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Executive Summary : Unfair results

Pupil and parent views on school exclusion



Acknowledgements

Coram is the UK children's charity that has been supporting children for almost 300 years. Coram's mission is to develop, deliver and promote best practice in the care of vulnerable children, young people and their families.

We are grateful to the many parents, young people and schools who kindly completed the surveys and participated in the interviews, making this research possible.

Coram is a group of charities. Coram Children's Legal Centre is the dedicated children's rights centre, providing the Child Law Advice Service. Coram Children's Legal Centre is also home to a Legal Practice Unit, the Migrant Children's Project and Coram International.

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Limitations of this study

The parent survey was promoted to users of the Child Law Advice Service with an excluded child. It contains data from a self-selected sample of parents who may not be representative of all parents with excluded children. In addition, schools participating in the general pupil survey were recruited through Coram networks from three regions. The survey findings are therefore not nationally representative.

Comments made by parents and pupils are examples of experiences and do not necessarily represent the views of all participants in this research.

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Parent and pupil views of educational exclusion

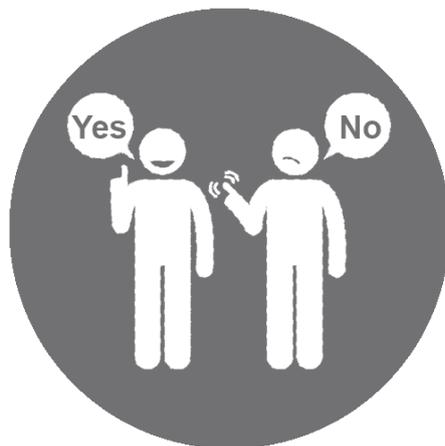
Pupils



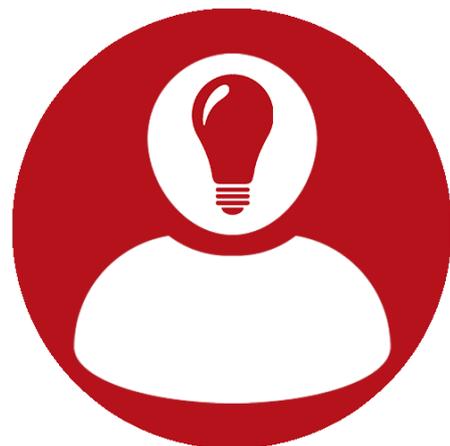
94% of pupils have heard of exclusion



85% of pupils reported knowing someone who had been excluded (including themselves)



87% of pupils are aware of what behaviour is expected at school



43% of pupils said that it is very clear what behaviour will lead to an exclusion



44% of pupils said exclusion is always or usually done fairly



39% of pupils do not know if exclusion is done fairly

- 318 surveys were completed between 20 July - 19 October 2018, by pupils from mainstream primary and secondary schools

Parents whose child had been excluded or who were advised their child would be excluded:



30% of parents are unaware of their child's school exclusion policy



47% of parents said they had received an unclear explanation for their child's exclusion



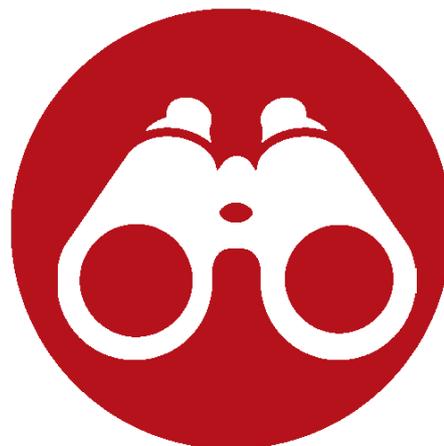
38% of parents felt the school's communication with them during the exclusion process was very poor



51% of parents felt the school's communication with their child during the exclusion process was very poor



56% of parents felt that support preparing for their child's return to school after temporary exclusion was very poor



58% of parents felt that support finding an alternative school place after permanent exclusion was very poor

• 124 online surveys were completed between 9 July - 29 September 2018, by parents whose child has been temporarily or permanently excluded or were advised their child would be excluded

Call for change

Over the last five years there has been an increase in the rate of permanent school exclusions, when previously this was slowly decreasing.

The latest Department for Education (DfE) figures show that across all state-funded primary, secondary and special schools, the number of permanent exclusions increased 15% between 2015/16 and 2016/17. This is a worrying trend that must be addressed by government, schools and parents as a matter of urgency given the enormous costs to both society and the students themselves of exclusion from school.

When looking further at the data, the permanent exclusion rates for secondary schools appear to be the driver behind the increase. Over the past five years the rate of secondary school permanent exclusions has increased from 0.12% to 0.20%, whereas it has remained fairly steady for both primary and special schools.

The temporary exclusion rate has also increased over the past five years, for both secondary and primary schools, whereas rates for special schools have fallen slightly.

All state schools in England follow the same exclusions framework, yet there are differences in rates of exclusions between schools, type of pupils and areas of the country. Similarly, access to education is a right for all children and all local authorities have the same legal duty to ensure that every child fulfils his or her educational potential.

Exclusions disproportionately affect certain groups of young people. This includes those most vulnerable, such as pupils with a special educational need (SEN) who have high rates of permanent exclusion in mainstream (rather than special) schools.

In 2016/17, pupils with SEN support had the highest exclusion rate - six times higher than the rate of pupils with no SEN (0.35% versus 0.06%). A large number of pupils with SEN are being excluded permanently from mainstream schools.

There is a rate of 0.67% pupils with SEN support being excluded from mainstream secondary schools compared to a rate of 0.14% for pupils without SEN in these schools.

An Education, Health and Care Plan (EHCP) is made for children who need more support than is available through special educational needs support. Over a quarter of pupils (7%) with an EHCP or statement of SEN have autistic spectrum disorder as their primary presenting need. Recognised levels of autism are increasing, with more school children with autism in the school population. These children have different requirements and place different demands upon schools, which some struggle to meet effectively.

In addition, pupils from some ethnic groups are also more likely to be excluded. Black Caribbean pupils had an exclusion rate nearly three times higher (0.28%) than that of the

whole school population (0.1%). This difference is starker when factoring in gender; for example black Caribbean boys are three times more likely to be permanently excluded than white British boys (a rate of 0.45% vs 0.15%).

The socio-economic background of pupils also plays a role in exclusion. Pupils eligible for free school meals are four times more likely to be excluded than pupils not eligible (a rate 0.28% vs 0.07%).

Although the overall number of pupils affected by exclusion remains small, these trends lead to cause for concern, especially given the insufficiency of out of school educational provision. As recorded in the Supreme Court judgement of *A v Essex County Council* (2010), two boxes of educational toys are 'not acceptable education.'¹

Home schooled

Every child has the right to an education. Yet children who have been permanently excluded can be out of education for months, even years. In February 2019, the Office of the Children's Commissioner published data indicating significant increases in home schooling. One suggestion in this report was for the government to introduce a compulsory register for all home-educated children.

The relationship of home education to school exclusion has yet to be fully explored since it encompasses a group of children and young people who may be outside of registered educational provision, sometimes for many years, for a range of different reasons.

Government review of school exclusions

Against this worrying backdrop, in March 2018 the government announced a review of school exclusions to examine these trends.

The review seeks to better understand how exclusions are used by schools, what the causes of exclusion are and why certain groups of young people appear to be affected more than others. If we can understand the reasons for geographic variation in exclusion rates, particularly between areas with similar characteristics we can drive policy recommendations that reduce this and ensure consistent practice across the country.

The call for evidence closed in May 2018 when it was clear that there were extensive submissions from parents and professionals, but there was little direct contribution from children and young people.

¹ *A v Essex County Council* (2010) UKSC 33. Accessed at: <https://www.supremecourt.uk/cases/docs/uksc-2009-0065-judgment.pdf>

Coram research

Despite official data on school exclusion being available, Coram considered that the process and impact on families and children was under researched, with the views of children (with the exception of those in alternative provision) unexamined. Coram has previously undertaken a literature review for the Children's Commissioner for England on the wellbeing of young people excluded from school. It explored what pupils were saying about their experiences of exclusion (both permanent and temporary) and alternative provision.²

In light of this and the government review call for evidence, Coram undertook research with young people to gather their views on school behaviour and exclusions, and with parents on their personal experiences of their child's exclusion.

Research approach

Between July and October 2018 Coram conducted research with parents and pupils to understand their views and experiences on exclusion. This included a survey of parents: 124 online surveys were completed by parents who had been in contact with Coram's Child Law Advice Service (CLAS). The survey was open to parents who had a child temporarily or permanently excluded, or who had been advised that their child would be excluded.

Pupils from mainstream schools were invited to participate in a pupil survey. This was open to all pupils; experience of exclusion was not required. Pupils could complete the survey online or on paper. Surveys were completed by 318 pupils from five mainstream primary and secondary schools.

In addition nine interviews with pupils who had experience of exclusion or had been on the edge of exclusion were undertaken. Pupils were from mainstream primary and secondary schools.

² The literature review can be accessed here: www.childrenscommissioner.gov.uk/wp-content/uploads/2017/11/CCO-Childrens-Voices-Excluded-from-schools-and-alt-provision.pdf

Key findings of parent and pupil views of educational exclusion

Pupils had a good knowledge of behaviour expectations, often despite not having seen anything written about what would lead to exclusion

- Pupils in general knew rather little about exclusions unless directly affected. They felt that exclusion was justified for violent or disruptive behaviour.
- There was no clear suggestion from pupils that schools were either too quick or too slow to exclude.
- Pupils saw it as unfair when pupils were not treated consistently and the full circumstances were not considered.
- Both pupils and parents felt that schools did not work with pupils to avoid exclusion. For those that did receive help, this tended to be in the form of education/behaviour support plans.

Parents were often unaware of the school's exclusion procedure and sometimes found it inaccessible. They were generally unhappy with the way schools communicated information about exclusion with them

- Parents reported receiving unclear and inconsistent explanations for their child's exclusion, as well as a lack of communication about the process.
- Parents felt unsupported by either schools or local authorities during the exclusion period. This included poor communication from the school during this time, and patchy help with learning while excluded.
- Parents also mentioned minimal support with preparing to return to school or with finding an alternative school when the exclusion was permanent.
- Parents tended to report that exclusions were unfair and did not take sufficient account of their child's circumstances and needs.
- Exclusion had a significant impact on pupils with parents reporting that their children suffered a loss of confidence and self-esteem, and their education and mental health was adversely affected.
- Pupils also felt that exclusion negatively impacted on school work.
- The stress of the exclusion was reported to have taken its toll on parents, including on their work and relationships with other family members.

Our recommendations are based upon the research undertaken and are informed by the practice of the wider Coram group, including data from helplines and legal practice cases.

Recommendations

Messages for schools

At Coram we believe that all parties need to work together on the basis of clear processes, procedures and communication to ensure that every child has the education to which they are entitled. The following recommendations address these issues.

- Schools can and must improve communications and process in order to ensure that partnership between schools, parents and children works to secure children's futures.
- Schools and colleges should inform all parents as to their, and their child's, rights in regards to exclusion at the point at which their child enrolls in primary school and secondary school and post 16 education.
- If a child is temporarily excluded for a second time there should be a requirement to review a pupil's behaviour plan to prevent further exclusions.
- Additionally, on the first occasion that any child faces permanent exclusion, a full assessment of needs should be undertaken.
- There should be a requirement to assess a child's health and support needs and vulnerabilities and to explore if these could feasibly be met before making the decision to permanently exclude.
- Schools should have reliable access to swift and expert professional advice that enables the child's identified needs to be met either in that school or in a setting that better meet those needs.
- Further guidance for parents and carers should highlight that, if a school is unable to meet the child's needs, parents and carers can request an assessment of, and support for, their child's SEN directly from the local authority without needing to go through the school first. Guidance should include details of charitable organisations that can advise on this such as Coram Children's Legal Centre.

Recommendations for parents and pupils

- All parents would benefit from familiarising themselves with the behaviour policy and the process for exclusion at their child's school. Parents can advise schools when this unclear or not readily accessible.
- When a child has been excluded, parents may benefit from obtaining specialist advice. An example is Coram's Child Law Advice Service, which provides free legal information and advice on exclusion and education law.
- Pupils need to be aware of their school's behaviour policy and understand what behaviour is likely to result in exclusion.

Recommendations for policy

- No child should be out of school any longer than the start of the term following that in which they were permanently excluded.
- Government should also require local authorities to supply information on the number of teaching days between a permanent exclusion being made and the date that a subsequent school place is offered and accepted.
- National guidance on exclusion written with and for children and young people should be provided both by central government and by schools and local authorities explaining local arrangements.
- A government commitment to ensuring that local advice about the exclusion process, what to expect and how to challenge decisions is provided to all parents and pupils - especially when children have been subject to, or are at risk of, school exclusion. This should be backed up by access to legal advice so that any challenges that take place do so on the basis of appropriate guidance and representation.
- A duty on local authorities to provide an 'active offer' of advocacy to ensure that all children and parents are always offered advocacy support in relation to school exclusions.
- We also support the Children's Commissioner's Office in their call for a mandatory local authority register of all children receiving home education.

Full report can be found at <https://www.coram.org.uk/resource/unfair-results>

If you need legal information or advice about school exclusions and/or other educational law in England, you can contact the Child Law Advice Service:

Telephone: **0300 330 5485** (Monday – Friday 8am to 6pm)
Online form: <https://childlawadvice.org.uk/email-advice-education/>

Advice for schools can be found at:

<https://childlawadvice.org.uk/schools-information-guides/>

Legal casework advice

If you need legal casework advice and assistance on education law issues, such as special educational needs provision, and want to check if you are eligible for legal aid, contact Civil Legal Advice : www.gov.uk/civil-legal-advice

Telephone: **0345 345 4345** (Monday – Friday 9am to 8pm, Saturdays 9am – 12.30pm)

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