices of local authorities with successful rates of reintegration and organised structured approaches.
- 6.35 The fourth question related to the delivery, planning and commissioning of EOTAS was:

IV. To what extent is partnership working taking place in the delivery, planning and commissioning of education provision for children and young people educated outside the school setting? This includes an assessment of: What approaches/ models have been adopted across local authorities? Which partners are included?

- 6.36 There was not much evidence of partnership working across authorities though there was found to be helpful discussion of the issues and sharing of good practice in consortium meetings. One example was found of partnership working where one senior staff member had responsibility for inclusion and EOTAS across two

authorities. Some authorities were working with voluntary or other professional agencies whose responsibilities ranged across authorities, for example CAMHS or the police. This aspect of EOTAS provision was clearly at an early stage of development.

- 6.37 Within local authorities themselves there was found to be a developing commitment to partnership working at a number of different levels. Although some were still in the early stages of development, these were felt to be valuable and included multi-agency panels for all secondary schools in some authorities and multi-agency referral panels for EOTAS. Significant partners were educational psychologists (working closely with reintegration in one authority); social services; the education welfare service; youth offending services; youth service; All Wales School Liaison Core Programme; Child and Adolescent Mental Health Services; Families First and the police.
- 6.38 Guidance from Welsh Government acted as a major driver for effective partnership working. Within local authorities, the key factor was clarity about roles and responsibilities, with, crucially, a key person responsible for coordinating support from a range of agencies for individual young people.
- 6.39 The factors that acted as barriers included:
- Time and pressure of work.
 - Lack of knowledge /understanding of other professionals' work.
 - Different terminologies and conceptualization of young people's behaviour.
 - Differing understandings of young people's needs.
 - Short-term funding of projects and the changing nature of national and European funded initiatives.
 - Statutory responsibilities that are local authority specific, for example, in relation to special educational needs.

- 6.40 Findings indicate that partnership working can be encouraged and implemented through:
- Building on consortium meetings.
 - Senior staff appointments working across small authorities.
 - Sharing good practice in consortium meetings.
 - Advice as to how to share practice when local authority has statutory responsibilities, for example with regard to learning needs.
 - Funding incentives.
 - Common and agreed policies and procedures between authorities.

6.41 The fifth question related to the delivery, planning and commissioning of EOTAS was:

V. To what extent do local authorities pool resources across agencies/ service providers when commissioning education provision for children and young people educated outside of the school setting? What approaches/ models have been adopted across local authorities? Which agencies/ services are involved? How can effective joint commissioning be encouraged and implemented across Welsh local authorities?

6.42 There is not a great deal of evidence of pooling resources in the commissioning process of EOTAS except in relation to pupils outside the remit of this research, that is, pupils with low incidence special educational needs. However, there were examples of local authority consortium inclusion/behaviour support staff meeting to share/discuss practice. It was also clear that local authorities shared places in independent work based provision, but not the commissioning process. Rather they independently negotiated with the provider.

- 6.43 As noted above, no evidence was found of joint commissioning. One issue worth further consideration is that there may be a problem about commissioning and sharing provision across authorities when each local authority has statutory responsibilities for its own pupils, for example in respect of special educational needs. Factors that may facilitate joint commissioning in future include: demonstrable funding savings; funding incentives; and guidance from Welsh Government.
- 6.44 The sixth and final question related to the delivery, planning and commissioning of EOTAS was:
- VI. To what extent is there variation across local authorities in the costs of provision for children and young people educated outside of the school setting?*
- 6.45 There is variation across local authorities in the costs associated with providing education for children outside the school setting. A PRU place, for example in 2011/12 could cost from £11,000 to £15,000. Costs and costing models vary; most authorities were in the process of restructuring their costing arrangements and their arrangements for charging schools. One authority funded its EOTAS placements with a flat rate payment of £15,000 from each secondary school, regardless of use of the provision. Others charged schools per pupil referred, and saw this partly as a disincentive to exclude.
- 6.46 Variation in cost across Wales reflects a wide range of factors. These include concentrations of socio-economic disadvantage; small but geographically large rural authorities; small authorities with variable annual demand for EOTAS; the cost of providing a range of subjects to small numbers of pupils; the cost of providing a high level of personal and social support as well as formal teaching.

6.47 The costs associated with providing education for children outside of the school setting if the current requirement is reduced to 10 days are still difficult to ascertain at this point. This is because local authorities were mainly in the process of developing new models of funding EOTAS. Clearly, there would be additional costs; however given the poor level of education being offered currently up to 15 days, there would be a substantial benefit for the pupils and a wider gain for young people and families generally if the current requirement were to be reduced to 10 days.

Effective strategies to reduce exclusion

6.48 The findings from the research summarised above should be contextualised within an understanding of tried and tested strategies and approaches known to be effective in addressing exclusion from mainstream school. These include:

- Staff in mainstream schools who are trained and confident in providing support for pupils who need help with their behaviour.
- Restorative approaches.
- Strong in-school support from the educational psychology service.
- Strong relationships between the local authority and schools.
- Collaborative, solution-focused working in and beyond the school (social work, educational psychologists, education welfare service, youth offending service etc.).
- Information sharing within and beyond the school.
- School leaders with a broad range of professional backgrounds, skills and experience.
- School leaders' agreement to set a target of low or zero exclusions.
- Local authority support for schools in their target of low or zero exclusions.
- Government support for managed moves.

- Managed moves used for one-off actions, e.g. where there has been an incident of violence and relationships have broken down beyond repair. It is not used with consistently challenging pupils.
- Officers at local authority level dealing with exclusion have a status recognized by head teachers and other local authority officers and have influence on local authority finances.
- Local authority support and resource alternatives to exclusion.
- Well developed alternative curriculum in schools as well as strong support within the mainstream curriculum for additional needs.
- Counselling and support for parents/carers of children and young people at risk of exclusion.
- Pro-active contact with parents/carers whose child has been excluded, for example a local authority officer who calls to check if they want support.
- Support for reintegration following exclusion.
- Flexible provision within and beyond school.

Summary

6.49 The findings on exclusion and EOTAS confirm that the key issues are inextricably linked, and relate closely to issues of underachievement and economic social disadvantage. The most effective strategies and approaches to improving exclusion processes and EOTAS provision in this research were found to match the key features of good practice listed above. At present, however, the extent of variation in practice across Wales leads to an unacceptable variability in equity of outcomes for pupils. It is well known that a reduction in school exclusion and improved consistency in support for pupils' behaviour and learning in the mainstream can reduce the need for costly education out of school and can improve educational achievement for all pupils. Equally, consistency in selection, planning, delivery and monitoring of EOTAS must be of the highest quality to support disadvantaged pupils. There are clear and important roles for the

Welsh Government and for local authorities, as well as schools in delivering this.

Recommendations

- 6.50 The recommendations which follow are based on the data gathered in this research, and the extent to which recommendations made in the National Behaviour and Attendance Review (Welsh Assembly Government, 2008), the Review of Education Other Than At School (WAG, 2011a), the Behaving and Attending: Action Plan (WAG, 2009b) and the Behaviour and Attendance Action Plan 2011-13 (Welsh Government, 2011c) have been achieved.
- 6.51 The recommendations for Welsh Government are offered first, followed by those for local authorities. Within each set of recommendations, those related to exclusion are offered first, followed by those related to EOTAS. A small number of recommendations relate both to exclusion and to EOTAS. These are to be found at the end of the relevant set of recommendations.

Recommendations for Welsh Government:

- Welsh Government should continue to recognise and address the negative impact of exclusion from school on individual lives and on communities in Wales.
- Welsh Government should emphasise the use of exclusion from school as a sanction of last resort and, in the longer term, move away from the use of exclusion as a disciplinary sanction.
- Consideration should be given to the development of a national strategy to support staff training, communication and development in positive behaviour management, children's rights and wellbeing.

- The research supports the Welsh Government proposal that local authorities or consortia should designate specialist staff to assist the reintegration and support of excluded pupils.
- An information leaflet on exclusion and pupils' rights in the exclusion process should be available to all children in all schools.
- A good practice guide on strategies to support children and young people at risk of exclusion from school should be developed.
- Welsh Government should support local authorities to address the factors that currently restrict their capacity to meet the statutory requirement to provide education within 15 days of exclusion.
- The use of managed moves should be monitored and evaluated.
- Welsh Government should offer clear guidance on the registration, and monitoring of progress of pupils not following standard educational programmes in mainstream schools.
- The activities of pupil discipline committees and independent appeal panels, and their adherence to national guidance on exclusion procedures, should be monitored by Welsh Government.
- In the interests of equity and consistency, a National Appeal Panel should be established.
- Welsh Government should increase resources to promote effective consortium working at local authority level; to support pupils at risk of exclusion, to develop common processes and procedures for access to EOTAS, to share strategies for reintegration and to explore possibilities for sharing EOTAS provision across authorities.
- Individual level statistics should be used to develop and promote a better understanding of the profile of excluded pupils, and those in EOTAS.
- Clear national guidance should be developed on the use of isolation and seclusion in mainstream schools and in EOTAS. Unacceptable practices, such as forced isolation, should be specified.
- Welsh Government should continue to encourage local authorities to develop clear aims and purposes for EOTAS provision, particularly

pupil referral units, and benchmark frameworks for evaluating outcomes and value for money.

- Standardised systems for reporting and monitoring local authority costs of EOTAS should be introduced so that comparisons can be made across Wales, between local authorities and increase value for money.
- Advice should be issued on recognised effective strategies for promotion of behaviour management and relationships in EOTAS; such strategies should both support staff and respect pupils' rights.
- Good practice in EOTAS provision should be identified and promoted and regular meetings of providers should encourage dissemination of good practice. This should include sharing of good examples of curricula which meet current standards, and of effective child-centred behaviour management.
- Welsh Government should ensure monitoring of appropriate support for girls in EOTAS, where they are often in a minority.
- Data on reintegration should be gathered and disseminated, along with accounts of effective reintegration strategies developed in some local authorities.
- Data on education outcomes and post-school destinations of excluded pupils and those educated outside the school setting should be gathered and disseminated.
- Welsh Government should clarify and harmonise terminology used in policy and statistical reports relating to school exclusion and educational provision outside the school setting, for example, in relation to the terms, 'individual tuition'/'home tuition'.

Recommendations for local authorities:

- Efforts to reduce exclusion from schools should focus on building the capacity, skills and confidence of staff in mainstream schools using, for example, restorative practices, to improve relationships and behaviour in schools.

- Local authorities should carefully record, monitor and challenge exclusions from special schools, pupil referral units and other forms of EOTAS, to avoid further disadvantaging pupils with special educational needs. To that end, they should also record exclusions from mainstream schools for children with special educational needs and for those who are 'looked after'. Such records should form the basis of regular reporting to Welsh Government.
- Local authorities should further develop and share data management systems which can be used to monitor and challenge schools' use of exclusion, including unlawful exclusion.
- Training for governors and particularly for members of pupil discipline committees should ensure they understand equity issues, children's rights, the social context of exclusion and strategies to avoid exclusion.
- Advocacy and mediation services should be more widely publicised and used to support pupils and their families.
- Local authorities should prioritise resources in order to increase capacity to meet the statutory requirement to provide education for excluded pupils.
- There should be a requirement for local authorities to provide education by the 11th day following exclusion.
- Local authorities should encourage the identification of key workers for pupils in EOTAS so that there is consistent monitoring of their education and support.
- Local authorities should ensure that EOTA Staff are fully included in all local staff development opportunities and information dissemination on curriculum, behaviour management and additional learning needs.
- Local authorities should continue to improve communication between EOTAS provision, special schools and mainstream schools.

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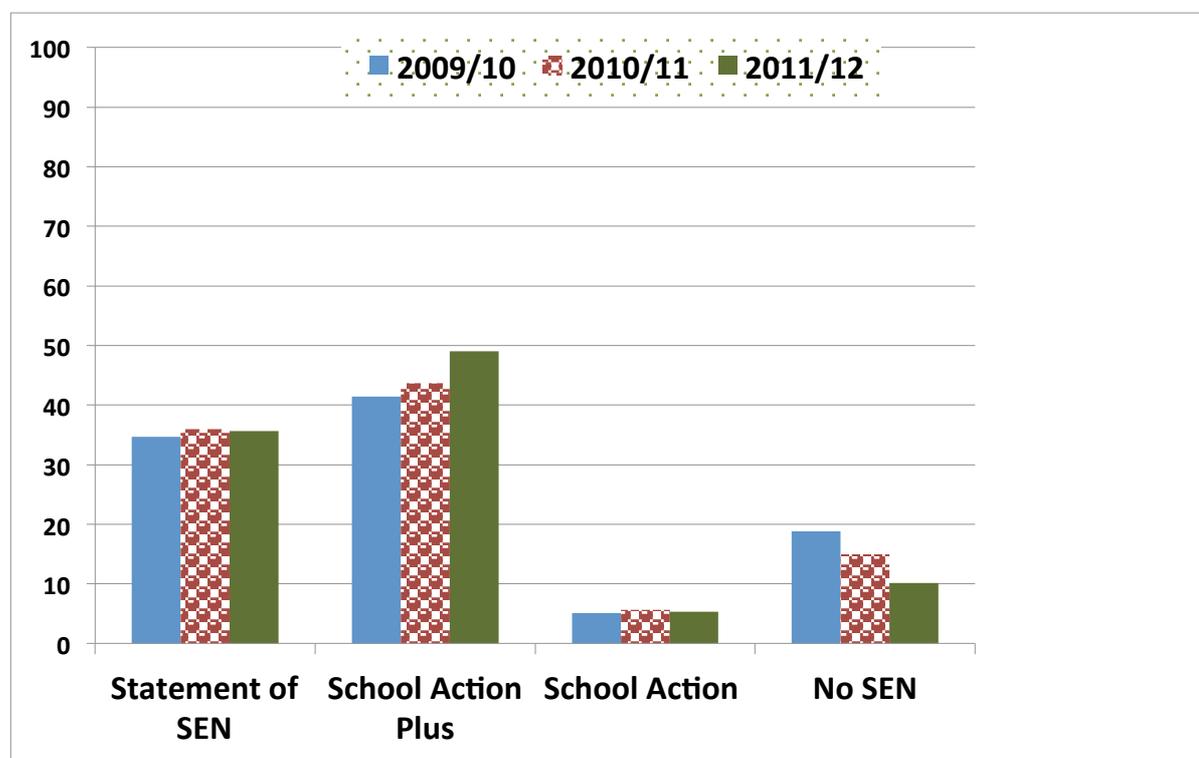
Appendix 1 Further statistics

Table 1: Pupils educated other than at school, Wales, 2009-2012

	2009/10	2010/11	2011/12
EOTAS whose main education is outside of school and who have subsidiary enrolment/not on roll of maintained school (not included in PLASC)	995	1,043	1,026
EOTAS who have main/current enrolment status at a maintained school (included in PLASC)	1,399	1,589	1,551
Electively home educated pupils	722	896	986
Total	3,116	3,528	3,563

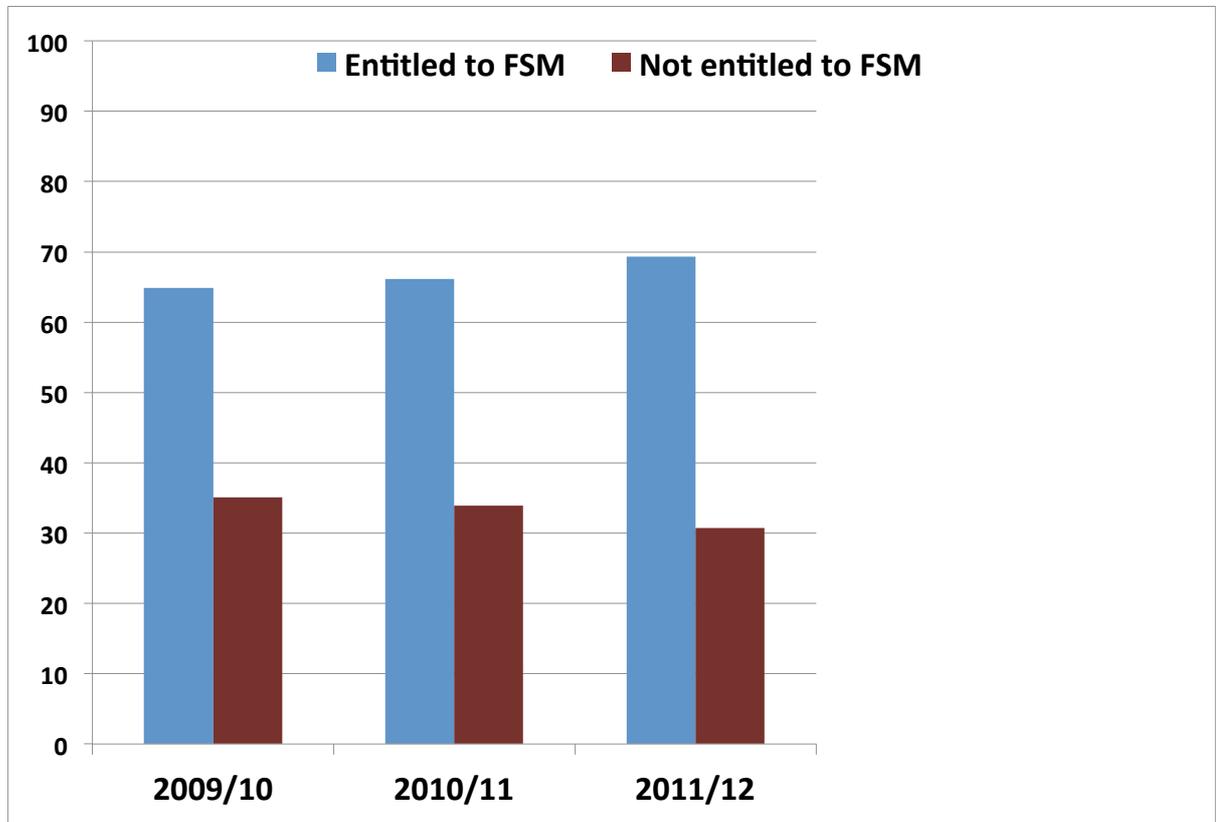
Source: Welsh Government, 2012c

Figure 1: Percentage of pupils educated other than at school with special educational needs (SEN), 2009-2012 (percentage of all EOTAS pupils)



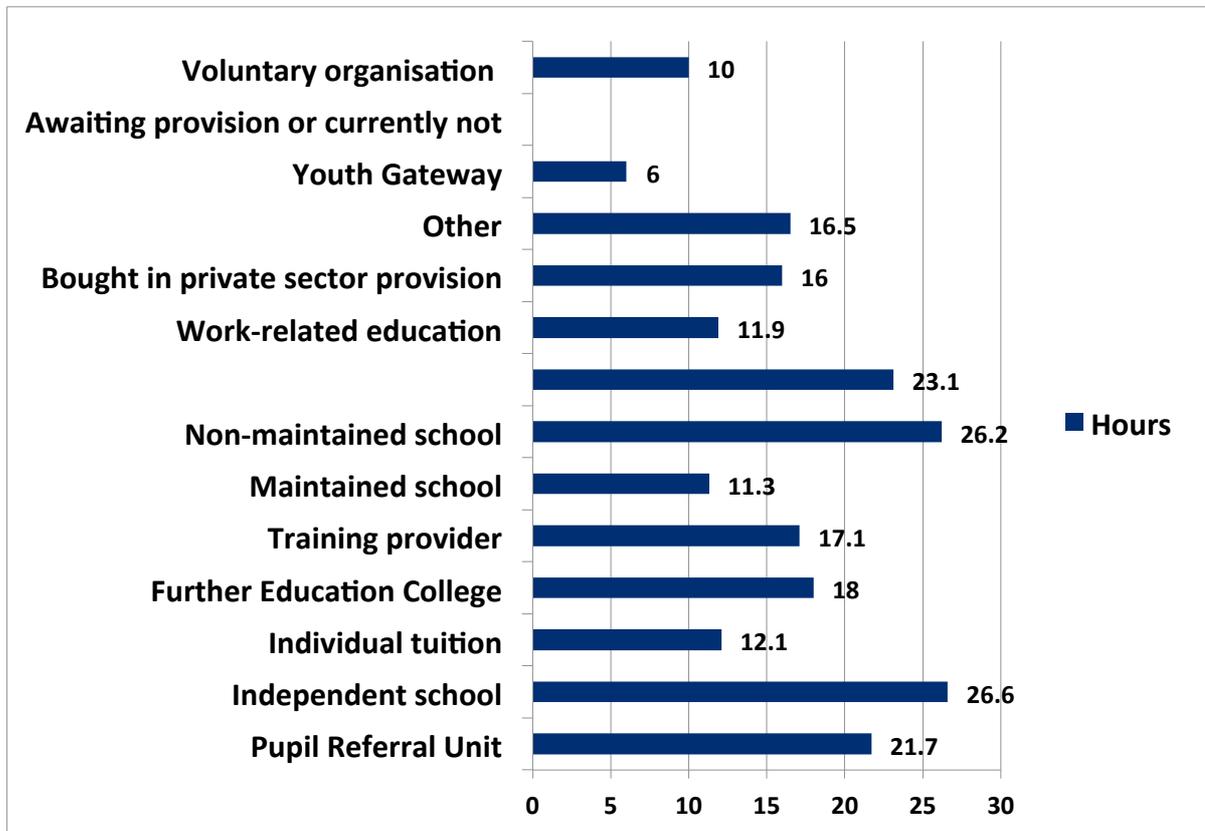
Source: Welsh Government, 2012c

Figure 2: Percentage of pupils educated other than at school entitled to free school meals (FSM), 2009-12 (percentage of all EOTAS pupils)



Source: Welsh Government, 2012c

Figure 3: Average number of hours that EOTAS pupils are scheduled to attend educational provision, 2011/12



Source: Welsh Government, 2012c

Note: Youth Gateway is support offered to 16-18 year olds who have left school and require help with the next steps to further education, training or work. It is offered by Careers Wales

Table 2: Number of pupil referral units by local authority, 1998/99–2008/09

Local education authority	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Isle of Anglesey	0	0	1	1	1	1	1	1	0	0	0
Gwynedd	1	1	1	1	1	1	1	1	3	3	3
Conwy	0	1	2	2	4	4	4	4	4	4	4
Denbighshire	1	1	1	1	1	1	1	1	1	1	1
Flintshire	1	1	1	1	1	1	1	1	1	1	1
Wrexham	1	1	1	2	2	2	2	3	3	3	3
Powys	0	0	0	0	0	0	0	0	0	2	2
Ceredigion	1	1	1	1	1	1	1	1	1	1	1
Pembrokeshire	1	1	1	1	1	1	1	1	1	1	1
Carmarthenshire	4	3	2	0	0	0	0	0	0	2	2
Swansea	3	6	6	6	6	6	6	6	6	4	4
Neath Port Talbot	3	3	3	3	3	3	3	3	3	3	4
Bridgend	1	1	1	1	1	1	1	1	1	1	1
The Vale of Glamorgan	0	2	2	2	2	2	2	2	2	2	3
Rhondda Cynon Taff	5	3	2	2	2	2	2	2	7	11	11
Merthyr Tydfil	1	1	1	1	1	1	1	1	3	4	4
Caerphilly	0	0	0	0	0	1	1	1	1	1	1
Blaenau Gwent	1	1	1	1	1	1	1	1	0	1	1
Torfaen	0	0	0	0	0	0	0	0	0	1	1
Monmouthshire	0	0	0	0	0	0	0	0	0	2	2
Newport	1	1	1	1	1	1	1	1	2	2	2
Cardiff	2	2	2	1	1	1	1	1	2	1	1
Wales	27	30	30	28	30	31	31	32	41	51	53

Source: <http://www.statswales.wales.gov.uk/ReportFolders/reportFolders.aspx>

Note: The table above shows data collected only until 2008/09. Collation of these statistics was discontinued after that year.

Appendix 2: Exclusion Data Monitoring Exemplar

PRIMARY 2 prim	PRIMARY 2 prim	PRIMARY 2 prim	PRIMARY 2 prim	PRIMARY 2 prim	PRIMARY 2 prim	PRIMARY 1 prim	excluded from school type
PUPIL BBB	PUPIL BBB	PUPIL BBB	PUPIL BBB	PUPIL BBB	PUPIL BBB	PUPIL AAA	pupil forename
14-Nov-01	14-Nov-01	14-Nov-01	14-Nov-01	14-Nov-01	14-Nov-01	27-May-06	pupil surname
05	05	05	05	05	05	01	date of birth
female	female	female	female	female	female	male	year group
							gender
X	X	X	X	X	X	X	SEN school action
							SEN school action plus
X	X	X	X	X	X		SEN statement
							LAC
							FSM
Sum	Sum	Sum	Sum	Sum	Sum	Sum	TERM
18-Jun-12	24-May-12	18-May-12	08-May-12	23-Apr-12	09-Jul-12	09-Jul-12	date of exclusion letter
Assault / Violence (Staff)	Assault / Violence (Staff)	Assault / Violence (Staff)	Assault / Violence (Pupil)	Assault / Violence (Pupil)	Assault / Violence (Pupil)	Assault / Violence (Pupil)	MAIN exclusion reason
4.5	4	2.5	1.5	2	3.5	09-Jul-12	start date of exclusion
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	days excluded
							exclusion type
							disciplinary committee meeting date
							disciplinary committee meeting time
ETHNIC							
x	x	x	x	x	x	x	white British traveller
							gypsy or Roma
							any other white background
							white and black Caribbean
							white and black African
							white and Asian
							any other mixed background
							Indian
							Pakistani
							Bangladeshi
							any other Asian background
							black Caribbean
							black African
							any other black background
							Chinese or Chinese British
							any other ethnic background
							ethnic background not known
SECONDARY REASONS							
			x	x	x		Assault / Violence (Staff)
		x					Assault / Violence (Pupil)
x	x	x	x	x	x		Defiance of Rules / Discipline Policy
x	x	x	x	x	x		Disruptive Behaviour
							Bullying
							Racial Harassment
							Sexual Harassment
x	x						Verbal Abuse
x	x		x		x		Threatening or Dangerous Behaviour
							Possession / Use of Weapon
							Theft
x	x						Damage to Property
							Substance Misuse
							Other

PRIMARY 5 prim	PRIMARY 5 prim	PRIMARY 4 prim	PRIMARY 4 prim	PRIMARY 4 prim	PRIMARY 3 prim	PRIMARY 3 prim	excluded from school type
PUPIL GGG	PUPIL FFF	PUPIL EEE	PUPIL EEE	PUPIL EEE	PUPIL CCC	PUPIL CCC	pupil forename pupil surname
06-Sep-05	19-Dec-02	08-Jul-01	08-Jul-01	08-Jul-01	24-Jan-01	24-Jan-01	date of birth
01 male	04 male	06 male	06 male	06 male	06 male	06 male	year group gender
	X	X	X	X			SEN school action
X					x		SEN school action plus
							SEN statement
							LAC
	X				x		FSM
Sum	Sum	Sum	Sum	Sum	Sum	Sum	TERM
21-Jun-12	14-Jun-12	03-Jul-12	13-Jun-12	25-Jun-12	23-Apr-12	23-Apr-12	date of exclusion letter
Disruptive Behaviour	Assault / Violence (Staff)	Assault / Violence (Pupil)	Assault / Violence (Pupil)	Defiance of Rules / Discipline Policy	Assault / Violence (Pupil)	Assault / Violence (Pupil)	MAIN exclusion reason
22-Jun-12	15-Jun-12	04-Jul-12	13-Jun-12	26-Jun-12	26-Jun-12	26-Jun-12	start date of exclusion
1 fixed term	1 fixed term	2 fixed term	2.5 fixed term	1 fixed term	2 fixed term	2 fixed term	days excluded
				27-Jun-12			exclusion type
				09:00			disciplinary committee meeting date
							disciplinary committee meeting time
ETHNIC							
X	X	X	X	X	X	X	white British traveller
							gypsy or Roma
							any other white background
							white and black Caribbean
							white and black African
							white and Asian
							any other mixed background
							Indian
							Pakistani
							Bangladeshi
							any other Asian background
							black Caribbean
							black African
							any other black background
							Chinese or Chinese British
							any other ethnic background
							ethnic background not known
SECONDARY REASONS							
							Assault / Violence (Staff)
							Assault / Violence (Pupil)
		X	X		x	x	Defiance of Rules / Discipline Policy
					x	x	Disruptive Behaviour
							Bullying
							Racial Harassment
							Sexual Harassment
					x	x	Verbal Abuse
					x	x	Threatening or Dangerous Behaviour
							Possession / Use of Weapon
							Theft
				X			Damage to Property
							Substance Misuse
							Other

PRU	PRIMARY 6	PRIMARY 6	PRIMARY 6	PRIMARY 6	PRIMARY 5	PRIMARY 5	PRIMARY 5	excluded from school type
pru	prim	prim	prim	prim	prim	prim	prim	
STUDENT	PUPIL	PUPIL	PUPIL	PUPIL	PUPIL	PUPIL	PUPIL	pupil forename
Ill	HHH	HHH	HHH	HHH	GGG	GGG	GGG	pupil surname
04-Sep-99	07-Apr-02	07-Apr-02	07-Apr-02	07-Apr-02	06-Sep-05	06-Sep-05	06-Sep-05	date of birth
07	05	05	05	05	01	01	01	year group
male	male	male	male	male	male	male	male	gender
								SEN school action
	X	X	X	X	X	X	X	SEN school action plus
x								SEN statement
x	X	X	X	X				LAC
	X	X	X	X				FSM
Sum	Sum	Sum	Sum	Sum	Sum	Sum	Sum	TERM
25-Apr-12	29-Jun-12	12-Jun-12	31-May-12	13-Jul-12	03-Jul-12	03-Jul-12	03-Jul-12	date of exclusion letter
Assault / Violence (Staff)	Threatening or Dangerous Behaviour	Disruptive Behaviour	Disruptive Behaviour	Disruptive Behaviour	MAIN exclusion reason			
	02-Jul-12	14-Jun-12	31-May-12	16-Jul-12	04-Jul-12	04-Jul-12	04-Jul-12	start date of exclusion
1	4	2	2	1	2	2	2	days excluded
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	exclusion type
								disciplinary committee meeting date
								disciplinary committee meeting time
								ETHNIC
x	X	x	x	X	X	X	X	white British traveller
								gypsy or Roma
								any other white background
								white and black Caribbean
								white and black African
								white and Asian
								any other mixed background
								Indian
								Pakistani
								Bangladeshi
								any other Asian background
								black Caribbean
								black African
								any other black background
								Chinese or Chinese British
								any other ethnic background
								ethnic background not known
								SECONDARY REASONS
					X	X	X	Assault / Violence (Staff)
								Assault / Violence (Pupil)
x								Defiance of Rules / Discipline Policy
x	X							Disruptive Behaviour
								Bullying
								Racial Harassment
								Sexual Harassment
x	X	X	X					Verbal Abuse
	X							Threatening or Dangerous Behaviour
								Possession / Use of Weapon
								Theft
								Damage to Property
								Substance Misuse
								Other

SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	excluded from school type
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
NNN	NNN	MMM	LLL	LLL	LLL	pupil surname
02-Nov-98	02-Nov-98	29-Mar-99	19-Apr-96	19-Apr-96	19-Apr-96	date of birth
08	08	08	11	11	11	year group
female	female	female	male	male	male	gender
						SEN school action
		x	x	x	x	SEN school action plus
						SEN statement
			x	x	x	LAC
			x	x	x	FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
12-Jun-12	30-May-12	27-Apr-12	03-May-12	17-Apr-12	17-Apr-12	date of exclusion letter
Defiance of Rules / Discipline Policy	Defiance of Rules / Discipline Policy	Threatening or Dangerous Behaviour	MAIN exclusion reason			
13-Jun-12	30-May-12	30-Apr-12	03-May-12	03-May-12	03-May-12	start date of exclusion
1	1	3	3	3	3	days excluded
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	exclusion type
						disciplinary committee meeting date
						disciplinary committee meeting time
						ETHNIC
X	X	x	x	x	x	white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
						SECONDARY REASONS
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
			X			Defiance of Rules / Discipline Policy
						Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
	x					Verbal Abuse
						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
			x			Other

SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	excluded from school type
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
PPP	OOO	NNN	NNN	NNN	NNN	pupil surname
17-Sep-96	18-Dec-97	02-Nov-98	02-Nov-98	02-Nov-98	02-Nov-98	date of birth
10	09	08	08	08	08	year group
male	female	female	female	female	female	gender
						SEN school action
x		X				SEN school action plus
						SEN statement
						LAC
	x					FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
17-Apr-12	25-Apr-12	13-Jul-12	22-Jun-12	14-Jun-12	14-Jun-12	date of exclusion letter
Threatening or Dangerous Behaviour	Assault / Violence (Pupil)	Verbal Abuse	Defiance of Rules / Discipline Policy	Disruptive Behaviour	Disruptive Behaviour	MAIN exclusion reason
2	10	3	2	1	1	start date of exclusion
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	days excluded
						exclusion type
						disciplinary committee meeting date
						disciplinary committee meeting time
						ETHNIC
x	x	X	x	X	X	white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
						SECONDARY REASONS
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
						Defiance of Rules / Discipline Policy
		X				Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
						Verbal Abuse
						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
						Other

SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	excluded from school type
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
VVV	UUU	TTT	TTT	TTT	TTT	pupil surname
16-Apr-99	18-May-98	08-Dec-96	08-Dec-96	08-Dec-96	08-Dec-96	date of birth
08	09	10	10	10	10	year group
male	male	male	male	male	male	gender
						SEN school action
X						SEN school action plus
						SEN statement
						LAC
X						FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
14-Jun-12	30-Apr-12	28-Jun-12	24-May-12	17-Apr-12	17-Apr-12	date of exclusion letter
Disruptive Behaviour	Assault / Violence (Pupil)	Substance Misuse	Defiance of Rules / Discipline Policy	Threatening or Dangerous Behaviour	Threatening or Dangerous Behaviour	MAIN exclusion reason
15-Jun-12	01-May-12	29-Jun-12	25-May-12			start date of exclusion
1	1	5	3	3	3	days excluded
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	exclusion type
		04-Jul-12				disciplinary committee meeting date
		16:00				disciplinary committee meeting time
						ETHNIC
X	x	X	x	x	x	white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
						SECONDARY REASONS
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
		X	X			Defiance of Rules / Discipline Policy
			X			Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
		X	x			Verbal Abuse
						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
						Other

SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	SECONDARY 1 sec	excluded from school type
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
XXX	WWW	WWW	VVV	VVV	VVV	pupil surname
18-May-98	11-Aug-98	11-Aug-98	16-Apr-99	16-Apr-99	16-Apr-99	date of birth
09	09	09	08	08	08	year group
female	male	male	male	male	male	gender
						SEN school action
			x	x	x	SEN school action plus
						SEN statement
						LAC
X			x	x	X	FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
24-May-12	06-Jul-12	20-Apr-12	11-Jul-12	19-Jun-12	19-Jun-12	date of exclusion letter
Threatening or Dangerous Behaviour	Assault / Violence (Pupil)	Assault / Violence (Pupil)	Disruptive Behaviour	Assault / Violence (Pupil)	Assault / Violence (Pupil)	MAIN exclusion reason
25-May-12	09-Jul-12		12-Jul-12	20-Jun-12	20-Jun-12	start date of exclusion
10	PERM	5	7	10	10	days excluded
fixed term	permanent	fixed term	fixed term	fixed term	fixed term	exclusion type
	18-Jul-12					disciplinary committee meeting date
	16:00					disciplinary committee meeting time
						ETHNIC
x	X	x	X	X	X	white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
						SECONDARY REASONS
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
						Defiance of Rules / Discipline Policy
						Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
			X			Verbal Abuse
						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
						Other

SECONDARY 2	SECONDARY 2	SECONDARY 2	SECONDARY 2	SECONDARY 2	SECONDARY 2	excluded from school type
sec	sec	sec	sec	sec	sec	
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
DDDD	CCCC	BBBB	BBBB	AAAA	AAAA	pupil surname
13-Dec-96	06-Sep-96	25-Jan-00	25-Jan-00	09-Feb-99	09-Feb-99	date of birth
10	10	07	07	08	08	year group
male	male	female	female	female	female	gender
	X					SEN school action
						SEN school action plus
X						SEN statement
						LAC
X	X	X	X	X	X	FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
15-Jun-12	01-May-12	14-Jun-12	31-May-12	06-Jul-12	06-Jul-12	date of exclusion letter
Penance of Rules / Discipline	Assault / Violence (Pupil)	Verbal Abuse	Rules / Discipline	Assault / Violence (Pupil)	Assault / Violence (Pupil)	MAIN exclusion reason
18-Jun-12	02-May-12	15-Jun-12	31-May-12	06-Jul-12	06-Jul-12	start date of exclusion
2	1	5	2	5	5	days excluded
fixed term	fixed term	fixed term	fixed term	fixed term	fixed term	exclusion type
						disciplinary committee meeting date
						disciplinary committee meeting time
						ETHNIC
X	x	X	x	X	X	white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
						SECONDARY REASONS
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
		X				Defiance of Rules / Discipline Policy
						Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
						Verbal Abuse
						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
						Other

SECONDARY 2 sec	SECONDARY 2 sec	SECONDARY 2 sec	SECONDARY 2 sec	SECONDARY 2 sec	SECONDARY 2 sec	excluded from school type
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
ZZZ	YYY	FFF	FFF	FFF	EEE	pupil surname
09-Feb-99	27-Apr-00	05-Nov-98	05-Nov-98	24-Oct-99		date of birth
08	07	08	08	07		year group
female	male	male	male	male		gender
	X					SEN school action
		X	X	X		SEN school action plus
						SEN statement
						LAC
X		X	X			FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
01-Jun-12	02-Jul-12	22-May-12	01-May-12	25-May-12		date of exclusion letter
Verbal Abuse	Assault / Violence (Pupil)	Defiance of Rules / Discipline Policy	Assault / Violence (Pupil)	Assault / Violence (Pupil)		MAIN exclusion reason
11-Jun-12	02-Jul-12	23-May-12	01-May-12	25-May-12		start date of exclusion
10	3	1	2.5	7		days excluded
fixed term	fixed term	fixed term	fixed term	fixed term		exclusion type
						disciplinary committee meeting date
						disciplinary committee meeting time
ETHNIC						
x	X	x	x	x		white British traveller
						gypsy or Roma
						any other white background
						white and black Caribbean
						white and black African
						white and Asian
						any other mixed background
						Indian
						Pakistani
						Bangladeshi
						any other Asian background
						black Caribbean
						black African
						any other black background
						Chinese or Chinese British
						any other ethnic background
						ethnic background not known
SECONDARY REASONS						
						Assault / Violence (Staff)
						Assault / Violence (Pupil)
X		x				Defiance of Rules / Discipline Policy
						Disruptive Behaviour
						Bullying
						Racial Harassment
						Sexual Harassment
						Verbal Abuse
X						Threatening or Dangerous Behaviour
						Possession / Use of Weapon
						Theft
						Damage to Property
						Substance Misuse
						Other

SECONDARY 3	SECONDARY 3	SECONDARY 3	SECONDARY 3	SECONDARY 3	SECONDARY 3	excluded from school type
sec	sec	sec	sec	sec	sec	
STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	STUDENT	pupil forename
HHHH	GGGG	GGGG	GGGG	GGGG	GGGG	pupil surname
26-Jan-97	21-Jan-97	21-Jan-97	21-Jan-97	21-Jan-97	21-Jan-97	date of birth
10	10	10	10	10	10	year group
male	male	male	male	male	male	gender
						SEN school action
x	x	x	x	x	x	SEN school action plus
						SEN statement
						LAC
						FSM
Sum	Sum	Sum	Sum	Sum	Sum	TERM
30-Apr-12	11-Jun-12	17-May-12	08-May-12	01-May-12	date of exclusion letter	
Defiance of Rules / Discipline Policy	Assault / Violence (Staff)	Defiance of Rules / Discipline Policy	Assault / Violence (Pupil)	Defiance of Rules / Discipline Policy	MAIN exclusion reason	
30-Apr-12	11-Jun-12	17-May-12	09-May-12	01-May-12	start date of exclusion	
1	15	2	1	1	days excluded	
fixed term	fixed term	fixed term	fixed term	fixed term	exclusion type	
					disciplinary committee meeting date	
					disciplinary committee meeting time	
						ETHNIC
x	x	x	x	x	white British traveller	
					gypsy or Roma	
					any other white background	
					white and black Caribbean	
					white and black African	
					white and Asian	
					any other mixed background	
					Indian	
					Pakistani	
					Bangladeshi	
					any other Asian background	
					black Caribbean	
					black African	
					any other black background	
					Chinese or Chinese British	
					any other ethnic background	
					ethnic background not known	
						SECONDARY REASONS
	x				Assault / Violence (Staff)	
			x		Assault / Violence (Pupil)	
x		x		x	Defiance of Rules / Discipline Policy	
		x			Disruptive Behaviour	
					Bullying	
					Racial Harassment	
					Sexual Harassment	
					Verbal Abuse	
					Threatening or Dangerous Behaviour	
					Possession / Use of Weapon	
					Theft	
					Damage to Property	
					Substance Misuse	
					Other	

SECONDARY 3	excluded from
sec	school type
STUDENT	pupil forename
HHHH	pupil surname
26-Jan-97	date of birth
10	year group
male	gender
	SEN school action
x	SEN school action plus
	SEN statement
	LAC
	FSM
Sum	TERM
10-Jul-12	date of exclusion letter
Bullying	MAIN exclusion reason
10-Jul-12	start date of exclusion
1	days excluded
fixed term	exclusion type
	disciplinary committee meeting date
	disciplinary committee meeting time
	ETHNIC
x	white British traveller
	gypsy or Roma
	any other white background
	white and black Caribbean
	white and black African
	white and Asian
	any other mixed background
	Indian
	Pakistani
	Bangladeshi
	any other Asian background
	black Caribbean
	black African
	any other black background
	Chinese or Chinese British
	any other ethnic background
	ethnic background not known
	SECONDARY REASONS
	Assault / Violence (Staff)
	Assault / Violence (Pupil)
	Defiance of Rules / Discipline Policy
	Disruptive Behaviour
x	Bullying
	Racial Harassment
	Sexual Harassment
	Verbal Abuse
	Threatening or Dangerous Behaviour
	Possession / Use of Weapon
	Theft
	Damage to Property
	Substance Misuse
	Other

Appendix 3: More detailed case studies

Carn Menyn: This project was provided through the 14-19 network, and offered a 25 hour per week year-long programme. It was funded by the European Social Fund through the Welsh Government and the local authority. It was located within a mixed urban and rural area, with some significant areas of deprivation. It was school-based and made use of a range of accredited providers, including the army, for 80-100 pupils who were in danger of becoming disengaged from mainstream education. There was a team of learning coaches based in schools, school based counsellors and one learning coach for college students, offering personal support, pupil support and career advice/guidance to 14-19 year olds, whether in full time education or not. A few participants had experienced permanent and/or fixed term exclusion from school.

This provision focused on identifying pupils in secondary schools who were in danger of becoming disengaged. If young people and their parents were in agreement, a range of diagnostic assessment tools, including the Pupil Attitude to School and Self⁶ (PASS) survey, were used to help in this process.

The head teacher in one of the linked schools was described by a key informant as practising 'fierce inclusion'; an indication of her very strong commitment to the young people on her school roll, including those who were disengaged. She believed that the Carn Menyn project:

enabled imaginative pathways for each of the cohort, allowing them real opportunities to achieve and attain, but also to be seen to do so by themselves, their peers and families. (Key informant)

⁶ PASS is an online survey, used as a baseline for gauging children's feelings about themselves as pupils and how they feel about school; it measures categories such as self-regard, response to curriculum, attitudes to attendance, confidence in learning, general work ethic, attitudes to teacher, perceived learning capability.

A meeting for parents of young people involved in the Carn Menyn project was held and, according to the key informant:

the greatest success of that meeting was the repairing of the relationship that was broken and the realisation that the school, the families and the community were all working towards the same aim with the success of the students at its core.

There was close collaboration between the Carn Menyn team and learning coordinators in schools, agencies working with young people in the post-16 age group such as Careers Wales, and other third sector organisations.

One young person who had been placed in Carn Menyn but had now left school, said she felt respected by the trainers on her individual programme, in this case, army instructors: 'They did things with you, they didn't just watch you do it'. She believed that the project had positive effects on the young people's self-esteem, as well as on their relationships with their school teachers and families. Another former pupil said: 'I used to be horrible to my mum', but she had changed as a result of the project. Several parents and pupils also spoke about the positive impact on relationships with their families.

Many of the young people interviewed had a long history of failure and in a group discussion they talked proudly about the qualifications they had achieved through the project. Examples included BTEC Level 2 Workskills, Level 2 Public Services, First Aid at Work and Working with Others Key Skill Level 2. According to a head teacher interviewed, a few had returned to school to complete GCSEs and other qualifications, but most were now in college. A larger evaluation of this project was planned by the funders which would allow more detailed information about learning outcomes to be gathered.

Cadair idris: This was a pupil referral unit for primary age pupils, formed recently by the merger of a primary stage PRU and a special school for pupils with EBD. It was in a small town in a relatively disadvantaged rural area. It had capacity for 48 pupils and offered full-time provision based on a standard primary school curriculum. The PRU was housed in very poor accommodation, in an old school building that according to staff, had previously been due for demolition.

With the merger had come an increased emphasis on reintegration and links with mainstream schools. Pupils moving towards reintegration spent part of the week in school, with a common agreed form to record behaviour and achievements in both settings. The children we spoke to knew that they would probably return to mainstream school. They liked coming and liked the staff. They sometimes but not always liked the other children. Reintegration was also a possibility for the pupils from the former special school, though it happened less often. Several pupils had identified conditions such as Autistic spectrum diagnoses and ADHD, but very few had statements.

The unit had a comfortable seating area in an open part of the main building. This was called the 'rest and recovery' area and could be used by pupils who needed some time away from the group. In most ways, the unit aimed to provide a broad primary school experience. The building was like a primary school in terms of style and organisation. Despite the smaller classes and supportive staff it still felt like a school, with a warm but purposeful ethos.

The grandparents/carers of a boy with a diagnosis of Asperger's syndrome, in Cadair Idris, appreciated that the PRU was the first place to be willing to listen to their views about what was effective with their grandson. The three sets of parents/grandparents interviewed here were all very positive about their child's experience and the support of

staff. They all compared this with very difficult relationships they had had with other schools and alternative provision.

Yr Wyddfa: This was a KS3/4 pupil referral unit in an urban area that focused entirely on rapid reintegration to mainstream school. Young people attended for half a term, 6/7 weeks, 4 days a week, continuing with one day in their original school (or another school if permanently excluded). The PRU was housed in a building that also had other EOTAS provision.

Reintegration was a clear expectation and structures were in place to support this. A second stay was possible if reintegration broke down. In 2011/12 a total of 42 Key Stage 3 pupils and 24 Key Stage 4 pupils attended the PRU. Attendance for 2011/12 was 93 per cent and 42 per cent of pupils were re-integrated into mainstream. Here, the local authority had assisted by developing common assessment materials that would be used across different settings.

Yr Wyddfa maintained the young people's link with school through a weekly return; a process clearly specified through an agreed protocol. All the pupils had a link person in school, with whom they met when they first went in each morning. This worked well when the secondary school was committed and communicative. Sometimes secondary schools provided good information about learning strengths and difficulties but not always. The local authority was trying to standardise this across the county. There was a strong and helpful involvement of the educational psychology service in the development of this PRU:

The schools that have taken that ownership seriously are fully aware of the protocol and use the resource effectively. Some schools that aren't fully engaged with the provision have misinterpreted the protocol and said right, well, seven week period is for assessment to see if fit to go back to mainstream anyway and if that's the case the

secondary school hasn't done its job in putting in place things like behaviour support teaching, their own internal nurture provision... (Educational Psychologist).

Carnedd: This case study focussed on one centre for KS3/4, which was part of a larger pupil referral unit on three sites. The centre, and the overall PRU, was in the process of considerable change and clearly faced some significant challenges. There was a diverse population of around 85 pupils in the PRU overall, including young people with mental health issues, non-attenders, those who had been at risk of exclusion and some who had been permanently excluded. 29 young people had statements, and the rest were identified as needing 'School Action Plus'.

In the centre visited there were three classes and also a two-week comprehensive assessment programme for young people at risk of exclusion. Local secondary schools could make referrals to this assessment centre, which were then considered by a placement panel. Considerable effort had been put into the selection of a comprehensive range of diagnostic appropriate assessment materials. Young people who came for assessment remained on their school roll; others were dually registered unless permanently excluded.

Some pupils were there with clear intention of reintegration, and these were reviewed every six weeks by the panel. They might return to school with a support plan and support from their outreach worker or go to another school or move to a more long-term placement at Carnedd. If the decision was made that a young person should be reintegrated to their secondary school, then they returned with a package of assessment materials and specific recommendations for intervention and support.

If the young people moved on for further support prior to reintegration then a similar set of recommendations was provided. One staff member

said, 'Every single child that I put back in mainstream school stayed there; and that was 35 per cent of all the children who came through'. All local schools referred into the provision, however some were more organised and supportive of the reintegration process, particularly in delivering the recommended interventions. This assessment facility was seen as 'belonging' to the schools, bringing it more into the mainstream of education.

One young woman in Carnedd had been badly bullied in her previous school, saying, 'I was always bullied, bunked off and everything'. When asked about approaches to dealing with challenging behaviour in Carnedd, she said, 'They just take you into the room with you, have a talk with you'. She appreciated this approach which was conciliatory rather than confrontational.

There was no time-out/isolation room in this setting. This PRU had reduced the number of locking doors generally, so that only a few now were locked with keys.

Cwm silyn: This was a KS4 pupil referral unit for pupils in Years 10 and 11. It had a capacity of 30, and was sited within a Further Education College serving a mixed urban and rural area. It provided education for disaffected pupils who may have lost their place in mainstream school and were not ready to access full time courses in the college. Its main aim was to re-engage young people in education. It offered part week placements; two days a week for one year and was staffed by a teacher in charge and two teaching assistants. All pupils were presented for Essential Skills Wales qualifications in numeracy, literacy and ICT. Personal, social and health education was also core to the curriculum on offer here. Most pupils progressed on to another local college or to a part time 'bridging' project within the same college, which provided more vocationally-orientated courses (three days a week for one year).

The majority of pupils were boys, most of whom but not all had been excluded, permanently or fixed term. Very few had statements but most had some kind of identified additional learning need or barrier to learning. The site of the PRU was seen as a major advantage by the young people in the PRU. One said proudly, 'it is a good college...the best in Wales'...

Young people here were perhaps the least positive about the relationship of the centre with their parents. One said 'My mum thinks this is like nursery'. Another said, 'The only time they get in touch [with home] is when you've done something wrong'. But they also added that their families thought it was good that they were there. Interestingly, we also interviewed a small group of young people who had been in this PRU the previous year and were now on the bridging course in college. Although they shared some of these reservations, they also felt their time in the PRU had been useful and had enabled them to find and maintain their present college places.

Parents interviewed in the other case study PRUs were however overwhelmingly positive about the frequency and character of communication.

Hirnant: This KS 3/4 project consisted of seven small education centres in the community for young people excluded from school or unable to be educated in mainstream because of their behaviour or mental health. The project was delivered by a national charity and commissioned by the local authority and included as part of their EOTAS provision. Students received 25 hours education, across the secondary curriculum, including personal development, following the charity's curriculum. This could also include work experience, college placements and vocational placements, individually planned. It was intensively staffed with support workers providing individual support and link with families.

One young man interviewed was a former student at Hirnant who went to college to do an electrical course. He had now applied for an apprenticeship. When asked about coming to the centre, he said, 'It was the best thing I ever did! ... Awesome'. His father said 'He turned into an absolutely different boy'. A grandmother/carer of a boy in the same project said:

If it weren't for the staff here he would never had got where he got. They give them a lot of time. This place here, you explain to them what you're best at, they do it all but they focus on what you're best at. They've got a lot of time for parents as well. They always contact you. The welcome is lovely, it's really nice.

In Hirnant there was an impressive combination of unconditional positive regard and support with clear expectations of schoolwork and specifically targeted improvements in behaviour. Here as in other case studies there was a high ratio of adults to young people and support workers with youth work training and well developed interpersonal skills. One commented:

I love it. It can be challenging. When they're in the schools they think that everybody's given up on them. 'Everybody gives up on me'. They do get a lot of support. There's a couple here today, and they're all grumpy until I say, How are you? Everything all right? And then they're fine. You've just got to give them that support. You know, they like to know that you're here for them'. Sometime they say things like 'You can't possibly like working here with us' ... I don't look down on them, I don't judge them.

Young people were clear that they could discuss difficult personal issues with the staff. When a young person was so unsettled that they could not work in with their peers, they worked for a short time with a support

worker in a room in a library. They did not use time-out or seclusion rooms.

Here, as in most of the EOTAS visited, pupils spoke of their ambitions for examination success.

Cwm Coch: This was a KS4 pupil referral unit, in a central urban setting, for 34 young people (equal numbers of boys and girls) in part-week placements. These young people were unlikely to return to mainstream school and here they focus on maximising their educational potential. Classes had up to six young people in each, led by a teacher and teaching assistant. Most had experienced fixed term exclusions but some had been permanently excluded. Very few had statements and a small number had additional learning needs but no statement.

All core curriculum subjects were studied by all students and additional subjects were offered through a 'carousel' approach over the year. The head teacher had increased the focus on academic achievement since coming into post and spoke about how some of the young people were 'quite academic'. She presently has a group aiming at five GCSEs. All pupils were entered for GCSEs in 2011, including two late entries. Other qualifications achieved in the past by pupils included BTEC Performing Arts. As in Carn Menyn, staff used the Pupil Attitude to School and Self (PASS) survey as a baseline and also for monitoring change and progress of the young people. They found the broad range of measures included in this survey helpful. They also compiled data on progress using, for example, the British Picture Vocabulary Scale, NFER Single word reading test, Maths Assessment for Learning and Teaching and the 'Successmaker' package. The PRU achieved the Basic Skills Quality Mark earlier this year.

As well as time in the PRU, the young people all had packages for the remainder of the school week, e.g. at a local youth centre or working towards Lord Mayor's Achievement Award.

One young woman said:

'My mam's glad I am here. They text our parents every night to day to say how many points they've got and how we've behaved'.

This PRU had very strong individual personal and social and academic support. Feedback to students on progress was a priority. There were individual literacy and numeracy targets on students' exercise book and on their daily sheets. It also had multi-professional forum meetings that were seen to be supportive and solution focused by staff. A school counsellor was available and they also had access to a psychotherapist available on site for one morning a week.

Pen y fan: This was a programme of individually negotiated pathways for young people in KS 3/4 whose behaviour was seen as too challenging for more formal educational provision. It was based in an urban area. In 2011 the programme supported 111 young people, mainly in Year 11. It emphasised choice and building relationships with young people to encourage their participation in education. All had small group tuition in a wide range of subjects, including personal and social education. The use of secondary subject teachers from the 'home' tuition service to teach individual and small groups within the workplace training providers meant that pupils had a broad subject choice for GCSEs, rather than the more limited focus on core subjects often available in other EOTAS provision.

The mother of a student at Pen y Fan felt that her son had not been listened to at secondary school:

I always believed that a child that age has a voice – let them have

their side of the story and they wouldn't have any of it. They didn't want to have his views, why he's done it. School, it was always phone calls, complaints about him, they'd exclude him for a day- they just wanted to sweep him under the carpet.

She added that:

From nursery he had to have one to one, because he would disrupt every lesson, 'til year 6, they checked for ADHD, and found that he was. The educational psychologist had said 'I've never seen anyone so undisciplined'.

She explained that he now loved going to his workplace provider. He had shown some challenging behaviour there 'but they never excluded him'.

One young person said:

I got on with the people and the staff here. I got my B.Tech and my GCSEs here. I done more here than any other school I have been in.

The programme was underpinned by a team of six support workers offering a high level of personal support to both providers and young people. The support workers ensured regular contact with young people, even though they were all based with different providers. They monitored attendance closely, had regular contact with parents, and were available to help providers in a crisis. The high level and quality of support provided seemed central to successful placement.

Youth justice and education: This study was not of a single provision but involved three face-to-face and two telephone interviews, as well as email correspondence, with a seven informants including three Youth Offending Service managers. The focus of the interviews was on the

relationship between education and youth offending services. It explored the issue of whether youth offending services were or should be providing education services in place of school. It also explored some examples of practice where youth offending services supported young people in re-accessing education in one Youth Offending Service.

This case study originally set out to focus on an example of education out of school, provided by the youth justice system. We spoke with a range of youth justice staff and key stakeholders and concluded that there was very little formally organised provision of this kind (other than in the secure estate) and, indeed, it was the view of most Youth Offending Services⁷ that there should not be. One YOS staff member said:

I believe passionately that it is wrong and short-sighted of YOTs to do this and that it is the function of YOTs to integrate and to support into mainstream or alternative LEA assessed provision, whilst assisting in this assessment process (Youth Justice manager, by email).

Although one YOS manager spoke with some regret about the closing of a youth justice run education unit regarded as successful, another said:

We are not designed to be educational providers. What we do is about added value. It's not a replacement for education.

They spoke of their concerns about young people excluded without educational provision and of their concern to ensure that appropriate

⁷ The terms Youth Offending Team and Youth Offending Service were both used by interviewees. It was explained by one manager that while the term used in the legislation was YOT, in the larger authorities they had become a service involving a range of professionals, including for example, social workers, parenting workers, youth workers etc. that they were more of a service than simply a team of youth justice workers as they remain in some smaller authorities.

education was provided. There was clearly frustration on the part of some youth justice staff who thought that some schools were still ‘...just dumping children’. They were concerned that exclusion ‘reduces the connection to school’ for young people already disengaged.

A service manager expressed a further concern about what he saw as the growing practice of restricted timetables in secondary schools, saying, ‘They are spreading like a rash’. He suggested that some head teachers were able to offer a timetable that involved a very small number of hours in in school and relatively unsupervised placements with work based providers. He saw this as different from the kind of organised, supervised and well supported alternative pathways discussed earlier in this chapter.

The YOS in larger authorities had a range of professional workers. In the YOS visited this included social workers who were case managers, a senior education worker, a post 16 education specialist, a clinical mental health nurse, a substance misuse worker, youth workers, diversionary workers, reparation workers, police officers and a victim support worker. The education worker had a close relationship with key local authority staff and schools. She worked across two local authorities; one had a multi-agency panel that she attended for every school. One of these panels was managed very effectively in line with the school’s commitment to restorative justice. She was also a member of the two authorities’ placement panels and contributed to decisions about placement in EOTAS.

... one of the main reasons for my attendance at these meetings was to hopefully identify young people in school who were at risk of offending and involving themselves in anti-social behaviour. These young people usually display other indicators such as poor attendance, disengagement and behaviour issues in school etc. There are also usually issues in the home where parents are having

difficulties with behaviour. When the young people are discussed at multi-agency and I think they may be a suitable referral for our prevention team I would suggest that course of action.

Communication between education and YOS was seen as essential:

Education also pays for an education welfare officer who is based in the youth offending service. And that's been very important. That person sits on that fair access panel and lets us know about any pupils who are offending or on intensive support programmes or in custody or at risk of going into custody.

There were also clearly times when, despite good communication and committed effort, it was still very difficult to reach a solution. An example was given of a young man who had been charged, then convicted of assault of a younger child. He had been diagnosed with autistic spectrum disorder and had been involved in further inappropriate behaviour at home. When referred, he was excluded from school and had been receiving two hours of tuition daily at his home for a considerable period while on police bail, as the other child involved was at his school. The YOS team and his parents felt that he needed some social interaction so the Pupil Referral Team looked at his case and he attended a small PRU group. He was felt to be well contained there, but when he began to attend a college course, the college excluded him as soon as disclosure was made, even though one-to-one support was available. This ban was for three years. The YOS continued to approach workplace providers until one agreed to take him with support. In this case the perseverance of the YOS workers was necessary to find educational provision.

This case study highlighted a range of issues and questions, which were beyond the remit of the main evaluation. It would be very helpful if these

questions and the relationship between education and youth justice could be examined in more depth in future.

Appendix 4: One approach to behaviour in EOTAS settings

Below are extracts, with permission, from the clear and helpful policy and practice documents for staff of 'include', part of CfBT Education Trust which is a national charity. 'include' aims to secure the inclusion of all children and young people in mainstream education, training and employment so they can participate as full members of their communities (<http://www.cfbt.com/Inclusion/includehome.aspx>). The documents include reference to the Behaviour Management Training Programme (SPINE; Supporting Positive Interventions in Education), developed by the Challenging Behaviour Network (CBN).

The section numbers refer to the original document, from which only some sections are reproduced below.

Part 1: Positive Behaviour Support

Section 2: Positive Behaviour Support

Positive behaviour support is achieved by ensuring that **include** works positively and proactively with children and young people. For this to be achieved staff will view behaviour in the wider context and understand that:

- Behaviour is experienced, expressed and used within the context and dynamics of human relationships.
- Behaviour is most often used to communicate unmet need.
- Human behaviour can be experienced and expressed through a range of emotional expressions, all of which are observable.
- Most human behaviour is acceptable within certain environmental constraints, it is most often the environment that increases risk.
- It is often the environmental setting that creates behaviours which are viewed as socially unacceptable by others.
- Some children and young people will have experienced environments in which a range of behaviours may have been supported as appropriate and reinforced by adults in their life.

- It is accepted that experiences of abuse and trauma can impact on behaviour.
- Children and young people experiencing periods of uncertainty, bereavement, illness or chaos in their life may also use behaviour to communicate how they are feeling.

include will implement Supporting Positive Interventions in Education (SPINE) to support the organisation to:

- Identify personal and environmental factors which impact on individual children and young people.
- Assess the reasons why a child/young person may use particular challenging behaviours and the function the behaviour(s) serve for the individual.
- Ensure that we develop strategies that help prevent challenging behaviour through effective support, therapeutic input and identified professional support.
- Ensure access to appropriate professional support for children and young people.
- Enable access to services and support on an equal basis for all children and young people.
- Support opportunities for inclusion where practicable and appropriate.
- Monitor and evaluate behaviour and continue to review interventions accordingly.
- Develop individual behaviour support plans.

Primary prevention will be achieved by:

- Holding positive views of children and young people and building on the relationships.
- Developing appropriate positive relationships with children and young people based on appropriate values base and professional boundaries.

- Creating an environment in which children and young people feel safe and secure.
- Ensuring staff have the appropriate skills to effectively support children and young people.
- Supporting children and young people, as far as is possible, to understand their behaviour and learn alternative ways of expressing themselves or achieving their desired aim through alternative methods.
- Involving, listening and taking account of the views held by the child/young person.

Secondary prevention should be used where primary prevention has been ineffective and is achieved by:

- Ensuring staff have clear guidance and appropriate skills to implement the guidance.
- Recognising the personal indicators exhibited by individual children and young people when they are having difficulty in managing their emotional state or are reaching crisis.
- Identifying and implementing previously successful diversion and de-escalation strategies, these must be incorporated in to the individual behaviour support plan.
- Identifying emerging risk indicators and ensuring there is a written record.

Prevention of critical incidents and appropriate support of Individual children and young people are paramount to **include**. Effective individualised support of children and young people can prevent challenging behaviour and reduce the likelihood of incidents escalating. **include** adopts a graduated response in relation to behaviour support and management. The use of restrictive physical interventions is viewed as a last resort response; see section 2 of this policy.

Section 3: Risk Assessment

When assessing risk the following must be considered: The environmental context of the behaviour and the relative effect this may have on the element of risk and potential outcomes of the behaviour

- Personal vulnerability factors affecting individual children and young people and the impact this may have in contributing to their behaviour and how they express themselves.
- The probability of emerging risk and the seriousness of potential outcomes.
- How preventative and proactive measures may effectively reduce the level of risk.
- The implementation of risk reduction strategies within the primary and secondary behaviour support plan, as detailed in part 1 section 2.2 & 2.3 of the policy.

All children and young people who have behaviour support plans must have an appropriate written behavioural risk assessment which dovetails with the written behaviour support plan and details:

- The target behaviour(s).
- The environments in which the behaviour is displayed.
- The objective assessment of the level of risk the behaviour presents to the person and/or others.
- If possible/ relevant an identification of who is at risk.
- The primary risk reduction strategies as behavioural interventions.
- The secondary risk reduction strategies as behavioural interventions.
- Short and long-term goals of the risk reduction strategies.
- Short-term aims of the behaviour support plan (BSP).
- Long-term aim of the BSP.

Section 4: Reporting and Recording

It is important that in achieving consistent standards of support staff use appropriate reporting recording tools. include has a robust set of

appropriate reporting and recording tools. This will enable staff to record:

- The context of the incident, time of day, location, environmental issues.
- Who was present including other children and young people staff, members of the public or family members.
- Type of incident and relative risk.
- Antecedent factors, what happened before the incident.
- What alternative actions had been tried to prevent the escalation of the incident.
- How the behaviour was effectively managed and the outcomes of the situation.

All incidents will be reviewed and to ensure that the information can be used to update BSPs and ensure that behavioural risk assessment is being implemented appropriately.

Part 2: Use of Restrictive Physical Interventions

Section 1: Introduction

include believes in providing a safe and secure environment in which children and young people can flourish and reach their potential through the delivery of a curriculum which promotes motivation.

It is accepted that in certain circumstances, where there are levels of exceptional risk to the child/young person them self, their peers or others it **may** be necessary to use a restrictive physical intervention. **It is not unlawful to touch a pupil.** There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

include does not use physical interventions or restrictive practices as part of a planned response. There has been an audit of presenting behaviours and risk which concluded that the use of restrictive practice

is rare and only ever used as an emergency response in exceptional circumstances.

Any emergency intervention must be based on the assessed presenting risk at that time which would take into account the age, developmental level and needs of the child or young person. The immediate dynamic risk assessment must also take account of the environment and immediate risk to other people.

Section 2: Defining Restrictive Physical Interventions

Restrictive physical interventions may include:

- **Environmental Change:** applying a change within the environment for example, changing the layout of a room to reduce the triggers within it.
- **Bodily Contact:** where the physical presence of one or more people is used to control a person; this may include two adults holding a child/young person so as to restrict their mobility.

Within include either of the above may be assessed as appropriate emergency interventions where there is significant risk associated with behaviour. In terms of a gradient response, where the risk assessment will allow it will be appropriate to exhaust all environmental options before resorting to physical interventions.

Emergency physical intervention is the use of physical intervention in a situation of significant risk that is unforeseeable.

Seclusion and isolation or any practice, which 'restricts liberty', will infringe the rights of a person if sufficient risk cannot be identified and proved or the person is subject to detention by a court or to a section under the Mental Health Act 1983. As such the practice of seclusion is not supported by CFBT under any circumstances. That is:

“the confinement of a person into a space or room from which they are prevented from leaving; the door may be locked, their exit blocked or they may not understand how to leave the area of their own free will.”

Section 3: Legal Issues and Responsibilities

Recent DfE guidance suggests an employee may have lawful excuse for the use of restrictive physical interventions to:

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil. Or to
- Stop a fight in the playground.
- Restrain a pupil at risk of harming themselves through physical outbursts.

In any event employees must be acting within the law and policies of include. They will also have regard for the training they have received and act within their level of knowledge, skills and relative experience. Individuals will be responsible for ensuring they act with due regard for the concept of reasonableness, see section 1 of the DfE guidance 2011.

“Reasonable in the circumstances means using no more force than is needed.”

The decision to use restrictive physical interventions must be taken in the context of:

- The level of risk presented by the behaviour.
- The seriousness of the incident.
- The relative risks of the use of any physical intervention compared with any available alternative.

All staff should be aware that physical interventions which may cause significant risk are to be avoided. Recent guidance states that a panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
- The 'double basket-hold' which involves holding a person's arms across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

It will be important that employees are aware that all incidents which result in the use of a physical intervention ensure that the incident is recorded and reported upon in line with Health and Safety at Work Act 1974, 2000.

Section 4: Emergency Physical Interventions

On occasions it may be judged by a member of staff or team that the use of a physical intervention may be appropriate given a level of relative risk in a situation that could be described as unforeseeable. Staff will be responsible and accountable for their actions or inaction and must still act within current legislation and guidance and their duty of care towards the child/young person.

Section 5: Supporting Prevention of Restrictive Practices

include believes that physical interventions are a last resort and have developed a behavioural approach that primarily focuses on understanding the individual child/young person and responding to their needs. Primary and secondary behaviour support strategies will reduce the use of restrictive physical interventions and staff are expected to follow a gradient approach to the support, prevention and management of behaviour.

Section: 6 De-brief

Following the use of emergency restrictive physical interventions de-brief should be offered to the child/young person and anyone present including other children and young people or visitors as well as the staff involved in holding the child/young person.

De-brief may be offered in a formal or informal manner it is the responsibility of managers to ensure that de-brief is offered to children and young people, employees and others affected by incidents.

Where it is identified that children and young people require more ongoing support **include** will act responsibly in sourcing effective support for children and young people. It will be important to work with other agencies in achieving this.