Hackney

REPORT OF THE CHILDREN & YOUNG PEOPLE SCRUTINY COMMISSION		
Title **Outcome of School Exclusion in Hackney**	Classification Public	Enclosures

CHAIR'S FOREWORD

The attainment of children educated in Hackney schools has improved significantly over the past two decades. The Borough has gone from being one of the worst performing to one of the top performing Local Authorities in the country in terms of educational attainment. Hackney's sustained efforts to improve the educational attainment of our children has been fuelled by a recognition and commitment to the positive impact that a good education has on improving the life chances of children. However, alongside this story of significant improvements in the educational outcomes of our children is another story of the children who are excluded from our schools and whose outcomes are significantly poorer than their peers who remain in mainstream education.

I have personal experience of school exclusion and spent 11 months out of school in the middle of my secondary education. I had to retake my exams and had to spend longer in Further Education making up for this lost time. I still remember the feeling of being left behind while watching my friends progress and move forward with their lives in a way that I had been unable to. While I was able to make up for my time out of school, the evidence clearly shows that, on average, the outcomes for children who are excluded are significantly worse than their peers who remain in mainstream education. These poor outcomes can include significantly lower educational attainment, increased likelihood of not being in education, employment, or training upon leaving formal education, being a victim of criminal exploitation, entering the criminal justice system and being imprisoned as adults.

The evidence also shows that some children are significantly more likely to be excluded from school - boys, children from black and mixed heritage backgrounds, children from travelling backgrounds, children with special educational needs, children in receipt of free school meals, children from single parent families and looked after children.

Local and national data also shows that between 2010/2011 and 2018/2019 (when we began researching for this review) rates of both permanent and fixed term exclusions in secondary schools in Hackney had remained consistently above both national and regional averages. Additionally, between 2015/2016 - 2018/2019 the rates at which children of black Caribbean ethnic origin were permanently excluded from secondary schools in Hackney were increasing while national and regional rates were declining. These figures have been of huge concern to the Commission and are why school exclusion and the broader issues of inclusion and disproportionality remain priorities for the Commission.

In 2016 the Commission did an in-depth review on school exclusions. This review focussed primarily on the Council's ''No Need to Exclude' policy and involved speaking to schools about their views and commitment to a wellbeing approach to reducing school exclusions. However, exclusion levels in secondary schools remained high and in 2018, after consultation with key stakeholders, it was decided that the Commission would revisit the topic of school exclusions in an in-depth review.

The Commission decided that in this review scrutiny would be shifted away from focussing on schools and their efforts to prevent exclusions to instead looking at what happens post exclusion and alternative provision placements - the places of education for young people who can no longer attend mainstream settings. The overarching aim and objectives agreed by the commission were "to identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils and to identify those policies and practices which best help to ensure that excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education".

During the lifetime of the review there were two tragic events that pulled the necessity for a further review into school exclusions in the borough into an even sharper focus namely the fatal stabbing of a 15-year-old boy in the borough in 2019 and the murder of George Floyd in 2020.

In May 2019 a 15-year-old boy from Hackney was fatally stabbed. In the serious case review (SCR) into his death it states that his permanent exclusion from school served as a *"catalyst to the deterioration in his behaviour, and a decision that exposed [him] to a new more challenging environment[.]"* The SCR also notes that:

> *"Professionals had less influence on Child C's behaviour after his [permanent exclusion] from mainstream education. The 'un-structured' environment at the AP combined with new peer relationships were likely to have been significant contributory factors in Child's C escalating risky behaviour."*

It is also noted in the SCR that the decision taken by the school Governors to uphold his permanent exclusion, despite this having been judged to be unlawful, was taken *"...without consideration of the wider implications to his well-being or his safety"*.

The tragic death of this 15-year-old boy, the SCR into his death and it's multiple references to the impact of his exclusion from school serves as a sobering example of how permanent exclusion from school can increase a child's risk of being victim of crime and criminal exploitation and the potentially devastating consequences of this.

Additionally, the murder of George Floyd and the resulting ground swell of support for the Black Lives Matter movement shone a light on the impact of racism directed at people of black heritage. This resulted in renewed commitments to anti-racism and provided the impetus for increased challenge of the racism and unconscious bias that underpins the poorer outcomes in education, health and employment – experienced by people of black heritage.

For the review, the Commission reviewed national data and trends, academic research and legislative and policy frameworks relating to school exclusion. We held focus groups with children who had experienced school exclusion and their families. We also met with senior officers from Hackney Education Service and the Skills and Employment Team. We made site visits to the borough's Pupil Referral Unit (New Regents College) and alternative provision providers both within and outside of the borough as well as our specialist schools in the borough. Supplementary to this we heard from other Local Authorities and consulted with specialist contributors such as the specialist school exclusions charity, *The Difference*.

The review found that the significantly poorer outcomes experienced by excluded pupils as outlined in national data and research are reflected in our local data. The local data also shows that these detrimental outcomes are disproportionately experienced by the groups outlined above. The Commission therefore recommends greater public oversight of exclusion rates in the borough, including the demographics of the children who are excluded from schools and their longer term destinations. The Commission also recommends that the Education Service set out details for the further development of an Anti Racist Action Plan to provide robust challenge to the reasons that have been shown to underpin disproportionality. The Commission also recommends that Hackney Education Services ensures that School leaders and Governing Bodies continue to be reminded of their equalities duties and that they work together with schools to further ensure that, up to date and necessary adjustments are put in place for young people with SEND.

The review also found that post exclusion education provision (both Pupil Referral Units and Alternative Provision) within the borough varies significantly depending on the setting. Some settings are staffed entirely by qualified teachers and offer a varied curriculum similar to that of mainstream schools whereas others have more

limited access to qualified teachers and a narrower curriculum. The settings also vary in terms of their hours of contact time, cost and specialisms with some offering specialist support to children with Autistic Spectrum Disorder and others incorporating into their curriculum a focus on a particular sport. The Commission found that children and their parents often felt that they were not always suitably matched to an AP equipped to meet their needs and aspirations. This was to some extent echoed by the settings who reported feeling inadequately resourced to meet the needs of children with diagnosed and suspected special educational needs. The Commission therefore recommends that alternative provision is more carefully commissioned and quality assured to ensure that there is sufficient quality, capacity and diversity to meet the needs of young people not in mainstream education. The Commission also recommends that all commissioned APs are recognised as a part of the educational offer in the borough and are supported to deliver an inclusive and sufficiently challenging education and to share best practice on how best to achieve this.

The children and young people and their families we spoke to clearly communicated the shock, distress and trauma they experienced after being excluded from school. One young person said "*I was crying as I was so upset. I was upset at not being able to see my friends no more, not being in contact with them, not being able to learn nothing.'* The families we spoke to also told us about the range of challenges they faced. One parent told us "...*I was a single parent at the time working full time, but I still had to reduce my hours all the time to help support my son and deal with the exclusion.'* The Commission therefore recommends increased efforts to hear the voice of the children both when they are identified as being at risk of exclusion and after they have been excluded from school when important decisions are being made about their futures. The Commission also recommends that greater efforts are made collectively to identify the well-being needs and safeguarding risks to children who have been excluded from school or have been identified as at risk of exclusion. Lastly, the Commission recommends that the Children and Education Directorate improves information sharing to coordinate and deliver effective preventative interventions aimed at promoting wellbeing and mitigating risk.

Some of the families also spoke about feeling ill-equipped to navigate the exclusion process. Families spoke of the challenges they faced having to support their children when they were at risk of exclusion and through the exclusion process. One parent told us *'My son has had a number of fixed term exclusions before being excluded….I didn't understand what any of this meant and what I needed to do and how I should approach it.'* The Commission therefore recommends that there is greater access to independent advice, guidance and support for parents whose children have experienced exclusion or have been identified as being at risk of exclusion.

It is worth noting at this point that whilst the review sought to explore children and young people's experiences post-exclusion from school, we kept returning to an

unavoidable truth - given the lower levels of attainment, poorer economic and social outcomes of excluded children, and the role that schools play in keeping our children safe, the best way we can improve the life chances for our young people is that wherever possible, school exclusion should be avoided.Our research found that the majority of permanent exclusions from schools in the borough are for persistent rule breaking as opposed to a single, serious, one off incident. National evidence also suggests that cultural and racial bias and stereotyping may impact school behaviour codes and the identification and support provided to children with SEND. This was echoed by the children and families we spoke to when they spoke of their experiences of the school behaviour policies and for example the reasonable adjustments made for children with SEND in mainstream schools. One parent of a child with SEND said that "...*If children are being excluded for the same thing every time, this is a failure of the school and the system to support him properly."* The commission therefore recommends that Hackney Education Service continues to identify and promote best practice examples of inclusive and evidence based, positive behaviour management approaches to all mainstream schools.

Hackney is a borough that prides itself on its commitment to diversity and inclusion. For these values to be promoted and upheld by every facet of the work of the Council, efforts must remain focussed on reducing social exclusion and marginalisation. While the rates of school exclusion at secondary level and the disproportionality in these exclusion rates remain significantly above both national and regional averages our commitment to inclusion is undermined.

The Commission hopes that these recommendations, when implemented, will go some way towards supporting the Council in its efforts, working with schools, children, young people and families, to reduce levels of exclusion within the borough, to challenge the issues that underpin disproportionality and to reassert its commitment to inclusion by improving the outcomes for all our children.

It is worth noting that this report was started in 2018. Local data on school exclusions looks very different now from the data in the report, mainly as a direct result of the Covid-19 pandemic. However it must also be noted that the Commission is aware of efforts that Hackney Education Service working with school leaders has begun already made to address some of the issues identified in the report. Additionally, Deputy Mayor Bramble, Lead Member for Education, Young People and and Children's Social Care has been vocal about her commitments to reducing the rates of school exclusions in the borough. The Commission welcomes any progress that might have already been made against some of the recommendations. The Commission hopes that this report and its recommendations will support the Council in its efforts to reduce the rates of exclusions in the borough and achieve the broader ambitions of the report to tackle disproportionality and engage a greater number of services to improve the outcomes of excluded children.

Through its work, the Commission will aim to keep school exclusion at the forefront of local education policy, planning and decision making to ensure that the needs of all our young peoples are equally served by our local education system.

I would like to thank all who contributed towards this review – and a special thanks to the children and young people and their families who spoke so candidly to us about their experiences of exclusion, the alternative provision who opened their doors for us to visit and spoke to us about the challenges they face in trying to support their pupils. I would also like to thank the Scrutiny Officer, Martin Bradford and the broader Scrutiny Officer team for their work to make this review happen.

Cllr Sophie Conway
Chair of Children & Young People Scrutiny Commission

Children and Young People Scrutiny Commission Outcome of School Exclusions

1. Introduction

1.1 School exclusion continues to be an ongoing point of concern in Hackney with higher rates of both permanent and fixed term exclusions being recorded in the borough compared to national and regional averages. In 2018/19, 44 young people from Hackney were permanently excluded from school which equated to a rate of 0.13 of the whole school population, which exceeded both national (0.1) and regional (0.07) comparisons. A similar picture was also recorded for fixed-term exclusions from school, where 2,450 were issued in 2018/19 in Hackney equivalent to a rate of 7.06, which was significantly higher than both national (5.36) and regional (4.45) averages. This pattern of data is a confirmed trend in which higher rates of both permanent and fixed term exclusions have been recorded in Hackney for the past 4 years (2015/16-2018/19).

1.2 Exclusion from school continues to have a disproportionate impact among different groups of young people. National data indicates that young people who have a special educational need or disability (SEND) are five times more likely to be permanently excluded from school than those children without SEND (DfE, 2020). There are also strong and consistent associations between ethnicity and school exclusion, where children from Gypsy Roma/Irish Traveller and Black Caribbean communities are three times more likely to be permanently excluded from school than their white British peers (DfE, 2020). Social and economic disadvantage also intersects with school exclusion, where young people entitled to free school meals (FSM) are five times more likely to be excluded than those children whose families are not in receipt of this assistance (DfE,2020). The disproportionate impact of school exclusion is not only a national issue but also a local issue, as all these inequities are replicated within Hackney school exclusion data.

1.3 Alongside data on the disproportionalities within school exclusion, there is also a growing body of evidence which points to the detrimental long-term impact that permanent exclusion from school has on young people and their families. Children who remain in mainstream education are twice as likely to be entered for key exams (in English and Maths) than excluded children in alternative provision and they are 15 times more likely to achieve grades 9-4 GCSE in these subjects. Relatively low levels of achievement mean that excluded young people also had poorer educational outcomes with just 6 in 10 sustaining any form of education, training, apprenticeship or employment after KS4 and as many as ⅓ going on to become NEET (not in education, employment or training) (DfE, 2019). Such poor educational outcomes can increase the likelihood of longer-term socio-economic disadvantage and social exclusion of young people.

1.4   School exclusion not only impacts on educational attainment and outcomes however, but it can also impact on young people's health and wellbeing. With the loss of personal and social support networks, young people excluded from school can often experience trauma which can lead to (or compound existing) emotional or mental health problems. Permanent exclusion can result in long periods of time out of school which can also increase the risk of young people becoming involved in antisocial or criminal activity, particularly as local gangs or other criminal organisations may seek to exploit any disengagement or disaffection experienced by these young people. There is also consistent data associating young people who have been excluded from school and the likelihood that they are a victim or perpetrator of crime, and where school exclusion has been reported to be the single most common denominator among young offenders. Of course, this does not mean that school exclusion is the direct cause of such problems, but it undoubtedly contributes to those conditions and circumstances which increase young people's risks.

1.5   There have been wide ranging responses to school exclusion at both the national level and local level. The Timpson Review (2019) provided a comprehensive and detailed analysis of school exclusions and why some groups of young people were disproportionately affected. The review produced 30 recommendations which on the whole have been accepted by the government. In its response, the government has pledged action in a number of areas not only to help reduce exclusions, but also to provide additional support and guidance to help children who have been excluded. Specifically, the government has pledged to:
- Further develop and improve guidance to schools and local authorities around exclusion,
- Support the extension of positive approaches to behaviour management in schools;
- Make schools more financially and academically accountable for those children they permanently exclude;
- Encourage greater collaboration and partnership working in local education systems for more effective support of children at risk of exclusion and those who are excluded;
- Additional help to support improvement in quality, range and outcomes of alternative provision.

1.6   More locally, Hackney's approach to reducing school exclusion had centred on the 'No Need to Exclude' policy which was introduced in 2015. This strategy put children's wellbeing and a whole school approach at the heart of the council's bid to reduce school exclusions. The strategy emphasised the range of educational, behavioural, and therapeutic initiatives which are available to schools which could be used to support the wellbeing of children in their care. The strategy acknowledged that permanent exclusion should be a last resort and only taken in response to

serious breaches of school behaviour codes and after all the wellbeing needs of young people had been addressed.

1.7   Additional impetus to reduce local school exclusions in Hackney has since been provided through the development of an Reducing Exclusions Strategic Plan in 2018. The Plan, which is overseen by the newly established Reducing Exclusions Executive Board, which whilst endorsing the wellbeing approach set out in the No Need to Exclude policy, detailed 10 new priority actions which included the need for better data collection and improved research to inform local approaches to prevent school exclusion as well as t improvements needed for the governance framework for school exclusions. This plan is being put into effect by an Officers Group (Chaired by the Director of Education) which includes the Schools Exclusion Team, the Re-Engagement Unit, EHCP Team, Young Hackney, and of course, New Regents College, the local Pupil Referral Unit (PRU).

1.8   In 2016, the CYP Scrutiny Commission undertook a scrutiny review of school exclusions which focused on the No Need to Exclude Policy, and assessed local head teachers' views on the wellbeing approach to help reduce school exclusions. This review made 9 recommendations in total, which centred around a number of key themes:
-   The need for improved data collection on the disproportionate impact of school exclusions which should also provide a framework for local prevention;
-   Additional independent advice and support required to help parents navigate the school exclusion process;
-   Further support to schools to help prevent school exclusions particularly in relation for children with SEND and other vulnerable learners, but also to provide stronger challenges where exclusions were felt to be unlawful or unfair.

1.9   However, against a backdrop of continuing high rates of school exclusion in Hackney and growing concerns around the poor academic, social and economic outcomes of excluded young people, the Commission agreed to conduct a further review of school exclusion in 2018-19.   In this review the Commission sought to build on the findings of its previous work and assess how the outcomes and life chances of young people excluded from school could be improved. In this sense, the Commission sought to shift scrutiny from schools to alternative provision, those places of education for young people who can no longer be taught in mainstream settings with a view to assessing:
-   The nature, level and quality of alternative provision;
-   Levels of attainment, progress and outcomes achieved by young people in alternative provision;
-   Collaboration and partnership working among local services in supporting excluded young people and their families.

1.10   Given the aims above, this review sought to provide a voice to three key stakeholders namely young people, their parents and carers and of course alternative providers. Qualitative data from all contributors to this review has helped to provide a rich and detailed insight into the experiences of young people who have been excluded from school, the challenges that they face and how they are subsequently supported by local education and other support services. The Commission is thankful not only for these submissions and contributions, but for all submissions to this review including leaders and staff at Hackney Education, New Regents College (Hackney PRU), Children and Families Service and other local education and welfare providers.

1.11   In practice in conducting this latest review, it is acknowledged that it has been difficult to avoid ongoing scrutiny of the exclusion process that takes place in mainstream school settings as this remains fundamental to young people's experiences and their education journey after exclusion. The nature of alternative provision in which children are placed after they have been excluded is also shaped by decisions taken in mainstream settings; not just the reason for their exclusion, but also in how children's needs have been identified and supported (or not) leading up to the point of their exclusion. It is clear from the testimonies of young people and their families provided in this review, that the experiences of school exclusion and young people's subsequent placements in alternative provision are inextricably linked. For this reason, it has been necessary to analyse and reflect upon young people's exclusion experiences in mainstream settings alongside their experiences of alternative provision.

1.12   At the outset, it is important to raise an important event which has occurred since the review completed its data collection but which adds heightened importance and relevance to the work of the Commission in this policy area. The murder of George Floyd and the Black Lives Matter movement has brought to the fore the continued racial inequalities and injustices that people from black and other minority ethnic groups experience in their use of public services. This is of course pertinent to this review, as it brings into sharp focus the ongoing national and local racial disparities that exist for school exclusions which are highlighted in sections 4.28-4.31 of this report. These ongoing disparities necessitate that local policy and practice around exclusions is viewed through a lens of inequalities and where solutions are grounded in principles of inclusion and social justice.

1.13   It is hoped that this review and the recommendations contained within it, will add further weight and impetus to local work to reduce school exclusions and improve the outcomes of those children who are excluded.

2.   Aims and Objectives

2.1   The overarching aim and objectives were agreed by the Commission:

'To identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils and to identify those policies and practices which best help to ensure excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education.'

2.2 Within this overarching aim, a number of component objectives were also agreed by the Commission:

a) To assess what provision or support is available to children and their parents at risk of and at the point of permanent exclusion.

b) To describe the nature of alternative provision available to children who have been excluded from Hackney schools and to assess:
   (i) If provision meets the needs of excluded children and if there are any gaps in provision (e.g. for children with SEND);
   (ii) The quality of support provided;
   (iii) If there is sufficient capacity to meet rising rates of exclusions;

c) To identify the different educational pathways and opportunities of children who have been excluded from school and how these compare to their peers in mainstream education.

d) To acquire a better understanding of how schools, alternative provision settings and the local authority measure and track the attainment and outcomes of children who have been permanently excluded from mainstream school and to assess:
   (i) If outcomes are related to pupil characteristics?
   (ii) If there is any correlation between exclusion and youth crime, criminal exploitation and wider safeguarding issues?
   (iii) Effective practices used to reintegrate excluded pupils back into mainstream school and/or into an alternative provision to complete their education.
   (iv) How the outcomes of excluded children are being used to inform the commissioning of alternative provision for excluded children.

e) To assess the level of partnership and cooperation between mainstream schools, special schools and alternative provision: to help identify good practice in relation to exclusion policy, behaviour management strategies and support for pupils known to be at risk of exclusion.

3. Methodology

3.1 A range of methods were used to collect data to meet the aims and objectives of the review as set out in 2.0. The main elements of this data collection incorporated

contributions from a range of sources which are summarised below.

<u>Desktop research and analysis</u>

3.2   Desk based research was used to help establish the national legislative and policy framework for school exclusions and Alternative Provision and to establish key national data and trends using national education and attainment datasets. Desktop analysis was used to review academic research and policy analysis pertaining to school exclusions

- Analysis of national school exclusion policy and Alternative Provision as set out in, for example, *Creating Opportunity for All - Our Vision for Alternative Education (2018)* and the *Timpson Review of School Exclusion (2019)* and the *Government response to Timpson Review (2019)* and the provision of statutory guidance for School Exclusions (2017) and Alternative provision (2013);

- Analysis of national data in respect of school exclusions, Alternative Provision and pupil attainment and outcomes of excluded children, for example DfE datasets on Permanent & Fixed-Term Exclusion, School Pupil & Characteristics, Pupil Absence, Destinations at KS4 and School Workforce.

- Review of national research and policy analysis as produced by academics, educational specialists and national think tanks - for example *Warming the Coldspots of Alternative Provision* (2020) as produced by Centre for Social Justice and Exclusions from various reports on School Exclusion, Gang Violence as produced by the Office of the Children's Commissioner.

<u>Consultation with local stakeholders</u>

3.3   A range of local stakeholders were consulted as part of this review to establish local policy and practice in relation to school exclusions and alternative provision. As well as an opportunity to review more localised data, consultation with local stakeholders also facilitated more qualitative and detailed assessments of local school exclusion process and alternative provision.

- *Education Service* - this involved key education officers (Director of Education, Head of Wellbeing & Safeguarding) as well as contributions from the Exclusions Team, Re-Engagement Team, Admissions (Fair Access Panel) and School Improvement Partners;

- *Other Council Services* - formal contributions were received from Young Hackney and the Skills & Employment Team and data was obtained from Educational Psychology Service (EPS), Child and Adolescent Mental Health Service (CAMHS) and the Youth Offending Team (YOT) (via the Education Service).

- *Alternative Provision* - the local Pupil Referral Unit (PRU) and a number of local alternative education providers formally contributed to the review at a formal meeting of the CYPSC. In addition, a number of alternative education providers were selected for anonymised interviews.

- *Children & Parents* - One focus group was held with nine children who had experience of exclusion (permanent and fixed term), and a small group discussion and six interviews were held with children who had been permanently excluded and attended the PRU. Two focus groups were held with parents of children with SEND and had experienced school exclusion (one of which wasTurkish speaking parents).

- *Other services* - two local special schools formally contributed to the review as did Islington Law Centre, which also provides advice to children and families in Hackney who have been excluded from school.

Local site visits

3.4   The Commission conducted a number of site visits to support members' understanding of the different pathways that young people may take upon being excluded from school. Site visits are beneficial as they give a more practical understanding of how services work and the issues at play in supporting excluded young people. In addition, site visits also provided an opportunity for the Commission to meet both practitioners and young people and obtain first-hand accounts of how effective services are in supporting young people.

- New Regents College - the local PRU was visited by members of the Commission and were able to speak to the Executive Head, Head of School as well as different Key Stage leaders. Members were also invited to tour the school and lessons in small groups and speak to children attending.

- Alternative Provision - six alternative education providers which support excluded children were visited (two of which were external to the borough, but which supported Hackney students). For all site visits members were offered the opportunity to view facilities, sit-in on lessons, talk to key members of staff and to children in attendance.

- Special Schools - an extensive tour of the Garden School was provided by the Head teacher and the head of Behaviour Management. Members were able to view and sit in on classes and talk to staff as they were escorted around the school.

Comparative contributions

3.5   To support comparative assessment and analysis a number of other local authorities were invited to contribute to the review. The involvement of other local authorities helps to compare and benchmark local policy and practice in supporting children excluded from school, and helps to identify additional good practice which can further inform local service provision.

- *LB Hammersmith* - the Director of Education contributed to the review via a formal meeting of the CYP Scrutiny Commission.

- *LB Waltham Forest and LB Tower Hamlets* - informal interviews were conducted with officers about the nature and level of support provided to children excluded from school and how alternative provision was commissioned, the outcomes from alternative provision and plans for improvement.

Specialist contributors

3.6 Expert independent analysis helps to provide further insight into the exclusion process and the nature and level of support provided to children excluded from school through alternative provision.   This was provided through direct submissions to the Commission and through review of national research and policy analysis.

- The Difference - an education charity working to improve the outcomes of children who have been excluded from school through peer training and leadership programmes.

Data

3.7 In relation to reference data on the rate of permanent or fixed term exclusions this refers to the proportion of such exclusions against the whole school population.

4. National Policy and Data Context

4.1 The following section of this report sets out the national context and policy framework for school exclusion and the provision of alternative education. This section provides an overview of:
- Legislation and other government guidance on school exclusion;
- Timpson Review and government response;
- Data on the incidence of school exclusion;
- Legislation and other government guidance on alternative education provision
- Data on the nature of alternative provision, and the outcomes of young people attending;
- Funding of alternative provision;
- Other outcomes of exclusion.

National Policy Framework for Exclusion

4.2 Sections 51-52 of the Education Act (2002) sets out the conditions and circumstances in which a child may be excluded from school, either permanently or for a fixed term period. Together with the Department of Education guidance on the exclusion process detailed in *Exclusion from maintained schools, academies and pupil referral units in England (2017),* this provides the statutory and legal framework for the school exclusion process in England.

4.3 Statutory guidance sets the following overarching conditions in which a child may be excluded from school:

- Only the Headteacher can exclude a pupil, and exclusion can only be made on disciplinary grounds;
- A pupil can be excluded for one or more fixed periods which total no more than 45 days;
- Exclusions must be lawful, in that the decision to exclude must be made in regard to wider legal duties (European Convention on Human Rights and the Equality Act 2010), and be rational, reasonable, fair and proportionate.

4.4   A school must comply with its statutory duties and obligations in relation to both the Equality Act (2010) and have regard to its public sector equality duties in eliminating discrimination, advancing equality of opportunity and fostering good relations with those who have protected characteristics. Headteachers also need to be mindful of those groups of young people with disproportionately higher rates of exclusion and should consider what additional support might be needed to identify and address the needs of these young people. Similarly, Headteachers must have regard to the SEND Code of Practice, and ensure that children are only excluded for disciplinary reasons and do not pertain to any additional learning needs or disabilities.

4.5   The statutory guidance makes clear that children and young people have a right to education, that disruptive or challenging behaviour could be an indicator of unmet needs. Where possible the school should try to identify the causes of poor behaviour when these become of concern, and utilise a multi-agency process to assess, identify and support these needs. The guidance does however reaffirm the right of Headteacher's to exclude as a last resort:

> *'The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.'*

4.6   The guidance also requires the Headteacher to immediately notify both the Governing Body and the Local Authority where the exclusion is permanent or is for a fixed term which is longer than a period of 5 days.
- For fixed period exclusions the Governing body must arrange full-time education for excluded pupils from the 6th school day of the exclusion (Education and Inspections Act 2006).
- For permanent exclusions, <u>Local Authorities</u> must provide suitable full-time education (Pupil Referral Unit, Alternative Provision or New School) from the 6th day of exclusion (19 Education Act 1996)[1] and Governing Bodies must confirm exclusion (consider reinstatement) within 15 school days.

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[1] If young person is in the care of the Local Authority or has an EHCP, the Local Authority must ensure education provision is available on day 1

4.7   Parents may appeal the exclusion decision of the school by an Independent Review Panel (IRP) within 15 school days of receiving the exclusion notice. The Local Authority (or Academy) will convene the Independent Review Panel (IRP) which should be made up of current/ ex-governors and headteachers (though not from the excluding school) and to be chaired by an independent lay member. Following its review the IRP can decide to:
- Uphold the governing board's decision;
- Recommend that the governing board reconsiders reinstatement; or
- Quash the decision and direct that the governing board reconsiders reinstatement.

Timpson Review - and Government Response

4.8   Former Children's Minister, Edward Timpson, was commissioned to investigate the rising rates of school exclusion and in particular, how this was having a disproportionate impact on different ethnic groups. The *Timpson Review* (DfE, 2019) sought to balance the needs of Headteachers' right to exclude as a process to help maintain a safe, calm and positive learning culture, whilst recognising the profound impact that school exclusion has on young people and the need to ensure that these young people are not left behind.

4.9   Whilst highlighting that there was much good practice to note in relation to school exclusion, the review noted that local approaches to exclusion were wide ranging with significant variations in exclusion policy, practice and outcomes across the country. Such disparities in local policy and practice were underlined in key data from 2016/17 which was released with the review:
- 85% of all mainstream schools in England (94% of primary and 43% of secondary) issued no permanent exclusions, but 0.2% of schools (47 schools, all secondary) issued more than 10;
- 54% of the total number of permanent exclusions were in top quartile of highest excluding local authorities, yet only 6% in the bottom quartile of authorities that excluded the fewest;
- 78% of permanent exclusions were issued to pupils who either had SEN, were classified as in need or were eligible for free school meals; 11% of permanent exclusions were to pupils who had all three characteristics;
- Of those reaching the end of Key Stage 4 just 7% of children who were permanently excluded and 18% of those who had received multiple fixed period exclusions went on to achieve good passes in English and maths GCSEs and this was just 4.5% of pupils educated in alternative provision.

4.10   The *Timpson Review* set out 4 principles through which to reform exclusion policy and practice in England, which were:
1. Effective leadership and setting high standards for all young people;

2. Equipping schools to ensure that they can support all children more effectively;
3. Making schools more accountable for exclusions and incentivising inclusion;
4. Improved tracking and monitoring to help improve oversight and safeguarding of excluded children and others leaving school.

4.11   Using these principles, Timpson developed 30 recommendations for the government. The key recommendations from the review are summarised below (though all 30 are detailed in Appendix 1 of this report).
- That statutory guidance for exclusions should be updated to provide further clarity to the exclusion process, and to emphasise the Equalities duties of schools in supporting children with SEND in mainstream education;
- The need to provide additional training, support and investment to help extend the application of positive behaviour management programmes in schools;
- Additional help and support for schools to make them more inclusive and that inclusion should be recognised within the Ofsted inspection framework;
- Making schools responsible for the children they exclude and accountable for their educational outcomes whilst making sure that there are no financial incentives to exclude.

4.12   The government formally responded to the Timpson Review in May 2019 (DfE, 2019) and whilst confirming that the right of Headteachers to exclude children would be maintained, it accepted the need to update guidance to bring greater clarity and consistency to the exclusion process. The response also underscored the need for more collaborative partnerships between local authorities, schools and alternative provision to ensure that effective early help was in place to identify those at risk of exclusion and develop effective interventions to enable them to stay in mainstream education. Perhaps most importantly however, the government confirmed that it would make schools more accountable for the children that they permanently exclude.

4.13   Although the government planned to consult education specialists and the wider sector to help shape the planned changes to exclusion 2019 through to 2020, the election of a new government in December 2019 and the ensuing coronavirus pandemic has in effect stalled any changes to the legislative or policy framework for exclusions.

Incidence of School Exclusions - permanent and fixed term
4.14   Schools are statutorily required to report both permanent and fixed term exclusions and this data is collated annually by the DfE. In 2018/19 there were 7,894 permanent exclusions in England which equated to a rate of 0.1 of all school pupils. The national rate of permanent exclusions increased from 0.07 to 0.1 over the period 2010/11-2018/19, though this increase had levelled off in recent years (Figure 1).

Figure 1 - Permanent exclusion rate 2010/11-2018/19
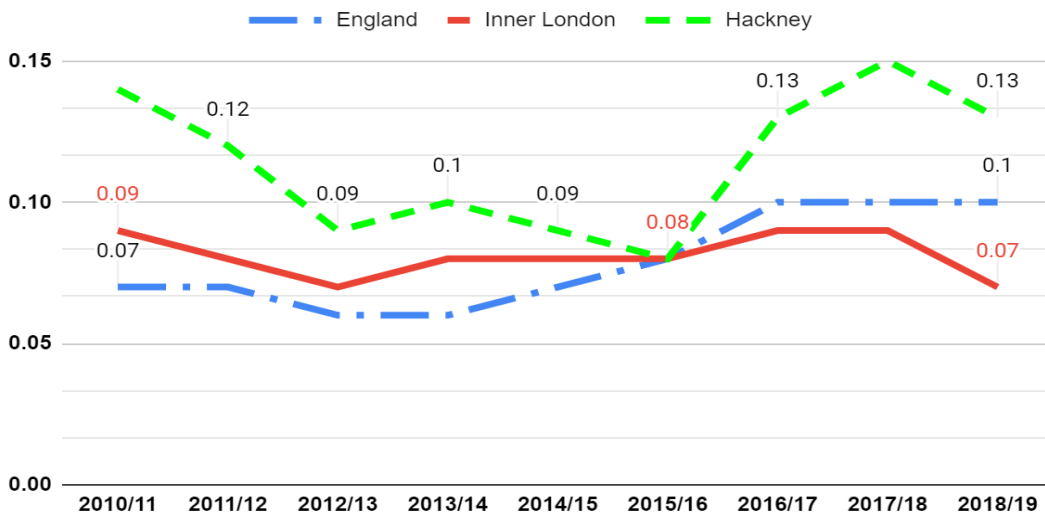
4.15   Permanent exclusion rates in Hackney fell from 0.13 in 2010/11 to 0.08 in 2015/16, but have risen sharply since peaking at 0.15 in 2017/18 (Figure 1). The rates of permanent exclusion are consistently higher in Hackney than in England or Inner London boroughs for the period 2010/11-2018/19. The current rate (at 2018/19 data) of permanent exclusions in Hackney (0.13) is almost twice that of the inner London average (0.07) (Figure 1).

4.16   Figure 2 shows that whilst Hackney's rate of permanent exclusions is currently higher than most other boroughs, overall trends are more fluid with wide variation in rates being recorded in the 8 year period to 2018/19 (Figure 2). It is noted that Tower Hamlets has recorded consistently low rates of permanent exclusion.

Figure 2 - Permanent exclusion rate Inner London boroughs 2010/11-2018/19
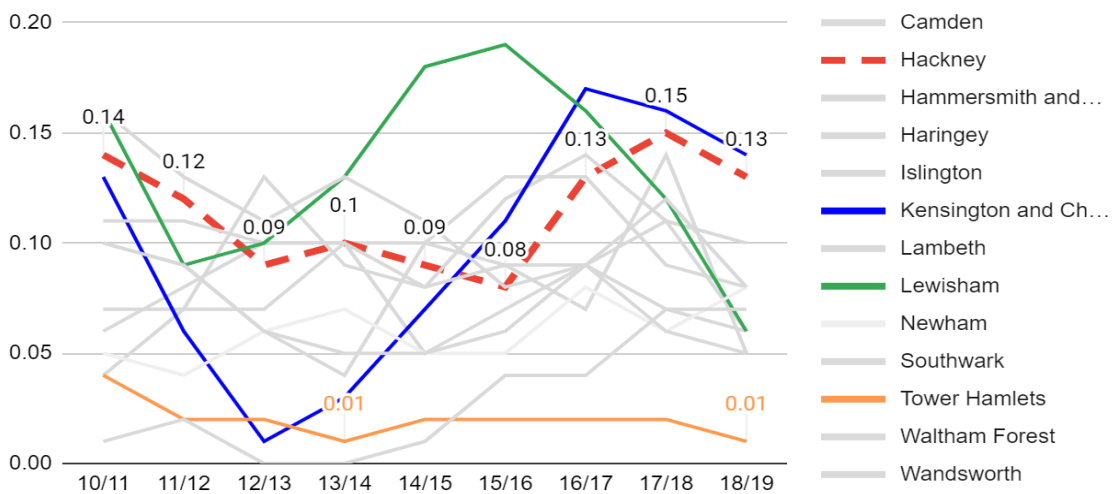
4.17   In 2018/19, there were 438,265 fixed term exclusions in England which equated to a national rate of 5.36 (of the school population). As was the case with permanent

exclusions, the rate of fixed term exclusions was consistently higher in Hackney than compared to both national and regional averages for the 9 year period to 2018/19 (Figure 3). The fixed term exclusion rate has been rising in all areas for the past 3 years.

Figure 3 - Fixed term exclusion rate 2010/11-2018/19
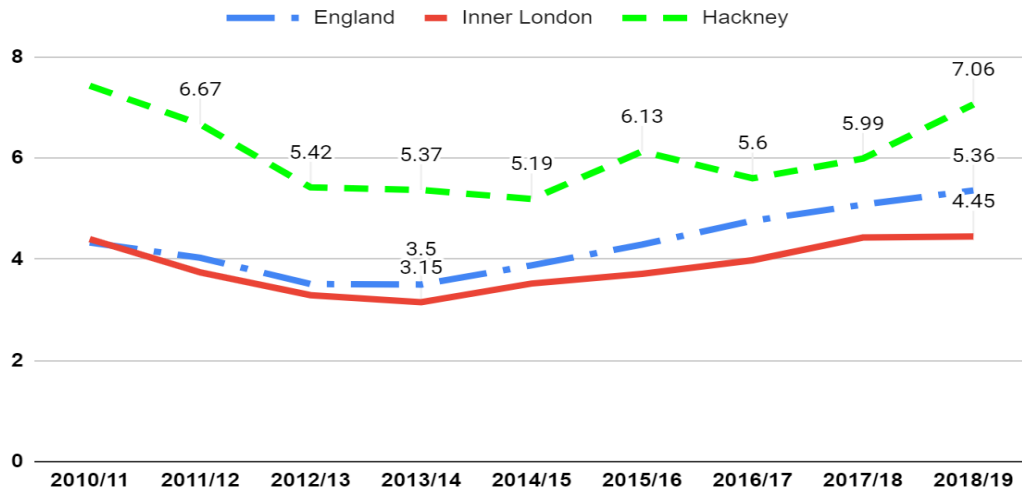
4.18   The rate of fixed term exclusions in Hackney has been consistently higher than other inner London boroughs for the period 2010/11-2018/19, with only Islington more recently recording higher rates. Tower Hamlets recorded comparatively lower rates of fixed term exclusion than other most London boroughs over the same time period.

Figure 4 - Fixed term exclusion rate across inner London boroughs 2010/11-201819.
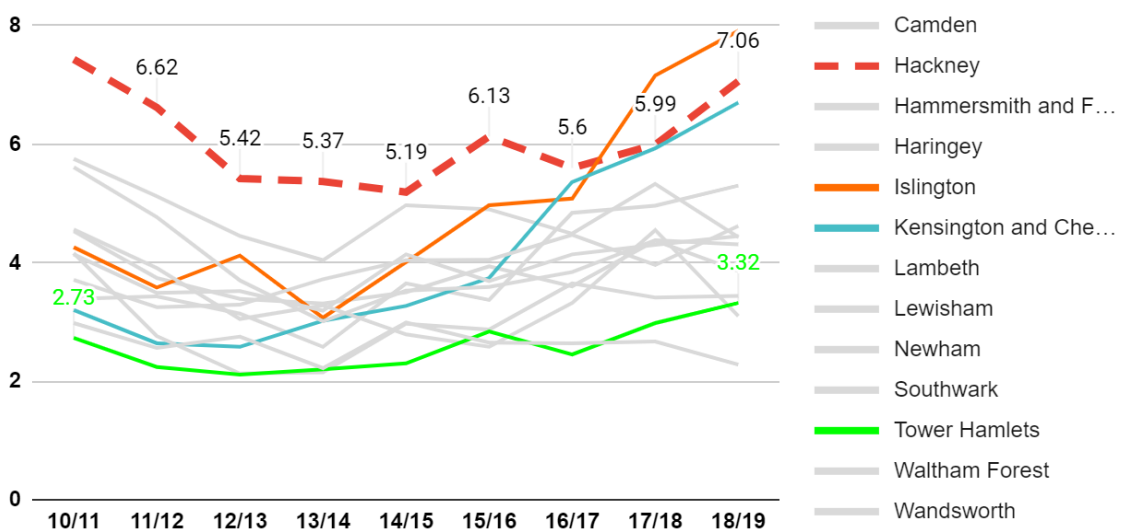
4.19   Permanent and fixed term exclusions occur among children more frequently in secondary school settings. In 2018/19, of the 7,738 permanent exclusions across primary and secondary 86% were in secondary school settings. Similarly, of the

421,864 fixed-term exclusions taking place across both primary and secondary settings, 84% occurred in secondary school settings.

Figure 5 - Secondary School Exclusion rate 2012/13-2018/19

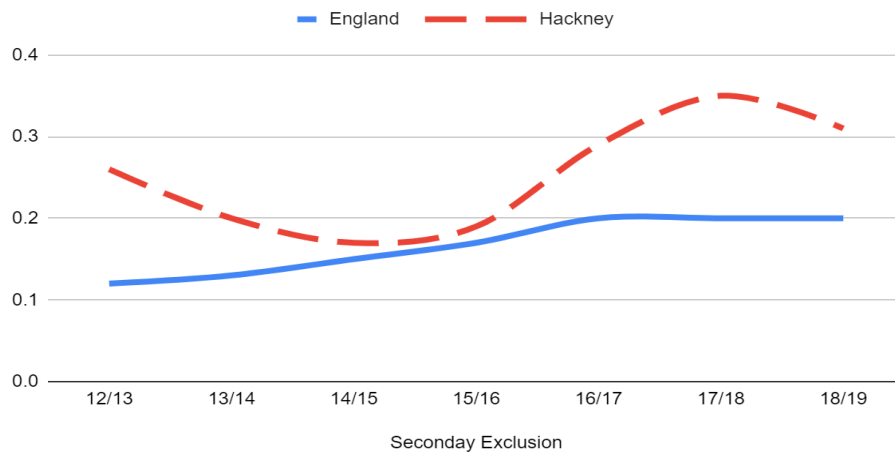4.20 The national rate of permanent exclusions in primary settings has remained broadly unchanged at around 0.02-0.03 of all primary school pupils for a number of years. The national rate of permanent exclusions in secondary school settings has however increased from 0.12 in 2012/13 to 0.2 in 2018/19 (Figure 5). The rate of permanent exclusions in secondary schools in Hackney has been consistently higher than the national average peaking at 0.35 of all school pupils in 2017/18 (Figure 5).

Figure 5a - Permanent exclusion rate for type of school (LA maintained and Academies in both primary and secondary 16/17)
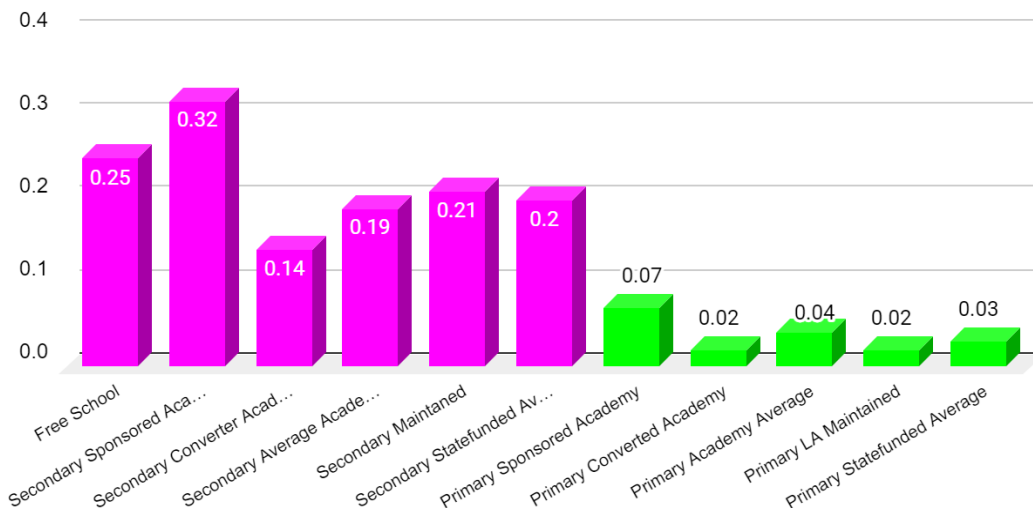
4.21 Figure 5a shows the national rates of permanent exclusion by the type of school (either maintained or Academy). Whilst higher rates of permanent exclusion are seen in Sponsored Academies, these typically have taken over challenging schools, where there may have been a history of failure and or poor discipline which may have resulted in higher levels of exclusion. Converter Academies, which make up

almost ⅔ of all Academies reported lower rates of exclusion across both primary and secondary settings.

4.22   Persistent disruptive behaviour is the most common reason given for the permanent exclusion of children from school which was cited in 35% of all permanent exclusions in 2018/19 (Figure 6). Assault (of a pupil or a member of staff) and verbal abuse (of a pupil or a member of staff) were the next most common reasons why young people were permanently excluded, these reasons being cited in 24% and 12% of cases respectively (Figure 6).

4.23   The reasons why children are permanently excluded in Hackney are broadly similar to that recorded nationally with persistent disruptive behaviour being the most commonly cited reason (Figure 6). Over one quarter (27%) of permanently excluded children were excluded for 'other' reasons, which it is noted has been a growing trend for a number of years. Permanent exclusion for 'other' reasons has been highlighted by the *Timpson Review* and which urged the DfE to investigate this to further understand the reasons for exclusion and the need to reclassify data if necessary.

Figure 6 - Reason for permanent pupil exclusion (as % of exclusions) 2018/19
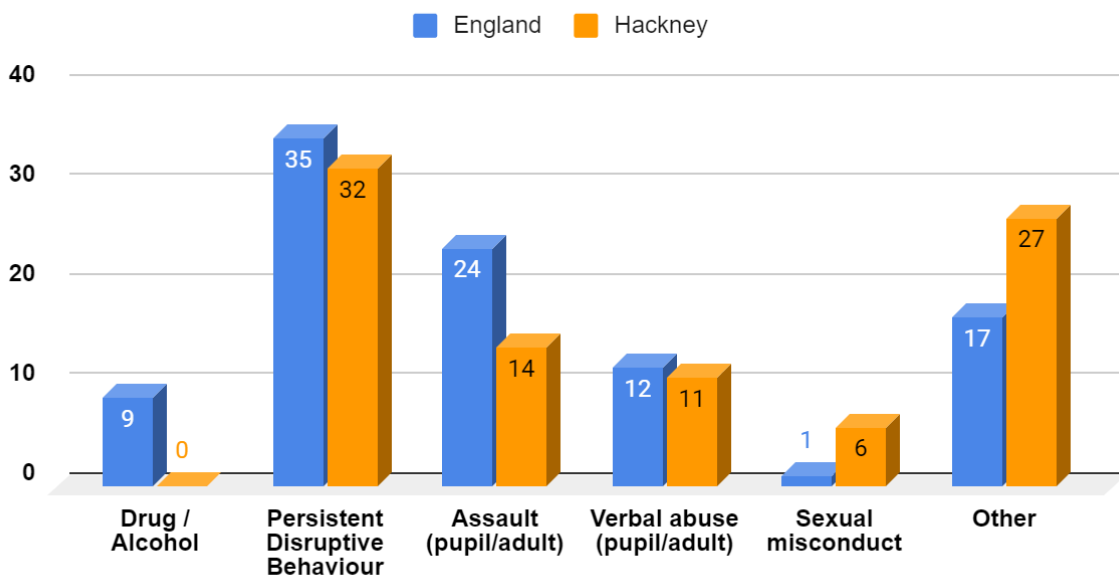
4.24   Of the 7,984 young people permanently excluded in 2018/19, just over 6,000 were boys, three times the number of girls who were permanently excluded. Nationally the permanent exclusion rate for boys is 0.14 per as compared to 0.05 for girls (Figure 7). Comparatively, the permanent excursion rate of both boys and girls in Hackney is higher than both national and regional averages, with the rate of permanent exclusions among girls being twice that recorded for England and across inner

London boroughs (Figure 7).

Figure 7 - Permanent exclusion rate by gender 2018/19.
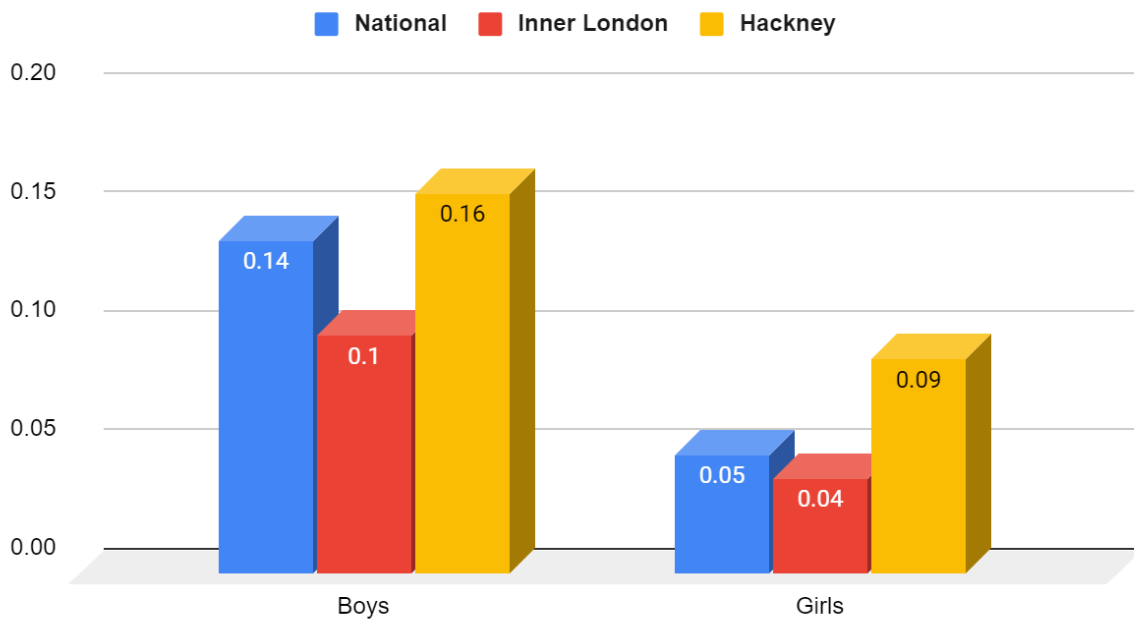
4.25   The number and rate of fixed-term exclusions amongst boys is also higher than for girls.   Nationally, the rate of fixed-term exclusions amongst boys (7.55) is more than twice that of girls (3.08) (Figure 8). Although higher rates of fixed term exclusions are recorded amongst boys and girls in Hackney, the differences in rates for girls is not as pronounced as was recorded for permanent exclusions (Figure 8).

Figure 8 - Fixed term exclusion rate by gender 2018/19.
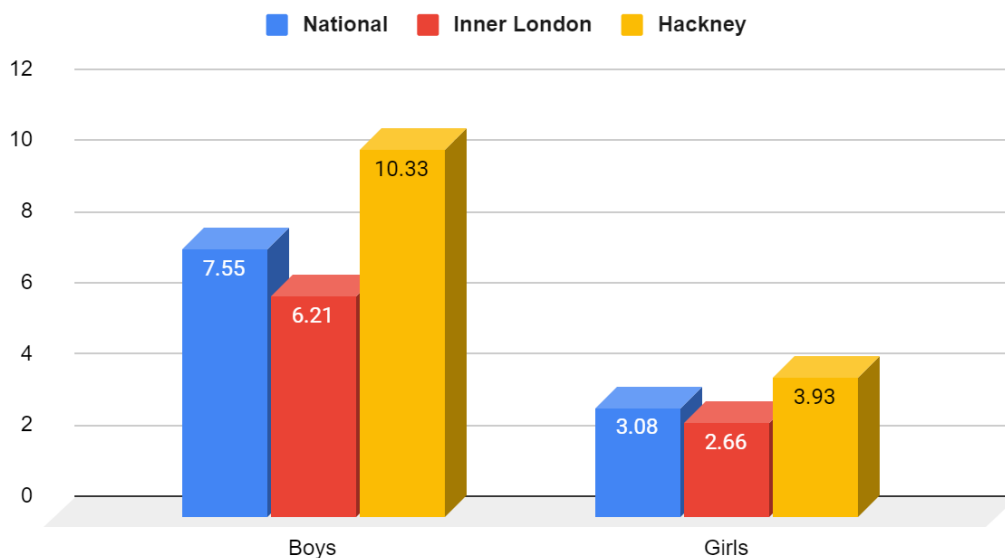
4.26   In 2018/19, the majority of permanent exclusions occurred during the ages of 12-14 years, with the national rate of permanent exclusions peaking at age 14 at 0.38 per

(Figure 9). Comparatively, the rate of exclusions in Hackney peaks earlier at an age 13, which is considerably higher than both national and regional averages (Figure 9).

Figure 9 - Permanent Exclusion Rate by Age 2018/19
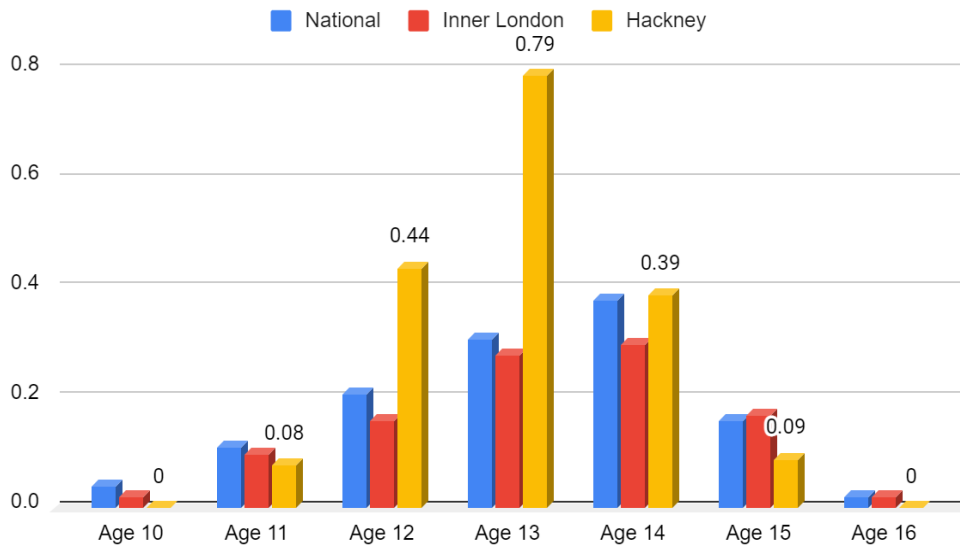
4.27   In 2018/19, the national rate of fixed term exclusions peaked at age 14 at 16.0 (Figure 10). Fixed term exclusion rates are highest (24.27) in Hackney peaked when children are at age 13 and were consistently higher for all age groups compared to national and regional averages (Figure 10).

Figure 10 - Fixed term exclusions rate by age 2018/19.
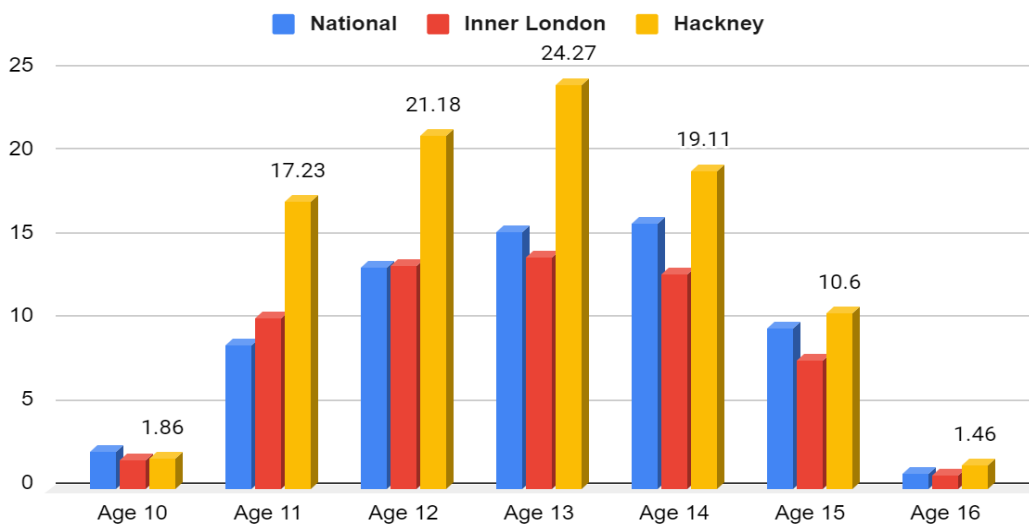
4.28   Wide variations in the rate of permanent exclusions among different ethnic communities are recognised and reported. Whilst some ethnic groups of young people (e.g. Indian, Chinese) experience lower rates of permanent exclusion, other ethnic groups report significantly higher rates (e.g. Black Caribbean, Gypsy Roma). This pattern of permanent exclusions for differing ethnic groups has been an established trend in permanent exclusion statistics for a number of years.

Figure 11 - Permanent exclusion rate by key ethnic groups 2015/16-2018/19
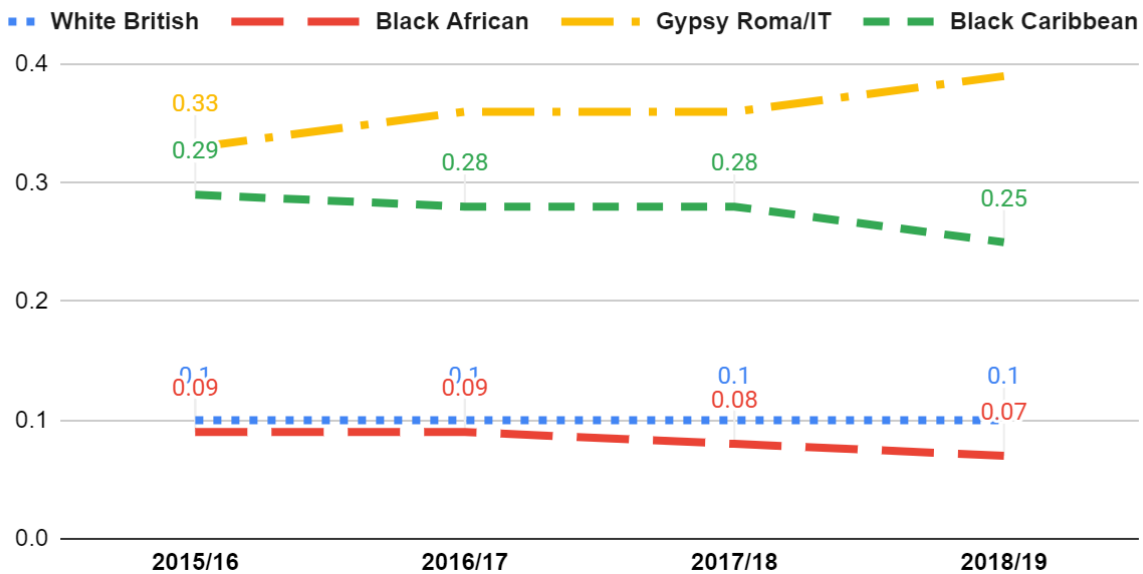
4.29   Over the 4- year period to 2018/19, the national rate in which young people were permanently excluded from Gypsy Roma and Black Caribbean ethnic groups was between three and four times that of young people of White British ethnic origin (Figure 11). The most recent national data suggests that the disproportionalities in permanent exclusions among these different ethnic groups persist; indeed this gap appears to be widening for children from Gypsy Roma communities (Figure 11).

4.30   Data from Hackney's deep dive noted that children from Black Caribbean ethnic origin made up approximately ⅗ of all young people permanently excluded over a 2-year period to 2018/19 (see 5.20). Of particular concern in Hackney is that the rate at which young people of Black Caribbean ethnic origin who are permanently excluded from school as this is not only higher than other ethnic groups but has also been increasing when national and regional rates have been declining (Figure 12).

Figure 12 - Permanent exclusion rate of children of Black
Caribbean ethnic origin (2015/16-2018/19)
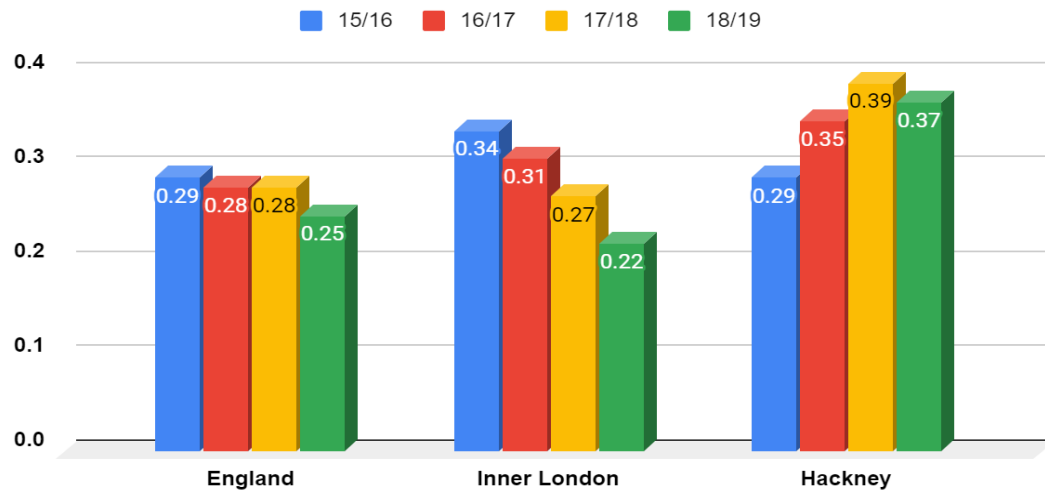
4.31   Young people with SEND are also more likely to be permanently excluded or receive
        a fixed term exclusion than those children without additional needs. National data
        from 2018/19 indicates that the rate of young people with an EHCP being
        permanently excluded was 0.16 which was almost three times that of young people
        without any additional needs (0.06) (Figure 13). However, those young people with a
        diagnosed SEND but without an EHCP the rate of permanent exclusion is far higher
        at 0.32 (Figure 13). This may reflect the strength of the exclusion guidance in
        asserting head teachers should avoid excluding children with an EHC plan, or this
        may be a reflection that those with specific support in place for their SEND needs are
        less likely to behave in a way that results in exclusion.

Figure 13 - Permanent exclusion rate of children with SEND
2015/16-2018/19
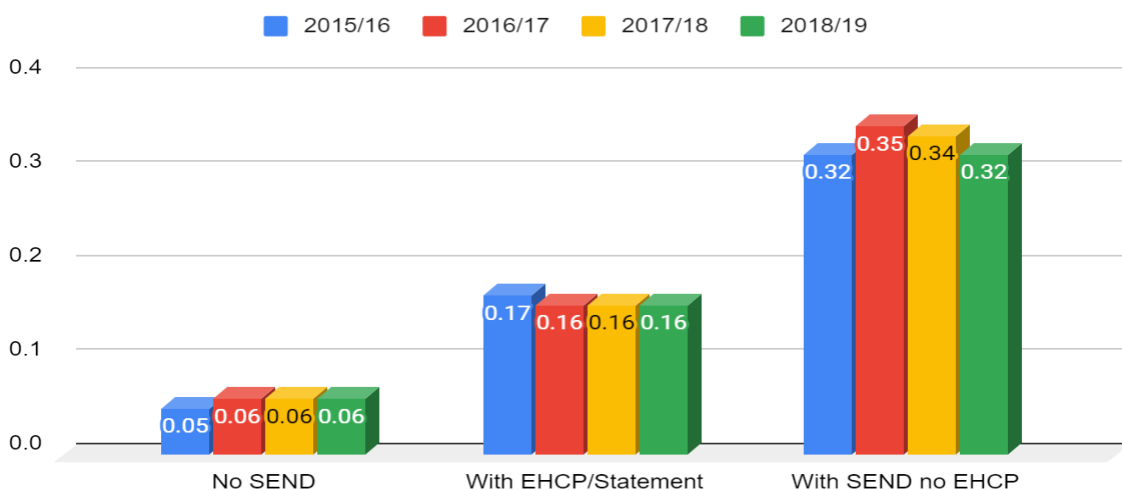
4.33 Closer examination of exclusion data by primary SEND needs provides further insight into the disproportionate distribution of school exclusion. The rate of permanent exclusion among children with Social Emotional Mental Health (SEMH) was 0.92 per 1,000, far higher than for any other primary need (Figure 14). Broadly and quite generally speaking, the data would suggest that young people with more acute primary needs appear to have lower rates of exclusion than those with 'less severe' primary needs. This pattern of responses is repeated with fixed term exclusion (though with high rates varying from 0.91- 46.29).

Figure 14 - Permanent exclusion rate by primary SEND need 20…
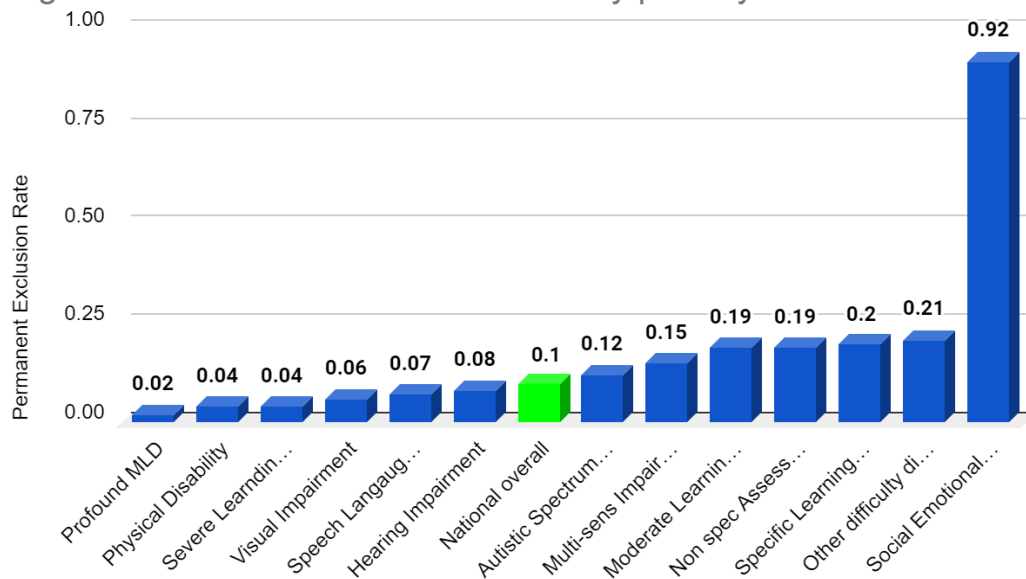
4.34 Similar patterns of exclusion for SEND are recorded locally in Hackney in which the deep dive analysis undertaken by the Education Service reported that 63% of young people excluded were diagnosed with SEND, and of this cohort the primary need was SEMH (60%) or a Moderate Learning Difficulty (20%) (see 5.20).

4.35 Given its link to social welfare benefits, free school meal entitlement (FSM) is sometimes used as an indicator of family disadvantage. In 2018/19, young people who were entitled to FSM had a permanent exclusion rate of 0.25 which was significantly higher than for those who were not eligible for FSM (0.05). Again, this pattern in the exclusion data has been evident for some years (Figure 15). Similar patterns and differentials are recorded for fixed term exclusions and eligibility for FSM (though again, with higher rates).

Figure 15 -Permanent exclusion rate and entitlement to free school meals (FSM) (2015/16-2018/19)
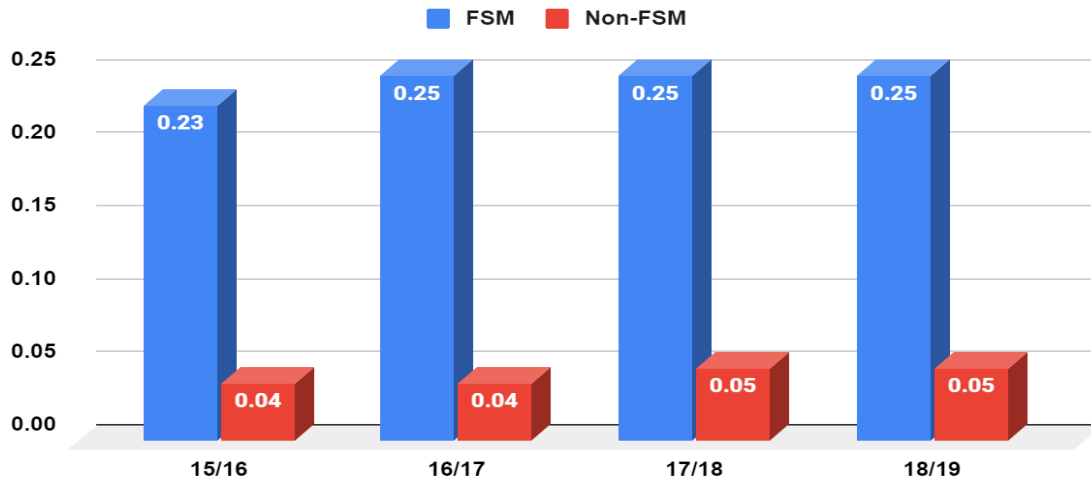
4.36   There are also notable trends in the exclusion – both fixed period and permanent – among children who have received statutory social care support; Children in Need of and Looked After Children. Whilst higher rates of permanent exclusion have historically been recorded among looked after children than those children not in receipt of social care, this gap has almost closed and now rates are almost comparable. Rates of permanent exclusion among those Children in Need however continue to be higher than those not in receipt of social care, and indeed, the gap appears to be widening. In respect of fixed term exclusions, large differences continue to be seen in the rates of Looked After Children or Children in Need when compared to those not receiving any social care.

4.37   The context for every school exclusion, be it permanent or for a fixed term, is of course individual which may depend upon a wide range of factors and influences relating to the school and of course the young person themselves. Thus, the data presented indicates broad associations and context for wider discussion on exclusion.

Alternative Provision - definitions and guidance

4.38   Depending on the needs of the young person, there are a number of possible destinations post permanent exclusion. In some instances, young people may be able to return to another mainstream school to continue their studies. Other children, whose needs cannot be met through mainstream education are more likely to end up with an alternative education provider, in a special school or other educational provision. National data (RSA, 2020) collected over a 4 year period suggest that young people's destinations post exclusion were[2]:

-    Alternative Provision 52%   -   Other provision 14%

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[2] A number of commentators have noted however how difficult it is to track young people leaving the school roll in mainstream education. particularly in London where there is a highly transient population and mobile population.

- Back to mainstream 21%
- Special school 5%
- Unknown 8%

4.39   The four-year trend for this data would appear to demonstrate that permanently excluded children are now less likely to return to mainstream education and more likely to remain in alternative provision (Figure 16).

Figure 16 - KS4 Destination of Permanently Excluded Children at Year 11 (2014-2018)
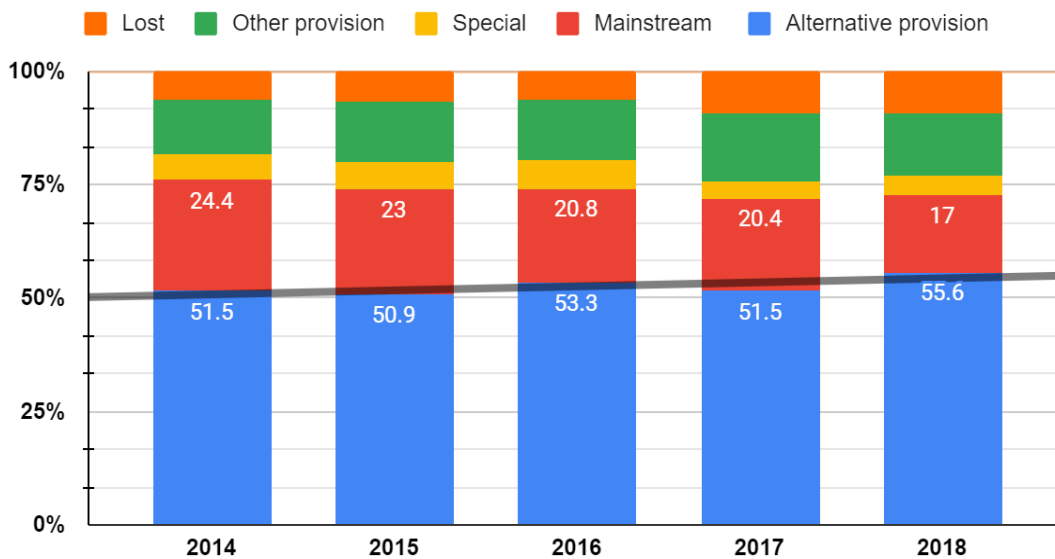
What is alternative provision?

4.40   Local authorities are responsible for arranging suitable education for permanently excluded children and their statutory duties in providing alternative provision are detailed in Alternative Provision Statutory Guidance for Local Authorities (DfE, 2013). The guidance defines alternative provision as thus:

> *'Education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period of exclusion, and; pupils being directed by schools to off-site provision to improve their behaviour.'*

4.44   Alternative provision can be provided through a number of different types of setting which include:
- Pupil Referral Units (PRU);
- Alternative Provision Academies;
- Alternative Provision Free Schools;
- Independent and Voluntary Sector Providers.

4.42   There are a variety of types of alternative providers which can provide both full and/or part-time places and can offer both short and longer-term placements. Given the wide-ranging needs of young people, the nature of the educational support offered through alternative provision varies widely. DfE guidance does however indicate that alternative provision must have a number of common elements:
-    Good academic attainment on a par with mainstream schools, particularly in maths and English and Science;
-    Specific personal, social and academic needs of pupils are identified in order to help them overcome barriers to attainment;
-    Improved pupil motivation and self-confidence, attendance and engagement with education;
-    Clearly defined objectives, including the next steps following the placement such as reintegration into mainstream education, or successful transition to further education or training.

Who attends alternative provision?

4.43   Alternative provision is for pupils who are unable to attend mainstream schools. This can include children who have been permanently excluded, children who have received a fixed term exclusion longer than 5 days, and children undertaking a preventative placement in the hope of avoiding permanent exclusion. Alternative provision can also be used for vulnerable young people whose physical, emotional or learning needs are more appropriately provided outside of mainstream education (e.g.acute anxiety, new arrivals, ESOL). Alternative provision may also include young people who:
-    Need an alternative curriculum or study environment to what is available in mainstream school settings;
-    Have become disengaged from school or have poor school attendance;
-    Have experienced neglect, abuse or trauma and require more intensive support.

4.44   As of January 2018 there were 26,600 pupils being educated in state-supported alternative provision (PRUs, and alternative provision academies and free schools). It is estimated that approximately 45% of this cohort would have been permanently excluded from school (FFT Education DataLab 2019). In addition, there were 22,800 pupils being educated in other alternative provision settings such as independent schools and further education colleges (offering pre-16 provision). Children in alternative provision makeup 0.6% of compulsory school age children.

4.45   The number of pupils being educated in alternative provision has grown from 46,000 in 2011 to 49,000 in 2018, an increase of 7% which is greater than the increase in the whole school population (5%) (Figure 17). Whilst about 27,000 of young people were in alternative provision within a PRU, AP Academy of AP Free School, and equal number were educated within other independent AP settings (Figure 16).

Figure 16 number of pupils in alternative provision 2011-2018.
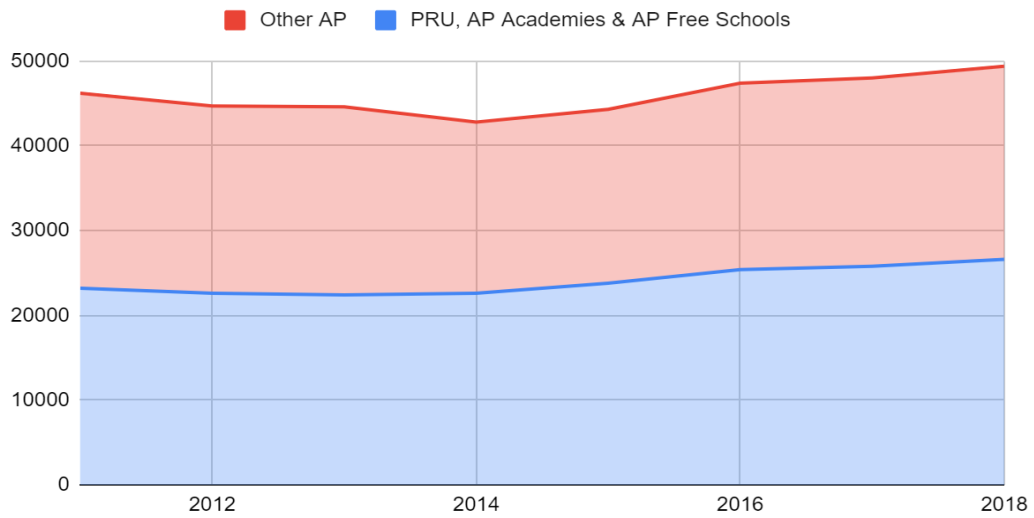
4.46   Use of alternative provision varies widely across local authorities reflecting the
        different structures and processes in place for exclusion and other pupil support
        services. The number of children in alternative provision in Hackney in the period
        2017/18 to 260 in 2019/20 has risen from 218 to 260 (Figure 16).

Figure 17 - Children in Alternative Provision 2017/18-2019/20
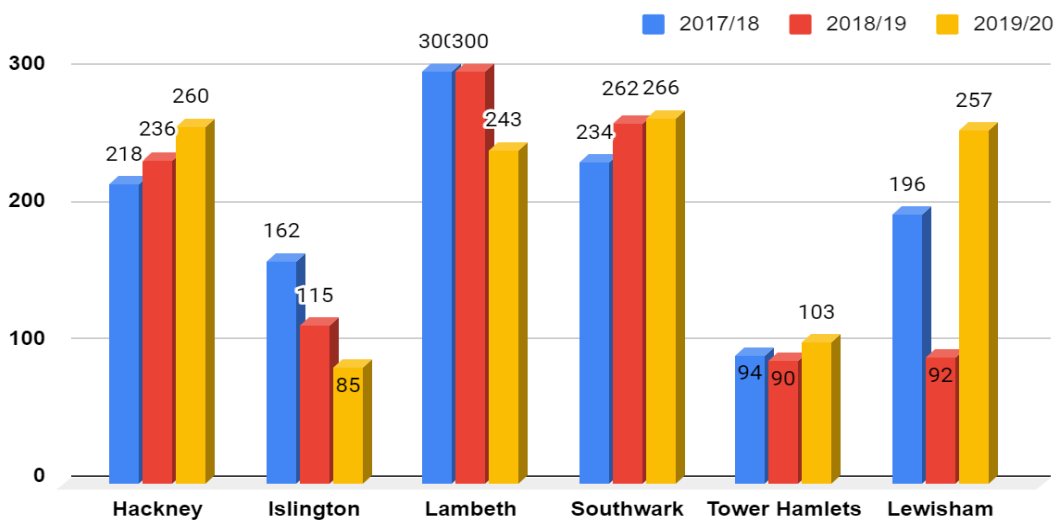
4.47   Given the socio-demographic associations with permanent exclusions from school, it
        is not surprising to record similar trends within the population of young people
        attending alternative provision. Similar patterns are recorded in terms of the ethnic
        groups of young people attending alternative provision; as with exclusion, children
        and young people from Gypsy Roma, Irish Traveller and Black Caribbean are
        disproportionately represented within the alternative provision population. In
        addition, Children in alternative provision were:
        -   6 x more likely to have a SEND than children in mainstream school;
        -   3 x more likely to be entitled to FSM than children in mainstream school;

- 1.5 x more likely to be male than children in mainstream school.

What is taught in Alternative Provision

4.48 Although statutory guidance does not require alternative providers to adhere to the national curriculum, research has found that most do try to follow this as closely as possible, particularly as this may enable children to reintegrate back into mainstream education (IFF/DfE, 2018). This same research concluded that whilst most alternative providers focused on GCSE Maths and English, relatively few offered a broad range of GCSE subjects for young people to study. It should be noted that alternative provision also provides an opportunity for young people to study for different qualifications such as functional skills, arts-based provision and vocational subjects, and many offer some form of work based learning or placements, opportunities which may not always be available in mainstream settings.

4.49 It should be noted of course, that children in alternative provision may have significant additional learning and or behavioural needs which may require providers to adjust the nature of their curriculum to respond to these needs. In addition, this cohort of young people will most likely have missed significant parts of their education due to poor attendance, illness or other welfare issues and will therefore have significant gaps in their learning. In this context, alternative providers may also provide more intensive and therapeutic support to help young people develop and achieve.

Quality of Alternative Provision - Ofsted rating

4.50 If alternative providers are teaching more than 5 students for more than 18 hours a week, then they must be registered as a school with the DfE, and will therefore be subject to the Ofsted inspection and assessment framework. The Ofsted inspection outcomes therefore provides one indicator of the quality of alternative provision. National data from 2018 suggests that for this indicator, the proportion of alternative provision receiving a 'good' or 'outstanding' assessment was 82% compared to 86% for state funded schools. The proportion of alternative provision (7%) that was assessed to be inadequate however, was almost twice that recorded for mainstream (4%).

4.51 In Hackney in 2018/19, 12 individual alternative providers were commissioned by the PRU to support young people in alternative provision; 1 was assessed to be 'outstanding', 8 were assessed to be 'good' and 1 'required improvement. A summary is provided below.

Provider	Number of places	Ofsted Rating (latest)
Queensgate / ESOL*	21	Disbanded/ Dereg.
Complete Works / Complete Works 1-1	18	Good

Inspire	13	Good
The Hub	7	-
NRC Reintegration	5	Good
NRC Blue Hut	5	Good
Footsteps	5	Good
School at Hackney City Farm	5	Good
Boxing Academy	4	Outstanding
BSix / Esol	4	Requires Improvement
Urswick	2	Good
Petchey Academy	2	Good

Quality of alternative provision - QTS

4.52   Qualified teacher status (QTS) is also used to assess the quality of alternative provision. Whilst QTS is a requirement to teach in mainstream schools, non-maintained alternative provision do not require QTS. Data from 2017/18 indicates that 87% of teachers in state funded alternative provision had QTS compared to 95% of teachers in the state funded sector as a whole. In addition, the House of Commons Education Committee found that young people in alternative provision were twice as likely to be taught by a supply teacher than children in mainstream education (HoC, 2018).

Quality of alternative provision - attendance

4.53   Maintaining pupil attendance at school or in AP is not only important to give children continuity to learn, progress and achieve, it is also key to effective safeguarding of children by ensuring that they remain in the protective oversight of an adult. This is particularly important for children in AP who may have a history of poor attendance, have a historically poor relationship with educational settings and who may be more likely to have additional support needs. Attendance is therefore critical not only to improve the outcomes of this group of young people and to reduce the risk of them becoming NEET, but also reduces the risk where absenteeism may lead young people to become involved in anti-social behaviour or be at risk of criminal exploitation.

4.54   Research by the Centre for Social Justice into attendance at alternative provision was published in 2020 which noted that three-year average for pupil absence from state funded education settings was 4% in the 3 year period to 2018/19. Over the same period, the pupil absence rate for children attending state funded alternative provision was 33%, over eight times greater (CFSJ, 2020). Pupil absence at state

funded alternative provision ranged from just 16% in Leicestershire to 55% in Windsor & Maidenhead.

4.55   Pupil absence at state funded alternative provision in Hackney for the three-year period to 2018/19 averaged 22% which placed it 20th out of 140 local authorities and 6th out of 32 London boroughs (CFSJ, 2020).   Pupil absence in state funded schools in Hackney as a whole for this period was just 4.2%. Attendance across individual alternative providers in Hackney does however vary, data provided to the Commission from one provider recorded that attendance for 2017/18 was 88%.

Alternative provision - educational attainment

4.56   In looking at the educational outcomes of young people attending alternative provision it should be remembered that this cohort of young people are more likely to have had a disrupted education which will have impacted on their learning and achievement. Many young people in alternative provision do of course have a diagnosed SEND, and whilst some may be high achieving, a significant proportion may have acute learning needs which may impact on their levels of attainment for formal qualifications (GCSE). This being said, given the importance of educational attainment for future outcomes for employment and socio-economic independence, it is important to benchmark local attainment against national data and other London boroughs.

Figure 18 - Percentage of Pupils in Alternative Provision being entered for GCSE Maths & English and their Grades (2017/18)
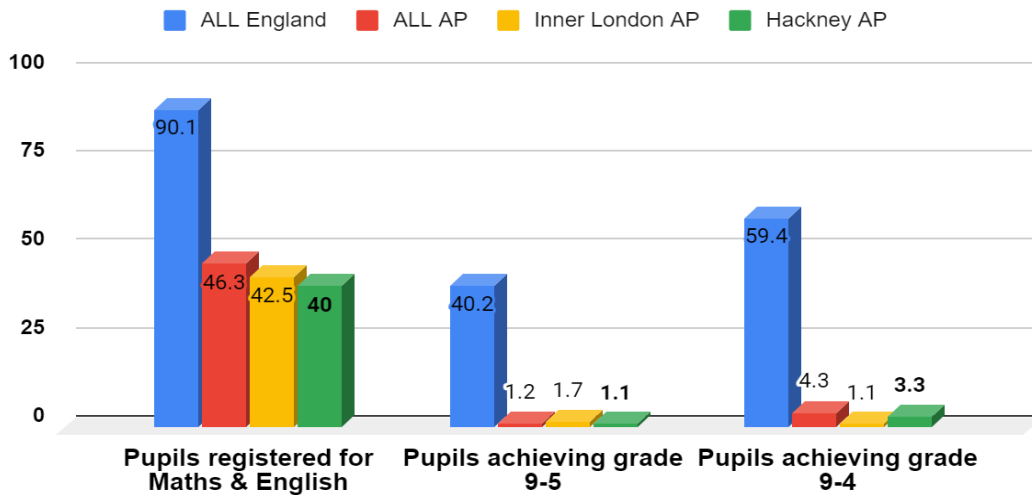
4.57   In 2018/19, whilst 90.1% of all pupils in England were registered for GCSE English & Maths at KS4, just under half (46.3%) of their counterparts in alternative provision were entered (Figure 18). In Hackney, 40% of pupils in alternative provision were registered for GCSE English and Maths, which was below both national (46.3%) and regional (42.5%) alternative provision averages (Figure 18).

4.58   It would appear that there are wide ranging approaches to entering young people in alternative provision for GCSE English and Maths across inner London boroughs

resulting in wide ranging levels of exam entrance; in Westminster 82.6% of young people in AP were entered compared to just 8.8% in Lambeth (Figure 19). 40% of young people in Hackney were entered for GCSE English & Maths which ranked the borough 10th out of 15 inner London boroughs (Figure 19).

Figure 19 - Alternative provision pupils (%) entered for GCSE Maths & English in inner-London boroughs (2017/18)
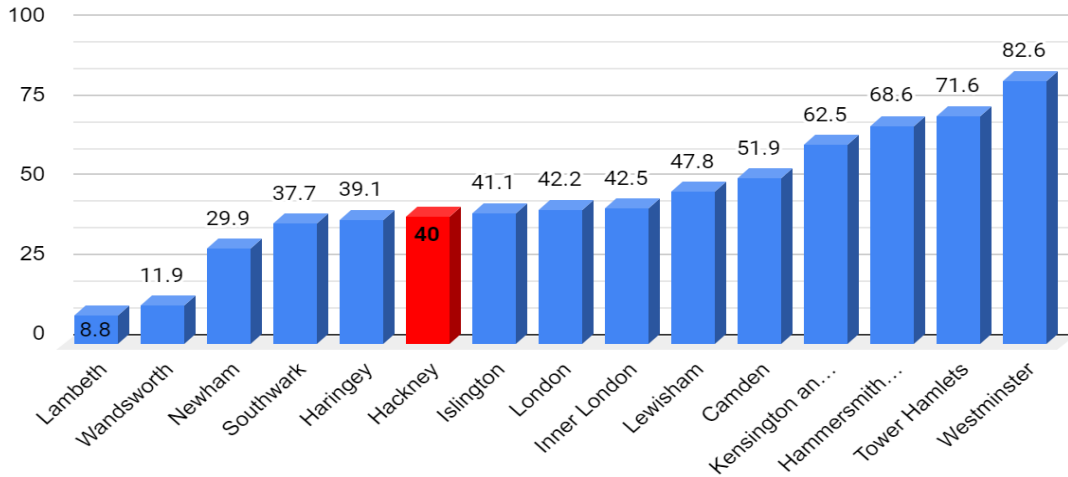
4.59   In 2017/18, the proportion of young people achieving a GCSE strong pass (grade 9-5) and pass (grade 9-4) in both Maths and English across all maintained schools was 40.2% and 59.4% respectively (Figure 18). Attainment levels were considerably lower among young people in alternative provision, where 1.2% achieved a strong pass and 4.3% attained a pass in GCSE Maths and English (Figure 18). In Hackney, 3.3% of young people in alternative provision achieved a pass in GCSE Maths and English, which was higher than the regional average (1.1%) (Figure 18).

4.60   Placing these levels of achievement against other inner London boroughs puts Hackney 11th out of 15 for the proportion of pupils achieving a pass (9-4) and 10th of 15th for a strong pass (9-5) (Figures 20 & 21).

Figure 20 - % of Pupils in Alternative Provision achieving a grade 9-4 pass in math's and English inner London borough…
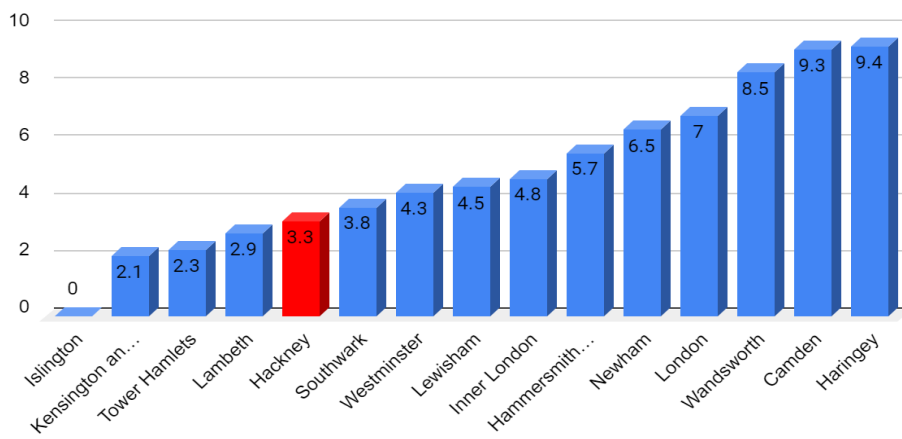
Figure 21 - % of Alternative Provision Pupils Achieving a Strong Pass (grade 9-5) in inner London Boroughs 2017/18
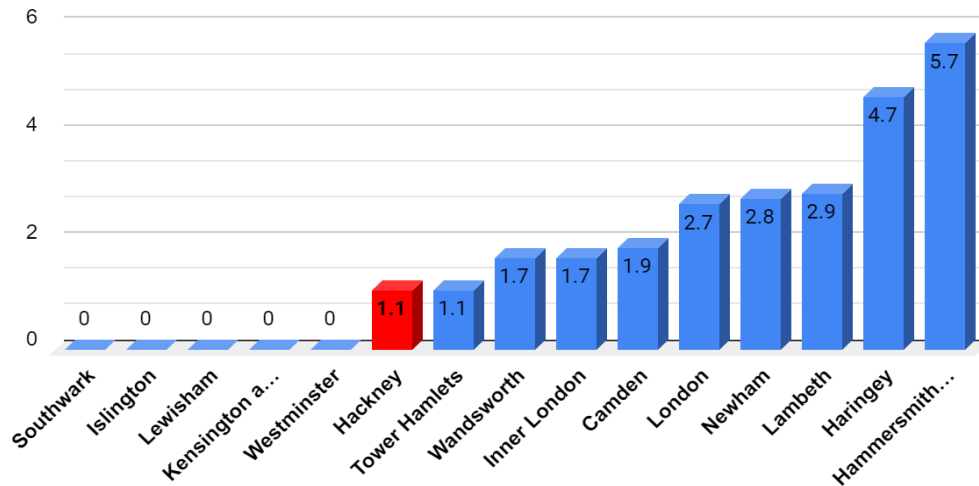
4.61   Attainment data collated by NRC is presented at 5.58 of this report which indicated on the whole, children in AP in Hackney perform better than AP nationally. Again, as would be expected, performance among individual providers varied given the nature of their provision and the young people that they support. (It was noted that in some local AP up to 11% of pupils obtained a pass in both Maths and English).

4.62   The Centre for Social Justice in its quality assessment research of alternative provision, extrapolated the levels of educational attainment and outcomes for children attending AP using a three-year average score to 2018/19 and found that:
-    That in only 15/140 local authority areas did more than 10% of AP students achieve at standard pass (grade 9-4) in Maths and English;
-    Solihull had the highest three-year average with 18% of AP students achieving a standard pass or above in Maths and English;
-    In 16 LA's no child attending AP received a standard pass on Maths or English over the three-year period to 2018/19 (CSJ, 2020).

4.63   Using this same CSJ data, in Hackney on average 5% of students in alternative provision achieved a standard pass in Maths & English in the three-year period to 2018/19. This ranked Hackney 39th out of all 140 LA's in the study and 9th out of all 32 London boroughs (CSJ, 2020).

Alternative provision - educational outcomes

4.64   Statutory returns are required on the placement of all children at the end of the first term after they have completed KS4 (post 16). This is to assess whether young people have sustained education, training or employment outcomes after their studies.   The table below indicates that nationally 94% of those young people leaving state funded mainstream school had a sustained education, training or employment placement, compared to just 59% of their counterparts in alternative

provision. Although over ⅓ of young people in alternative provision did not have a sustained destination at the end of the first term following KS4 study, 1 in 10 were in sustained employment.

Destination of ALL (national) students at KS4 in 2017/18			
	State Funded Mainstream Education.	**Special Schools**	**Alternative Provision**
Any sustained Education or Employment	94%	90%	59%
Any Sustained Education	86%	87%	46%
FE College	37%	30%	31%
6th Form	37%	1%	2%
6th Form College	11%	1%	2%
Other Education	2%	56%	11%
Sustained Apprenticeship	4%	-	3%
Sustained Employment	3%	2%	10%
Destination NOT Sustained	5%	9%	35%
Activity NOT captured	1%	2%	6%

Source DfE, Destination of KS4 and KS5 Pupils 2018

4.65   Using this same data to compare young people in alternative provision in Hackney against national and regional data would suggest that the borough performs consistently better for all measures. In 2017/18, 69% of young people leaving alternative provision as KS4 were at any sustained education, employment or training destination at the end of the following term as compared to just 59% of young people nationally and 58% of young people regionally. 1 in 5 young people were not in any sustained destination which was also lower than national (35%) and regional (30%) averages.

Alternative Provision outcomes for students at KS4 in 2017/18			
	England	**Inner London**	**Hackney**
Any sustained	59%	58%	69%

Education or Employment			
Any Sustained Education	46%	51%	58%
FE College	31%	35%	36%
6th Form	2%	2%	1%
6th Form College	2%		
Other Education	11%	7%	14%
Sustained Apprenticeship	3%	1%	1%
Sustained Employment	10%	6%	9%
Destination NOT Sustained	35%	30%	20%
Activity NOT captured	6%	10%	11%

Source DfE, Destination of KS4 and KS5 Pupils 2018

4.66   Relatively higher levels of young people from Hackney alternative provision having a sustained destination at the end of the first term after KS4 would appear to be a confirmed trend where higher levels of young people in any education or training were recorded for the period 2015/16-2017/18 in Hackney (table below). Similarly, fewer young people from within alternative provision in Hackney have not sustained any destination .

Destination of Alternative Provision students at KS4 in 2015-16 - 2017/18									
	England			**Inner London**			**Hackney**		
	15/16	**16/17**	**17/18**	**15/16**	**16/17**	**17/18**	**15/16**	**16/17**	**17/18**
Any sustained Education or Employment	57%	56%	59%	54%	56%	59%	72%	77%	69%
Any Sustained Education	46%	42%	46%	54%	56%	59%	64%	70%	58%
Sustained Apprenticeship	-	3%	3%	-	1%	2%	1%	-	-
Sustained Employment	11%	11%	10%	6%	6%	6%	8%	6%	9%

Destination NOT Sustained	37%	37%	35%	35%	32%	30%	18%	19%	20%
Activity NOT captured	6%	8%	6%	11%	12%	10%	9%	4%	11%

4.67   The Centre for Social Justice (2020) review of alternative provision noted that in terms of sustained destinations just over half (54 per cent) of all pupils who completed KS4 in state-maintained AP over the *last three years* were recorded as sustaining a positive destination, compared to 94 per cent of their mainstream peers. There were wide variations among local authorities however:

- High levels sustained destinations for young people in AP were recorded for North Lincolnshire (100%), South Gloucestershire (78%) and Waltham Forest (75%);
- Telford & Wrekin, South Tyneside, Newham and Luton were amongst the lowest performing local authorities where 50% or less of students in alternative provision had a sustained destination.

4.68   Although Hackney did not perform comparatively well in the proportion of young people in alternative provision entered for Maths and English, or in the levels of attainment that they achieve, it scored relatively highly for sustained education or training thereafter, where 70% of students were in sustained education or employment setting over the three-year period to 2018/19. This ranked the authority 6th out of 140 assessed local authorities and 2nd of 32 London boroughs (CSJ, 2020).

4.69   Timpson also undertook a wide-ranging review of alternative provision as part of the Schools Exclusions review. The review fully recognised that whilst much AP was of excellent quality, there were areas for improvement which should be considered to improve the outcomes for young people attending these settings. The Timpson review made a number of recommendations in relation to AP, which included:

- Greater recognition of the role of AP in local education systems, and how the skills and expertise of these settings can complement and support local schools;
- Improved staff training and development options for AP staff and ensure that AP is an attractive destination for for qualified teachers;
- Ensure that there are sufficient resources for improving the AP estate and physical environment.

Funding for Alternative Provision

4.70   Since 2013/14, funding for local schools and education settings has been through three blocks within the Dedicated Schools Grant (DSG), these being Schools, Early Years and High Needs. The latter High Needs block is primarily used to fund:
- Children and young people with SEND from early years to age 25;

- Alternative provision (pre-16) for children who have been excluded, illness or other reason cannot be educated in mainstream school.

4.71   There are of course well documented pressures within the High Needs spending block of the DSG, particularly in relation to increased demand for SEND services. Whilst the number of young people with an EHCP has grown by 35% over the period 2012-18 central funding has remained broadly static.   In addition, given the rising number of permanent exclusions from school since 2012/13, more children have been required to be educated in alternative provision.   In this context, the National Audit Office concluded that high-needs funding per pupil fell by 2.6% in real terms between 2013/14 - 2017/18 and in which four in five councils were required to overspend their high needs budget (NAO, 2019).

4.72   These pressures within the High Needs block have been mirrored locally in Hackney:
- In the three-year period 2017/18-2019/20 the number of young people in Alternative Provision across Hackney rose by 20% from 216 to 260 (see Figure 17);
- The number of children and young people with an EHC plan in Hackney rose from 1,236 children in 2011 to 1,926 in 2019, a 56% increase.

4.73   Thus whilst the council received £42.86m of funding through the High Needs block in 2019/20, it has needed to spend more than this allocation to meet local needs of children and young people. This has been particularly the case in respect of local SEND budgets where cost pressures of between £4-7m per annum are recorded.

4.74   Places in alternative provision are funded at £10,000 each (place funding) for local authority maintained provision and is funded through the High Needs Block. Places in Alternative Provision Academies are funded centrally from the Education, Skills and Funding Agency (who then deduct corresponding funding from the high needs block of the relevant local authority). Funding provided to Free School alternative provision will be similarly recouped from the High Needs Block (two years after the school opens).

4.75   In addition to 'place funding' alternative provision is supplemented by a system of "top-up" funding which may be paid in full, or pro-rata depending on how long the student spends at the alternative provision setting. For any pupils above the predicted number of student 'places' only the "top-up" amount is usually paid.

4.76   In Hackney, New Regents College (the Pupil Referral Unit and alternative provider) is commissioned to provide 240 places for alternative provision for pupils in Hackney. NRC has been funded to the level of £3,371,550 per annum for a three-year period to 2019/20. This agreement is managed through a Service Level Agreement by the Education Service on the following basis:
        (i) Place funding - £10k for 240 learners which is guaranteed income.

(ii) Top up funding - £8k pro-rata length of stay at NRC (and there is an additional top up for children with SEND).

(iii) NRC may also derive additional income from traded services for local schools.

4.77 The needs of young people in need of alternative provision are of course different, and unlikely to be met by a singular institution such as a PRU or individual alternative provider. In this context, NRC may commission additional alternative providers to help meet the needs of individual children whose specific needs may be best served elsewhere. In 2018/19, 12 additional alternative providers were commissioned to support young people who could not be supported on the NRC site, at an annual cost of between £6k-£16 per annum.

4.78 At this juncture, it should also be noted that the current system of funding for alternative provision may also present undesired incentives for schools particularly in relation to exclusion and "off-rolling". At present schools have no financial accountability in relation to permanent exclusion, as when a child is permanently excluded the cost of alternative provision falls to the local authority. This issue has been raised in the Timpson Review (see sections 4.10-13) and the government is expected to consult to bring new accountability (both financial and academic) to schools for the pupils that they exclude.

Outcomes of School Exclusion

Outcomes from exclusion - education, attainment and employment

4.79 As the above data makes clear, the educational outcomes of young people attending alternative provision are significantly lower compared to their peers in mainstream education. Accepting that young people in alternative provision will have additional health, education and learning needs which may impact on their levels of attainment, the gap between them and their mainstream peers is significant; just 4.5% of pupils in alternative provision achieve a good pass in Maths & English compared to almost 60% of their peers in mainstream education (Figure 18). These qualifications are of course important to help young people access not only further education and training, but also future employment.

4.80 At the end of the first term after KS4 35% of young people leaving alternative provision were not in any sustained outcome (education, employment or training) compared to just 5% of their peers leaving mainstream settings. Nationally almost 1/3 young people leaving alternative provision were not in any education, training or employment at 3 months after, which can of course increase the likelihood of this becoming entrenched and them becoming NEET and the consequence that has for future employment. Youth unemployment is not only linked to long-term reductions in economic activity and income, but also increased chances of subsequent periods of future unemployment, and poorer health and social outcomes PHE, 2014).

Outcomes from Exclusion - health and wellbeing

4.81   Qualitative data presented elsewhere in this report from both parents and children themselves note the devastating impact that school exclusion can have. The loss of friendships and other social support networks together with uncertainty about their future generated acute stress and anxieties for both young people and their families. The sense of loss, rejection and of being a failure at being excluded from school were all common among young people interviewed in this review (see section 7, all of which can only serve to instil or reinforce negative perceptions of themselves and undermine their own sense of emotional wellbeing. Similar conclusions have been drawn by other research by the Children's Society.[3]

4.82   These local findings are confirmed in the national literature, where parents reported that their child had lost confidence and self-esteem as a result of exclusion and had an overall adverse impact on their mental wellbeing (Coram Institute, 2019). In addition the clinical impact of exclusion from school has also been supported by other research which indicated that there was a 'bi-directional' relationship between school exclusion and psychological distress and poor mental health, as the latter was both a predictor *and* an outcome of school exclusion from school (Ford et al, 2018).

Outcomes from Exclusion - criminality

4.83   A number of research studies and investigations have also highlighted the association of exclusion from school and criminality. These include investigation by parliament into the relationship between school exclusion and knife crime (House of Commons, 2019), associations with gang membership and criminal exploitation (Childrens Commissioner, 2019), prevalence within young offender population (Ministry of Justice, 2016), associations with serious crime (Edinburgh University, 2014) and in the analysis of serious safeguarding concerns (Child Safeguarding Practice Review Panel, 2020). It is of course important to emphasise that none of these studies identify school exclusion as a *causal factor* in criminality, and indeed, there is no evidence to suggest that (DfE, 2019a).

4.84   A number of studies have highlighted the association between school exclusion and later criminal conviction. A longitudinal study in Edinburgh found that pupils who were excluded were four times more likely to be jailed and associated with more serious crimes (University of Edinburgh, 2014). An analysis by the Ministry of Justice found that 23% of young offenders had been permanently excluded from school and 90% of those sentenced to custody had been persistently absent from school (MoJ, 2016).

4.85   Equally it is important to note that school exclusion may also increase the likelihood of young people of being a *victim of crime* as well as being a perpetrator (DfE,

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[3] Youth Voice on School Exclusions, Lamrhari et at, 2021, Children's Society.

2019a) and that organised criminals work to entrap, coerce and control young people in to their criminal activity (Child Safeguarding Practice Review Panel, 2020). Research by the Office of the Children's Commissioner has identified how gangs exploit the vulnerabilities of young people (including mental health, problems at home and school exclusion) where such vulnerabilities make them susceptible to gang inducements or threats (Children's Commissioner, 2019). Other research suggests that criminal exploitation can also be a factor in young people's exclusion (Just for Kids Law, 2020). The local deep dive data analysis of local school exclusions would appear to further verify a connection between gang affiliation and school exclusion (see 5.20).

4.86   What the research also serves to highlight is the protective influence that schools have, and that exclusion from school creates real safeguarding risks for children who may have vulnerabilities. A national review undertaken by the Child Safeguarding Practice Review Panel analysed 21 cases of young people who had been referred to them who had experienced serious harm or who had died from July 2018 to March 2019. Firstly all these cases involved young males, the majority (15 out of 21) of whom were from Black and other ethnic minority backgrounds. In 17 out 21 of these cases, young people had been permanently excluded from school, and was identified as a trigger for a significant escalation of risk in that young person's life. Whilst it was acknowledged that schools and other services were working hard to maintain and support such children in school, the impact of permanent exclusion was nonetheless profound, which should prompt immediate assessment and support:

> *'Exclusion has a major impact on children's lives and if it is unavoidable then there needs to be immediate wrap-around support to compensate for the lack of structure, sense of belonging and rejection that exclusion from mainstream school can cause.'*
> *(Child Safeguarding Practice Review Panel, 2020)*

Social and economic costs of exclusion

4.87   Given the associated outcomes of school exclusion, young people who are excluded are likely to require considerable multi-agency support to manage the possible adverse outcomes set out above (additional education, training, unemployment, healthcare and criminal justice costs). IPPR research estimates that the cost of exclusion is around £370,000 per young person in lifetime (IPPR, 2017), which using the official figure from 2018/19 of 7,894 children permanently excluded from school, would amount to £2.9 billion for this cohort alone.

4.88   Further research into the financial and other impact of school exclusion has recently been commissioned among a consortium of Universities including the University of Oxford and the London School of Economics, which will undoubtedly make further contributions to the knowledge and understanding of not just the personal impact of school exclusion, but also the wider social and economic costs also.

5.   Local Policy and Practice

5.1   This section sets out the local authority's approach to tackling school exclusion and the provision of alternative education for those children and young people who are excluded. It describes Hackney's:
-    Strategy and action plan to reduce exclusions from school;
-    Governance framework for overseeing exclusion reduction strategy;
-    Key data from the Education Service's Deep Dive analysis of school exclusions;
-    Education Support services which aim to reduce school exclusion, and assist children and young people (and their families) who are excluded;
-    Children's Social Care support services
-    Approach to alternative provision, including the commissioning of New Regents College (Pupil Referral Unit)

Local Exclusions Strategy

5.2   The local authority's approach to reducing school exclusion is set out in the 'No Need to Exclude' Strategy which was agreed in 2015. This approach places the development of the emotional, psychological and social wellbeing of children at the heart of efforts to reduce school exclusions in Hackney as these provide the essential foundation for positive behaviour and learning.

5.3   The No Need to Exclude Strategy aims to guide schools and teachers on the range of educational, behavioural and therapeutic initiatives available that can help to develop the wellbeing of young people in their care. The Strategy provides a toolkit to support schools to reduce school exclusion by:
-    Ensuring that they have access to the most recent evidence and advice in promoting wellbeing and staff feel equipped and confident in this approach;
-    Encouraging them to develop an emotionally secure environment which discourages bullying and supports children and families that may have problems;
-    Ensuring that the schools adopt a whole school approach to improving well being, which also recognises the wellbeing needs of staff.

5.4   The strategy emphasises that permanent exclusion from school is the ultimate sanction that it can impose on a young person, and should only be taken as a last resort in response to a serious or persistent breaches of the school's behaviour policy, and where allowing them to remain would harm the welfare of pupils in the school. The strategy also stresses that efforts to address the wellbeing needs of young people should have been exhausted prior to exclusion including:
-    Allocation to a key worker/ Learning Mentor
-    Application of a Restorative Justice Intervention
-    Referral to a multi-agency panel or Alternative Provision Panel
-    Consideration of managed school moves.

5.5   Whilst the strategy acknowledged that there may be exceptional circumstances where it may be appropriate to permanently exclude for a single serious one off offence (serious violence, assault, drug supply or carrying an offensive weapon) it emphasised that these should be stipulated in individual behaviour policies of schools. The strategy also discouraged head teachers from excluding children with SEND or who were looked after and encouraged them to consult the Exclusions Team before any permanent exclusion.

5.6   Whilst the ability of the local authority to directly influence exclusion policy and practice in local schools was acknowledged to be limited, the Education Service emphasised the importance of working with local Head teachers and School Governors to encourage and support change toward a more inclusive school approach.

Reducing Exclusion Strategic Action Plan (2018)

5.7   Despite the wellbeing approach set out in No Need to Exclude and the additional challenge and investment made by the authority, school exclusions continued to rise significantly in the secondary sector through to 2017/18. Furthermore, the Education Service acknowledged that there were growing concerns in respect to the disproportionate impact that school exclusions were having on young black boys and young people with SEND. In this context the Reducing Exclusions Action Plan was introduced in 2018 to bring additional urgency and focus to local efforts to reduce school exclusions.

5.8   The Reducing Exclusions Action Plan aims to build on existing partnerships with schools to support early interventions to reduce fixed term and permanent exclusions. Nine strategic priorities for action are detailed in the plan, with outcomes to be achieved by 2020.

1	Improved data collection, sharing and dissemination on school exclusions among stakeholders
2	Research to produce a 'deep dive' into exclusions to improve the local evidence base and facilitate action.
3	Further engagement of Children and Families Service to further enhance social care and multi-agency support for excluded (or at risk of exclusion).
4	Improved governance for oversight and monitoring of school exclusions including challenge to schools with high rates of exclusion, strengthening the use of Pupil Disciplinary Committees and training and support to School Governors.
5	Review of quality of alternative provision and the process of quality assurance currently in place.
6	Strengthen the use of managed moves to make this more independent and robust

	process as an alternative to permanent exclusion.
7	Promote wellbeing and inclusion with both pupils and staff and that schools develop approaches to behaviour which are informed by wellbeing.
8	Promote SEND inclusion within all settings (further guidance and commissioning of wraparound support)
9	Develop interventions to further support children through transition, particularly those where there is a risk of behavioural challenge.

5.9   Given the complexity of young people's needs in relation to exclusion and the multi-agency response to supporting these needs, the Education Service noted how the approach was inextricably connected to other strategic programmes supporting young people across the authority. These strategic connections were important to ensure that there is a coordinated, consistent and holistic approach to supporting young people in need. In this context, efforts to reduce exclusions were linked to the following corporate programmes:
- Young Black Men Project;
- Wellbeing and Mental Health in Schools
- Troubled Families;
- Contextual Safeguarding.

Governance - Exclusions Board and Exclusions Executive Team

5.10   In 2018, improved governance for the oversight of school exclusions was developed through the creation of two new executive bodies:
- Reducing School Exclusions Executive;
- Reducing School Exclusions Board.

5.11   The Reducing School Exclusions Executive is a corporate body which is responsible for ensuring that the organisational objectives in maximising school inclusion and reducing school exclusion are met. The Executive Team (which comprises the Director of Education, Assistant Director Education Services, Head of Wellbeing and Education Safeguarding as well as primary and secondary school improvement leaders and Young Hackney representatives) will approve and monitor the objectives set out in the Exclusions Action Plan. The Executive Team:
- Provides leadership and direction to meet the objectives in the Action Plan;
- Engages and involves partners to help meet objectives in the plan and take action where necessary;
- Provides a strategic link to other council strategies (e.g Wellbeing and Mental Health in Schools, Young Black Men Programme, Troubled Families & Contextual Safeguarding)
- Brings additional knowledge and capacity to the wider community to address school exclusion.

5.12   The Reducing School Exclusions Board is a partnership body with representatives from Hackney Education Service (including Group Director Childrens, Director of Education), Social Care (Director of Children and Families), local schools (9 Head teachers from Primary and Secondary schools including Academies) and alternative provision (PRU and independent provider) and a young person's representative. The Board is also responsible for monitoring the exclusions action plan through:
- Holding executives and partners to account in fulfilling the plan;
- Facilitating input from different partners in scrutinising the plan;
- Analysing progress and propose developments to the plan;
- Approving communication of progress to a wider audience.

Education exclusion Support Services

5.13   The Commission noted that a wide range of local services were available which provided support to children and young people who are either at risk of being excluded or have been permanently excluded from school. These included directly commissioned services and those provided through the High Needs Budget, traded services (which local schools purchase) and independent provision.

School Exclusions Team (Hackney Education)

5.14   Officers in the School Exclusion Team work to provide advice and guidance to schools and families on school exclusions to ensure that there is fairness and transparency in the process. In line with the No Need to Exclude Strategy, officers will also advise schools on the range of support and alternative strategies which may help to avoid exclusion and promote continuity of education and positive outcomes for young people. There are three officers in this team: a deputy Head of Service (who also manages Attendance and Children Missing Education) and two (0.5 WTE) officers supporting primary and secondary exclusions.

5.15   Exclusion Team officers also work with officers from the SEND Team where those children have a diagnosed SEND and are in receipt of an Education Health and Social Care Plan. A significant proportion of young people with SEND continue to receive their education in mainstream settings where there is an expectation that schools will take account of these needs and make reasonable adjustments (as legally required) and, for example, when applying their behaviour management policies.

Re-Engagement Unit (Traded Service, Hackney Education)

5.16   The Re-engagement Unit (REU) was established in 2013 as a school focused support service for behaviour and social and emotional needs of primary aged pupils in Hackney maintained schools. The REU works with children who are at risk of exclusion not only to help address challenging behaviours but also to improve learning and success. The REU is a traded service operated by Hackney Education Service and works to six agreed performance measures:

1. Effective support to schools to create, deliver and monitor improvement plans and dedicated Pastoral Support Plan.
2. Reduction in fixed term exclusions for targeted pupils.
3. Improved attendance or maintained good attendance for targeted pupils.
4. Improved learning outcomes for targeted pupils.
5. Improved behaviour and wellbeing outcomes
6. Improved partnerships between schools and families for targeted pupils.

5.17 Upon referral, the REU works with individual children through an attached case worker who meets regularly with the young person and the school to address those behaviours which may lead to exclusion. The REU works closely with CAMHS, Educational Psychology and children's social care to support education and wellbeing/behaviour targets agreed with the school and parents. In 2017/18 the REU worked with 93 children across 36 maintained primary schools:
   - 26% of children were in contact with children's social care (as compared to 4% o whole primary population);
   - 10.7% of children had an EHCP or statement of special needs (as compared to 2% of whole primary population);
   - 31% of children were of Black Caribbean ethnic origin (as compared to 9% of whole primary population)
   - 20% were re-referrals.

5.18 Data submitted to the Commission indicates that in 2017/18, 96% of children being supported by the REU improved their academic performance and 97% improved with their behaviour/ wellbeing. Whilst 35% of children with whom the REU worked had received a fixed-term exclusion in the previous year, this fell to just 5% whilst being supported by REU. Whilst fixed term exclusions rose to 21% after REU involvement, there were no permanent exclusions in this cohort. There were three permanent exclusions in primary schools in 2017/18 all of which were in non-maintained primaries (and with whom the REU does not support).

5.19 In the 5 years since it has been in operation (to 2017/18) the REU has supported over 480 children, 86% of which did not have any further contact after they were discharged. This would suggest that the interventions and support provided through the project are effective in changing the patterns of challenging behaviour of young children. It was therefore not surprising to note that high levels of satisfaction were recorded for the REU amongst both primary schools and parents within the annual evaluation submitted to the Commission.

Deep Dive
5.20 In 2018/19 the Education Service together with the Public Health Department undertook a 'deep dive' analysis of the young people who had been permanently excluded from school over the previous two-year period. The aim of this deep dive analysis was to provide further insight into the circumstances and context of children

who have been excluded from school, which could then inform service development and prevention work. A summary of the key data emerging from this deep dive is given in the table below.

Demographics of Permanently excluded children in Hackney 2017/18.				
Age (61)		**Gender (61)**	Male	74%
< 8 years	3%		Female	26%
8-10 years	5%	**Ethnicity (61)**		
11-12 years	20%	Black Caribbean (+ BC mix)		38%
13-14 years	61%	Black African (+ BA mix)		23%
15-16 years	11%	White English		11%
Reason for Permanent Exclusion (61)		Turkish		7%
Persistent disruptive behaviour	31%	**Free School Meals (60)**		
Physical / verbal assault - adult	14%	Eligible for FSM		58%
Physical verbal assault - child	16%	Non- FSM		42%
Drugs/ alcohol	8%	**Parental status (61)**		
Other	21%	Single parent household		74%
Year group at exclusion (61)		Non- single parent hse.		26%
Year 6 and below (Primary)	8%	**SEND (60)**		
Year 7 (Secondary)	10%	No diagnosed SEND		37%
Year 8-9 (Secondary)	57%	Diagnosed SEND		63%
Year 10-11 (Secondary)	25%	**SEND Diagnosis (38)**		
Previous Fixed Term Exclusion (60)		Social, Emotional & MH		60%
None	38%	Moderate Learning Difficulty		20%
1	22%	Speech, Language Comm.		11%
More than 1	40%	Special Learning Disability		7%
Previous School Move (57)		Autistic Spectrum Disorder		2%
None	39%	**Gangs Unit (61)**		
1	40%	Known to Gangs Unit		36%
More than 1	21%	Unknown		64%

5.21   This deep dive analysis confirmed a number of known associations from previous research and data which was available nationally in relation to age, year group, gender, disadvantage and reason for exclusion from school. The analysis also underscored the disproportionate impact that school exclusions have within the Black Caribbean community who made up over 38% of the cohort of excluded children, whilst only comprising 10% of local school children. The link between school exclusion and SEND is also confirmed further where 63% of excluded children over this period had a diagnosed SEND, almost two-thirds (60%) of which were assessed to have Social, Emotional and Mental Health needs.

5.22   Interestingly, the deep dive also makes a connection between previous school moves and permanent exclusion, where 61% of permanently excluded young people had moved school one or more times prior to their exclusion. It is not clear how many of these children would have been part of the formal Managed Move process, but it is possible that this is a similar cohort and should be investigated further to confirm.

5.23   Of further interest is the association the deep dive analysis brings between children who are permanently excluded from school and gang membership. From the data presented over ⅓ (36%) of young people were known to the Integrated Gangs Unit in Hackney. It is of course impossible to determine from this data whether gang membership was a contributing factor in young people's exclusion from school or a resultant consequence of permanent exclusion from school. A more detailed examination of case data would be necessary to confirm the nature of this association.

5.24   The deep dive also assessed the number of permanent school exclusions as a percentage of the school population. Although the numbers involved are relatively small and some caution should be exercised in its interpretation, the chart below suggests that the rate of permanent exclusion in secondary schools varies widely in Hackney. The proportion of children permanently excluded varied from 0.18% through to 1.33% of all pupils on roll, a seven-fold difference.   Five schools (A-E) accounted for 30 (56%) of the 54 exclusions in the secondary sector.

Percentage of school population excluded (secondary schools 2017/18-2018/19).
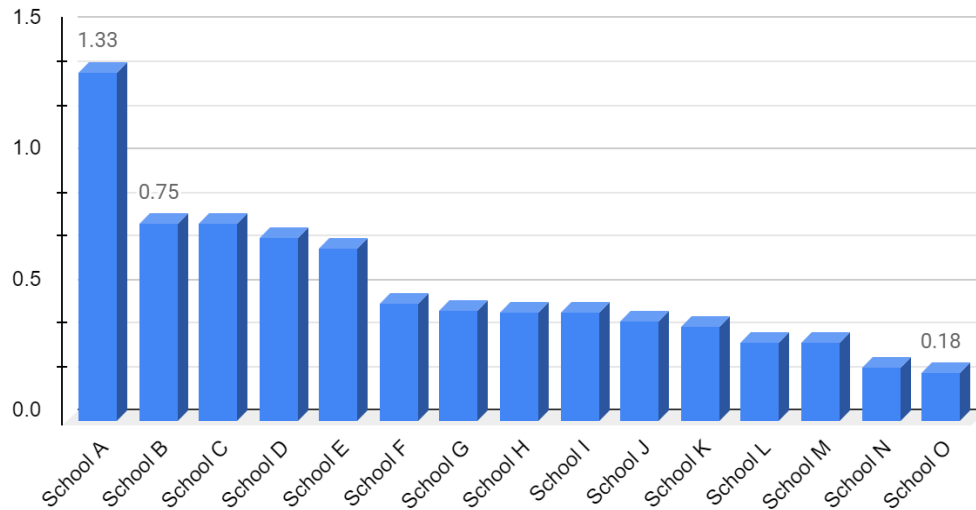
Fair Access Panel

5.25   Each local authority is required to have an agreed Fair Access Protocol which sets out the process in which young people can be admitted to school outside of the normal admissions process. Thus, the FAP is used to ensure that young people who are seeking to be admitted to a school (e.g. after a permanent exclusion, moving from EHE or new arrivals to Hackney or UK) are admitted proportionally across local schools). Fair Access Panels operate for both primary and secondary settings, at which heads attend on a rota basis and are chaired by one of the attending heads. All schools are required to comply with the FAP decisions, though schools can appeal decisions if new information comes to light not previously assessed by the FAP.

5.26   Children permanently excluded in Hackney are all placed on roll with New Regents College (the PRU) who will assess and support them back into mainstream education where this is possible (e.g. behaviour has improved). Permanently excluded children who have been assessed to be eligible to go back to mainstream settings are referred to the FAP and will be allocated at local school. The Commission received data which noted that 68 young people were referred to the FAP for assessment and allocation at a local school in 2017/18.

5.27   Of the 68 young people referred to the FAP in 2017/18, 12 (18%) were children seeking to return to mainstream education after being permanently excluded. Of these 12 children seeking to be readmitted to mainstream education:
   -   11 were secondary and one was primary;
   -   10 were boys and 2 were girls;
   -   All bar one were from years 8 and 9;

- Children were readmitted to Mossbourne Community Academy (3), City Academy (2), Urswick School (2), Petchey Academy (1), Skinners Academy (1), Stoke Newington School (1), Our Lady's School (1) and Mossbourne Victoria Park (1).

5.28   The Commission noted evidence that with a rotational chair decision making could be more consistent. In addition, with a number of Academy chains present in the borough and where head teachers may have more than one interest or role in a local school, it was noted that there might on occasion be a reluctance to reintegrate children who have been excluded into the same 'family' of schools. The Commission heard evidence that the appointment of an external chair could help to bring independence and consistency to this process (this has subsequently been adopted).

5.29   The Managed Moves process is organised bilaterally between schools in which children at risk of exclusion may be offered a transfer to another local school through the FAP. In 2017/18, the FAP successfully relocated 32 young people to alternative schools (up from 22 the previous year). The reasons why young people were at risk of exclusion were:
- 13 for persistent disruptive behaviour;
- 6 for physical assault;
- 3 for offensive weapon
- 3 for distributing sexual images.

Support to Parents

5.30   *The Education Service* noted that information and advice was available to support parents through the exclusion process, and in selecting alternative provision if they cannot return to mainstream education. The Education Service noted that there was wide ranging information about exclusions available on the council website, including two dedicated leaflets for parents '*Parental Promise*' and '*My child has been excluded*'. Whilst no services were commissioned locally, the Education Service noted that Exclusions officers routinely signpost children and families to third party organisations (e.g. Just for Kids Law) who require independent advice, advocacy or who wish to challenge exclusion decisions. It was noted that schools are required to provide sources of independent advice on exclusion within formal communications to parents.

5.31   *Islington Law Centre* provided evidence to the Commission on the work it was undertaking to support families in Hackney through the school exclusion process. Although the Law Centre was not funded by Hackney Council it was able to support children and families from Hackney through funds awarded through Children in Need. This funding, together with strong local service contacts enabled it to support families across Hackney as well as Islington.

5.32   The Centre had supported a number of children and families which were going through the process of school exclusion in Hackney. Most of the cases handled by the Centre required a holistic family assessment and intervention approach which required a range of legal advice and support including exclusions, SEND, Equalities Duties of school as well as employment.   In many of the cases supported by the Centre, advocacy was needed as parents experienced real communication issues with the school and other agencies, and did not fully understand the school exclusion process.

5.33   Through its casework in supporting children and families through school exclusion in Hackney, the Centre observed a number of commonalities:
- Whilst challenging behaviour was often cited as grounds for exclusion, in many instances this was the result of unmet SEND needs;
- A number of schools were failing to meet Equalities Duty by not ensuring necessary adjustments were in place to support children with SEND;
- Children and parents being supported were often managing other family issues (e.g. domestic violence, poverty, homelessness, gang involvement);
- Other children in the household were also identified to have problems with school during this process.

5.34   The Commission noted that with the exception of SEND, education is largely out of the scope of Legal Aid which can make it difficult for parents to access legal advice in relation to school exclusion and are therefore reliant on independent charitably funded organisations (e.g. Just for Kids Law, Law Centre). It would appear that there is a greater need for facilitated access to independent advice, advocacy and support may be needed for parents dealing with school exclusion.

Children and Families Service
5.35   A range of services located in the Children and Families Directorate also support young people at risk of exclusion and/or have been excluded from school ranging from early help and prevention through to statutory support and intervention.
- Young Hackney;
- Troubled Families Programme;
- Youth Offending Team.

5.36   Hackney Education produced a data list of 61 children (through the Deep Dive exercise) who had been excluded over a two-year period (2016/17-2017/18). When cross referenced with Children and Families Directorate data, 45 (74%) of these 61 children were noted to be in contact with and receiving an intervention. The chart below shows that 13 (29%) were using early help or preventative services provided by Young Hackney whilst 9 (20%) were receiving help from the Children in Need team.
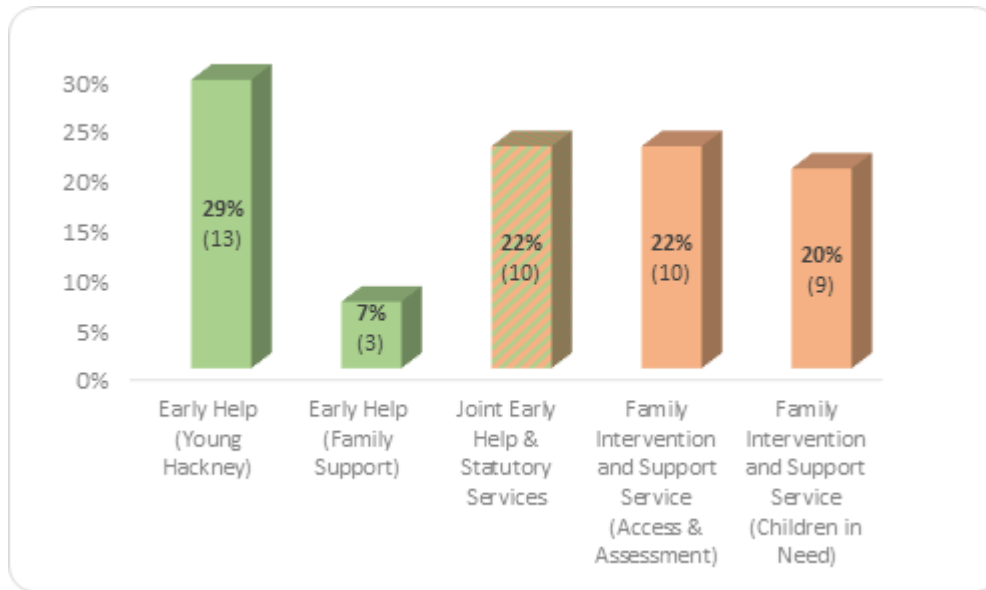
Young Hackney

5.37 Young Hackney provides universal early help, prevention and diversion services for young people across Hackney. The service works with young people to support their development and transition into adulthood by intervening early to address adolescent risk, develop prosocial behaviours and build resilience. The service offers both universal and targeted interventions with young people. The work of Young Hackney includes:

- Attached workers to all secondary schools, special schools and alternative provision to deliver group work and one-to-one interventions for young people;
- PSHE programme available free to all schools;
- A broad-based universal programme of positive engagement and diversionary activities;
- Targeted interventions and support for young people;
- Parental support to help build relationships between parents and their children as well as between parents and their child's school.

Troubled Families Programme

5.38 The Troubled Families Programme (TFP) is a centrally funded programme which conducts targeted interventions for families experiencing multiple problems, including crime, anti-social behaviour, truancy, unemployment, mental health problems and domestic abuse. Two family triggers are required for support to be provided, of which children's exclusion, truancy or non-attendance can be included.

5.39 Using the same exclusion list identified in the Deep Dive process by Hackney Education Service, 33 (5%) of the 61 children were attached to the TFP were in receipt of a possible range of interventions (e.g. statutory social work support to help 'turn family around', supporting families in transition, one-to-one or group support, clinical support). It was noted that other factors which brought these families into

sight of the TFP support framework, may also have contributed to a child's exclusion from school (e.g. domestic violence, parental mental health).

Youth Offending Team

5.40 Young people under the age of 18 who have committed an offence are supported by the Youth Offending Team (YOT). Young people are offered wide ranging support to help address issues not only to address offending behaviours, but also to support underlying personal issues and provide diversionary activities (e.g. SLT, CAMHS, clinical services, drugs and alcohol support). In this context the YOT works with a range of statutory and other support services, both within and external to the local authority, to address the needs of these young people.

5.41 As of December 2018, the YOT was working with 183 young people up to the age of 18 and of which 51% were aged 16 years and under. Young people supported by the YOT had committed a range of offences, the most common being:
   - Assault (22%)
   - Possession of an offensive weapon (16%)
   - Violence against a person (12%)
   - Breach of an order (10%)
   - Drugs (9%).

5.42 Whilst there is a growing body of evidence which links children who have been excluded to anti-social behaviour, crime and criminal exploitation, local connections were difficult to establish from the YOT data. Local school exclusion data could only be correlated with 17 children and young people attending the YOT, and this found that 5 (29%) had been excluded (either permanently or for a fixed period) from school. Whilst officers from CFS suggested some association between school exclusion and criminal activity/ exploitation, there was no local research to support this. It was also emphasised to the Commission, that exclusion from school may also be a result of criminal behaviour (e.g. drug misuse or possession) itself as well as a contributory factor. Similarly, this cohort may equally have been victims of criminal activity / violence themselves.

5.43 The Commission understood that for those children in the youth justice system there was a range of education, learning and training services to help improve the outcomes of young people including the Virtual School and the Employment, Training and Skills Service.

New Regents College and other Alternative Provision

5.44 All children and young people who are resident in Hackney and who are permanently excluded from school located in Hackney or out-borough will automatically be referred to New Regent's College (NRC), the Hackney Pupil Referral Unit. As both the PRU and an alternative provider NRC provides a range of educational support

services for young people excluded or at risk of being excluded from school which include:

- 6th day provision for any young person excluded from school (permanently or fixed term) for more than 5 days;
- Day one provision for any 'looked after child' by the local authority and who is subject to a fixed term exclusion;
- Primary Partnership Placements for primary pupils facing significant risk of exclusion;
- Respite placements to enable children in primary settings to reflect and develop positive behaviour changes for re-admittance to school/ new school;
- Restorative School for children who have been given a fixed-term exclusion.

5.45   NRC is commissioned by the local authority to provide statutory support for children excluded from school, vulnerable children and traded services to support local schools. Provision is set out in a Service Level Agreement which includes detailed service specifications and key outcome measures.   NRC has been funded to the level of £3,371,550 per annum for three-year period to 2019/20, which is provided on the following basis:

> (i) Place funding - £10k for 240 learners at the college which is guaranteed income which helps to fund staff and building costs.

> (ii) Top up funding - £8k pro-rata length of stay at NRC – there is an additional top up for children with SEND.

5.46   NRC may also derive additional income from traded services with local schools for non-statutory services it is able to provide, for example, the Restorative Learning School which supports children who have been given fixed term exclusions by local schools (to reflect and adjust behaviour). The daily rate for this is £130-180 per child.

5.47   All children who have been permanently excluded are fully assessed on entry to determine not only to establish their level of learning and progression in the relevant key stage of their education, but also to determine if they have any additional needs. Children will undertake a PASS assessment (a psychometric assessment to determine attitudinal or emotional issues) to help assess what has gone wrong, what the underlying issues are and the child's attitude to learning. The children are also assessed for literacy and numeracy to obtain their reading and learning age. These assessments are used to develop a bespoke learning and objectives plan.

5.48   As statutorily required, children are taught for 5 hours, five days a week (25 hours in total). Children are taught English and Maths in the morning with a focus on more vocational subjects and learning in the afternoon. All teachers within NRC are qualified teachers (QTS). NRC works collaboratively with a range of partners (e.g. WAMHS, CAMHS, police) and other organisations (e.g. Street Doctors, Barnardo), to offer a broad range of extracurricular activities and PSHE driven sessions. At its

last inspection (2016), NRC was rated as 'good' for all assessment criteria by Ofsted.[4]

5.49   NRC is an all through provision, which supports children from both primary and secondary schools from KS1 through to and including KS4. Whilst NRC has capacity for approximately 280 students the ever on-roll number of students ranges between 200-270 per year given that it must maintain overhead capacity for children who have been excluded for whom it has statutory duty to provide education for. In 2017/18, 258 children were ever on roll at NRC, these were distributed across the following key stages of education:
- KS1 - 16
- KS2 - 19
- KS3 - 66
- KS4 - 157

Commissioned Alternative Provision (KS4)

5.50   In early 2019 children in KS1-KS3 (years 1-9) were generally supported on the NRC Ickburgh Road site. At that time there was no KS4 provision within NRC and this was all provided off-site by individually commissioned alternative providers. These children would however still remain on-roll at NRC who would therefore be responsible and accountable for the education and welfare of the child. In 2019 the NRC commissioned 12 external KS4 providers to provide educational services for excluded young people.

5.51   The Commission understood that there were two key determinants in the NRC approach to commissioning alternative provision for young people at KS4: quality and distinctiveness. All alternative provision, irrespective of its operational status (Free School, Independent School or stand-alone provision) is inspected and rated by Ofsted and this provides a measure of the quality of the educational support being provided and thus informs commissioning intentions. Given the individuality of young people's needs and the bespoke education and support often required, NRC also seeks to commission providers which have a distinctive offer which may match to the educational needs (e.g. 1-1 support) or interests of young people (e.g. sports, theatre/ performing arts, vocational skills). NRC reported that annual costs for such commissioned provision ranged from £6,000-£16,000 per annum.

5.52   Oversight of the commissioning arrangements for alternative provision is provided through the NRC Leadership team and board, which is made up of local primary and secondary school representatives, Hackney Education Officers and three independent members. The alternative providers commissioned by NRC in 2018/19 to support KS4 students were as follows:

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[4] It is noted that NRC has also been adjudged to be 'good' by Ofsted at a more recent inspection in July 2021.

Provider	Number of places
Queensgate / ESOL*	21
Complete Works / Complete Works 1-1	18
Inspire	13
The Hut	7
NRC Reintegration	5
NRC Blue Hut	5
Footsteps	5
School at Hackney City Farm	5
Boxing Academy	4
BSix / ESOL	4
Urswick	2
Petchey Academy	2

* It was noted that services had been decommissioned when they had failed to meet conditions set in a SLA by NRC.

5.53   Although day to day education and support is provided within alternative provision, NRC continues to monitor and review young people's progress and attainment whilst in their care. Attendance is routinely monitored and reported back to NRC, and where absences of two days or more are automatically notified. NRC reported that alternative providers are visited regularly.

5.54   NRC is part of the North London Children's Efficiency Programme (NLCEP) Alternative Provision Group, which is a quality assurance framework for alternative education provision for 14-16 year-olds. All alternative education providers in the North London boroughs of Haringey, Islington, Camden, Enfield and Hackney use the same self-evaluation document which provides the inspection framework for quality assurance visits by respective local authorities. The Commission noted that NRC will engage and involve alternative provision to support them in their work to maintain and improve service quality, and signpost to broader training programmes run through the Education Service.

5.55   From April 2019, NRC migrated services to new premises in Nile Street where it was able to increase the range of on-site provision to include KS4. A broader curriculum offer will be available from the Nile Street site which will include Science, improved ICT provision, Arts Courses as well as maths and English. Year 10 and Year 11 pupils will be on site from September 2019 and September 2020 respectively and

overall capacity (Year 1-11) for the site will be 150. Given that the site was commissioned in 2015/16 prior to the current increase in school exclusion, it is not clear whether this will present sufficient capacity.

5.56   Although on-site KS4 provision will increase at NRC once it migrates to new Nile Street premises, it was understood that there will always be a need for commissioned alternative provision as the NRC offer will not suit all children's needs. Children who have been excluded from school have such wide ranging needs which may be better catered for off-site or where more specialised provision may be more suitable (e.g. Hackney City Farm) . In addition, there are other legal reasons or bail restrictions which may prescribe the geographical limits where children may attend for education.

Outcomes

5.57   When a young person is assessed to be ready to re-entry into mainstream education, they are referred to the Fair Access Panel for consideration and allocation to a local secondary school. In 2017/18, 15 children who had been permanently excluded were successfully integrated back to mainstream education at KS2 (1 young person) and KS3 (14 young people). The Commission noted that the success rate for integration for children of primary school age is much higher than children in secondary, generally because issues are much more complex when children are older.

5.58   GCSE examination and other qualification assessments are coordinated by NRC for all KS4 young people in alternative provision. Data from NRC indicates that young people attending alternative provision in Hackney consistently perform better than the national and regional averages of young people in alternative provision for the period 2012/13-2016/17.   In 2018 44 (49%) students in the KS4 cohort followed a GCSE only programme. 2018 GCSE results demonstrated that:
-   4 (4.5%) students achieved 5 GCSE (including English and Maths;
-   10% obtained a grade 4-9 in both GCSE Maths and English;
-   85 (95%) out of 89 students achieved a qualification - one or more GCSE or equivalent qualification;
-   87% of students went on to further education and training;
-   3 students were NEET.

5.59   A number of issues were raised by and discussed with the Commission at its site visit:
-   Ongoing issues of obtaining pupil data from schools in a timely manner post exclusion;
-   Increasing numbers of pupils entering alternative provision with undiagnosed SEND;

- The need to address negative perceptions of alternative provision and the need to recognise how this sector can support young people unable or unsuited to mainstream education.

6. The views of children and young people excluded from school

6.1 The Commission conducted a number of focus groups and interviews with young people who had been excluded (both permanent and fixed term) from school in Hackney. Young people were recruited from New Regents College (the local pupil referral unit which supports all local excluded children) and Young Hackney, which also provides support to young people who have been excluded from school.

6.2 Data was collected among three groups of young people:

1. A dedicated focus group with nine young people who were identified and supported by Young Hackney who had either been permanently excluded or had received a fixed term exclusion;
2. A series of six one-to-one interviews (conducted by Young Hackney) with young people attending New Regents College who had been permanently excluded;
3. A small group discussion with a further three attendees at New Regents College all of whom had been permanently excluded.

6.3 Young people interviewed were between the ages of 13 and 17 and incorporated both male and female contributors. A range of ethnic groups were also represented including those of White British, Turkish and Black African ethnic origin, though a majority of young people were from Black Caribbean communities. All sessions were recorded, transcribed and analysed and the following provides a summary of the key emerging themes from this analysis. No demographic data has been assigned to any qualitative excerpts used to protect the anonymity of young people.

Process of Exclusion

6.4 While not directly pertaining to the focus of this review, it is important to record young people's perception of the exclusion process as it is clear that this dominated their feelings about their school, teachers and education in the immediate period after their exclusion and may impact on their choice of education pathways thereafter. Whilst young people were broadly aware of the circumstances behind their exclusion, they often felt that school investigations were unfair, and that the exclusion process itself was both confusing and intimidating.

6.5 A common theme running through many young people's experience of exclusion was that they felt they had not been listened to and were not given sufficient opportunity to fully explain their case or challenge the reasoning for their exclusion from school. This left many young people feeling that the exclusion process was in their eyes at least, unfair:

'They kept asking me what happened but nothing did happen so I wasn't sure what to say…. They didn't really listen, they just kept asking what happened?

6.6   Most young people reported that they had been involved in formal meetings as part of their exclusion process, but indicated that such meetings often were attended by a large number of adults some of whom they did not know and that this made the process very intimidating. In such circumstances, young people did not feel confident or able to participate in the exclusion proceedings which compounded their feelings of confusion and frustration:

> *'There were six or seven adults [at the meeting]. Governors I think. No [I didn't speak]. I just kept quiet.'*

> *'It would help if there were more one-to-one meetings instead of having lots of people in those meetings. There were just lots of meetings all at different times and it just became overwhelming. I had my mum there but there were so many adults there. So, it's hard.'*

6.7   Given their confusion about the exclusion process and their perceived inability to influence exclusion proceedings, it is perhaps unsurprising to record that young people felt frightened and upset by this process. It was also clear that this made young people anxious about the potential impact of school exclusion and what this would mean for their current friendships and of course, their future education:

> *'I was crying as I was so upset. I was upset at not being able to see my friends no more, not being in contact with them, not being able to learn nothing.'*

> *'.... it was very stressful for me and it took a long time to sink in for me that I was permanently excluded. At first, I thought that this was a joke, but it wasn't, it was real.'*

6.8   Anger was also a common feeling among young people who had been excluded. This anger was largely directed at the perceived unfairness of the exclusion process, at teachers who they felt they had trusted and who had let them down and to other young people who they felt were equally involved in transgressions but had not experienced the same level of punishment.

> *'I was angry. I couldn't do anything about it.'*

> *'I'd not been in this situation before, I was shocked.'*

6.9   What was also clear from the interviews and focus groups, was that the school exclusion process moved very quickly for young people and there was very little opportunity or time for them or their parents to absorb and understand this process they were required to participate in. It should be noted that none of the children consulted in this review reported that they had been assisted by any independent representative or advocate at any exclusion meetings and had relied solely on their parent(s) or other relatives for support.

6.10   Exclusion from school is clearly an incredibly challenging and difficult time for young people and of course their parent(s). Young people in this review indicated that whilst their parents were upset and sometimes angry about their exclusion, most remained supportive and positive through this process. Exclusion from school however, was clearly a strain on young peoples' relationships with their parent(s) because whilst parents were naturally supportive, some young people indicated that they didn't really know how their parents felt:

'My mum and dad, well I got excluded for something which was my fault, and they were both not happy about it.'

'My mum was supportive, but I don't know how my mum was feeling… I am not sure to be honest. I knew she was upset and disappointed but I don't know how she really felt.'

6.11 Not only do parental and other family relationships experience difficulties at this time, but young people's relationship with their school also undergoes fundamental change. Of course, school exclusion inevitably means that the relationship between the student and school will change, but for many young people it was evidently a shock as to how complete and how abruptly this separation took place. A number of young people felt brushed aside by their school upon exclusion:

'We were supposed to have a meeting since the exclusion but it hasn't happened and it's been a month now. Since I have been excluded, the school hasn't sent a letter to my house, they haven't spoken to my mum and they haven't set a meeting. Nothing.'

'It all happened so quick. One day I was at school, and the next week I was out. My school had a list of names of everyone [to contact], but there was no support there whatsoever, it was like here's your file and hand it over to them. I just felt that they pushed me over to the side and they just carried on with what they had to.'

6.12 Young people also expressed anxiety about the impact that exclusion would have on their immediate and future education. For those young people hoping to return to mainstream education, they were anxious about the time that they had missed from school and as a result fallen behind in their studies:

'It will have a big impact, because if I have been [at the pupil referral unit] for 6 weeks and I've missed out on a lot of school.'

6.13 Other young people were worried that their exclusion from school would mean that they might not be able to return to mainstream education, and were concerned on what impact that this would have on their future educational opportunities. In this context, young people recognised the enormity of the potential impact of their exclusion which made them feel like that they had failed:

'I felt like a failure to be honest.'

'I have really messed up, me being [at the pupil referral unit] though.'

6.14 It is quite clear that at the point of exclusion young people experience significant difficulties and challenges with many of their existing relationships with their friends, their families and their schools. These relationships in themselves are individually very important to young people, so experiencing challenges to all these relationships at the same time can potentially have a destabilising and possibly traumatic impact on those young people involved.

Reasons for exclusion

6.15 There was lots of discussion with young people around the circumstances of their exclusion from school. Whilst many young people acknowledged that their behaviour had been a significant factor in their reason for their exclusion from school, they were

open and reflective as to those underlying factors which may have contributed to this behaviour. These are presented here as they are clearly influential in the pathways that young people may take post school exclusion.

6.16   Analysis of the interviews and focus groups with young people identified a number of themes which young people noted were contributory to their exclusion. Many young people, for a multitude of reasons, were evidently not getting the help that they needed which led them to struggle educationally or personally, or both. Strictly enforced behaviour codes were often seen as a contributory factor in young people's strained relationship with school, whilst others had difficulty in connecting with the school curriculum which led them to become disengaged from school.

6.17   Many if not all of the young people that the Commission spoke to were evidently facing personal problems and challenges at the time of their exclusion from school. A number had been dealing with the challenges presented by SEND, coping with problems at home or trying to manage issues relating to their own behaviour. In some cases whilst the school may have been aware of the problems young people were facing, for one reason or another, support never materialised:

> *'When things break down and I get angry at school they needed to pull me aside and talk to me about how this is wrong but how to manage it as well. I didn't get that at school…. my teacher said she was going to get a therapist and a counsellor for me, but I never got any of them. This was promised in year 7….'*

6.18   Schools are of course very busy environments and it is clearly very challenging to provide support to numerous children who may require additional help or specialist input to help them deal with issues that they are facing. Thus, whilst in many cases children appeared to be getting help, it was not always consistently provided or perhaps insufficient to meet their needs:

> *'I got a mentor, but he just left me… they didn't leave the school, they were there every day but they were just supporting other people…. and just not consistent like a session every week…... this teacher was doing it every 2 or 3 weeks and you just didn't know if you were going to see them. ….when you do get into trouble, that's when you get to see them. It's like yes, I must remember to mentor that one.'*

6.19   Where young people were receiving additional support this was often provided through a member of the teaching staff in a mentor capacity. Whilst clearly beneficial to some, to others the teacher-mentor role appeared to reinforce existing school structures and patterns of communication and therefore perpetuated poor relationships:

> *'In my school, they elected some teachers to be certain teacher mentors. They used to take me outside of class and they used to talk to me about why I was getting detentions. It was a weekly thing, I felt that this was pointless as this was a one-way thing. It was just a process through which my head of year could give out the criticism to me.'*

6.20   Many of the young people that the Commission spoke to indicated that a counsellor or therapist would have been more beneficial as this would have been independent

of their school and would have allowed them to discuss their feelings openly and to reflect on their own behaviour.

> '*What [the school] should have done is to hire a counsellor so if someone is getting repeatedly expelled someone is there who can help them and guide them…. it could be that you have a problem or you have anxiety [or] if there are problems with your family, friends or something that's happening at home a counsellor can help show you the way, talk you through things showing you where you are going wrong and how you can improve to prevent you from being excluded.*'

6.21   Many young people in this cohort of young people found relationships with teaching staff to be challenging and in some cases, it was clear that this relationship had broken down where there was little understanding or trust by either party.   In this context, young people believed that external independent support could have helped to mediate or advocate when things have gone wrong, and help to improve communication and relationships within the school:

> '*[The counsellor should] keep updating with the teacher so you can help to fix things if you get into trouble.*'

> ' *…. a therapist or someone that you can talk to [would help], then they can go and talk to the teachers and take that message with them so they know exactly how you feel.*'

School Behaviour Policies

6.22   Qualitative data analysis suggested that some of the young people who were excluded had difficulty in conforming to the behaviour policies in their respective schools. Young people felt that some schools operated overly strict behaviour policies in which a wide range of behaviour standards for which young people were sanctioned if they did not uphold them. The behaviour standards not only included issues pertaining to young people's studies, but also the way that young people behaved, dressed and appeared around school.

> '*Yes, there was this one time I was isolated because of my hair.*'

> '*Yes, you can get isolation for the wrong hair colour, if it's not your natural hair colour. You can also get isolation for jewellery and the type of shoes you wear…. .*'

> '*I was put in isolation for a tram line in my hair. I had the choice of going home and having my head shaved or going into isolation until my hair grew.*'

6.23   While young people understood that such behaviour codes were necessary to maintain an overall standard of behaviour expected of them, there was a concern that the penalties could be disproportionate particularly where schools used a 'totting up' process. In this context, young people felt that school behaviour policies could be unfair as a relatively minor transgression may lead to a very serious sanction under a cumulative nature of the process:

> '*Sometimes some institutions are so hellbent on their rules and they squeeze you for any reason. I know people who have been excluded for minor reasons…. . I understand if you want to exclude someone for not doing their homework for a number of times but when it comes to little things…. .*'

6.24   It was also apparent that the administration of school behaviour policies in some schools might also have unintended consequences which may actually reinforce poor behaviour. The publication of behaviour 'league table' may of course encourage some young people to do well and to progress, but for those young people at the bottom of this list, it may reinforce and entrench poor behaviour;

> *'In my year, they had a list with everyone's name on it, and the top names would be those who were excelling and right at the bottom would be who isn't. It's a bit like a league table, the top kids are at the top and everyone knows who's at the bottom and this was mostly based on behaviour. It was put up in the hall and I got a text to say I was in the bottom 3. At break time everyone would come and look at the list and laugh at it. At the time, most of my friendship group were near the bottom so for us it was a bit of a laugh, but looking back on it now, I don't think it should have been on the wall.'*

6.25   Similarly, report card systems (which are quite common among secondary schools) can help a school to maintain oversight of children's behaviour across the whole school. Undoubtedly, report cards may be of benefit for children who are able to conform to behaviour codes and standards, but for those who may struggle to conform (for whatever reason) the report card system can also reinforce or facilitate poor behavior:

> *'... you know who's been bad because of the report cards. You have to give the report card to every teacher every lesson and if you keep getting bad reports then that's when you get kicked out and that labels you as a poor behaviour student. ... if you know you are going to get a poor report card then you may as well just make use of it… and other people know it and it's also a problem as people then try and aggravate you and push you to the limit.'*

6.26   It should also be remembered that for some groups of children, compliance with school behaviour policies in whatever form can be challenging. Children who have a diagnosed SEND or an underlying social, emotional or behavioural difficulty may of course find it more difficult to understand and safely navigate their school behaviour policy. Despite this young people felt that their school often interpreted the behaviour policy too rigidly without sufficient acknowledgement of potentially mitigating factors. Indeed, there was a perception that schools were too often preoccupied with managing behaviour rather than addressing the underlying causes of the behaviour:

> *'I was in year 9 when my [relative] passed away and that took its toll on me as I really loved him and I missed him but I was super angry all the time. If anyone said anything wrong to me I would just lash out. ...it just escalated to the point of when I was excluded….. . No one was trying to help me though…. , all they were trying to do was to calm me down…. they would send me out of the room for 20 minutes or 10 minutes to calm down but no one was helping me deal with the problem. No one took me aside to help me deal with it or to help me take my mind off it,.... they were just trying to manage your behaviour rather than helping… .'*

6.27   Throughout the interviews and focus groups it was evident that most young people who had been excluded were dealing with personal challenges or difficulties of some sort, some of which were diagnosed and others which were underlying problems, sometimes for which they were receiving little or no support.   In this context, young

people wanted schools to adopt a more empathetic and understanding approach to the administration and enforcement of behaviour policies.

6.28   It is widely understood that for a range of reasons (such as SEND, or other learning needs) some young people will face problems in engaging with the school curriculum. Those young people who cannot connect with the curriculum may become disaffected in their studies, and without support, can lead to a wider disengagement with the school and learning.   This was illustrated in some of the accounts of excluded young people:

> *'In year 8 I wasn't learning anything, I wasn't paying attention at lessons and not learning. I found it boring. I then started coming into lessons late, I was missing lessons and I was trying to take breaks all the time to chill with my friends,... You would also come in late and get sent out of the class so you'd miss a lesson, and then when you went back to class they'd be talking about a lesson that you'd missed and you didn't understand what was going on and when you asked the teacher to explain it to you they would say you were here, you shouldn't have got sent out and the teacher doesn't help you. So then I get bored and then I start disrupting the class.'*

New Regents College

6.29   9 out of the 18 young people who gave their views about exclusion to the Commission were attending New Regents College (the local Pupil Referral Unit) at the time of the data collection, and most of the remainder of young people interviewed had attended at some stage previous or knew of the College. Young people were asked for their views of New Regents College (NRC), the nature and level of support they had received and how they had been helped to adjust outside of mainstream education.

6.30   Whilst it was apparent that young people were initially apprehensive about their transfer to NRC, these fears and anxieties appeared to dissipate upon arrival and their studies began:

> *'When I first came [to NRC] I thought it was going to be scary, but I started to get used to it very quickly as it was not really that bad. I was told before I came here that really bad stuff happens here and I was scared as I thought I might get hurt, but nothing has ever happened to me, so I am happy.'*

6.31   Young people indicated that class sizes were much smaller at NRC than their mainstream school which meant that there were more opportunities to obtain more support from class tutors as well fewer distractions from other pupils. These conditions clearly helped children to access the support that they needed and better enabled them to focus on their studies:

> *'It's very different as there are less children in the classes and in my opinion I get more help and able to focus more in class. There were more children in my class before and it was harder for me to concentrate.'*

> *'It's nice as there are fewer kids here, the staff are able to focus on us more so you get more time to fix up the problems that got you here.'*

6.32   As a result, young people indicated that they felt more productive:

> *'I get more done here…. . It's easier for the teacher to make sure that everyone is doing their work as it's smaller.*

6.33   In addition to more individualised learning and support available at NRC, young people were also very positive about the support they received from mentors there. Young people are provided with one-to-one support through a learning mentor who can help them reflect on their behaviour which led to their exclusion from school and encourage them to develop more positive approaches to their behaviour and learning. Contributions from young people indicated that mentors were greatly appreciated and that they appeared to positively respond to the reflective approach which they adopted:

> *'They [mentors] are really useful as you get out of lessons and get time with them, they help you set targets for your work as that helps you to go forward.'*
> *'It's different with the mentors than teachers…. My mentor has said just to learn from what's happened in the past and look toward the future and she has helped me to work out ways ahead which are positive not negative.'*

6.34   As children tend to focus on maths, English and science, the curriculum at NRC may be somewhat narrower than children might have been used to in mainstream settings. Thus, whilst young people may have welcomed the opportunity to focus on these key subjects, there was a strong desire to return to a wider programme of study which encompassed more GCSE areas.

> *'.... [at NRC] it is more fun, but in my old school there are different things to learn and more different lessons.'*

> *'I want to get back to my GCSEs, and I want to do that at mainstream school as there are more subjects to choose from.'*

> *'I just want to get back to my GCSEs.'*

6.35   Young people also have the opportunity to engage in a more vocational programme of learning at NRC which can include a range of in-school and out of school activities. Young people indicated that they found these experiences to be enjoyable which they would miss if they returned to mainstream education.

> *'... I am going to miss some of the stuff we do here. We go on trips every week. On Monday, we went rowing in the docks near the city airport and we have a trip on Thursday this week also.'*

6.36   Clearly, such vocational activities are instrumental in creating a less intense and academic driven learning environment, which some students may have found difficult in mainstream education. These activities help to create new opportunities for students to positively engage in a broader programme of learning which can assist them not only to re-engage with learning but support wider emotional and physical development.

6.37   While young people indicated that they benefited from their time at NRC and felt the positive effects of the dedicated support they had received there, many of those contributing to this consultation clearly wanted to return to a mainstream educational setting if they could. Most indicated that they really missed their friends and wanted

to re-establish personal and social networks they had in mainstream settings. Others felt that NRC did not offer the same level of social networking as mainstream settings:

> *'I want to go to another school and be happy. I don't want to be here [at NRC], it gets boring as there's not a lot of kids here. I want to go back to mainstream.'*

6.38 When asked what NRC practices they would like to institute back in a mainstream setting to help maintain their placement there, the same key themes emerged:

> *'The one-on-one lessons would be good… .'*

> *'I think the mentoring would be good as this has helped me change a lot. So I think I will need one when I go back to mainstream.'*

6.39 Understandably, the provision of one-to-one support from a mentor and more individualised teaching support are critical within this particular alternative provision setting as this can help to create a more accessible learning environment for unsettled students and those having difficulty engaging with the curriculum in mainstream settings. This approach also helps young people who have been excluded to reflect on their own behaviour and develop more positive and productive relationships:

> *'Yes, [NRC has] really helped. It's been better. It's taught me to speak to people if I need advice for anything which has helped.'*

> *'This is a good school overall, it helps you change and reflect on your own behaviour.'*

Alternative Provision

6.40 Although only a small group of young people within this cohort had direct experience of Alternative Provision, whilst clearly not representative of young people's experiences, the following analysis does provide an illustrative account of key issues which young people felt were important to raise with the Commission.

6.41 A range of alternative education provision is available to children who have been excluded from school and who are not able to attend mainstream education. As has been described earlier in this report, the nature, ethos and format of these providers vary widely to help meet the varying needs and support required by young people. Whilst numeracy and literacy studies are of course central to pupil learning, the pupil offer is often unique to individual providers and generally includes a varied programme of vocational studies and learning approaches to help engage and support young people.

6.42 As young people who have been excluded from school and unable to return to mainstream education will also have very specific education, learning and support, it is important that these needs are matched carefully to the educational offer of prospective alternative education providers. Although it would be expected that young people and their parents would be given additional guidance to help them make this decision, few if any young people referenced in-person support. Indeed,

there appeared to be a reliance on printed materials or on-line information to help young people make this important decision:

> *'We were given a booklet which said you can go to A, B, C, D or E you could pick and that was that. I just picked [Alternative Provider] in Hackney.'*

6.43   Whilst there was some appreciation of the range of courses and activities that were on offer through some local Alternative Providers, among this small group of young people at least their experience suggested that education standards were not as high as mainstream settings:

> *'The standard was so low. To this day, I laugh about it but these things do go on. I remember a kid was just rolling cigarettes in class, it was just over their heads really. I don't think there is a realisation that things can get this bad…. . [standards] they are not as high, 1000%.'*

6.44   The difficult relationship that this group of young people have with behaviour codes is once again demonstrated here. In mainstream settings young people struggled to comply with the rigidity and constraints of behaviour codes typical in mainstream settings, yet equally, young people seemed to struggle in alternative provision where behaviour codes were felt to be too lenient. For some young people this did not create a culture of aspiration in alternative provision:

> *'I used to go to a very strict secondary school, but now go to [alternative provider] which is too lenient. It's hard being around other kids who are not taking it seriously, it just feels like I am killing my brain cells.'*

6.45   Not all young people entering alternative provision will have the same level of academic ambition, skills or aptitude as the young person above however, indeed, this group of young people are more likely to be demotivated and disengaged with academic study and education more generally. It is therefore not unexpected that some young people naturally took advantage of the more relaxed protocols to evade attending and receiving their education:

> *'When I went to [Alternative Provision], everything just changed for me. My school was quite strict but the [Alternative Provider] had this friendly approach and as time went on I thought there was no point coming in as they were too friendly and they were crossing boundaries. I realised I could work my way around them and I manipulated them so I didn't have to go in and that they wouldn't call my parents and they agreed to that. So that meant I had days off when my parents thought that I was in education.'*

6.46   For this particular young person, non-attendance quickly escalated into more persistent absenteeism which then created additional personal risks. For any young person, the likelihood of getting into trouble or being exposed to risks or actual harm increases as the protective oversight and supervision of adults decreases. For this particular cohort however, where young people may be more likely to have some other vulnerability and may already be disengaged from education, such risks may be heightened:

> *'...things spiralled as I had the whole day to myself, and I got bored and then I got into mischief and was getting into trouble with the police and stuff. So this was a dramatic drop in things and I ended up not going for 2 months…. . Looking back now, I can see*

> *that teachers did not have the boundaries that I needed and I exploited it and I didn't go in and this impacted on my GCSE results. I came out with nothing. This was such an important period for me but things just escalated so quickly.'*

6.47   This of course may be an isolated example and not typical of young people's experiences, and indeed may not reflect alternative provision as it stands in Hackney at the current time. But what this account of one young person does demonstrate is that without the appropriate oversight and support, vulnerable young people can quickly become disengaged from education and lose the protective influence that this confers upon them.

6.48   This is not to say that all young people attending alternative provision settings always felt comfortable and engaged in these settings. In the focus group some young people noted that they did not feel connected or at ease in their AP, with the staff or with other young people attending. One young person suggested that they had very little connection with their alternative provider beyond formal lessons:

> *'I just don't feel comfortable there so as soon as my lessons finish, then I go straight home and read.'*

7.   The views of parents & carers of children excluded from school

7.1   As part of the review, the Commission held two focus groups with parents whose children had been excluded from school. The focus groups were supported by Hackney Independent Parents Forum (HiP) and involved parents whose children had a special educational need or disability (SEND). One focus group was held with Turkish speaking parents also via HiP, with the assistance of an interpreter. In total 26 parents participated in the two focus groups.

7.2   The focus groups were led by the Chair of the Commission and questioning within the focus groups sought to draw on parents' experiences of schools exclusion particularly in reference to the following areas:

- Experience of exclusion process;
- Factors leading to exclusion from school;
- School exclusion process;
- Information, advice and support provided to parents pre and post exclusion;
- Impact of school exclusion on the child and wider family;
- Destination and outcomes of children after post exclusions.

7.3   It is important at the outset to reiterate that all those who spoke to the Commission were parents of one or more children with SEND and that as a consequence, data collection and analysis of school exclusion is in the context of the needs and experience of children with SEND. It should be remembered however, that nationally children with SEND represent approximately one-half of all permanent exclusions in 2017/18 and almost two-thirds (38/61) of all local permanent exclusions. In this context, whilst not capturing the full breadth of parental opinions of local school exclusion, the following analysis does provide an illustrative account of the key issues affecting a greater part of young people excluded from school.

Experience of school exclusion

7.4   Children with special educational needs and with an Education Health and Social Care Plan (EHCP) generally receive their education in three main settings depending on the level of their needs. Broadly speaking these are:

- Local schools and other mainstream education settings for children with mild to moderate learning or educational needs;
- Local Special Schools which offer a range of more specialised support which cannot be met in mainstream settings'
- Highly specialised provision commissioned by the local authority for children with particularly acute needs.

7.5   For the most part, parents who participated in these focus groups were those whose children had been (before they were excluded) or were continuing to be educated in mainstream education settings.

7.6   Most parents participating in the focus group had direct experience of their child being excluded from mainstream school, either permanently or having received a number of fixed-term exclusions. There were however a small number of cases however, where while children had not been formally excluded, parents had been 'encouraged' to find alternative education settings as the school could no longer meet the needs of their child. Thus whilst these parents may not have undergone a formal exclusion process, their experiences of their child's removal from mainstream education were akin to that of formal exclusion.

7.7   A Turkish speaking mother of a child in year 9 with Autism Spectrum Disorder (ASD) with an EHCP explained that the school had presented her with two choices when the frequency of her child's emotional outbursts increased; formal exclusion or voluntary removal. Given the parents reluctance to challenge the school and the fear that formal exclusion might pose difficulties in securing a new placement, the mother felt under pressure to withdraw her child and authorised their removal and was initially tutored at home. Other parents felt obliged to home educate when similarly confronted by the school:

> *'My son was excluded in year 1, because the school said he was scratching and biting other kids. It was really stressful for him as he couldn't really understand why. In year 6 he was again excluded for 6 days, it was then the school said that they could not look after him and keep him safe and I ended up taking him out of school and he was home schooled.'*

7.8   It was also apparent that some parents had also agreed to 'off-roll' their child and to educate them at home on the understanding that more specialised educational support would be found to meet their needs. Given the specialist level of support that some children needed and the limited number of education options available, for a small number of parents this period was much longer than anticipated:

'I am a parent of a child with autism who had been through a series of internal exclusions and fixed term exclusions and was eventually off-rolled by mainstream provision just before their SATS. I happily had [them] off school to start with on the understanding that they would do something, but they did not do anything. So [they had] been out of school for 3 years and just had minor home education…   [they have] just started again in a specialist provision run by [a national charity].'

Factors leading to exclusion

7.9   Qualitative analysis of focus group data revealed that there were three distinct themes which parents identified as contributing factors to their child's exclusion from school. In summary these were:
-   Where the needs of their child not being met by the school;
-   When school behaviour policies did not take into account the needs of a child with SEND;
-   When the curriculum on offer was not accessible to the needs of children with SEND.

7.10   A significant number of children with SEND are able to access mainstream education with additional support provided which is specified within an EHCP. This additional support is commissioned by the SEND Team and provided by the school or another party (depending on the nature of the support required). Evidence from the focus group however, suggests that there are a number of ongoing problems with this process which meant that children were not always in receipt of the support they required which was leading them to struggle in mainstream settings.

7.11   A strong narrative among parents within the focus groups was that EHCP's were not routinely reviewed and updated to reflect the evolving SEND needs of their child. As a consequence, the nature and level of support provided by schools was either insufficient or inappropriate to meet the needs of their child:

'.... [their] plan is outdated for over 8 years. There has not been a new assessment ahead of transition, [we] have asked for this many times but it has not happened so [we] have no option but to appeal……. Whilst there has been support, it's not been at the level he needs.'

7.12   In addition, parents also noted that even when an up-to-date EHCP was in place for their child, this did not guarantee that the school would follow the specifications in the plan and ensure that the necessary support was in place for their child. For example, parents described how dedicated one-to-one support for their child was used to help other children, or where specialist interventions were not provided as frequently as specified by the EHCP. Without the support detailed in the EHCP, parents noted that their children with SEND had difficulty engaging with lessons and in progressing their learning, and often struggled to conform to school behaviour policies. Indeed, this was instrumental to their child's exclusion from school.

'... we are again on a downward spiral because he is not having reasonable adjustments made. He will probably get excluded sometime again in the future because [the school] are teaching him as if he was independent and neurotypical, which he is not and his EHC plan stipulates that.'

'[Their exclusion] was all because the school refused to stick to the EHC plan. It has been a complete waste of money and resources, if the school just did what they were supposed to do then all this work by the Education Service, the Reintegration Unit and all these meetings has been wasted…. .'

7.13   Although EHCPs are legal documents and legally enforceable, parents acknowledged that these were often long, complex and legalistic which presented problems for all parties involved. Indeed, parents noted that these have become the point of considerable tension between themselves and the school and the Local Authority, who are ultimately responsible in ensuring that children receive an appropriate education. Of particular concern to parents however, was that there was a lack of accountability in the SEND system when provision fell short of what was required by the EHCP.

> *'We have our EHC plans and as parents we fight hard to get them right, but the schools do not read them and don't do what's required to support our children, and there is no way to hold schools to account for this. Not just academies, its other schools here as well and Hackney Education do not visit these schools and ask why? Schools are under a legal duty to make sure what's stipulated in an EHC plan is provided, if not, then the school needs to be challenged. If it's not then the Hackney Education needs to be held to account as it's their statutory duty. This isn't just in Hackney, this is London wide, everyone is fighting their LA because none of the schools are doing what is required…. .'*

7.14   Not all children in mainstream education with SEND will have dedicated support and funding through an EHCP however, as some children may be supported through general school funding (i.e. SEND Support) or some may not yet have their needs fully assessed or identified. As assessment and eligibility is mainly driven by the school, ensuring that children have the correct support is largely determined by the level of knowledge and understanding of the Special Educational Needs Coordinator (SENCO), or the school more broadly. Here parents were of the view that improved training could help identify and support children with SEND:

> *'... there needs to be greater awareness of the Equality Act and training for SEND in school. …. in practice, with a class of 30 children, how can teachers make individual adjustments for children with SEND? It's a very skilled approach. We need to raise awareness and understanding.*

> *'There is a real training need here to upskill teachers and Teaching Assistant in the classroom as this will help them to understand, support and manage different types of behaviours in class which can help prevent exclusions.'*

7.15   Without a detailed level of understanding of those conditions which contribute to a SEND diagnosis or the degree to which this may impact on a child's behaviour, parents felt that their child's behaviour was sometimes misunderstood to be unruly or disruptive. In the context of the school behaviour code, parents felt that this placed their child at greater risk of exclusion, especially when the school failed to make necessary adjustments or support in enforcing such behaviour codes:

> *'Children are being seen behaviourally and should conform to schools' own disciplinary procedures and rules, but this should not be the case for children with SEND. They need to have reasonable adjustments and more assessment for their needs. If children are being excluded for the same thing every time, this is a failure of the school and the system to support him properly.'*

7.16   What was also evident in the focus groups however, was that parents were not always fully aware of the details of their child's school behaviour policy and how this may impact on their child with SEND. Parents noted that behaviour policies did not always actively take into consideration the needs and behaviour of children with SEND. Given that a number of children were not receiving the support detailed in an EHCP or other statement of their children's needs, this was considered to be unfair. Furthermore, those parents whose first language is not English or may have literacy difficulties themselves, may find such policy documents difficult to access and may not be able to meaningfully engage without support and guidance.

7.17   A third reason that parents cited as contributory to their child's exclusion from school was the inaccessibility of the mainstream school curriculum to the needs of their child with SEND. Despite more children with SEND being educated in mainstream schools, parents felt that schools had become increasingly academic with opportunities for vocational studies becoming more limited. Parents spoke of local schools becoming very competitive in terms of academic performance which was also driving the academic nature of local curricula.

7.18   Increasingly academic nature of the curriculum presented particular problems for some children with SEND as they may struggle to access traditional taught subjects which may lead to disengagement with learning and wider schooling if alternative programmes of study are not provided. This is exacerbated if insufficient support is in place for the child with SEND. Indeed, parents spoke of their children becoming frustrated and disengaged with learning due to the limited options available in the school:

> *'He can't cope with school, he is getting behind and he gets frustrated. He's denied the courses and activities which might help him...but the school refuses to acknowledge that he has special needs… .*

7.19   Parents indicated that if schools adopted a more inclusive curriculum particularly with more arts, humanities and extracurricular activities, this would cater for a wider range of needs and aptitudes among children and young people, and possibly help those children with SEND to further engage with learning in mainstream settings.

School Exclusion Process

7.20   Analysis of data within the focus groups also suggests that parents of children with SEND frequently experienced problems in both understanding and navigating the exclusion process with their child's school. As outlined above, parents found school policies and other documentation difficult to access and were not always aware of the nature or extent of school behaviour policies and the possible impact and consequences that this may have for their child SEND.

> *'My son has had a number of fixed term exclusions before being excluded….I didn't understand what any of this meant and what I needed to do and how I should approach it.'*

7.21   Parents also reported a lack of documentation provided by schools in relation to their child's exclusion, be it temporary or permanent, which made it difficult for them to understand what was happening and what action they needed to take. Furthermore, parents spoke of how quickly events seemed to move in regard to their child's exclusion which gave them little time to reflect or seek advice.

> *'Where is the documentation when the child is excluded? I just got a call to tell me my child has been excluded, can you please come and get them. I didn't even have a chance to speak to anyone….. . I didn't have any paperwork, it was all verbal. I had to accept it was my child's fault.'*

> *'In most cases, [parents] don't even get the right paperwork. If your child has been excluded for 5 days, it's hard to challenge as things have moved on so quickly and the damage has been done to your child's mental health to your own stress…. .'*

7.22   These problems are compounded for those parents who spoke English as an additional language and who relied upon another family member to translate or interpret such complex policy documentation or facilitate meetings:

> *'Every time I would try to translate for my mum at these exclusion meetings and they would just say "no, you can't speak Turkish, you must speak English" even though my mum cannot speak English. What was I to do?'*

7.23   For a significant group of parents however, it was clear that the school exclusion process was the culmination of a protracted 'battle' with the school to ensure that their child's SEND needs were being met and that additional help was being provided to enable them to maintain their placement with the school. In this context, parents indicated that exclusion was the point at which the school made clear that it could no longer meet the needs of their child and that alternative education would need to be found or they would be formally excluded.

7.24   There was considerable anger and frustration about the exclusion process for their children with SEND expressed within the parental focus groups. Central to this discontent was the perception that the voice of parents was not being sufficiently heard or recognised, not only by the school but other advice and support bodies. As a result, the valuable and long-standing knowledge and understanding of their child's needs was not given sufficient recognition in planning and decisions taken for their child with SEND.

> *'Parents are professionals of their own children, but our views are simply not heard and we are put to the side and dumbed down.'*

<u>Information, advice, guidance and support</u>

7.25   As has been illustrated above, supporting children with SEND in mainstream settings can be a very complex and challenging process which can require parents to invest considerable time, money and effort to help obtain appropriate support for their child. It can also be a time of acute anxiety and stress, not only for children involved, but for parents and wider family also and the emotional stresses that family endure at this time should not be underestimated. It was also very apparent within the personal testimonies of parents, that extraordinary personal and career sacrifices have been made to ensure appropriate support for their child with SEND.

7.26   Evidence from the focus group suggests that parents of children with a SEND have a range of advice and information needs in supporting their children in mainstream education and in assisting when placements break down. Evidently, some of these information and support needs are well provided for locally and are valued by parents, whilst other needs are less well catered for. The Re-engagement Unit (REU) within Hackney Education Service is certainly among the former, where numerous parents highlighted the positive and successful contribution that this service made to sustaining their child's placement in mainstream education.

7.27   The REU is a school support service operated by Hackney Education Service which provides support to children at risk of exclusion across all maintained primary schools in Hackney. Numerous parents in the focus group had direct experience of the REU whilst their child was in primary education, and all provided a positive assessment of the support this service provided.

> *'My son was PEX from primary in year 4, and his experience up until then was dreadful. But we had the Re-integration [sic] team involved, who were very helpful.'*

> *The Re-engagement Team were great, they turned it all around and said to the school "what can he do" rather than "what can't he do". They were coming to the school every week to monitor things which worked well…. .*

7.28   The REU involvement in some cases was clearly transformative, not only in their expert guidance and advice they provided, but also in the positive approach and oversight the service offered. Further qualitative analysis of the transcripts suggest that the expert and independent guidance the REU was able to offer was critical to its success, as this helped to build trust and confidence with both the school and parents and from which it was possible to broker a plan to help sustain their child's school placement.

7.29   Parents spoke positively about the contribution of REU officers and the support they were able to offer at meetings with schools. For a wide range of reasons (some of which are outlined above), parents noted that they were under a lot of pressure when their child was at risk of exclusion, therefore it was really helpful to have another interested and supportive professional at hand in meetings who was inquisitive and helped them to ask the right questions which could assist their child:

> *'The reintegration unit worked well, they were educationalist and psychology aware and were very curious, which was an approach which worked well. They find things to help us out.'*

> *'The Re-engagement unit worker that we had was very good, especially as they spoke Turkish. This was really helpful for mum as it meant she could be present and be involved. The worker would come with us and attend meetings and help us to follow up things with mum and dad, and he got us linked to Young Hackney as well which was good.'*

7.30   Given that the number of fixed term and permanent exclusions are far higher in secondary settings than in primary settings, parents were perplexed why there was no similar service to that provided by REU for local secondary schools. Parents in the focus group noted that such a service would have been helpful and beneficial in supporting their child if it had been available to them:

> *'It would be good if [Re-engagement Unit] work was linked to secondary as well, if things would have followed on for and we had the support worker there, things might have been different, in fact it would be quite beneficial.'*

7.31   As had been noted earlier in this section, parents of children with SEND faced a number of difficulties in obtaining support to help their child maintain their placement in mainstream education (getting an EHCP, having support detailed in the EHCP being provided and EHCP being regularly updated). The EHCP remains a legal document however and critical to ensuring that children with SEND receive the correct support.

7.32   Parents acknowledged that the number of local children with an EHCP was over 2,000 and was continuing to rise which was creating local pressures. It was also understood that this was also a national issue, with pressures with local SEND services also being experienced elsewhere in other authorities. It was also noted in the focus groups that parents understood these pressures and were of course sympathetic to the challenges that local SEND services faced. Being the administrative body and overseer of EHCPs and the acute pressures that families faced themselves, it is unsurprising that the local authority was subject to criticism about the nature and level of support it was providing to parents with children with SEND.

7.33   As had been raised earlier (as in 7.13), the main focus of parental criticism of the local authority in relation to support for their child with SEND was its failure to hold schools accountable for the delivery of the EHCP and the specified support was provided. This was of significant concern to parents as they otherwise felt powerless to support their child in mainstream school settings and ensure that they were getting the best education and support that they could:

> *'.... the LA refuses to take this on at all, this is my experience with them as well.'*

> *'The LA doesn't do anything. The schools do as they want and no one cares.'*

7.34   Parents felt that this was particularly problematic if their child was attending an Academy as local lines of accountability were felt to be weaker for these mainstream settings:

> *'We go through the EHCP process but even if you go through the process perfectly, no one makes the school deliver what's in the plan, and if it's an Academy they are not*

accountable to anyone at all. If you go to Hackney Education Service, they just tell you they have no jurisdiction over Academies and if you go to the school they laugh in your face… .'

7.35   Parents also noted that in many cases, obtaining an EHCP for their child was often a long and hard-fought process as in many instances, families had to convince the school that their child required additional support. Parents were therefore unhappy that despite there being a clear process for annual review, this was not always adhered to and that parents themselves felt that the onus was on them to push for and ensure an annual review took place.   As a consequence, parents felt that provisions detailed in the EHCP were often out of date and did not reflect the real needs and the support required by their child.

7.36   Even when EHCP reviews were undertaken, this did not always fundamentally change the nature of the level of support provided. Indeed, some parents were disillusioned with the review process in that this did not bring additional support, and left families continuing to struggle:

> *'What you must also remember is that despite us providing all this information for reviews, a lot of the time things remain the same which is very painful for us. No matter how much support I get before the meeting or how much preparation I do, whenever I leave the meeting I always come home and cry because nothing ever comes out of the meeting, everything stays the same. It's a waste of time. Our education breaks down. Our care breaks down. I don't know what else to say.'*

7.37   Parents also noted that there were changes being planned to the way that annual reviews would be supported by the local authority which would see a reduction in the level of support. This was of concern to parents as could mean that accountability of schools was reduced further in adhering to EHCPs:

> *'I have been advised that due to staff changes in EHC planning, it's unlikely that there will be a coordinator attending annual review meetings for children with SEND. I think this is worrying as this gives more power to schools to direct this process more without any challenge….*
>
> *'....there won't be a coordinator at every meeting as there are simply not enough coordinators to go around all the annual reviews. There are now 1930 EHC plans in Hackney.'*

7.38   Whilst parents understood that local SEND services were under pressure, there was a concern about the responsiveness of local SEND services to their enquiries and requests for help.

> *'Whenever you call the Hackney Education Service, the plan coordinator or whatever they are called, they never pick up the phone, it's just not answered and they don't respond to emails. … I know there are so many young people with plans but there are only 5 officers dealing with this that they can't keep up the workload. But the EHC plans are legal documents, I still have to try and get it sorted… . This is not fair.'*

7.39   Despite issues around the accessibility of local SEND services, parents on the whole seemed to be satisfied with the quality and helpfulness of officers when these were

reached. A number of parents remarked on the positive and beneficial support that their Plan Coordinator was able to provide.

<u>Advice and Support Post Exclusion</u>

7.40   For those children with a diagnosed SEND that were excluded from mainstream school, a number of options may ensue depending on the nature and level of SEND needs, or indeed if the SEND had even been diagnosed. Broadly speaking, the pathways available to children may lead them to another mainstream school who are able to support their SEND needs or a special school or other specialist educational setting that can support the assessed needs. For this cohort of children who already have an EHCP or other assessment of SEND, parents described a lack of information, advice and support in identifying suitable alternative options.

> *'The support was really poor. After a number of FTE in year 5, I was told by the school that they would not be able to meet his needs in year 6 and they would withdraw support. I had to find a school and I looked at specialist provision, we looked, but nothing was forthcoming. Hackney Education Service did a few consultations with local schools and they all said no. The LA allowed me to look by myself, but they didn't suggest any. I'd exhausted all schools in appropriate travel time and we had to even think about residential school, not what we wanted, but the only option. We approached over 50 schools….'*

7.41   From the focus group analysis, it was apparent if their child was at risk of exclusion then the onus fell very much on the parents to find an appropriate school for their child, with Hackney Education Service unable or reluctant to take a lead role in this process. Parents found this lack of support incomprehensible, particularly as they were trying to make complex and challenging decisions for their children, which in their view, required expert guidance to assist them.

> *'By chance I had a meeting set up with the Hackney Education Service on the day my son was excluded, and they kept asking me "where do you want him to go?", "where do you want him to go?" But I didn't know what was out there and Hackney Education Service said it was not their role to give me advice on this.'*

> *'When you are needing to look for another school [Hackney Education Service] will not give you any help whatsoever, they will tell you it is down to you. You then start to look around and ask and they all say no, I had to give up work as I was spending so much time looking for a school. I go places to have a look around, researching these places, but even when you find a place you still don't know whether [Hackney Education Service] will fund it. Why don't they get involved, it's so frustrating.'*

7.42   The Local Offer is a directory of local educational settings and resources which are available to local children, including those with SEND. The local authority is obliged to maintain this and ensure information is up to date and accessible to parents locally. Whilst many parents were evidently directed towards this resource, matching up the needs of their child with SEND to prospective new schools was a complex decision which required expert guidance and support. Parents felt that a lack of guidance and support at this juncture had led children to some of their children being placed in inappropriate settings which had been damaging:

'A lot of time has been wasted in sending my brother to schools and settings which have been inappropriate for him, or just have not been able to meet his needs which has been very damaging for him.'

7.43   Parents were also at pains to make clear the context in which they were required to make such decisions about the future education of their child post exclusion. Many parents were under extreme pressure at the point of exclusion, not only in terms of supporting their child's needs, but also perhaps struggling to manage their own health or wellbeing issues at the same time. At this time of crisis, parents not only need expert information and guidance, but also advocacy and peer support to help them both navigate and access necessary support for their child.

7.44   Parents spoke of the need for additional support at meetings and in their dealings with professionals, to help them ask the correct questions and to help them obtain better information to guide their decision making. Parents felt that improved provision or signposting to local advocacy services might not only assist them in the selection of appropriate schools, but can also help to mediate between themselves and other stakeholders such as schools. It was suggested that improved access to advocacy services could help put parents and schools on a more equal footing and develop agreed solutions which may not only reduce recourse to expensive legal action, could also help to reduce exclusion in the first place:

'Without this advocacy or mediation, you either have to deal when it's in crisis or appeal at the tribunal. None of these are good for the family or the local authority.

'A lot of exclusions are preventable, and I know what's done is done, but thereafter we need to look at how we stop these…. Schools and parents both need to be on the same page here, because if parents and schools are both knowledgeable then they will be less likely to exclude.'

7.45.   Parents expressed a need for more informal support not only to help them better understand the situation they found themselves in, but also to help them manage the social and emotional upheaval that resulted from their child's exclusion from school. Informal opportunities to meet other parents and families experiencing similar situations was an opportunity not only to share information, but also possibly the opportunity to share experiences and learn from one another.

'Parents also need the opportunity to talk to each other, and support each other. Parents find out more from other parents than they do from Hackney Education Service.'

'There should be more support groups for parents for children who have been excluded to help them share information.'

Impact of Exclusion

7.46   Questioning within the focus groups sought to ascertain what impact exclusion from school had upon their child, and of course themselves and their wider family. As has been illustrated throughout this and other sections of the review, the impact of school exclusions on children and their families is wide ranging, the extent of which cannot be underestimated. Exclusion from school affects all areas of family life.

7.47   A constant theme throughout the parental focus groups was the enormous amount of time that parents devote to supporting their child not only through the school exclusion process itself, but also supporting their child in the challenges they faced in mainstream school and in finding suitable alternative education when that placement broke down. Parents spoke of the time taken to attend numerous meetings with the school, of appointments with other education and welfare professions, and of course to research and visit other education providers. This was all in addition to the time required parents were required to spend with their child whilst they were out of school.

7.48   Almost without exception, parents spoke of how the additional time needed to support their child through exclusion had impacted on their own working life, with many having to go part-time work or even give up work completely. As a consequence, income also suffered which created additional family problems:

> *'I know so few parents who can manage to work full time because as a parent of a SEND child you are constantly going to appointments and meetings, needing to find out things about your child and what they need…. this starts to affect your income and money coming in… I have never gone back to work full time. … there needs to be something to help parents before their child gets excluded.'*

> *I am a parent of 2 children with [SEND] the youngest of whom has been through a series of internal exclusions, fixed term exclusions and was eventually off-rolled by a mainstream provision…...   As a result of his off-rolling I lost my job and it had a profound impact on our family. I have just started working again, but it's been a catalogue of incidents.'*

> *'Post that exclusion... the relationship was completely severed with the school, I was a single parent at the time working full time, but I still had to reduce my hours all the time to help support my son and deal with the exclusion.'*

7.49   Parents and families also spoke of the emotional costs to them and their families in supporting their child through exclusion, with many experiencing high levels of stress and anxiety.

> *'There were so many stresses with this at the time, I got depressed and ended up losing my job. The school kept calling for me to come and pick him up and come get your child. I couldn't take it. I was so depressed and everything.*

> *It's been so up and down, it was such a stressful time for me and him, and a lot of anxiety too.'*

7.50   It is very difficult to encapsulate or fully reflect the nature or severity of the anxiety and stress that parents experienced in this short review, particularly as parents may be reluctant to share such information, but also parents naturally wanted to speak mostly about their children. Aside from Hackney Independent Forum and the ARK, very few, if any, parents noted the use of any other sources of advice[5], and support to help them through this crisis which school exclusion presented. Of course, other parents of excluded children who do not have SEND will not even have the benefit of these services.

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[5] It is noted that both SENDIAGS and the Family Support Service operated by Children's Service also provide advice, but were not mentioned by parents.

7.51   Despite their own personal and family concerns, it was of course the impact that school exclusion had upon their child which troubled parents the most. Parents noted profound changes in their child upon their exclusion from school, not least the trauma which resulted from the exclusion process itself and the loss of personal and social networks. For young people with SEND, such feeling may be exacerbated however as exclusion can compound feeling of difference, separation and of being rejected:

> '….my son has been through a lot.. I don't really know where to start. …... I feel for my son as he feels it, he asks why he is treated differently, it's upsetting for him and me…'

> 'There is the impact of the exclusion on young people's mental health and well-being to consider also. For many children with SEND, being excluded confirms their own sense of isolation and separation from the world, it can fit your own perception…. after being rejected from these schools they will say, 'I know they don't want me, no one wants me' this is how they see it. Trying to explain to a child that they don't fit in with that school but that does not make them a bad person is difficult. These kids already feel different and exclusion just reinforces that and they can feel they are doomed for failure.'

7.52   This may lead to longer terms problems and children requiring additional professional support:

> ' [My son] is involved in CAMHS because of the way the school has treated him. I have to keep fighting.'

> 'I feel my kids have emotional problems from this.'

> 'My son's self image is permanently damaged through these series of exclusions through primary school, going to trial days at schools and being rejected time after time, what is the impact on him? He is never going to have that carefree attitude toward life that you'd want for your child.'

7.53   Indeed, many parents indicated that therapeutic interventions should be as standard for children excluded from school to help them manage the anxiety and trauma which they experience and to help them adjust to new settings.

> 'A think what's needed after a child has been excluded is a decent therapeutic counsellor, and not where you have to go on a 6 month waiting list, but so they get a chance to reflect and rationalise what has happened to them.'

7.54   Parents also felt that their child with SEND was being unfairly penalised through their exclusion, as schools and other agencies then tended to view their child primarily through a behaviour management lens over and above their child's ability and potential to learn and achieve academically. Parents also felt that it was unfair that children with SEND had also lost out on a significant amount education through the process of exclusion, and often faced reduced study and learning options that some alternative education settings offered:

> 'The focus on his achievement has gone, and they have just been focusing on managing his behaviour, there's not a recognition that these things may even be connected.'

'But we are letting down a 14 year-old boy who is dying to go to a mainstream school as he's missing out on everything, his friends and the curriculum. There is a massive gap in his curriculum now at the AP site, it's just Maths, English, a tiny bit of science and physical education. So he can't achieve GCSEs as he does not have access to the curriculum.'

7.55   Whilst not validating the process of school exclusion for their child, a small number of parents did note a positive outcome, particularly for those children whose SEND had remained undiagnosed or unsupported in mainstream schools. A number of parents spoke very positively of New Regents College (Hackney PRU) as this was the point at which the SEND needs of their child were first diagnosed and a support plan put in place.

'They chucked my son out of school and into the PRU, he was there for 6 weeks. I thought that the PRU were excellent as they helped to get his ADHD diagnosed. Schools need to be educated on assessments.'

'My son got excluded... he had a lot of issues with violence and this stopped immediately at the PRU and then he went to [specialist provision] as the Education Service indicated that they had a contract with them and this worked out really well. This provision was for children with behaviour issues and my son slotted into that really well and it all worked out so smoothly. I know that this may not be commonly experienced by other parents, but in this case the exclusion did work out for him.'

8.   The view of Alternative Provision

8.1   The views of alternative providers are of course central to this review, as this setting is the most likely route through which excluded children continue to receive their education, particularly those in KS3 and KS4. Around 10-12 alternative providers are commissioned by New Regents College (Hackney Pupil Referral Unit) to provide education and support to young people who have been excluded from school or who's needs cannot be supported within mainstream education.

8.2   In total, seven alternative provision settings gave evidence to the review through a number of mechanisms which included:
   -   Contributions at a formal meeting of the Commission;
   -   Informal meetings;
   -   Site visits.

8.3   Data collection with alternative providers focused on a number of areas of interest to the Commission, these included:
   -   The educational and support needs of young people entering alternative provision;
   -   The nature and level of support provided to young people within alternative provision;
   -   The curriculum, achievement, progression and post 16 outcomes of children in alternative provision;
   -   How alternative provision is commissioned, quality assured, monitored and supported in Hackney.

8.4   All interview data were transcribed and analysed alongside other submissions to the commission. To maintain anonymity of alternative providers that contributed to this review, the key themes presented below are provided without qualitative excerpts.

Nature of Alternative Provision

8.5   Alternative provision varies widely to meet varying needs of young people not in mainstream education in Hackney. The alternative providers consulted in this review catered for two broad categories of young people: those who have been permanently excluded from school and those children with an EHCP or SEND and who cannot be supported by a mainstream school (though there is some intersectionality between these groups). Whilst some children were attending on a temporary basis in the expectation of reintegration back into mainstream education, most would be in attendance until the end of Year 11 (KS4).

8.6   The consultation revealed that young people attending local alternative provision had a wide range of educational, health, social and emotional needs which were often complex and multiple. As a consequence alternative provision was supporting an incredibly diverse range of young people, all of whom had a very discrete set of needs including those with a diagnosed SEND (ranging from SEMH through to ADHD and ASD), with additional learning needs or those with other social, emotional or behavioral challenges. What all these children had in common however, is that they have missed significant periods of schooling and as a consequence had large gaps in their education.

8.7   The nature, scale and range of alternative provision is equally and necessarily wide to support such diverse needs of young people attending these settings. The scale of provision varied significantly; some settings were small which supported no more than 6 or so young people whilst at the other end of the spectrum, another setting supported up to 135 young people with 150 paid staff. Whilst some of these settings offered solely one-to-one educational support, the majority of settings offered small group based tutorials and lessons for between 4-6 young people. All settings were coeducational, though as you would expect given the demography of exclusions and those with an EHCP, the majority of young people in attendance were boys.

8.8   Whilst each alternative provision may have developed its own individual ethos and approach to supporting young people, the consultation identified a number of commonalities across the sector.   The scale and style of support of alternative provision enabled a more nurturing approach to supporting young people than might be possible in mainstream settings. Learning support and care for young people also appeared to be more personalised, with support tailored to young people's individual needs. This was often supported by the provision of individual learning mentors.

Commissioning Alternative Provision

8.9   In 2018/19 pproximately 12 different alternative providers were commissioned by NRC to provide KS3/4 learning and support for children excluded from mainstream school where off site provision was needed from the PRU. Alternative providers were commissioned to provide the required 25 hours of support per week. Costs for this provision ranged from approximately £6.5k per pupil per annum through to £16k per pupil per annum. (One alternative provider was commissioned at a higher rate of £23k per pupil per annum for 15 hours tutoring per week). It is clear that there is a

wide variation in alternative provision costs, which reflects the different nature and l support provided to young people by individual providers.

8.10   It was apparent that the service and funding models employed by different alternative providers varied widely, which to some degree was influenced by the status of individual providers. Some were Free Schools, others were Independent Schools whilst other individual registered schools. All of the alternative providers that the Commision spoke to were reliant (to varying degrees) on the income derived from pupil fees from local authorities, PRUs or individual schools. In addition, many providers were also reliant (again to varying degrees) on additional income from charitable sources. Given these variations in funding models, it was apparent that local alternative providers were in different states of financial security and independence.

8.11   A number of alternative providers noted that their funding model was challenging, with providers having to carefully balance income from fee paying students against their model of provision. Also, given the ad hoc way in which alternative provision is commissioned this gave rise to additional financial uncertainty as it was often difficult to predict the future numbers of young people who may be using their service.

8.12   Many alternative providers had long standing and established relationships with Commissioners, many of which had been supporting children from Hackney and other boroughs for a number of years. Alternative providers reported a positive and productive relationship with NRC (a commissioner of alternative provision in Hackney). As with all public services there have been financial pressures in recent years, and alternative providers reported that they had been encouraged to reduce costs or slightly reconfigure services to reduce costs. Providers reported that sometimes this could be difficult without compromising their educational and service ethos.

8.13   In their drive to improve financially sustainable models of provision, there was a desire among some alternative providers to understand more about the different financial models in place in other alternative provision. Whilst alternative provision did meet regularly in Hackney, sharing financial information and modelling may be challenging given that to some degree, there is an overlap in some areas of provision and where in effect they are in competition with each other.

Placement of young people in alternative provision

8.14   Alternative providers were cognisant of the increase in the number of young people entering their settings in recent years and most reported that they were currently at or near their capacity. Alternative providers noted that the reasons behind this were complex, but suggested increasing academic and financial pressures within schools contributed to this increase.

8.15   Alternative providers were empathetic of the challenges faced by schools in seeking to support children with additional needs but with reduced resources. In the past, schools had tried to keep young people at risk of exclusion in mainstream settings through preventative placements in alternative provision. Years of budgetary restraint however, had limited schools' financial capacity to do this. Furthermore, as schools have no financial accountability for those pupils they exclude (this falls to the

local authority), there is no financial incentive for schools to maintain their placement in mainstream settings. As a consequence, alternative providers reported that they were now looking after more permanently excluded children rather than those in preventative placements.

8.16   Most children in alternative provision were in KS3 or KS4 of their education and had a variety of needs which would determine the range of settings which would ultimately be suitable to them. A number of alternative providers had been established for a number of years and had long standing experience of supporting children who had been excluded from school, and in this context generally knew which young people their provision would be suitable for. This being said, alternative providers emphasised that the decision as to which alternative provision was selected was very much a decision reached among all parties: parents, NRC, individual alternative providers and of course, young people themselves.

8.17   It is clear however, despite all parties being involved, not all initial placements work out for all parties involved. As has been recorded elsewhere in this report, parents and young people are under stress and intense pressure post exclusion from school, which may not be conducive to effective decision making. Similarly, at this point in time, a young person's needs may not be fully understood by the commissioner or alternative provider which may lead to placements with providers to which they might not be suited. Challenging behaviour, where children struggled to commit to the setting, academically or otherwise, was commonly cited as a reason that a placement did not work out.

8.18   Where a placement does not work out, the young person is generally referred back to NRC and their dedicated Placement Officer. The Placement Officer will then work with the young person and their family to agree on an alternative placement. In reality however, alternative providers noted that in such circumstances the choice of alternative provision available to young people could be very limited.

8.19   Alternative providers were at pains to highlight that they and indeed NRC (and other commissioners) had little control over the numbers of children excluded from school, or indeed when children are excluded in the academic cycle or year. As a consequence some placements are received mid-year which inhibits engagement with the young person and the progress that can be made. Whilst accepting the process of school exclusion is to some extent unplanned which can be triggered by an event or incident, alternative providers were keen to emphasise the need to place decision making on alternative provision in a much more positive and structured context. A number of providers noted that a number of neighbouring boroughs held Alternative Provision Fairs in which children at risk of exclusion were invited to view alternatives to mainstream schools which provided a more positive and affirmative experience for young people entering AP.

Registration with Alternative Provision

8.20   Most children who have been permanently excluded in Hackney in the secondary phase of their education will be held on the school roll at NRC and placed with an alternative provider if a mainstream school place is not appropriate. In this context the alternative provider where the child is placed will be the subsidiary institution, and whilst providing day-to-day educational support, NRC remains ultimately

accountable.   Alternative providers working within this relationship reported that this arrangement generally worked well, with pupil monitoring data being regularly supplied to NRC and additional support being available to young people when needed.

8.21   What was apparent from the consultation however, is that some secondary schools from Hackney continued to place children directly with alternative providers. Some of these were evidently temporary placements, a preventative intervention to reduce the risk of exclusions from school. Other placements appeared to be longer term with children expected to continue to complete their KS4 education with that alternative provider. This practice appears to be widespread with at least 6 secondary schools referring pupils directly to local alternative providers. Whilst a number of alternative providers pointed out that these children were accepted on to their roll, they had no way of checking if that child was still on roll at their original school. This raises some concerns as to how effectively excluded children are tracked and monitored and how the destinations and outcomes are recorded.

8.22   The registration of pupils with alternative provision is however clearly complex with different arrangements being in place for excluded children in different local authorities and with individual alternative providers (to some degree at least) setting out how best they work with local PRU's, schools or other settings which may be commissioning places for children in their care.   It is clearly difficult to disentangle some of these relationships given the range of factors involved (the status of the alternative provider, whether children have been permanently or temporarily excluded and whether this arrangement is made via the PRU or directly with the school). This would suggest that the complete picture of school exclusions may not be fully known or recognised, and further underlines the difficulty of tracking and monitoring mainstream pupils who may be receiving their education off-site.

Curriculum and programmes of studies

8.23.   Young people entering alternative provision may have a wide range of learning and support needs which will determine the nature and level of the learning programme provided. Young people commonly were noted to face a wider range of challenges entering alternative provision:
- Poor school attendance record;
- Significant gaps in learning and curriculum knowledge;
- Social, emotional or mental health issues which impact on behaviour and learning;
- Physical and or mental health issues.

8.24   All bar one of the settings offered a 25-hour programme of study for young people in their care which was provided over 5 days. Some settings also offered additional after school booster classes and half-term and other school holiday classes to help children further develop and progress their studies. One setting, however, was commissioned to provide 15 hours of tutorials per week, and it was not clear to the Commission as to how the additional required hours were made up for young people attending this setting.

8.25   Alternative providers noted how the needs and abilities of young people attending their settings varied and the need to structure learning programmes accordingly.

Some settings tended to focus on core subjects such as English and Maths within their curriculum with additional emphasis on developing functional skills and therapeutic interventions for those young people requiring a more nurturing model of support to help build their confidence and learning skills. Other settings were able to offer a more traditional programme of study in which young people were able to study up to 6 or 7 GCSEs in a small class teaching approach. Across all settings, alternative providers highlighted the individuality of young people's needs and the importance of personalising teaching and goal setting. Many alternative providers also offered a range of extracurricular activities to help young people engage with the curriculum and to enrich their learning.

Children with SEND

8.26   There are two distinct cohorts of young people entering alternative provision, those who have been permanently excluded from school and those children with SEND whose needs cannot be met within mainstream education. Alternative providers noted that children with a wide range of SEND diagnoses were supported in their settings ranging from children with mild Social, Emotional and Mental Health Needs (SEMH) through to young people with Attention Deficit Hyperactivity Disorder (ADHD or Autism Spectrum Disorder (ASD). It should be noted that some settings were supporting young people with additional mental health needs.

8.27   It is apparent however, that a significant number of young people who have been excluded from school may also have additional education, learning or emotional support needs, many of which have not been diagnosed or fully supported whilst in mainstream school. Indeed, a recurrent theme throughout this review has been that school exclusion was often the precursor to the identification of SEND within this cohort of young people and the beginning of the process in which they began to receive the help they needed.

8.28   Alternative providers voiced a range of concerns as to how young people's special educational needs had not been diagnosed earlier, particularly as these additional needs may have been contributory if not the sole reason for their exclusion from school. As a consequence, alternative providers were often required to initiate those processes to ensure that young people were properly assessed and received the help to which they were entitled.

8.29   Obtaining an EHCP or otherwise making sure young people in alternative provision obtained appropriate SEND support was frequently described as a long and complicated process, particularly as young people were often required to undertake numerous professional assessments within this process. Whilst alternative providers understood the necessity for such assessments, there was frustration at the duration of this process, especially given the vulnerabilities of the young people involved. Some alternative providers questioned whether such a process was even viable given the length of time that some young people were likely to be in their care, and some noted that this process sometimes did not complete until children had left their care.

8.30   The EHCP process will of course help to identify special needs and what additional support may be necessary for young people, some of which may be accompanied by additional resources which may allow more personalised one-to-one support for

young people. Alternative providers however suggested that just between 20-30% of their students qualified for such an EHCP, and that a much larger group of young people with mild to moderate learning or social or emotional needs often did not reach the threshold for obtaining an EHCP or funding for additional support.

8.31   Whilst many settings had their own SENCO and would of course aim to deliver personalised and often therapeutic support to all young people in their care where they could, not all were commissioned and resourced at levels that enabled them to deliver one-to-one support that many children evidently needed. In this context it was more challenging for alternative providers to help children achieve and progress, particularly when such children may also have poor reading and literacy skills and have considerable gaps in their education.

Multi Agency Support

8.32   Children in alternative provision will have complex and multiple needs and complex needs, which require multi-agency support.   Alternative providers are clearly alert to these needs and experienced in ensuring children have appropriate access from a range of statutory and other support professionals (e.g.SEND, SLT, CAMHS, Clinical Psychology, Children's Social Care). These services can be sourced directly through the alternative provider, or through the Commissioning service, which is New Regents College for most Hackney students in alternative provision.

8.33   Alternative Providers reported that they were able to access a range of support for young people in their care and reported that a range of services regularly attended to help support young people including Young Hackney, CAMHS, SLT and WAMHS (the wellbeing and mental health service. A number of providers did note however, that perhaps through general austerity, the responsiveness and overall level of support available to young people had deteriorated over time. As a consequence, alternative provision was 'plugging the gap' where some services were directly insourced if not provided by them themselves.

8.34   Given the high levels of emotional and mental health needs of young people, there was particular concern around the accessibility of CAMHS. A number of providers noted that the application of higher thresholds had appeared to limit access to mental health support services. In addition, given the often troubled and sometimes chaotic nature of young people they were supporting, there was a perception that CAMHS, with waiting lists and strict operation of appointment times was simply too difficult for this group of young people to access.

8.35   For safeguarding or personal safety reasons, a certain proportion of young people are placed in alternative provision located outside the borough, which based on 2017/18 figures estimates this to be about 20 or so young people. Being educated within alternative provision outside the borough means that children are a step further away from local statutory support services in the borough and may not benefit from borough wide programmes that aim to improve education, health and wellbeing of local children in Hackney, such as WAMHS.   Furthermore, alternative providers located externally also noted that they were not always informed of important education, safety or safeguarding notices issued by the Hackney Education Service which may affect the health and welfare of students in their care.

8.36   Whilst a multi-agency approach is clearly the best way to support children and families with complex needs, this is not to say that this approach does not have its challenges. Alternative providers noted that up to 8-9 professionals may be involved in supporting young people in their care, which not only presents problems for coordination, but also for presenting a consistent plan and messaging to the children and families concerned.   Alternative providers described how young people who were struggling to commit to education also found it difficult to trust and engage with other professionals supporting them. Providers also spoke of families being overwhelmed by the volume of meetings and decisions needed to support their child post exclusion.

Working with parents
8.37   Having gone through an often difficult and challenging exclusion process and with the relationship with the schoof probably having broken down, alternative providers reported that parents often initially presented in a very distressed and anxious state. Parents were also likely to be feeling confused or disorientated about the future options for their child and of course, frequently grappling with negative perceptions of alternative provision itself. As a consequence, alternative providers stressed the importance of working with parents alongside excluded children not only to help allay these anxieties and concerns, but to also help create a positive working partnership to better care and support for their child.

8.38   It was apparent from the consultation however that alternative providers' work to support parents goes beyond confidence and trust building, as they sometimes needed more practical advice and support. A number of contributors noted that parents sometimes had additional needs themselves, such as physical or emotional health issues, which inhibited their ability to effectively parent their child.   In these circumstances, alternative provision played a more active role in supporting parents in which they might accompany children to appointments or interviews, or even attend the family home in the morning to ensure children were up and accompany them to their provision. Alternative providers noted how helpful NRC had been in supporting positive parental relationships.

8.39   Despite the best efforts of alternative providers and other support services, it was clear that many parents faced a 'perfect storm' when their child was excluded from school. Parents often felt a sense of guilt, failure or even humiliation because their child was excluded from school, and found it difficult to manage these feelings whilst continuing to support their child through the trauma of school exclusion. With relationships broken down with schools, providers indicated that sometimes parents just did not know which way to turn to get advice or help which to them felt like they were in a 'black hole'. In this sense, school exclusion is not only a personal trauma for the child, but it also creates a family trauma which in the views of a number of providers, was not fully recognised or supported locally.

Quality Assurance
8.40   Although there is no standard measure of quality for alternative provision a number of proxy indicators can be used including Qualified Teacher Status (QTS), Ofsted Inspection Outcomes, Attendance Rates and Post 16 Destinations. Within the consultation with local alternative providers, the commission focused on the QTS, pupil monitoring (including attendance) and the North London Children's Efficiency

Programme (NLCEP) Alternative Provision Group (Haringey, Islington, Camden, Enfield and Hackney).

8.41   It is sometimes necessary to place children in alternative provision located external to the borough in which they are resident, for example specialist provision is needed which is not available in the borough, or when there are safeguarding or personal safety reasons. Thus, as we have seen from this review, young people may be in attendance at an individual alternative provider who are resident in a number of different authorities. Quality Assurance of alternative provision is therefore undertaken collectively across North Central London through NLCEP where inspections are carried by participating authorities through an agreed quality assurance framework. Quality Assurance information is shared and monitored by participating bodies, including NRC.

8.42   The collaborative approach to quality assurance monitoring was appreciated by alternative providers as this was more efficient and less intrusive than if local authorities (or commissioning bodies) each undertook this separately. Prior to the establishment of NLCEP, one alternative provider described being inspected 7-8 times a year which was distracting for both staff and students. Although alternative providers generally welcomed the feedback on their provision, a number of providers indicated that the inspection process could be more robust. It was also noted that the localised inspection system may also benefit from greater independent input, as providers were generally inspected by those agencies which commissioned them. It was not clear to the Commission or to providers how often they should be inspected within the NLCEP framework, a small number reported that they had not been inspected for over 18-24months.

Qualified Teacher Status (QTS)

8.43   Qualified teachers were present at all alternative providers which were visited or consulted by the Commission as part of this review. The ratio of qualified teachers to other teaching staff did however vary from setting to setting. It was apparent to the Commission that the number of qualified teachers present was greatly shaped by the ethos of individual alternative providers, the specific cohort of young people they were aiming to support and their model of educational support.

8.44   Given the above, the Commission noted a broad range of models in which both qualified and unqualified teaching staff were deployed to support children in alternative provision, which included:
-   Provision which focused in the performing arts and theatre which offered a mainly one-to-one tutoring approach through unqualified teaching staff (though overseen by qualified teachers);
-   Provision which used a mixture of qualified and unqualified teaching staff to deliver project based teaching to children with challenging behaviour;
-   Provision in which all staff were qualified teachers.

8.45   It was emphasised however, even among those alternative providers where all staff were qualified teachers, that unqualified teachers can be equally as effective in this setting if they were able to develop positive and supportive relationships with young people and that interventions were delivered and overseen through a framework of qualified teachers. In addition, experience and knowledge of working with this

particular cohort of young people was also greatly valued. Assurance on the quality of teaching within alternative provision is provided through Ofsted, with whom all providers must be registered.

<u>Student monitoring and attendance</u>

8.46   Upon entering NRC (and alternative provision) a baseline assessment is undertaken with children to determine their progress in key curriculum subjects (e.g. maths and English) and learning aptitudes and abilities. This assessment informs the development of personalised learning plans for young people with individual alternative providers. Performance data is monitored by NRC each-half term (every 6 weeks) via an assessment submitted by providers. NRC also meets with all providers together at a half-termly meeting where broader monitoring and support can be provided.

8.47   Alternative providers noted that attendance was of critical importance, not only in helping young people to engage and progress with their learning, but also from a safeguarding perspective ensuring that regular oversight of children was maintained. Given the importance of this issue, most alternative providers noted that they reported attendance to NRC on a daily basis. Although one provider noted that it could improve its own monitoring and support for children not attending, and a further provider indicated it had an issue with punctuality of its students, no significant attendance issues were identified to the Commission. Alternative provision also noted that any safeguarding issues identified with the young person in their care together with any other significant information (e.g. referrals) were automatically notified to NRC.

8.48   In addition to regular monitoring by NRC itself, many of the alternative providers that were consulted for this review also developed their own development plans and reporting systems which were also shared with NRC. Where this was the case, it was felt that there was potential benefit in harmonising this process with NRC and in sharing such practice more widely among providers. The degree to which both parents and children are included in regular reporting and monitoring was also unclear, but a number of providers felt that young people should be further involved in monitoring and review processes.

<u>Achievement and Outcomes</u>

8.49   Whilst alternative providers acknowledged that academic achievement was significantly below what young people achieve in mainstream settings, it was emphasised that they were often working with young people with acute learning needs and who had already missed considerable parts of their formal education. Nonetheless, alternative providers noted that many young people progressed and some achieved GCSE level qualifications (these are discussed in more detail in sections 4.65-4.66 and 5.58 in this report).   Alternative providers also noted that whilst important, the academic achievement data for young people does not fully capture the advancement that many young people have made in addressing underlying issues, developing confidence and learning skills.

8.50   Many young people and their parents have a strong desire to return to a mainstream school whilst in alternative provision. As the data from NRC demonstrates however, just 15 young people in total were returned to mainstream education from the PRU or

other AP in 2018/19, all of which were young people in K2 and KS3 (and none from KS4. This situation was reiterated in the consultation with alternative providers with relatively few children moving back into mainstream education before the end of KS4. Providers noted that considerable support is provided to young people to help them to nurture future aspirations and begin to rebuild their education and training pathways post 16 and hopefully enter mainstream education again post 16.

<u>Destination and transfer post 16</u>

8.51   The proportion of young people in Hackney (69%) who have managed to sustain a place in education, employment or an apprenticeship 6 weeks after leaving alternative provision compares favourably with both national (59%) and regional averages (59%) (see 4.65-4.66). Furthermore, the proportion of young people leaving alternative provision in Hackney (20%) who do not manage to sustain any education or employment destination after 6 weeks is also significantly lower than national (35%) and regional (30%) averages.

8.52   This data was verified in consultation with local alternative providers who reported up to a 95% success rate in securing young people with a place in college, in education or an apprenticeship after leaving their care. Alternative providers detailed a wide range of interventions to help young people find an appropriate education or training destination, including assisting in completing applications and in accompanying them to open days and interviews. Alternative providers noted that they also received support from NRC in this process, particularly in relation to careers advice and careers guidance.

8.53   Whilst alternative providers generally appeared confident that young people would secure an education or training placement, there were broad concerns that young people may not be able to sustain these placements beyond the 6-week progression point. Alternative providers reported that young people often struggled to adapt from the nurturing and personalised care they received in alternative provision to more formal and self-directed study regimens of colleges. Similarly, given the vulnerabilities of this cohort, young people sometimes lack the social and emotional skills and confidence that can help them to adapt to new environments.

8.54   As a consequence, a significant proportion of young people leaving alternative provision fail to build on early connections and fail to sustain their placement. In instances, this level of attrition can be significant, one provider noted that the proportion of young people sustaining their placement fell from 95% at 6 weeks to 45% by the end of the first term. This led to criticism of the evaluation framework for alternative provision which focused too much on the destination rather than the outcome for young people.

8.55   Alternative providers felt powerless to help or support young people after the 6 weeks progression point, for unless young people actually came to them for help they simply had no way of knowing how they were progressing. There was a broad consensus that this group of young people would benefit from additional transitional and mentoring support to help them adjust and adapt to new environments and study conditions of onward places of education. Such additional support may help young people sustain placements and avoid becoming NEET.

Relationship with Schools

8.56   Alternative provision noted that with permanent exclusion, the young person and families' relationship with the school often had broken down irretrievably and there was very little, if any, communication beyond formal notifications from thereon. Whilst it is clearly important to have as much information about the young people now in their care, alternative providers reported that there were significant problems in the flow of information from schools to both NRC and themselves.

8.57   Given that NRC itself has reported difficulties in obtaining information from local schools, alternative providers frequently were trying to support children with incomplete or missing data not only on their attainment, progress or learning skills but also on the personal and individual support needs of that child. Alternative providers emphasised that they were often supporting some of the most vulnerable children in the community, therefore getting the right support in place quickly was of critical importance.

8.58   Whilst individual alternative providers had relationships with those schools which continued to commission services with them directly, there appeared to be little other direct contact with schools. A number of alternative providers reported that they had attempted to make contact with local schools to help support young people in their care, but this proved to be unfruitful.

Behaviour management

8.59   As would be expected, young people were accessing alternative provision with a range of behavioural issues, many of which needed additional help and support in order to address these. Whilst young people may have been excluded from school for contraventions of school behaviour policies, alternative providers stressed the importance of maintaining robust behaviour codes as this helped to maintain discipline and consistency for young people, but also helped to ensure a safe and positive environment for both staff and other children.

8.60   A number of alternative providers noted that they operated behaviour management strategies which were both positive and reflective. These approaches begin from the premise that poor behaviour results from unmet needs, and that an analytical approach can help identify patterns and trends in young people's poor behaviour which can guide a more positive response. Whilst this approach was seen to be very positive in the settings in which it was adopted, it was clear that behaviour management in alternative provision is clearly complex, particularly given the vulnerabilities and needs of young people in their care and they often drew on more

Gang affiliation (or association)

8.62   A number of young people in alternative provision may have become involved in anti-social behaviour or associated with criminal activity and thus require additional oversight and support. In this situation, alternative providers worked alongside Youth Offending Team (YOT), Gangs Unit and Drug and Alcohol Services to support and provide effective safeguarding for these and other young people in their care.

8.63   Alternative providers were very mindful of any gang affiliation or associations of young people in their care as this required detailed and careful planning to ensure that the young people concerned, staff and other young people attending remained

safe.   To reduce risks, such gang affiliated young people were sometimes required to be educated off-site, through one-to-one approaches and even out of the borough. To ensure that they had safe and appropriate provision in place, alternative providers emphasised how they were dependent on information and intelligence provided by relevant authorities (Hackney Education, Gangs Unit and Police). Feedback from alternative providers would suggest that at times, they have been missed from safeguarding communiques and that engagement with the Gangs Unit particularly for those young people being cared for out of the borough, could be developed further.

8.64   As well as effective partnership working, ensuring that young people who are gang affiliated are safeguarded and that education and support can continue to be provided to others at minimal risk is also resource intensive. Alternative providers noted that such young people may require one-to-one off-site education and pastoral support on a temporary or sometimes longer-term basis, and that in some instances additional on-site security has had to be provided. Alternative providers also noted the difficult balance that they and others were trying to achieve with this group of young people, which is providing a positive sense of socialisation and community (as part of their support) whilst maintaining their safety and security as well as others.

9.   Comparative Assessment

9.1   To support comparative assessment and to help benchmark local policy and practice, the Commission consulted three other London boroughs during the course of this review. Questioning within this consultation loosely focused on the following areas:
- Models and approaches to school exclusion and alternative provision;
- How alternative provision is quality assured;
- Achievement and outcomes for young people in alternative provision
- Preventing exclusion.

Models of AP

9.2   Consultation with just three other boroughs confirmed the wide range of approaches and models of support for children excluded from school. In just this small sample which the Commission consulted it was apparent that these varying approaches, all of which are agreed within the local school system, result in a varying number of children who are permanently excluded from school and subsequently required to be educated in alternative provision.
- One borough was able to maintain permanent exclusions to just 10 or fewer per year through an enhanced Fair Access Panel process which offered multi-agency support to young people at risk of exclusion.
- One borough also had a very low (<12) number of permanent exclusions and in which alternative provision was used predominantly to support young people at risk of exclusion.
- One borough which had relatively high rates of permanent exclusion (40+) and in which all alternative provision was commissioned to a third party.

9.3   Given that all local authorities operate within the same statutory framework for school exclusions and alternative provision, the reasons behind these variations were not always clear. In some authorities it was acknowledged that there were historical agreements within the local education system which agreed that where possible, young people were best served in mainstream education and had developed

systems to ensure that permanent exclusions remained low. Other boroughs noted the presence of a significant number of academies and academy chains in particular, which resulted in little influence being able to be exerted over local exclusions policy and practice and which necessitated a more reactive approach to alternative provision.

9.4   Given the wide-ranging approaches to school exclusion, this led to different varying structures of and supported provided through alternative provision support.
- One borough with very few permanent exclusions predominantly used just two alternative providers; one providing more academic support the other more vocational support;
- One borough which also has very few permanent exclusions had contacted provision to an independent provider which provides support (mainly to young people at risk of exclusion) through a number of settings and cohorts (primary, secondary, therapeutic PRU, new students and individually commissioned alternative providers);
- One borough contracted all alternative provision to an academy chain through which education and support were monitored through a Service Level Agreement.

9.5   In terms of costs of supporting school exclusion and alternative provision, boroughs reported similar patterns and costs of commissioning recorded in Hackney with costs for individual providers ranging from £6k to £22k per annum per child. The total cost for commissioning alternative provision was noted in one borough to be approximately £3.7m which was broadly comparable to the totals spent in Hackney (in commissioning NRC). It was acknowledged that good outcomes for this cohort of vulnerable young people required considerable investment, yet there were growing pressures on this budget which is funded through the Higher Needs Funding block to local authorities.

9.6   With such varying approaches to school exclusion and models of alternative provision it is clearly difficult to compare and contrast provision across boroughs. The following provides some commentary on broad commonalities of the boroughs approach to alternative provision and to highlight areas of different and possibly more beneficial practices.

Quality Assurance
9.7   Two out of the three boroughs that were consulted within this review operated a collaborative approach to quality assurance, in which inspection and assessment of alternative provision was undertaken in partnership with other boroughs. This was felt to be the most effective and efficient way in which to maintain quality, particularly as local authorities may be working with numerous individual providers. Again, this approach helped to avoid duplication and was less intrusive for individual providers who may be providing services for multiple authorities. In a number of cases, this QA work was supplemented by regular meetings with AP to discuss issues of common interest and concern across the sector (e.g. attendance monitoring, prevention of children becoming NEET).

9.8   Whilst qualified teacher status (QTS) was an agreed marker of the quality of teaching provision, it was acknowledged that this was sometimes difficult to monitor and

oversee particularly when authorities were working with multiple providers across borough boundaries. One borough, which worked with a relatively small number of alternative providers, had established a commissioning policy stipulating QTS of AP staff, and were therefore confident that all young people in alternative provision were being taught by qualified teachers with QTS. Another authority adopted a more flexible approach in which qualified teachers were just required for core subjects (English and Maths).

9.9   Whilst it was acknowledged that quality alternative provision would always require additional levels of resourcing, it was also noted that a clear and transparent commissioning framework could contribute to improved quality of provision in this sector. Consistent levels of funding and support were important not only to bring financial stability to the sector, but also to assist in quality service planning and the recruitment and retention of high-quality staff.

Achievement and Outcome Monitoring

9.10   Whilst all of the boroughs noted the comparatively lower levels of achievement among young people within their alternative provision when compared to their peers in mainstream settings, one borough in particular recorded high levels of achievement in this cohort. In this one borough all (100%) alternative provision pupils were entered for core subjects of GCSE English and Maths of which 75% achieved a graded result. It was acknowledged that this model of provision was achieved in a local education system which produced relatively few exclusions and in which the level of investment in alternative provision was comparatively higher than in other boroughs.

9.11   Understanding that this cohort of young people were among the most vulnerable group of learners, other boroughs expressed their concern about the proportion of young people in alternative provision who may go on to become NEET. There were clear expectations in commissioning processes that would make sure that young people are supported in developing education and training pathways for young people in their care and ensure that where possible they got the appropriate qualifications for them to progress.

9.12   As has been recorded in the consultation with alternative providers in section 8 of this report, there were genuine concerns around young people transitioning out of alternative provision and their ability to sustain positive education or training outcomes. Other boroughs noted that young people with social and or emotional health needs found it difficult to transition from the nurturing learning environment in alternative provision to more independent modes of study and support in colleges and further education. One borough reported that young people who are not able to sustain a placement until the statutory monitoring point (end of the first term of year 12) are referred back to a Social Inclusion Panel for multi-agency support.

9.13   It was recognised that young people sometimes required more nurturing and intensive learning than was sometimes available in post 16 educational settings. In this context, one borough had funded a pilot 6th form within its main alternative provision provider to give children additional time to achieve in a more supported learning environment and to facilitate transition to other educational settings.

Prevention Exclusions

9.14   A number of boroughs noted that the numbers of children continuing to be excluded were of concern. Of particular cause for concern was the rising number of young people with an undiagnosed SEND who were now appearing within their cohort of excluded (or at risk of exclusion) children. In this context, some boroughs noted the additional advice, guidance and support provided to schools to help schools identify and assess children with SEND, but to help schools be more inclusive in relation to young people with SEND to help them maintain their placements in mainstream education.

9.15   Supporting schools to be more inclusive as a means to preventing exclusion was also noted in relation to the breadth and accessibility of the taught curriculum, and in the adoption of more positive behaviour management strategies. Indeed, it would be fair to say that the principle of the inclusive school was central to a number of boroughs strategies to reduce school exclusion: one borough had sought to encourage all schools in its area to adopt the Inclusion Quality Mark, a nationally recognised and accredited scheme which provided validation of the inclusive educational policy and practice within schools.

9.16   Another theme to emerge from the discussions with other local authorities was the role of providing challenge to local schools in helping to contain school exclusions. One borough described a data informed approach, in which the number and nature of school exclusions had guided and informed engagement and challenge provided to individual schools. Another borough compiled a detailed annual exclusion monitoring report which not only set out exclusion guidance and prevention best practice, but also provided a summary (or 'league table') of all schools' exclusion numbers. There was also a general inquisitiveness in some boroughs as to why some schools were excluding more pupils, to provide challenge but also to help improve exclusion practice.

10.   Conclusions and recommendations

10.1   The Commission has grouped its conclusion recommendations for improving the outcomes of children and young people excluded from school into three themes:
  - Improved support for schools to help prevent exclusions;
  - Improved support for Alternative Provision;
  - Improved support to excluded children (or at risk of exclusion) and their families.

10.2   Improving the outcomes for young people who are excluded from school should explicitly focus on providing additional support to schools to help them address the needs of more young people to help them sustain their place in mainstream education. Supporting more children to stay in school removes the trauma and stigma of school exclusion, but also can help more young people to achieve and progress given that the outcomes of children in mainstream settings are considerably better than those alternative provision.

10.3   Schools are facing increased demands and expectations in supporting the education, health and welfare needs of young people in their care, and need additional support to help address these. The review makes a number of recommendations for a number of areas for schools to identify and help more young people at risk of exclusion, these include:
- Improved oversight and monitoring;
- Support for inclusive school approaches (wraparound services);
- Behaviour management strategies;
- Extension of the Re-Engagement Unit;
- Developing a trauma informed approach;
- Improved SEND support for young people in mainstream schools;
- Improved Prevention & Early Help offer;
- Improved safeguarding
- Increasing and coordinating support for parents.

10.4   The review recognises however, that young people do have varying needs and in extreme cases these can be complex and cannot be supported within the mainstream school setting without compromising the learning environment or safety of other pupils. In this context there will be an ongoing need for high quality and effective AP which is embedded in the local education system which recognises the important role it plays in supporting in need young people. The review makes a number of recommendations in this respect:
- Integration of AP within the local education system;
- Commissioning strategy for AP;
- Assessing and monitoring the quality and outcomes of AP;
- Transitional support for young people leaving AP;
- Improved interagency support for AP;
- Improved Image for AP;
- Tackling disproportionalities in exclusions.

A. Improving support for Schools

Improved Oversight and monitoring of all school moves

10.5   Improved public oversight and scrutiny of school exclusion is necessary to ensure that this important metric remains at the forefront of local education policy, planning and decision making. Regular publication of data will not only improve monitoring of trends and patterns in school exclusion in Hackney, but will also ensure that there is improved transparency and accountability for those policies and practices aimed to prevent them.

10.6   Given the associations with school exclusion, improved oversight should also extend to other pupil exits from school such as 'managed moves' and those children moving into Elective Home Education. It will also be important to retain oversight of the destinations of those children moving from mainstream education and the numbers

of local young people attending alternative provision (including the Pupil Referral Unit) should also be published annually.

10.7   As recommended in previous work of the Commission in relation to 'Off-rolling' in schools, Hackney Education Service should continue to monitor levels of 'unexplained' school moves and to provide challenges to local school leaders where these exceed local thresholds (currently 4%). In addition, given the variance in permanent exclusion rates among local secondary schools as detailed within the 'deep dive', it is further recommended that where these rates exceed local averages, that Governing bodies and School Leaders are also challenged accordingly.

Recommendation 1

That school exclusion data is published and reviewed annually by the Children & Young People Scrutiny Commission. This annual review will require Hackney Education Service to publish demographic data (age, gender, ethnicity) on:
   a) the number of permanent and fixed term school exclusions;
   b) the number of 'managed moves' to other schools;
   c) the number of children moving to (and totals within) Elective Home Education; and
   d) the number of children receiving education through Alternative Provision
   e) Other unexplained pupil exits from school.

Hackney Education Service should continue to monitor and review the level of all exclusions and 'unexplained' pupil exits, and to provide challenge to school leaders where this exceeds locally agreed thresholds.

Support for Inclusive Schools

10.8   There is now a growing body of evidence which suggests that school attendance not only has a positive impact on a child's educational, social and emotional development, but can also help to keep children safe and protected. Regular adult engagement and oversight ensures that children have daily supervision where they feel safe to learn, and protected from antisocial or criminal exploitation. Schools are an important setting for children and young people to safely explore and to build social and emotional support networks with other young people and other adults which are essential which not only help to keep them safe, but also help to maintain their wellbeing and assist them on their journey to adulthood.

10.9   Children's engagement in mainstream education also keeps children in contact with adults who generally know and understand their needs. Teachers often develop long established relationships with pupils and their families and are usually well placed to identify children's educational needs together with any learning or other pastoral support that may be needed. Being in mainstream school also ensures that children remain firmly in the sight of other statutory support services and have equal access

to development and support programmes which can assist in their education, health and welfare development (e.g. Wellbeing and Mental Health School).

10.10 In recognising that schools have a protective influence on children and young people, the Council should reaffirm its commitment to the principles, purpose and value of the inclusive school. The principles of inclusivity should not only encompass educational attainment and progression but also recognise and respond to the wider needs of young people to help them actively contribute to the local communities in which they live. As the Timpson review has highlighted, the inclusivity of schools is a shared endeavour, in which schools should be able to draw upon a wide range of statutory, community and voluntary services to help increase schools wraparound support for children and to help maintain their place in the protective space of mainstream education.

10.11 At present there are few financial or academic incentives for schools to be more inclusive. When a young person is permanently excluded, the Local Authority bears all the financial costs and for all those young people excluded their GCSE and other qualifications are not reflected in the overall academic performance of the school. Similarly, whilst the Ofsted inspection framework includes schools compliance with Equality Act (2010, its Public Sector Equality Duty and Human Rights Act (1998) there is no formal assessment or specific judgement around the inclusivity of school. The Commission therefore welcomes the government's acceptance of the Timpson Review's recommendations to make sure that schools are held more accountable for the children that they permanently exclude and to consult on proposals to ensure this. Whilst the Commission also welcomes the government's response in respect of increased scrutiny of exclusions, off-rolling and managed moves within the Ofsted inspection framework, there is as yet no response to ensure that recommendations that inclusion is reflected in that framework.

Recommendation 2
1) It is recommended that the Council reaffirms commitment to the principles, purpose and value of the 'inclusive school' in which schools are actively supported to help maintain children's placements in mainstream education particularly in relation to: a) The maintenance of a broad and balanced curriculum which keeps children and young people engaged and motivated with learning and school life and culture, and which recognises the needs of those children with SEND and or other learning challenges.   b) The maintenance of a positive and inclusive Behaviour Management Policy which is reflective, and which aims to identify and address young people's unmet needs (as detailed in Rec 3)   c) A broad programme of behavioural, emotional and wellbeing support is provided as a wraparound service provided in tandem with other statutory

(CAMHS, SEND) and other providers (e.g. Young Hackney, WAMHS and other early help services).
d) A local education system which rightly celebrates inclusion alongside educational achievement and progress;
e) Ensure that inclusion is reflected in the training and support provided to Governors.

2) It is recommended that a conference for schools, colleges and alternative provision to support policies and practices which promote inclusivity.

Supporting Behaviour Management

10.12   Whilst the majority of school children are aware of and are able to conform to behaviour codes set by their school, a small number of children evidently struggle. It is clear from evidence presented in this review and elsewhere that children and young people who have additional behavioural or learning needs or those that have experienced childhood or family trauma are more likely to struggle to adhere to school behaviour policies and may sometimes fail to fully understand and therefore comply with school behavior policies. Where these needs are not fully supported, or indeed not recognised or known this may place the child at risk of school exclusion.

10.13   Whilst there may be a need for schools to retain the ability to exclude pupils particularly when children's behaviour presents a real and present risk to other children and school staff, permanent exclusion should continue to be the last resort. Schools should however be encouraged to develop behaviour management strategies that are fair, positive and inclusive and which can help to maintain children within the protective school environment and help to reduce the incidence of school exclusions. All schools should also be encouraged to regularly review their behaviour policies to ensure that these comply with public sector equality duties and do not disproportionately impact certain groups of students.

10.14   The Timpson Review (2019) identified the role that positive behaviour management strategies can play to identify and address the unmet needs of young people, and which can help to create a more supportive and inclusive school environment. It is therefore encouraging that this review identified a number of positive and innovative behaviour management strategies in use in a range of local education settings, including the Positive Behaviour Support model. This approach starts from the assumption that 'poor behaviour' is often as a result of children's unmet needs, and where a reflective and analytical approach to the incidences of poor behaviour can help determine what additional support may be necessary to facilitate behavioural compliance. It is suggested that this approach, together with other local best practice from across schools and alternative provision could inform wider approaches to behaviour management which are therapeutic, inclusive and help reduce the incidence of permanent and fixed term exclusions.

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10.15   Schools are required to set down and publish all school policies, including those pertaining to the behaviour expected by their pupils. Schools should be supported to ensure that such policies meet equalities duties and do not intentionally discriminate against particular groups of young people (particularly those known to be at risk of exclusion).

Recommendation 3
To help identify and extend best practice in positive behaviour management it is recommended that: a) Hackney Education Service establishes a conference for schools, colleges and alternative provision which can explore the principles and best practice applications of positive behaviour management strategies and the benefits this confers for an inclusive school. b) That Hackney Education Service works with local schools in auditing local school policies in particular school behaviour policies to ensure that these are inclusive, comply with equalities duties, do not disproportionately impact on certain groups and make necessary adjustments for young people with SEND

Supporting young people with SEND

10.16   The incidence of young people being permanently excluded from school with SEND is alarming. National data indicates that the rate of permanent exclusion among young people with an EHCP was three times that of those without additional needs. This disproportionality is exacerbated further in relation to young people with SEND but without an EHCP, where rates were five times higher than those with no additional needs.   Furthermore, the rate of permanent exclusion would appear to be related to severity of primary SEND needs, with significantly higher rates of exclusion among those young people with less acute SEND. These disproportionalities are entrenched within the permanent and fixed term exclusion data at both national and local level.

10.17   A consistent theme in the data for this review was the increasing number of young people who had been excluded and entering alternative provision with SEND. Alternative providers noted that school exclusion was often the precursor of the identification of SEND in young people, and that increasing numbers of young people were entering their care with an undiagnosed or supported SEND. This position was validated by the experiences of parents in this review, who described the significant challenges they experienced in getting appropriate support for their children in mainstream school particularly in relation to:
- Getting an appropriate diagnoses;
- Ensuring required additional support provided / adjustments made;
- EHCPs not being updated;
- Holding schools to account for EHCP requirements.

10.18   This is clearly a complex issue and national issue. High Needs funding within the
         Direct Schools Grant (DSG) has failed to keep pace with needs and demand for
         SEND support which has created acute service and financial pressures for local
         authorities. Whilst it may not be the only cause, government underfunding of local
         SEND services has contributed to a system which is failing to adequately identify and
         support children and young people with SEND.   Whilst parents who contributed to
         this review understood the pressures that schools and local authorities faced,
         ultimately the failure of schools to adequately support the SEND needs of their child
         increased the likelihood of their exclusion, and detrimental to their child's ability to
         sustain their place in mainstream education.

10.19   The Timpson review underlines the importance of ensuring that schools are fully
         equipped and trained to support young people with SEND in their care. In particular
         Timpson highlighted the need to ensure that schools were supported in developing
         training and development opportunities for SENCOs and Mental Health leads so that
         appropriate support links were developed with local statutory support services
         (SEND and CAMHS).

10.20   Parents of children with SEND who gave evidence to this review also described the
         challenges that they faced in identifying and placing children in alternative or
         specialist education for their child. Matching SEND needs of their children to
         appropriate educational settings was challenging for parents, not only for the
         complexity of this decision, but also knowing which services were available and
         funded by the Education Service.

Recommendation 4
a) It is recommended that Hackney Education Service continue to: - Ensure that Schools leaders and Governing Bodies continue to be are aware of their equalities duties and that necessary adjustments are put in place for young people with SEND; - Should review the support available to local SENCO's and ensure that there is supporting infrastructure linking them to local SEND and CAMHS services; - Ensure that there are appropriate systems for reviewing and keeping EHCPs uptodate b) It is recommended that additional advice, information and guidance is provided for parents of children with SEND who are seeking alternative or specialist provision for their child.

Extended Re-Engagement Unit Support for Schools

10.21   The Re-Engagement Unit is a traded-service which offers support to children at risk
         of exclusion in local maintained primary schools across Hackney. Evidence

presented in the review would suggest that the Unit's approach of identifying and coordinating a response to children's needs, providing advice and support to parents and effective liaison support between the school and families has been successful in helping to maintain low levels of exclusions from local primary schools. Data submitted to the review underscored this success, where it was noted that interventions not only helped to reduce exclusions, but also contributed to educational progression and improved behaviour. Furthermore, testimonies from local parents and carers also reinforced the positive contribution of this service in supporting the continued primary placement of their child.

10.22   The evidence from young people in this review notes how the deteriorating relationship between teachers and themselves contributed to their exclusion, and howin many instances felt powerless to change or influence this decline. Many young people noted how it would have been beneficial for advice and support from a third party at this time, particularly as this could have helped them to communicate and re-engage with their teachers and to rebuild relationships with the wider school. Therefore, with additional third party support to help mediate and broker additional support may help to improve communication and improve between children, families and the school which is fundamental placement stability.

Recommendation 5
It is recommended that Hackney Education Service should support the development of a third party intervention in secondary schools similar to the Re-Engagement Unit which is already established to support primary settings. This intervention could be piloted with a number of participating secondary schools: a) To assess the efficacy of this approach in providing coordinated early intervention support to children at risk of exclusion to reduce the risk and incidence of school exclusion;   b) To link with Young Hackney and other early help support;   c) To assess how such service can be financially viable as either directly commissioned service (via the high needs budget) or as a traded service to schools.

Support for a Trauma Informed Approach

10.23   Evidence presented within the review and elsewhere indicates that children who experience exclusion may experience a catastrophic breakdown in their educational, social and emotional networks which can leave them feeling isolated from the support of their friends, wider peer groups and of course, their school. Excluded children also feel a sense of failure and of being rejected and undermine their sense of belonging.   In this context it is clear that the school exclusion process can be a very traumatising experience for the children and their families, indeed, it can often be symptomatic of a deeper trauma or some other Adverse Childhood Experience.

10.24 A trauma-informed response can help create an environment where children who have experienced trauma or other adverse childhood experience can feel safe, can emotionally regulate and are able to engage with learning and life. Such an approach may help inform exclusion reduction strategies as this may contribute to a lessening of the marginalisation that many young excluded people may feel and increase engagement with education and other supportive networks.

Recommendation 6
It is recommended that the Education Service and wider Council places a trauma-based approach at the centre of its approach to tackling school exclusions. As part of this approach, it is suggested that: a) School leaders, teaching staff and Governors are provided with training to further understand adverse childhood experiences and vulnerability to develop and support trauma informed practice. b) School leaders (including those within alternative provision) should be encouraged to share learning in supporting vulnerable young people to help develop and extend good practice in a trauma informed approach.

Improved safeguarding

10.25 There is now a growing body of evidence which links school exclusion and young people's susceptibility and involvement in antisocial behaviour, criminal activity or indeed in becoming a victim of crime themselves. Children who have been excluded from school are known to have a range of vulnerabilities some of which may increase their risk of being involved in youth crime and which are actively exploited by local gangs and other criminal associations. National data suggests that ¼ of young offenders had been permanently excluded and that of the 21 serious case reviews considered by the National Child Safeguarding Practice Review in 2018/19, 17 young people had been permanently excluded from school. Local data also underlines these associations where ⅓ of young people permanently excluded from school were known to the local Integrated Gangs Unit.

10.26 Given these associations, it further serves to underline the protective influence that schools have over young people and that additional consideration should be given to the safeguarding risks of permanent exclusion from school. Although a defined legal process underpins the exclusion process it is suggested that additional local guidance could be helpful to schools to help them assess safeguarding risks of young people at the point of exclusion and to ensure that adequate safeguarding controls and systems are in place to support children who are excluded.

10.27 Given these increased safeguarding risks and the vulnerabilities of children permanently excluded from school, in line with the recommendations of the Timpson Review, it is also recommended that the Local Safeguarding Children Partnership is informed (real time) of all permanent exclusions from school for the partnership to be

able to identify and address any safeguarding concerns. Similarly, also in line with recommendations from the Timpson review, it is suggested that local protocols should confirm that Social Workers are notified when a Child In Need is permanently excluded from school or undergoes any school move (managed move or transfer ro EHE).

10.28   Evidence within the review would suggest that the PRU and alternative provision are alert and understand the safeguarding risks for individual children placed with them and report these to the PRU as necessary (as commissioner). Effective safeguarding is however dependent on effective information sharing across the education and broader welfare partnership (e.g. social care, criminal justice), and is particularly important to alternative provision which has limited ability to determine who or when young people are permanently excluded and therefore placed in their care.   The Commission noted how conflicting gang affiliations had caused difficulties in alternative provision, and that improved information sharing would help improve understanding and help to identify and manage risks in the way they operated services (e.g. avoiding confrontation with rival gangs).

Recommendation 7
It is recommended that Hackney Education Service, with City & Hackney Safeguarding partners, ensure that there are robust systems in place to coordinate effective support and risk mitigation for all pupils at the point of permanent exclusion and/ or at the point of repeat fixed term exclusion. This should include: a) That specific guidance and information for local schools is developed to help them assess safeguarding risks within school exclusion decisions;   b) That schools are encouraged to undertake an independent multidisciplinary safeguarding assessment prior to any final decision to permanently exclude a child;   c) That training is developed and implemented for school governors and other school leaders about the safeguarding risks and implications of permanent exclusion from school;   d) That City & Hackney Safeguarding Children Partnership (or appropriate subgroup) is notified of any permanent school exclusion 'in real time' to enable a full safeguarding assessment of the child/young person, and the ability of parents to effectively safeguard that young person at home;   e) That systems are developed to support effective and timely sharing of safeguarding and other welfare information for excluded children moving from school to alternative provision;   f) That all alternative provision at which young people are in attendance (both internal and external to the borough) is routinely included in safeguarding information distributed by Hackney Education Service, CHSCP, Gangs Unit or other relevant bodies;   g) At point of exclusion Children and Families Service are notified for Children in Need or other Family Support.

Prevention and Early Help

10.29   A driver behind increasing rates of young people being excluded, is the inability of schools to manage the increasingly complex needs of children and young people, and that many of the young people being excluded have multiple support needs relating to disruptive behaviour, mental health issues, special educational needs, unsafe or unstable home situations and other adverse childhood experiences. It is apparent that exclusion may not only exacerbate these needs as not only are children's personal, social and emotional support networks severed, removal of the child from mainstream settings may inhibit the coordination of help available.

10.30   In this context, the Council should review how early help and support services are provided to children who are both at risk of exclusion and those who have been permanently excluded. As the Timpson review has set out, improved collaboration and information sharing across local education and welfare systems can not only help to identify young people at risk of local exclusion but also help to improve the way prevention services are coordinated and targeted to help meet the needs of these young people, and to help them sustain their school placement.   (It is noted that CFS and Hackney Education have recently established a jointly held list of vulnerable children to facilitate joint oversight and coordinate support could represent the kernel grouping of such an intervention).

10.31   Whilst Timpson has made the case that Children's Social Care should be notified when a Child in Need is permanently excluded, there is also a case for a more systematic system of referral given the increased safeguarding risks and associated personal and family trauma that permanent exclusion may trigger. This may help to coordinate support where this was assessed to be needed.

Recommendation 8
It is recommended that Hackney Education Service, Children and Families Service and Young Hackney and other welfare support services should improve information sharing and coordination to help identify and support children at risk of exclusion and to create and deliver effective preventative interventions. Partners should work collaboratively to identify those risk factors which place local young people at risk of exclusion and target preventative services accordingly.

B. Improved support for Alternative Provision

Improved integration of AP in the local education system

10.32   A collaborative local education system underpinned by shared principles, effective communication and working practices and shared learning and expertise, is one that best supports local children. Maintained schools, Academies, Special Schools, local colleges and of course Alternative Provision all possess a different range of expertise, skills and understanding in supporting local children and young people. All

local settings need to work cooperatively and collaboratively for more effective support of local young people and to ensure smooth transition across and within the local education system.

10.33   As one would expect, there appears to be good communication and liaison between New Regents College (the PRU) and the alternative provision as the former commissions many of the children placed with them. Partnership working between alternative provision and the wider local educational community however, would appear to be limited, and therefore there are few opportunities to share expertise, learning and best practice across the wider education partnership (e.g. behaviour management strategies used in alternative provision, or the inspirational curriculums that are being taught across local schools).

10.34   Evidence to the Commission would appear to underline this lost opportunity, where the participation of alternative provision within the Hackney Schools Group Board (HSGB) has been reported to be low. This would suggest that there are missed opportunities for learning and sharing good practice and better supporting local children and young people, particularly as inclusion and belonging have been such an important theme in initial work programming of the HSGB.

10.35   Furthermore, a recurrent theme within many of the contributions from alternative providers was that communication with local schools was poor, particularly in relation to obtaining and sharing information of children between these sectors. Alternative providers noted numerous incidents when it had been difficult to obtain information from schools about young people (their learning and support needs, their programmes of study) information which would greatly assist in the smooth transfer and continuous support for this vulnerable group of young people. There were also examples of where attempts by alternative providers to actively reach out to local schools to better support children in their care had been rebuffed.

10.36   Without effective communication and collaborative working across the local education system the needs of young people cannot be effectively supported, or indeed properly safeguarded (see below). As the Timpson review has concluded, whilst there is considerable expertise across local education systems this is not always used to best effect to support in need young people, and that improved systems to support collaboration and sharing of good practice can help to improve outcomes of young people.

Recommendation 9
1) Hackney Education Service should ensure that: i)   There is adequate infrastructure in place to enable educational settings to meet, collaborate and share good practice to support young people across the local education system.

ii) In particular, HES should consider how best alternative provision can engage and be involved in local systems to ensure that their expertise and learning is shared more widely.
iii) There is effective communication across local education systems to ensure that the transfer of pupil information in supporting excluded children moving to AP.
iv) The engagement and involvement of alternative provision is supported locally, given their relative size and operational capacity.

2) It is also recommended that Hackney Schools Group Board should actively engage and involve alternative provision to further bring these settings into the wider family of schools.

3) Hackney Education Service should consider how it can improve links between individual alternative providers and other local schools and share best practice from both schools and AP in supporting children at risk of exclusion.

AP Commissioning strategy

10.37   Alternative provision plays an important role in local education systems by supporting children who, for a range of reasons, cannot be supported within mainstream school settings. As has been demonstrated throughout this review, the needs of these young people are multiple and complex which will sometimes require an almost bespoke placement within alternative provision. Therefore it is in the interest of local authorities (or other commissioning bodies) that there is a diverse range of high quality alternative providers within any locality which is able to respond to the varying and complex needs of young people.

10.38   Alternative providers are of course independent agencies which can operate, for example, as colleges, Free Schools, Independent Schools or other schools registered with the DfE and as they may take commissions from multiple local authorities (and sometimes directly from schools), there is a quasi-market for their services. Whilst there may be local commissioning relationships, with any such market there is bound to be a degree of uncertainty which may influence the nature and quality of alternative provision available and to support subsequent placement of children. Commissioning therefore is to some degree based on 'what is available' as well as how well particular AP settings will meet young people's needs.

10.39   With increasing numbers of young people requiring alternative provision there is undoubtedly a strong demand for high quality placements which inevitably creates competition for places. Alternative providers which have a strong demand for their places will of course have greater ability to influence those decisions on which children it provides placements for compared to those providers for who have less demand for their services. The differing size and financial security of alternative provision can further accentuate AP ability to influence placement decisions, which

may precipitate some element of a 'numbers game' within alternative provision as a whole. With this in mind, commissioning strategies need to be mindful to ensure that there are no disparities in this process in which young people with more multiple or more complex needs are more likely to be placed in AP less able to influence placement decisions.

10.40 Given the nature of permanent school exclusion it is clearly difficult to determine the number of AP places required and when these may be needed in the academic year. In this context, spot purchasing is the main process through which AP is commissioned as it can be more responsive to demand and cheaper than bloc purchasing arrangements. It should be acknowledged however that such a commissioning process does not provide AP with financial certainty, which is essential for them to plan provision, and more importantly recruit and retain key staff.

10.41 There is clearly some market uncertainty in alternative provision as is illustrated by the withdrawal of a key local provider in 2018, which supported 20+ placements for young people. Furthermore, contributors to this review requested additional support to assist in business planning. Given its statutory duties to provide alternative provision for children not able to be educated in mainstream school, the local authority (or commissioning agency) therefore has an interest in maintaining the range, quality and financial sustainability of providers within the alternative provision landscape to ensure there are sufficient places to meet the needs of local young people. A more active role in maintaining the range and quality of providers across the alternative provision landscape is also in the interests of local SEND services and other local authorities (both of whom use local alternative provision), and to this end should be a collaborative undertaking.

Recommendation 10
1) It is recommended that Hackney Education Service review local commissioning strategy of AP to ensure that there is sufficient provision (capacity, quality, and diversity) to meet the needs of young people not in mainstream education. This role should be developed alongside: - The local SEND team who share similar strategic objectives to develop local service options for AP; - Other local authorities who share commissioning need for AP in the sub-region. 2) To help maintain the stability and sustainability of the local AP sector, it is recommended that Hackney Education Service should explore how additional business support can be made available to local alternative providers to assist with business modelling and financial planning. HES might consider options for utilising the skills and experience of the Business

> Support Function (used to support Early Years sector) as either a direct or traded service.

Commissioning Quality Standards

10.42 Additional alternative providers are commissioned by New Regents College to ensure a sufficient range of alternative provision is available to meet the needs of local young people who have been permanently excluded from school. This role is undertaken by New Regents College on behalf of Hackney Education Service (accountable authority) and is underpinned by a Service Level Agreement. New Regents College has been the commissioned provider for AP for HES for a number of years and has extensive knowledge and experience of the local alternative provider landscape.

10.43 Given that children who have been excluded from school are often among the most vulnerable in the community and have multiple and complex needs, clear quality standards should underpin commissioning to ensure that alternative provision delivers the outcomes that young people need. Such quality standards will also ensure that these children, their parents and the community at large have confidence in the service quality and outcomes that alternative provision provides. Such standards should underpin the principle that young people in AP should have parity in relation to access to quality education and support services for young people.

Assessing and monitoring the quality and outcomes of Alternative Provision

10.44 Given the diverse range of provision and varying range of educational support and interventions that they provide, there is no one standard measure of quality in the AP sector. As this review has made clear there are a number of proxy indicators which when taken together, give an overall picture of the quality of services within AP which include:
- Ofsted Inspection Outcomes;
- Other local Quality Assurance Processes;
- Qualified Teacher Status of staff of AP staff;
- Education attainment and outcomes of young people attending AP.

10.45 As with all schools, Ofsted inspections are undertaken as standard across the whole AP sector. With the exception of just one provider (which 'required improvement') all alternative providers in which young people from Hackney were placed in 2017/18 were rated as 'good' or 'outstanding' after an inspection by Ofsted. Most notably, New Regents College (the local PRU) which also commissions other AP, was rated as 'good' by Ofsted at its last inspection.

10.46 In addition to national service inspections, Hackney is part of the The North London Children's Efficiency Programme (NLCEP), a multi borough process through which the quality of AP across north central London. As this collaborative process helped

to overcome inspection overload by multiple commissioning authorities it was broadly welcomed by local alternative providers. There was a perception however that this process could be more systematic and robust. It was also not clear how peoples assessments of these services were incorporated into this process.

10.47   Given that all KS4 AP placements commissioned by New Regents College (PRU) in Hackney were with other providers, this meant that the College had to manage and oversee relationships with a large number of different providers; in 2018 this was 12 different AP settings. In this context, oversight, outcome monitoring and quality assurance is undoubtedly more challenging, especially when these settings are both internal and external to the borough and supporting upwards of 40 young people at any time. Whilst the number of commissioned alternative providers may be expected to fall as more KS4 provision becomes available within the PRU (within its new premises), it is likely that a significant number of externally commissioned places will remain given the varying needs of young people requiring AP.

10.48   It was noted within the review that a number of AP settings, compared to mainstream schools, are relatively small-scale charitable operations with fewer numbers of paid staff. Given the scale of such AP operations there is some question as to how practically and realistically that they can engage and participate in local training, development and quality assurance opportunities available within the borough. This is perhaps illustrated by the low engagement by the AP sector with the work of the Hackney Schools Group Board.   The AP sector should be further encouraged and supported to engage and be involved in local training, development and quality structures.

10.49   Qualified Teachers were present in every AP setting that the Commission heard from or visited during the review, though the ratio of QTS to young people did vary from setting to setting.   The model of AP provision varied widely in this respect, in some settings virtually all staff had QTS, whilst in others young people were predominantly supported and mentored by non-QTS staff (though the programmes of study were overseen by QTS staff). Whilst the Commission recognised that unqualified staff can be equally effective in supporting and developing young people in AP settings, there was some concern that in some venues young people did not have developed access to QTS staff as in other settings.

10.50   In terms of attainment children in AP significantly underperform when compared to their peers in mainstream; nationally just 46% of young people in AP are entered for Maths and English compared to 90% of pupils in mainstream education and just 4.3% achieved a pass (grade 9-4) in these subjects compared to 59% of mainstream pupils. Whilst acknowledging that young people entering AP are likely to have a number of mitigating circumstances that may explain this discrepancy (e.g. missed education, undiagnosed SEND or other welfare needs) the differences in academic outcomes between these two groups is stark.

10.51   Data for 2017/18 indicated that proportionally fewer Hackney AP students were entered for benchmark English and Maths GCSE when compared to similar national and sub-regional cohorts of young people.   3.3% of young people attending AP in Hackney achieved a strong pass in Maths and English, which whilst higher than regional average (1.1%) was still below national figures (4.3%). Given that Hackney ranked 11th out of 15 inner London boroughs in terms of the proportion of young people in AP obtaining a pass in Maths & English (see 4.6), this would suggest that there are other more successful approaches in operation from which the borough may learn and improve.

10.52   In terms of AP outcomes (sustained education or training post AP placement),, national data indicates that young people attending AP in Hackney perform comparatively better than similar national and sub-regional cohorts. Research by Centre for Social Justice (2020) concluded that 70% of young people leaving AP Hackney at KS4 were in sustained education or training placement for the three year period to 2018/19 which ranked the authority 6th out of 140 local authorities nationally, and 2nd amongst all London boroughs.

10.53   Whilst the above is clearly an encouraging assessment of local alternative provision it should be acknowledged that there are limitations on the attainment and tracking data for this cohort of young people and contributors to this review questioned whether this data gave the whole picture of outcomes for young people in AP. As has been noted elsewhere in this report (8.51-8.55) there is concern about what happens to pupils after the formal statutory tracking point and whether their ability to sustain subsequent placements after AP.   As outcomes should guide and inform any commissioning strategy it is apparent that there should be a drive to develop more localised evidence of effective interventions for young people in AP together with more effective tracking of the impact and outcomes that they have on young people.

10.54   Alternative provision locally is provided through New Regents College (the local PRU) under a Service Level Agreement with the Local Authority (and is therefore a devolved education provision rather than maintained). Both young people and their parents consulted within this review were appreciative of the support that the College and its staff provided. Qualitatively, young people noted that the College offered a supportive environment with good mentor support. A number of parents consulted within this review noted that the College was the first institution to diagnose their child's special educational needs.

Recommendation 11
i) It is recommended that Hackney Education Service reviews the Service Level Agreement with New Regents College to ensure that the following standards underpin the sub-Commissioning of Alternative Provision, in which young people

are:
- Provided with education, training and learning support in a therapeutic environment which seeks to recognise and address learning needs and maximize their opportunities;
- Have access to a varied and accessible curriculum;
- Have access to qualified teachers in all settings and explicitly for the teaching of Maths and English;
- Supported in educational settings which are of a high standard, safe and have access to learning resources comparable to young people in mainstream settings;
- Given equal access to other educational and statutory health and welfare support services to young people in mainstream settings.

ii) It is also recommended that HES should consider whether School Improvement Partners can also work with AP settings to provide quality assurance, including independent challenge, and to agree and support the development of improvement priorities for individual settings.

Improved transitional support post 16

10.55   Data indicates that 69% of young people leaving alternative provision at the end of KS4 have sustained a placement in education, employment or training by the end of the following term, which is higher than both national and regional averages and has been consistently so for a number of years. As a result, just 1 in 5 young people leaving alternative provision were not in any sustained activity.

10.56   Alternative providers consulted within this review highlighted the work that they undertook to secure post 16 placements in education or training for children in their care, working in partnership with NRC and other statutory support services to do so. Alternative providers noted that whilst a high proportion of young people in alternative provision were able to gain a place in college or other place of education after they leave, a considerable number of young people dropped out after the statutory monitoring point.   One provider reported that whilst initial success on securing placements was very high (circa 95%), this had substantially reduced (to less than half) some weeks after. Alternative providers indicated that young people often struggled to transition from the nurturing and supportive environments provided within their services, to more independent and self-directed study in colleges and further education settings.

10.57   Given their susceptibility to becoming NEET, further work is needed to clarify the longer-term outcomes and destinations of young people leaving alternative provision to ensure that there is sufficient transitional support and appropriate education, employment and training support programmes to guide them on their chosen career pathway post AP.

Recommendation 12

a) It is recommended that HES review and assess the longer-term destination and outcomes of those young people leaving alternative provision and consider whether additional transitional support is necessary to help AP students adjust to new learning environments.

Interagency support for children in Alternative Provision

10.58 Children receiving education in Alternative Provision by definition have multiple and complex needs. Whilst alternative provision is alert to these needs and experienced in supporting them, individual providers cannot meet these needs alone and require input from a range of statutory and other support professionals to support children in this setting (e.g. SEND, CAMHS, Clinical Psychology, Children's Social Care, Young Hackney, Employment & Careers Advice).

10.59 Whilst alternative providers who gave evidence to the Commission noted that they were able to access support, it was noted that there were sometimes delays in accessing support, which was predominantly attributed to long assessment processes (i.e. SEND) and long waiting lists (i.e. CAMHS). In addition, it was also noted that this cohort of young people often needed additional help to enable them to access support services, particularly when they have multiple vulnerabilities and might need to engage with multiple services. Given the acute level of needs and vulnerability of this particular group of young people, further consideration is needed to ensure access to support interventions to children and young people in alternative provision if provided in both an effective and timely manner.

10.60 For safety and safeguarding reasons, it is likely that a certain proportion of young people will always be in alternative provision located outside the borough, indeed, during 2017/18 nearly 30 young people were in alternative provision outside of Hackney. Being educated within alternative provision outside the borough means that children are a step further away from local statutory support services in the borough, and also may not benefit from borough wide programmes that aim to improve education, health and wellbeing of local children (e.g. WAMHS).

10.61 As has also been identified within this review, alternative provision located externally may not always be consistently informed of education, safety or safeguarding notices issued by the Hackney Education Service. In addition, staff working in alternative provision outside Hackney, may also not have the same level of understanding, awareness of support services or knowledge of provider contacts in Hackney as they do in the borough in which they are located, or indeed, be comparable to alternative provision which is based in Hackney.

Recommendation 13

> It is recommended that Hackney Education Service, in partnership with other agencies, should ensure that there are robust systems in place to plan, coordinate and deliver effective welfare support equally to all children in AP irrespective of its location.

Alternative provision estate and facilities

10.62   Children and young people attending alternative provision are entitled to feel that the quality of physical estate and facilities in which children are taught are equal to that provided to children in mainstream educational settings. In this context, Hackney Council has made significant capital investment in developing a new site for New Regents College (and PRU), which as a result will mean that more young people in alternative provision will receive education in modern new facilities from its Nile Street site. Not all young people's needs can be met through the Nile Street site however, and a range of off-site provision will still need to be commissioned.

10.63   The nature and quality of the estate and resources available within alternative provision does of course vary, which is of course influenced by individual providers' access to capital resources to help maintain physical upkeep and development of their facilities. Capital investment may also be needed to develop and expand where demand for provision is high. These same issues have been raised at the national level through the Timpson review, and through individual providers' contributions to this review.

10.64   Whilst it is clear that the commissioning process for alternative provision should clearly set out the expectations about the quality of estate and facilities for young people, additional consideration should be given to how best the locality can support such providers who are part of the educational system to make the necessary investment to improve buildings where needed. Whilst it is acknowledged that this is the responsibility of alternative providers, individual providers will have different levels of access to capital to enable them to undertake repairs and improvements. Whilst the Council's ability to directly support such capital improvement is limited, it should consider what support it can provide to the AP sector to enable them to access funds where needed (particularly for those settings for where there is an ongoing commissioning relationship with providers).

Recommendation 14
It is recommended that Hackney Education Service should explore what support (either through national or local schemes) can be provided to assist AP settings to develop their physical estate and or amenities.

Positive Image of Alternative Provision

10.65   Alternative provision has to contend with negative public perceptions and misconceptions about its role in local education systems and is often, intentionally or otherwise, held up as a deterrent and a sanction to poor behaviour.   As a consequence, alternative providers have to work hard to dispel myths and misconceptions about their role and ensure that they are seen as a positive and affirmative option for young people in local education pathways.

10.66   Hackney Education Service should ensure that alternative provision is both recognised and supported in the integral role it plays within the local education system by supporting those children, who for whatever reason, cannot sustain their place in mainstream education. AP settings make a significant contribution to young people's lives and this should be widely recognised and celebrated alongside the achievements of young people in mainstream and other educational settings. The positive presentation and promotion of alternative provision should of course be underpinned by clear quality standards which are reflected in the Commissioning Strategy for this sector (see recommendation 11 at 10.54)).

Recommendation 15
It is recommended that Hackney Education Service should lead on recognising and sharing best practice in the Alternative Provision sector among other education providers: - Making sure that alternative provision is seen and recognised as an integral part of the local education system and has a valued contribution to education to young people, and that best practice in the sector is highlighted and shared amongst other education providers; - That the attendance, progress and success of young people attending alternative provision is rightly celebrated alongside those young people in mainstream settings; - Facilitate an AP fair each year which provides an opportunity for alternative provision to showcase their education and support offers and to enable young people to make a positive and informed choice when their needs are unlikely to be met in mainstream education.

Tackling disproportionalities

10.67   The murder of George Floyd and the Black Lives Matter movement, brings additional focus on dispproportionalities that exist among those young people who are excluded from school, and necessitates a sense of urgency for action to help tackle issues of fairness and equality of opportunity withiun local educational systems. Such racial disproportionalities are clearly evident in national and local exclusions data already presented in this review:
-    The national permanent exclusion rate of children and young people from Gypsy Roma/Irish Traveller and Black Caribbean communities are four and three times greater than the national average respectively;

- The permanent exclusion rate of young Black Caribbean children in Hackney iin 2018/19 (0.37) is three times the average rate for the borough (0.13);
- Hackney has recorded rising rates of permanent exclusion among Black Caribbean young people against a national and regional backdrop of falling exclusion rates among this same ethnic cohort.

10.68   How racial disproportionality materialises within school the exclusion data is undoubtedly a compound and systemic issue. It is apparent that racial and cultural stereotyping at both an institutional and personal level can influence decisions taken about young people in school and other related settings which may give rise to such disproportionalities in exclusions. Nationally there is evidence to suggest that cultural and racial bias and stereotyping may impact school behaviour codes, the identification and support provided to children with SEND and even to the educational expectations of young people - the interplay between these and other intersecting issues can ultimately influence decisions to permanently exclude.

10.69   Schools and other services that support young people should be encouraged and supported to assess how their policies, protocols and practices are inclusive, do not discriminate or unfairly impact on particular groups of young people.   Education sector should ensure that all existing practitioners have a robust understanding of the causes of structural racism and how this intersects with poverty, and that this may affect children's behaviour and their lives more generally.

10.70   The Commission acknowledges that work is already in train within the authority within both HES and Children and Families Service developing an Anti-Racist and unconscious bias action plans and training within their directorates. black curriculum, inclusive leadership in education settings locally.   The Commission has been encouraged by work to develop the racial literacy of staff so that they understand how race and culture may impact on the educational experience and outcomes of young people across a range of education and welfare settings. Given the continued disproportionate impact of school exclusion locally it is clear however, that further priority and urgency needs to be given to this work.

10.71   Understanding that exclusion from school disproportionately impacts certain ethnic groups and Black Caribbean young people in particular, it is evident that the majority of young people excluded in Hackney are from Black Caribbean and other ethnic backgrounds. In this context, the approach within AP settings cannot be 'colour blind' but must recognise the racial and cultural identity, experiences and needs of this group of young people not only in respect of the curriculum taught, but also within staff representation and leadership, and the development of positive aspirational models and learning experiences.

Recommendation 16

It is recommended that the Education Service set out details for the further development and implementation of an Anti Racist Action Plan and how local education policies and practice will address local inequalities

It is recommended that Hackney Education Service should continue to work with schools, AP and other educational settings to provide:
- Training on unconscious bias, diversity and inclusion to all staff;
- Support the development of improvement plans for local schools which encompass equality and inclusion aims;
- Monitor and review school behaviour and policies
- Audit and monitor and cultural representation of the workforce in HES and wider school network;
- Promotion and uptake of the Black Curriculum.

C. Support for children, young people and their parents

Voice of young people

10.72   It is apparent from the interviews with young people in this review that the voice of the children in exclusion proceedings is not sufficiently heard within the exclusion process and that not enough is done to help children understand and participate in decisions being taken about them. As a consequence, children are not always able to understand or accept these decisions being taken about their exclusion which has left many of the children interviewed in this review with heightened sense of feeling disaffected, disengaged and angry.

10.73   There is clearly a broader piece of work needed to further develop the 'youth voice' across a range of educational settings. School Improvement Partners could work with schools and other settings to ensure that there are appropriate mechanisms in place which facilitate and support the voice of young people in their respective educational settings.

10.74   Young people's assessments of AP should also be further encouraged and supported.

Recommendation 17
It is recommended that Hackney Education Service develop opportunities for the voice of children and young people, particularly in relation to the following: - When children and young people have been identified as at risk of exclusion; - When children are going through the exclusion process; - Where children have been excluded from school and in identifying an AP that best suits their needs and aspirations; - In assessing and monitoring the quality of AP.

Support for Parents

10.75   From the evidence presented in this review, it is apparent that parents experience multiple and complex challenges when their child is permanently excluded from school. In addition to having to support their child through the personal trauma of exclusion, parents also grapple with a sense of feeling judged by their child's school and other statutory services for not providing effective parenting support which, as many have described in this review, left them with a sense of having failed their child.

10.76   Analysis of focus group data in this review, also suggests that parents were also often struggling with wider family issues or challenges, or indeed, dealing with their own physical or mental health problems whilst also trying to to support their child through exclusion. In many instances parents faced these challenges alone and without recourse to independent advice, guidance or support. A number of contributors to this review spoke of parents of excluded children as experiencing 'a perfect storm' or of being in a 'black hole' cut-off from support and not knowing which way to turn.

10.77   There is a very strong and consistent narrative throughout the review of inadequacy of support available for parents whose children have been permanently excluded from school. Despite having to make incredibly complex and important decisions about their child's future education, many parents noted the paucity of independent, authoritative and timely advice to support and guide them through this process. As a consequence, parents often described feeling bewildered, confused and overwhelmed by the decisions they were required to make particularly when dealing with multiple-agencies and services.

10.78   In terms of the nature of support that parents needed, the review has highlighted five main areas where additional information, guidance and support;
-    Independent advice, information and support the point of (and at events leading up to school exclusion);
-    The appraisal, selection and negotiated access to alternative provision which is suitable to the needs of their child;
-    Family support to help parents and young people manage the trauma and disruption associated with exclusions from school and deal with underlying issues;
-    Peer support to help parents make and develop connections, receive advice and hello to help manage the impact of school exclusion and pathway into AP;
-    The availability of key school policies such those on behaviour and SEND support in community languages relevant to the school.

Recommendation 18

It is recommended that Hackney Education Service should:

a) Commission and/or develop access to independent advice, guidance and support for parents who have experienced exclusion (or other school move) which is available to them at the points of critical need;

- liaising with the school at the point at which a child has been identified as at risk of exclusion;
- liaison and advocacy to support parents when the child has been excluded and wishes to appeal or challenge the decision;
- finding the right alternative provision of their child.

b) That families experiencing permanent school exclusion are sign-posted and offered family support to manage experiences of trauma and family disruption.

c) Work with local parent groups and other voluntary sector organisations to help develop and maintain peer networks that can engage and support parents and families of children excluded from school.

Financial Comments

The aim of the report is to identify and assess what happens when a child is at risk of permanent exclusion or has been excluded, scrutinise the outcomes of excluded pupils, and to identify those policies and practices which best help to ensure excluded children and those at risk of permanent exclusions have the same opportunities as their peers in mainstream education.

The report makes a number of recommendations and at this stage it is not possible to identify the direct financial implications that will arise. The recommendations will be implemented via the governance process with detailed business cases developed including financial implications. All the recommendations will have to be met from existing resources.

Legal Comments

This report makes 18 recommendations. Under section 111 of the Local Government Act 1972 the Council has a general power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any its functions. The recommendations within this report come within this power.

All schools and academies are bound by the statutory framework relating to school exclusion. Section 51A of the Education Act 2002 (EA 2002) enables head teachers

of maintained schools, principals of Academies and teachers in charge of pupil referral units (PRU) to exclude pupils from school for a fixed period or permanently. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 are made under this provision and apply to all maintained schools, academies, alternative provision academies and PRUs. They prescribe limits on the head teacher's power to exclude and provide detailed procedures that must be followed when excluding pupils   There is statutory guidance, "Exclusion from maintained schools, academies and pupil referral units in England" that must be followed and other guidance including non-statutory guidance on mental health and behaviour in schools. The exclusion guidance states that exclusion is a last resort and that head teachers should as far as possible avoid excluding permanently any pupil with an Education Health and Care Plan and engage proactively with parents in supporting the behaviour of children with additional needs.

The Governing Body of maintained schools have powers under s29A of the Education Act 2002 to direct a pupil off site for the purposes of receiving educational provision which is intended to improve the behaviour of the pupil. Academies have powers under the funding agreements to do this too. It has recently been confirmed in case law that these powers can be used to direct a pupil off-site for other purposes, such as safeguarding.

The Council has various duties under the Education Act 1996 to secure educational provision. These include a duty to secure that efficient primary and secondary education are available to meet the needs of the population in its area, in order to contribute to the spiritual, moral, mental and physical development of the community (s13, the general responsibility for education). It has a duty to promote high standards and fulfilment of potential, ensuring that its relevant education functions are exercised with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential by its resident children and young people.

The duties owed by the Council are owed to those "in its area". Generally, this means pupils who are resident within the borough. Wherever we place a child, inside our borough or in another borough, we owe the child the same duties.

S19 imposes a duty of "exceptional provision of education in pupil referral units or elsewhere," to make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age, who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them. This education is required to be full-time or on such part-time basis as the authority considers to be in the child's best interests. Such a decision can be made because of the child's physical or mental health or because it would not be in the child's best interests for

full-time education to be provided for the child. Full-time education for excluded pupils must begin no later than the sixth day of the exclusion. There is no statutory requirement as to when suitable full-time education should begin for pupils placed in alternative provision for reasons other than exclusion. In all cases local authorities should ensure that such pupils are placed as quickly as possible. See also comments on the duties imposed under the Equalities Act 2010.

There is guidance, Alternative Provision Statutory Guidance for Local Authorities January 2013 that should be followed for commissioning alternative provision.

S 27 Children and Families Act 2014 (CFA 2014) imposes a duty to keep under review educational provision, training provision and social care provision made both in and outside their area for children and young people with SEN or a disability and for whom they are responsible.

S175 of the Education Act 2002 imposes a duty on the Council, governing bodies of schools and the proprietors of academies to exercise their functions with a view to safeguarding and promoting the welfare of children.

S 1(1) Local Government Act 1999 imposes a duty to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". The Council has fiduciary duties towards residents.

The Equality Act 2010 (EqA 2010) is concerned with discrimination against specific protected characteristics, which for education providers are: disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The EqA 2010 does not prohibit schools from excluding pupils with particular protected characteristics, but does prohibit schools from excluding pupils because of their protected characteristics or from discriminating during the exclusions process. Schools also have a duty to make reasonable adjustments to the exclusions process for disabled pupils. This covers all types of exclusion, including informal exclusions, fixed-term exclusions and permanent exclusion. No distinction is made between the different types of exclusion. Excluding a pupil because of a protected characteristic is direct discrimination. Behaviour and exclusions policies that result in a higher proportion of pupils with a particular protected characteristic being excluded are likely to result in indirect discrimination unless their application can be justified as being a proportionate means of achieving a legitimate aim The definition of disabled under the EqQ 2010 is wide. Most if not all pupils with an EHC plan will be disabled under the EqA 2010. If a disabled pupil is excluded for behaviour connected to his or her disability, this could be discrimination arising from disability unless the school can justify the exclusion as being a proportionate means of achieving a legitimate aim. An exclusion is unlikely to be justified in circumstances

in which the school has not complied with its duty to make reasonable adjustments for that pupil. The Act requires schools to make reasonable adjustments for disabled pupils both to the exclusions process and to the disciplinary sanctions imposed. This might mean applying different sanctions, or applying them in a different way, to avoid putting a disabled pupil at a substantial disadvantage in relation to non-disabled pupils.

The EqA 2010 applies also to the Council and will be relevant in, for example, its functions of making s19 provision under the Education Act 1996, as discussed above.

S149(1) Equality Act 2010 (EqA 2010) imposes the Public Sector Equality Duty on the Council.

The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the needs to:
  - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
  - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
    Compliance with the PSED may involve treating some people more favourably than others, but this does not mean that conduct that would otherwise be prohibited by or under the EqA 2010 is permitted.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

This duty should be considered at all levels of decision making.

In taking decisions the Council must act lawfully, including acting within its powers, following its own procedures as well as those required by law, such as those relating to the opening and closures of schools and guidance.

It must make rational, evidence based decisions, take into account all relevant considerations and for a proper purpose, be compliant with the European Convention on Human Rights and make proportionate decisions that are properly reasoned.

It must seek detailed legal advice where required, for example in revisiting the SLA terms of the contract with New Regents College.

Contributors, meetings and site visits

Hackney Council	Hackney Education Service, Children and Families Service, Young Hackney, LBH Employment & Skills Team
Other Local Authorities	LB Hammersmith, LB Tower Hamlets, LB Waltham Forest.
Schools in Hackney	The Garden Special School, Ickburgh Special School
Alternative Provision	New Regents College, Boxing Academy, The School at Hackney City Farm, BSix, Inspired Directions, ELATT, Footsteps, The Complete Works,
Young People	Parents of excluded children Children who had been excluded from school (including attendees at NRC)
Other Contributors	The Difference, Islington Law Centre, Hackney Independent Parents Forum

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Cllr Margaret Gordon (Vice Chair)	Cllr Ajay Chauhan (until May 2021)
Cllr Humaira Garasia	Cllr Clare Joseph (until May 2021)
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Cllr Caroline Selman (from May 2021)	Cllr Sharon Patrick (until May 2021)
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Glossary

ADHD	Attention deficit hyperactivity disorder
AP	Alternative Provision
ASD	Autism Spectrum Disorder
BESD	Behavioural, Emotional and Social Difficulties
CAMHS	Child & Adolescent Mental Health Services
CAF	Common Assessment Framework
CBT	Cognitive Behavioural Therapy
CYPSC	Children & Young people Scrutiny Commission
DfE	Department for Education
EHCP	Education, Health and Care Plan
FAP	Fair Access Panel
FGC	Family Group Conference
FSM	Free school meals
FTE	Fixed-term exclusion
GRT	Gypsy, Roma and Traveller
HIP	Hackney Independent Forum
IAP	Independent Appeal Panel
IRP	Independent Review Panel
LAC	Looked after child/children
NEET	Not in education, employment or training
NICE	National Institute for Health and Care Excellence
NQT	Newly Qualified Teacher
NRC	New Regents College (Hackney Pupil Referral Unit)
PASS	Pupil Attitude to School and Self (scale)
PEX	Permanent Exclusion
PGCE	Postgraduate Certificate in Education
PRU	Pupil Referral Unit
QTS	Qualified Teacher Status
REU	Re-engagement Unit
SEAL	Social and Emotional Aspects of Learning
SEMH	Social, emotional and mental health needs
SEND	Special educational needs and disabilities
SLT	Speech & Language Therapy
YOT	Youth Offending Team

Appendix 1 - Timpson Review Recommendations (summary)

1. DfE should update statutory guidance on school exclusions to provide further clarity to the exclusion process, particular in relation to upholding of Equalities duties

2. DfE should set an expectation that ALL schools are expected to participate in local school forums which identify and support best practice.

3. DfE should encourage and support the development of positive behaviour cultures and programmes in schools.

4. DfE should provide additional funding and support for equality and diversity hubs to help develop more inclusive leadership.

5. Teacher training should prioritise positive behavior management and help new teachers to understand issues underlying poor behaviour

6. DfE, local authorities and schools should ensure that SENCO and Mental Health Leads in schools are appropriately trained, supported and connected to statutory support services

7. DfE should ensure that in-school exclusion units are used constructively and there are effective governance arrangements in place to support these.

8. There should be local systems to ensure that children in need are effectively targeted for early intervention and preventative initiatives.

9. Differing expertise across local education systems should be encouraged and best practices shared.

10. DfE should ensure that alternative provision is an attractive and positive place to work, and ensure that staff are supported with appropriate training.

11. DfE should work to reduce stigma associated with Pupil Referral Units and alternative provision, and work to create a more positive public perception of these parts of the local education system.

12. DfE needs to invest in the alternative provision estate and ensure that building and facilities are on a par with children in mainstream settings.

13. Multi-disciplinary teams need to be built around schools to ensure that schools have access to professional advice and support for children in their care.

14. Schools should be responsible for the children that they permanently exclude and accountable for their educational outcomes.

15. Adjustments should be made to local funding arrangements which should not incentivise a school to permanently exclude children or disincentivize a school from taking on a child who has been excluded from school.

16. Ofsted should ensure that the principle of inclusion is reflected in its inspection framework.

17. Governors should be trained to provide effective challenge to head teachers and schools to ensure that exclusion is used effectively.

18. Local Authorities should ensure that there is sufficient information and advice detailed in the Local Offer to help parents and families dealing with exclusion.

19. There should be improved cooperation and planning within the school system to identify patterns and trends in exclusions and other school moves and ensure that local systems meet the needs of all young people.

20. DfE should publish the number and rate of previously looked after children who have left care and or been adopted and who have been excluded.

21. DfE should consult on use of Fixed Term Exclusions and to reduce the 45 day max threshold.

22. DfE should review the reasons for exclusion criteria to make sure that these reflect the genuine reasons for exclusion (and remove 'other' option).

23. New guidance should be issued around the use of managed moves to ensure that local systems conform with best practice.

24. DfE should ensure that there is sufficient monitoring of schools use of alternative provision to ensure that there is full understanding of the needs and circumstances of when this is commissioned.

25. DfE should ensure that there is improved tracking and transparency of pupils moving from school.

26. That patterns of school exclusion, off-rolling and removal of pupils to alternative provision should be analysed and assessed in school inspections. Where offrolling has been identified, this should lead to an 'inadequate' assessment of school leadership.

27. DfE should be mindful of the unintended impact of improved oversight of exclusions and that schools do not use other means to remove children from school roll and close legal gaps.

28. Regulations should be changed so that Social Workers are notified when a child in need is moved from school either through exclusion, managed move or into EHE.

29. Real time data on exclusions should be shared with Local Safeguarding Partnerships so that they can assess and address safeguarding issues such as young person's exposure to CSE or criminal exploitation.

30. Youth Endowment Fund which provides £200m for initiatives to prevent children becoming involved in crime should be open to schools.