RESEARCH

Admissions and Exclusions of Pupils with Special Educational Needs

Anne Wilkin, Tamsin Archer, Kate Ridley
Felicity Fletcher-Campbell and Kay Kinder

National Foundation for Educational Research

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National Foundation for Educational Research

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Executive Summary

Introduction

This report relays the findings from a research project, commissioned by the Department for Education and Skills (DfES), which was carried out by the National Foundation for Educational Research (NFER) between October 2003 and November 2004. The research aimed to address a lack of empirical evidence surrounding the admission and exclusion of pupils with special educational needs (SEN). While the relevant legislation and government targets are directed towards the equal treatment of pupils, regardless of their level of ability or particular need, and the government is positively promoting inclusion, there was yet unease, illustrated largely in anecdotal evidence, some case-study work and other evidence, that some vulnerable children were disadvantaged by schools' policies. The study explored schools' admissions and exclusion policies and practices with regard to pupils with SEN, in order to consider whether this was indeed the case.

Methods

There were four strands to the study:

- Statistical analysis of Pupil Level Annual School Census (PLASC) data to establish patterns of permanent exclusions in relation to pupils with SEN, and to identify high-, medium- and low-excluding authorities for the case-study work.
- A systematic literature review of the evidence base in the area of schools' admissions and exclusions policies in relation to pupils with SEN (both with and without statements).
- Case-study work involving LEA officers from six LEAs (two high-excluding, two medium-excluding and two low-excluding authorities).
- Case-study work in 17 schools (primary, secondary and special), from across the six LEAs, and in one pupil referral unit within each of these LEAs. Interviews were conducted with, for example, headteachers, SENCOs, heads of year, teaching assistants, social inclusion staff, pupils and parents.

PLASC analysis

The PLASC 2003 database was used to analyse data on 8,737 permanent exclusions. The data was used to produce a probability of being excluded if a pupil has SEN (either statemented or non-statemented), taking into account other background information such as gender and ethnicity. Taking all the background factors into account, the model predicted that:

- pupils with SEN who were NOT statemented were 4.3 times more likely to be excluded from school than pupils without SEN
- pupils with a statement of SEN were three times more likely to be excluded from school than pupils without SEN.

Literature review

The literature review sought to examine the evidence base in the area of schools' admissions and exclusions policies in relation to pupils with SEN, both with and without statements, in order to identify gaps in existing knowledge and highlight further issues of concern to be examined in the course of the current study.

The review of the literature highlighted a lack of major independent research relating to the admission and exclusion of pupils with SEN, but did identify a number of concerns or tensions within existing policies and practices to be explored. These included:

Admissions

- the variations within school intakes, in terms of SEN, gender and ethnicity
- the nature of pupils' SEN
- the extent to which LEAs and schools are working together to establish protocols for the allocation of school places to pupils with SEN
- the availability and clarity of information available for parents about the school, its SEN policy and its admissions criteria
- the social class/occupational background of the parents of children with SEN making successful admission appeals.

Exclusions

- where exclusion rates for SEN pupils are low, what examples of good practice *re* prevention exist
- if, and how, LEAs and/or schools are monitoring: fixed-term exclusion data in order to identify trends and potential problems; and groups known to be at greater risk of exclusion e.g. pupils with SEN
- where pupils with SEN are excluded, the nature of their SEN
- the extent, causes and nature of 'unofficial' exclusions of SEN pupils
- the extent, causes and nature of exclusions from special schools
- the social class/occupational background of parents making successful appeals against the exclusion of their SEN child
- the extent of appeals against the exclusion of pupils from ethnic minorities, including: the accessibility of information for parents; and the composition of the exclusion appeal panel
- where the reintegration of pupils with SEN has been successfully achieved, what examples of good practice exist.

Local authorities' perspectives on school admissions

General trends

- There was considerable variation in the level of involvement that participating LEAs had in the admissions process, from those only involved in monitoring whether pupils secured places in secondary schools, to those where the LEA managed the whole process.
- The degree of collaboration over admissions also varied considerably between schools but was generally very positive; the extent of collaboration appeared to depend on the level of involvement the LEA had in admissions (with the LEA acting as a catalyst in bringing schools together).
- In all authorities there was a trend towards: meeting the needs of SEN pupils in mainstream schools as part of the inclusion agenda; delegating resources for pupils with SEN but without statements to schools (reported as an area of concern as pupils with no statements would then not be attached to additional funding and schools would have to meet their needs from their SEN budgets); and moving

away from statementing pupils. One effect of the latter was said to be a lack of information on how the admissions procedure affected these pupils.

Policies and procedures on admissions

- Some authorities had local procedures in place, or were trialling particular processes to support pupils' admissions such as: an in-year placement panel for those entering the LEA who had difficult circumstances (e.g. SEN, children in care); and an inclusion panel which met to decide where to place particularly difficult pupils and to plan managed moves for pupils at risk of being excluded.
- The success of the admissions process appeared to depend on a commitment from schools to the inclusion agenda (in particular the attitude of the headteacher), and schools' ability to be flexible to the changes occurring in relation to the admissions of pupils with SEN (i.e. devolved funding, a reduction in statementing and the emphasis on mainstream provision).
- LEA officers reported that there was variation in compliance with admissions legislation across schools. Where schools were complying, this was felt to be because of good relationships between the schools and the LEA, and the '*inclusive nature*' of schools.
- Most of the LEAs appeared to go to great lengths to consult schools before naming them on statements and there were few references to the use of direction where non-statemented pupils were concerned, although some authorities occasionally had to direct schools to take statemented pupils.
- Variation was noted in the number of appeals taking place as a proportion of pupils seeking admission. As pupils with statements of SEN were unable to go through the standard appeal procedure, the only pupils with SEN who would have appeals were those without statements. Most LEAs had no means of identifying the proportion of appeals from pupils with SEN without statements.
- Admission Forums can monitor admission agreements in terms of their effectiveness in serving pupils with special educational needs. However, interviewees did not produce any evidence of this mechanisms being used; local authorities reported little or no monitoring, particularly of pupils with non-statemented SEN.

Local authorities' perspectives on exclusion practices

General trends

- The majority of LEA interviewees identified a rise in the number of permanent exclusions, mainly at secondary level, although one interviewee highlighted a rise in primary exclusions (particularly in Year 5). In one authority, however, the exclusions rate (for both fixed-term and permanent exclusion) had fallen as a result of the LEA working positively with headteachers to reach agreement that they did not need to exclude pupils for them to access appropriate education.
- The exclusion of pupils with SEN was generally discouraged unless as '*a last resort*' and, as such, when it did take place, was usually considered to have been inevitable.
- Pupils with behavioural difficulties were reported to be the group most at risk of exclusion. In addition, the over representation in exclusion figures of pupils with Attention Deficit Hyperactivity Disorder (ADHD) and ASD was highlighted. There was some confusion over whether behaviour constituted a special need, or whether there should be additional learning needs to justify its identification as such.
- Whilst it was hoped that delegating resources to schools would increase schools' capacity to cater for pupils' SEN, concern was expressed that some schools would assess certain needs as too complex for them and opt for exclusion instead as a means of bringing the situation to the LEA's attention.
- The need for LEAs to work closely with schools was identified, in order to help schools work more effectively to meet pupils' needs and improve behaviour overall.
- However, in spite of several examples of good practice, delegating resources and responsibility was felt to have led to diversity in schools' practice as to the priority they attached to meeting the needs of pupils displaying challenging behaviour, and thus where to spend the resources.

Policies and procedures on exclusions

- There was consensus amongst LEA interviewees that schools were expected to comply with the current guidance and legislation governing exclusions. Within that, a number of LEA officers referred to expectations or additional LEA

guidance and/or protocols, e.g. a '*statement of expectations*', which laid out local authority targets and procedures to be followed.

- The degree of compliance with exclusions legislation was said to vary between schools. Those not doing so, or seen to be excluding more SEN pupils than others, would be challenged by the LEA. Those schools noted to be complying with the legislation generally had an inclusive approach and good relationships with parents.
- LEA officers acknowledged that, although there were felt to be fewer incidents of unofficial exclusions than there had been in previous years, they did still take place, including ones involving pupils with statements of SEN. Unofficial exclusions that did take place were reported to be usually for behavioural reasons and interviewees were in agreement that such practice would be challenged wherever it came to light.
- The number of appeals against exclusion was said to be low. Those from parents of pupils with SEN were no more likely to be upheld than those from parents of any other child.

Schools' perspectives on admissions of pupils with SEN: key findings

- Overall, the research found no evidence in the case-study schools of systematic discrimination or unfavourable treatment of pupils with SEN in the annual admissions process. For pupils with SEN but no statement, schools did not have an opportunity to do this, as information about pupils' needs was not available when the admissions criteria were being applied.
- *Pupils with statements*: All schools respected the legal position regarding the admission of pupils for whom the school was named on the statement. Admissions for these pupils were often decided in advance of those of their peers so that schools had time to prepare provision.
- *Pupils with SEN but no statement*: Less favourable treatment was possible with the casual admission of pupils with SEN but no statement (at *School Action* or *School Action Plus*) – a group that is expanding with the reduction, nationally, in the proportion of pupils issued with new statements. In these cases, schools could try to dissuade parents from seeking admission to the school for their child.

Schools that were not full had less leeway to refuse admission and generally did not do this.

- Reluctance to admit a pupil with SEN usually occurred when schools considered that they already had a high proportion of pupils with SEN, or they could not cope with a particular profile of needs, and that they had inadequate financial resources (within their delegated budget) for meeting the needs of the pupil.
- Schools thought that many of their casual admissions were of pupils with some degree of SEN. As support is generally planned prior to the new school year, this posed difficulties in the deployment of support and provision.

Schools' perspectives on exclusions from school: key findings

- In the majority of case-study schools, exclusions were usually used as a 'last resort' after a series of strategies had failed, although a common exception was where the health and safety of a pupil, his/her peers, or staff was at risk. Because exclusion was considered a 'last resort', a few headteachers admitted to 'resenting' appeals, which questioned the effectiveness of the decision to exclude.
- Pupils with SEN generally went through the same processes as, and were treated similarly to, other pupils but thresholds were often higher and a greater degree of unacceptable behaviour was tolerated before the exclusion process was initiated. Schools were particularly reluctant to exclude pupils in cases where they felt adequate alternative provision was not available.
- The case-study schools generally felt that exclusion was rarely the result of a pupil's SEN. However, some interviewees referred to pupils acting out because of learning difficulties. There was considerable debate as to whether 'behaviour difficulties' were 'special educational needs' and difficulty in distinguishing between 'naughtiness' and an inability to behave appropriately.
- Exclusion, *per se*, was not generally regarded as an effective strategy for directly improving/changing a pupil's behaviour.
- Unofficial exclusion – or sending a pupil home for a session 'to cool off' – was in use in some case-study schools but was regarded as exceptional and only with parental cooperation and support. However, although this practice may

occasionally take place, DfES guidance (DfES, 2004) and communication to schools and LEAs makes it clear that unofficial exclusion has no legal basis and should neither be proposed by teachers, nor agreed by parents.

- Staff in PRUs commented on the difficulties they faced educating 'difficult' and vulnerable pupils in an unstable environment characterised by serial admissions and exits. Staff in PRUs highlighted the very different approaches schools took to passing on information about pupils. Staff in PRUs recognised that the small-group, intimate environment of a PRU, with the opportunity of a high degree of interaction with adults, suited some pupils who had had difficulties in an ordinary mainstream school.
- Successful reintegration following exclusion was regarded as depending on pupil cooperation and motivation, rigorous planning, and a clear programme for re-entry, support and monitoring. Pupils deemed the hardest to reintegrate were those with statements for syndromes such as Aspergers, when disruption to routine was particularly difficult. Parental involvement was considered critical to supporting behaviour management and reintegration if exclusion were necessary.

Recommendations

Admissions

LEAs:

- Should consider whether information about pupils with SEN *School Action*/*Plus* can be made available as soon as the admissions lists are confirmed.
- Should give schools the confidence to discuss their reluctance to admit pupils with SEN and should support schools to expand their capacity to meet the needs of particular pupils.
- Should monitor casual admissions with respect to pupils' SEN and try to ensure that schools that take on pupils mid-year are given the necessary financial resources or specialist support.

Schools:

- Should continue to develop transition arrangements and try to ensure that staff are able to visit primary/feeder schools to gather information about pupils' needs and strategies that have been found to be effective for them.

Exclusions

LEAs:

- Should try to ensure that a range of provision is available for pupils with behaviour difficulties so that the most conducive environment is selected.
- Should encourage schools to assess their strengths and weaknesses and, consider, in a strategic way, the benefits of 'managed moves'.
- Should monitor schools' use of exclusion, challenge inappropriate use of exclusion and offer support to the school to resolve some of the issues.

Schools:

- Should be encouraged to establish the degree to which a pupil's SEN impinges on his/her ability to manage his/her behaviour and to make this information available to all staff.
- Should consult with other professionals in order to be as clear as possible as to whether a pupil's inappropriate behaviour constitutes a 'special educational need' or whether it is occasioned by disaffection, poor motivation or disinterest in school.
- Should ensure that all staff respond appropriately to behavioural difficulties resulting from a pupil's SEN and help pupils acquire desirable patterns of behaviour.
- Should be encouraged to consider the effectiveness and purpose of any proposed exclusion and to question whether there are other means of obtaining the same result.
- Should be encouraged, as part of behaviour policies, to develop management and organisational strategies that support pupils' positive behaviour.

1. Introduction

1.1 Background

The current research project, commissioned by the Department for Education and Skills (DfES) and undertaken by the National Foundation for Educational Research (NFER), aimed to address a lack of empirical evidence surrounding the admission and exclusion of pupils with special educational needs (SEN). While the relevant legislation and government targets are directed towards the equal treatment of pupils, regardless of their level of ability or particular need, and the government is positively promoting inclusion, there was yet unease, illustrated largely in anecdotal evidence, some case-study work and other evidence (see for example, Audit Commission, 2002), that some vulnerable children were disadvantaged by schools' policies.

1.1.1 Admissions

The framework for school admissions was introduced in the School Standards and Framework Act 1998 (GB. Statutes, 1998) and amended by the Education Act 2002, which required each local education authority (LEA) to establish an Admission Forum to enable admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements. Such forums have an important advisory role and are also responsible for '*seeking to promote agreements on arrangements for dealing with a range of difficult issues*' (DfES, 2003a). This includes ensuring effective provision within admission arrangements for potentially vulnerable young people such as looked after children and those with SEN. The School Admissions Code of Practice (DfES, 2003a) states that the applications of children with SEN but who do not have statements must be treated as fairly as those of other children. Admission authorities may not refuse admission because they feel unable to cater for a pupil's SEN, and must consider applications with regard to children with SEN but without a statement, on the basis of the school's published admission criteria. Admission authorities must not refuse admission on the grounds that the pupil (with identified needs) does not have a statement of SEN, or is currently undergoing assessment for one. Equally, the Code states that schools can not refuse admission to a child considered to be potentially disruptive, or exhibiting challenging behaviour, on the grounds that the child should first be assessed for SEN.

Parents of pupils with statements may express a preference for the school in the maintained sector – mainstream or special, denominational on non-denominational – which they wish their child to attend. The local education authority (LEA), which maintains the child's statement must comply with the parent's preference and name the school in the statement, unless:

- the school is unsuitable to the child's age, ability, aptitude, or special educational needs;
- the child's attendance at the school would be incompatible with the efficient education of the other children in the school; or
- the child's attendance would be incompatible with the efficient use of resources.

Before a school is named in a statement, the LEA should consider any representations made by the school against the admission of the child, but provided the LEA is satisfied with regard to the criteria above, it may proceed to finalise the statement. Once a school is named in a statement the governors are under a duty to admit the child.

The Audit Commission (2002) recommended that admission forums should discuss, at least annually, the pattern of admissions in order to encourage a more even distribution of children with SEN. Discussions should include a separate analysis of admissions of children with behavioural difficulties.

The Special Educational Needs and Disability Act amended Part 4 of the Disability Discrimination Act 1995. Since September 2002 it has been unlawful for schools and LEAs to discriminate against disabled pupils and prospective pupils. Every aspect of school life is covered by the duties and responsible bodies must not discriminate in admissions, education and associated services or exclusions. For example with regard to admissions the responsible body must not discriminate against a disabled person: in the way they decide who can get into the school. This includes any criteria when the school is over sub-scribed and the way those criteria are operated; in the terms on which it offers a place at the school; or by refusing or deliberately not accepting an application from a disabled person for admission to the school. Schools are required

to make public, information on their admissions and access arrangements for disabled pupils and prospective pupils, as well as the steps they are taking to prevent disabled pupils being treated less favourably than other pupils. Schools must also publish their accessibility plan detailing the action they are taking to make their school more accessible to disabled pupils.

1.1.2 Exclusions

The number of young people permanently excluded from school rose steadily during the 1990s, reaching a peak of 12,668 in 1996/1997 (DfES, 2001). Concerns regarding this increase resulted in the government setting targets to reduce exclusions by a third by September 2002 (Social Exclusion Unit (SEU), 1998). The introduction of these targets reflected concerns about the link between young people's exclusion from school and their exclusion from society in general: for example, in terms of a lack of positive post-16 progression, poor employment prospects and teenage parenthood. Furthermore, they also reflected concerns that exclusion from school was linked to an increased risk of anti-social behaviour and even offending. Research has suggested a link between truancy, exclusion and crime (Audit Commission, 1996) and various reports subsequently have acknowledged this connection, as well as the longer-term consequences (SEU, 1998, Audit Commission, 2002).

LEAs met their targets to reduce exclusions by a third by September 2002 (DfES, 2001). Recent DfES statistics show that there were 9,290 permanent exclusions from school in 2002/2003, a decrease of three per cent from the 9,535 permanent exclusions in the previous year and a 24 per cent decrease since 1997/1998. At the same time, despite a reduction in recent years in the number of children with statements permanently excluded from school (Audit Commission, 2002), DfES data show that, in England, such children are still four times more likely to be permanently excluded from school than other children. Equally, children with behavioural, emotional and social difficulties (BESD) are more likely to be permanently excluded than other children, whilst DfES data (DfES, 2004a) also highlight the far larger group of children with SEN but without a statement that are permanently excluded. Given the links noted above between exclusion and long-term underachievement, as

the Audit Commission report (2002) stresses, this over-representation of children with SEN in national exclusion figures must therefore be of great concern.

Current DfES guidance on exclusions states that schools should '*make every effort*' to avoid excluding pupils at *School Action* or *School Action Plus* under the SEN Code of Practice, which should include those pupils at *School Action Plus* being assessed for a statement of SEN. Furthermore, the guidance includes the condition that schools should avoid the permanent exclusion of pupils with statements '*other than in the most exceptional circumstances*' (DfES, 2004b). Given reports of the high numbers of children with SEN but without statements being permanently excluded, together with variations between LEAs in statementing rates (Audit Commission, 2002; Slater, 2003), the Audit Commission report recommends that '*this condition should apply to all children with SEN, including those without a statement*' (Audit Commission, 2002).

1.2 Aims

The research explored schools' admissions and exclusions policies and practices with regard to pupils with SEN, and considered whether these practices may sometimes disadvantage pupils with special educational needs. The DfES identified a series of questions, which this report aims to address:

- *Why do some schools admit disproportionately fewer pupils with SEN and why do some exclude disproportionately more?*
- *What are the characteristics of pupils with special educational needs who are likely to experience exclusions and admissions problems?*
- *Why are pupils with SEN excluded and what is the typical pathway of events leading up to permanent exclusion?*
- *What alternative provision is made for those who have been excluded and are there any pupils for whom no alternative provision is made?*
- *How successful are the various types of alternative provision at meeting the special educational needs of these pupils who have been excluded?*
- *How likely are excluded children with SEN to be reintegrated and are there any differences between those who are reintegrated and those who are not reintegrated?*

1.3 Methodology

1.3.1 Strand 1

The research began at the end of 2003. The first strand of the research involved two elements: an analysis of the Pupil Level Annual School Census (PLASC) data; and a literature review examining the evidence base in the area of schools' admissions and exclusions policies in relation to pupils with SEN (the reports of both of these elements can be found in Appendices 1 and 2).

Use of the PLASC data set allowed NFER to identify the characteristics of pupils with special educational needs who have been permanently excluded and to explore whether the rate of exclusion for pupils with special educational needs is different from that for pupils with no special educational needs. Results of this analysis were then aggregated to provide LEA – level measures that informed the selection of case-study authorities.

A systematic literature review was conducted; this drew on research from a range of different educational, sociological and psychological databases, including British Education Index (BEI), Educational Resources Information Centre (ERIC) and PsycInfo, as well as the NFER Library's own internal databases (e.g. ProCite).

1.3.2 Strand 2

During strand two of the research, interviews were conducted with LEA officers during Spring 2004. The analysis of the PLASC data had provided a ranking of LEAs in relation to the likelihood of a pupil being permanently excluded from that authority. These rankings were used to identify LEAs within the 'most likely to exclude' category, the middle category, or the 'least likely to exclude' category. Six local authorities were then selected from these rankings to include two authorities from each of the three categories. The selection also took account of the type of authority (e.g. metropolitan, London borough), the size of the authority (small, medium or large), and the geographical location, to ensure that the final selection of six included a range of these variables. All six selected local authorities agreed to participate in the research.

Identifying the relevant personnel to interview was, in some cases, problematic. In one authority, there were difficulties in identifying the relevant officers and it took a number of weeks before appropriate personnel were identified. This methodological challenge has raised an important issue: is it clear where responsibilities lie for supporting pupils with SEN through admissions and exclusions? In most cases, the responsibility for the admissions of pupils with SEN was divided between the general admissions team and the team responsible for SEN provision. In general, interviews were conducted with the officer with a brief for admissions generally (e.g. Admissions Officer), the Head of the SEN Service, and the officer with a brief for exclusions (e.g. Social Inclusion Officer).

The LEA officers were asked about the challenges faced by schools in relation to admissions and exclusions, particularly regarding pupils with SEN, and the ways in which schools and the LEA were addressing them. From these data, a sample of schools was selected for case-study visits.

The case-study visits took place across six local authorities in the summer term of 2004. More than 90 interviews were conducted within 23 institutions including primary, secondary and special schools and pupil referral units (PRUs). The schools ranged in size from small PRUs with fewer than 20 pupils on roll, to large secondary schools with more than 1600 pupils. The selection included community schools (where the LEA was the admission authority) as well as foundation and voluntary-aided schools (where the governing body was the admission authority). Some secondary schools held specialist status in sports or technology, some were single sex schools and some were non-selective schools but within a selective system.

In most schools, interviews were carried out with the headteacher, the special educational needs coordinator (SENCO), a class teacher, and head of year/other member of the senior management team (SMT). Schools were also asked to suggest other relevant members of staff to be interviewed and this produced a wide variety of interviewees, such as teaching assistants, administrators, social inclusion staff, an education welfare officer (EWO), and a massage therapist.

Interviews were also conducted with pupils with SEN who had experienced exclusions from school, and, where possible, their parents. It proved difficult to access a number of these parents through the schools themselves, so the research team also worked with the Advisory Centre for Education who kindly provided contact details of parents in other schools who were in a similar situation and interviews were also conducted with those parents.

1.4 PLASC analysis – main findings

The full technical paper describing the analysis methods and findings from the PLASC data analysis can be found in Appendix 2, but below are some of the main findings and issues for consideration.

The PLASC 2003 database was used for this analysis of data on 8,737 permanent exclusions. There was no information regarding fixed-term exclusions at the time the analysis was carried out. Since these exclusions were for the academic year 2001/2 these pupils were matched back to the PLASC 2002 database to obtain background information needed for modelling. Since there were so few primary exclusions (0.04 per cent) it was decided just to use secondary school data. The final dataset contained 2,815,293 pupils, of which 6,898 (0.2 per cent) were permanently excluded.

The model revealed that pupils with lower Key Stage 2 results were more likely to be excluded. Also, the higher the percentage of free school meals in a school the more likely the pupils were to be excluded.

Odds ratios[1] were calculated for ease of interpretation and revealed:

- Boys were 3.1 times more likely to be excluded than girls.

Compared to White UK pupils the following pupils were more likely to be excluded:

- Black Caribbean (2.3 times)
- Other Black pupils (not including Black Caribbean) (1.4 times)

[1] The procedure gives an *odds ratio,* which compares the odds of an event (e.g. being excluded from school) associated with one group of students, with the odds for another group. An odds ratio close to one shows there is little difference between two groups, whereas an odds ratio significantly greater or less than one indicates differences in exclusion rates between the groups.

- Pupils in other ethnic groups (1.2 times)
- Pupils who prefer not give their ethnicity (1.9 times)
- Pupils for whom their ethnicity is missing (3.1 times).

Compared to White UK pupils, the following pupils were less likely to be excluded:

- Asian pupils (2 times).

Compared to pupils in year 7 the likelihood of being excluded was:

- 1.8 times more for year 11s
- 2.5 times more for year 8s
- 3.9 times more for year 9s
- 4.3 times more for year 10s.

Taking all these background factors into account, the model predicted that for pupils with SEN:

- Those pupils with special educational needs but no statement, were 4.3 times more likely to be excluded than pupils without SEN
- Those pupils with a statement of SEN were three times more likely to be excluded than pupils without SEN.

1.5 Literature review – main findings

The full literature review can be found in Appendix 1, below are some of the main findings and issues for consideration. This literature review sought to examine the evidence base in the area of schools' admissions and exclusions policies in relation to pupils with SEN both with and without statements. In doing so, it aimed to identify gaps in existing knowledge and, building on the literature review (Dockrell *et al*., 2002) conducted for the Audit Commission report *Special Educational Needs: A Mainstream Issue* (Audit Commission, 2002), to highlight further issues of concern to be examined in the current research study.

The review highlighted how there remained concern that some children may be disadvantaged by schools' admissions and exclusion policies. However, hard evidence was at present not available, not only because the relevant statistical analysis has not been undertaken but also because it is difficult collecting systematic evidence of school practice which would seem to disregard, explicitly or implicitly, the legislation. Where evidence existed it was largely anecdotal and provided by those working directly with more vulnerable children. For example, research on the education of children in care, many of whom have, or are perceived to have, SEN, has

consistently raised concerns about the admission and retention of pupils who are perceived unfavourably by some schools (Fletcher-Campbell and Hall, 1990; Brodie, 1995; Fletcher-Campbell, 1997; Fletcher-Campbell and Archer, 2003; SEU, 2003). Similarly, a recent study for the DfES on the LEA role in raising standards of achievement in schools (Fletcher-Campbell and Lee, 2003) found that some LEA officers were concerned that there were perceptions, rightly or wrongly, that inclusion policies were not necessarily compatible, across all schools, with strategies to raise standards of achievement. However, it should be noted that, equally, there were studies, including international and cross-cultural ones (e.g. UNESCO, n.d.), which presented counterfactual evidence.

Therefore, it was perhaps unsurprising that the current review of the literature highlighted a lack of major independent research relating to the admission and exclusion of pupils with SEN. It did, however, identify a number of concerns and tensions in this area which were explored in the current research study. For example:

Admissions issues

- the variations within school intakes, in terms of SEN, gender and ethnicity
- the nature of pupils' SEN (i.e. are pupils with behavioural difficulties under-represented in school intakes)
- the extent to which LEAs and schools are working together to establish protocols for the allocation of school places to pupils with SEN
- the availability and clarity of information available for parents about the school, its SEN policy and its admissions criteria
- the social class/occupational background of the parents of children with SEN making successful admission appeals (i.e. are the '*privileged/skilled*' choosers more successful in gaining a place for their SEN child at the school of their choice).

Exclusion issues

- where exclusion rates for SEN pupils are low, what examples of good practice *re* prevention exist

- if, and how, LEAs and/or schools are monitoring: fixed-term exclusion data in order to identify trends and potential problems; and groups known to be at greater risk of exclusion e.g. pupils with SEN
- where pupils with SEN are excluded, the nature of their SEN (i.e. are pupils with behavioural difficulties disproportionately represented in the exclusion figures)
- the extent, causes and nature of 'unofficial' exclusions of (SEN) pupils
- the extent, causes and nature of exclusions from special schools
- the social class/occupational background of parents making successful appeals against the exclusion of their SEN child (i.e. are the '*privileged/skilled*' choosers more successful in winning such appeals)
- the extent of appeals against the exclusion of pupils from ethnic minorities, including: the accessibility of information for parents; and the composition of the exclusion appeal panel
- where the reintegration of pupils with SEN has been successfully achieved, what examples of good practice exist.

These issues contributed to the development of the interview schedules for both the LEA and school case-study work.

The following sections of the report present the findings of the LEA and school case-studies and aim to draw out the main issues that relate to the admission and exclusion of pupils with SEN. In sections 2 and 3 we report on the findings from the local authority interviews, and sections 4 to 7 then present the findings of the school interviews, including the PRU interviews. In conclusion, we draw out the main themes and make recommendations for the future.

2. Local authorities' perspectives on school admissions

2.1 General trends

2.1.1 Involvement of the LEA

There was considerable variation in the level of involvement that the participating LEAs had with the schools' admissions processes. In one authority, with a high number of foundation schools (which were each their own admissions authorities) the LEA officer responsible for admissions reported that, at secondary level, the LEA was only involved in monitoring whether pupils secured places in secondary schools. In other authorities, the LEA was coordinating the whole admissions process. This involved developing LEA-wide arrangements through the Admissions Forum, arranging the admissions to all community and controlled schools, and supporting Foundation and church schools. In all the authorities, the admissions of pupils with statements of SEN were dealt with by the SEN team and were part of the statementing process. For pupils moving into an authority ('casual admissions'), the SEN team would review the pupil's statement in order to name a new school.

The degree of collaboration over admissions between schools also varied considerably but was generally very positive; the extent of collaboration appeared to depend on the level of involvement the LEA had in admissions (with the LEA acting as a catalyst in bringing schools together). For example, one LEA officer described how the coordinated admissions arrangements in place in their authority had led to *'greater cooperation between schools, particularly in the voluntary aided sector'*. The existence of an Admissions Forum had enabled this authority to develop policies in such a way that all schools had been actively involved and as a result, schools were more likely to comply; the Forum was reported to place a major emphasis on the needs of pupils with SEN. Another authority had developed links between clusters of primary schools and designated secondary schools; these were an attempt to improve relations and aid the admission and transition processes. One officer described how there had been *'...a cultural change. Schools are becoming more closely involved in a partnership with the LEA to provide for the needs for all pupils.'* The only example of poor cooperation came from the authority with a high proportion of Foundation

schools, where there was also a *'massive'* shortage of places and a high level of exclusions (and therefore 'challenging' casual admissions). In this authority, there was reported to be very little collaboration between schools or local agreements about admissions (and this perception was reinforced during the school visits).

2.1.2 Inclusion

In all authorities, there was a trend towards meeting the needs of pupils with SEN in mainstream schools, as part of the inclusion agenda. The case-study authorities were at different stages of implementing this approach. In one authority where there seemed to be some difficulty, an officer mentioned his frustration that schools in the authority had not fully taken this on and, instead, the special schools were full of children who, in other authorities, would be in mainstream schools. This led to a shortage of places for those children with severe SEN. Another authority was reducing the number of special school places to move away from their previous practice of admitting into special schools pupils with less significant needs.

2.1.3 Delegation of SEN budgets

In line with national trends, many of the LEAs had moved to a situation whereby resources for pupils with SEN but without statements had been delegated to schools. As a result, individual pupils did not represent any additional funding and so schools had to meet their needs out of their schools' delegated SEN budget. This was reported to be an area of concern for some schools. In one authority, some schools were reported to be *'not happy'* with the admissions policy that expected more pupils with SEN to go into mainstream schools without additional funding being available.

2.1.4 Move away from statementing

There was a trend within the authorities to move away from statementing pupils and, instead, to encourage strategies to meet their needs within the mainstream school setting. This related to the devolved SEN funding to schools and the fact that statements no longer attracted additional funds for schools. In one authority, the pupils who would previously have had statements (but no longer did) were still managed by the LEA SEN team. However, in the remaining authorities this was not the case and pupils without statements were treated in the same way as other pupils

without SEN. Some of the officers interviewed noted that schools would not formally be notified which pupils had SEN at the admissions stage, reportedly because schools did not need this information as they could not refuse pupils on the grounds of SEN.

One of the effects of the move away from statementing was that many of the LEA general admissions staff were unaware of the proportion of pupils with SEN but without statements, and so were unable to comment on how the admissions procedure affected them. Often, these staff thought that colleagues within the SEN team would have this information but, on the whole, SEN teams could not identify how the admissions procedure affected these pupils. It was striking that, in almost all the participating authorities, the officers interviewed thought that it was someone else's responsibility to provide for and monitor these pupils in relation to admissions. This would suggest that the move away from statementing pupils may have led to a change of responsibility for the admissions of non-statemented pupils with SEN. Whilst it may be that the general admissions processes work for such pupils, it was not possible to confirm this from the interviews with LEA officers.

2.2 Main issues and challenges

2.2.1 Targets versus inclusion

LEA officers referred to the conflict or tension that existed between schools' desire, on the one hand, to meet targets and perform well in league tables and, on the other, to be inclusive and admit pupils with SEN. One LEA officer reported that headteachers would often say '*how can I reach those targets if I'm taking in all these children with special needs?*'. The officer went on to say that some primary schools try to dissuade parents from applying when the school feels it has reached its 'limit' for admitting pupils with SEN.

2.2.2 Shortage of places and difficulties placing pupils

In three of the LEAs, there was a shortage of places generally and this was felt to affect both statemented pupils and pupils with SEN but no statement. Additionally, in LEAs with particular types of school – for example, high numbers of grammar

schools or single sex schools – the range of schools to choose from for pupils with SEN was inevitably restricted: for example, parents of boys had only the boys' schools.

The LEA officers were asked whether challenges relating to the admission of pupils with SEN varied according to the type of school – for example, whether it was a Foundation school. No interviewee mentioned that this was directly a problem. However, one officer noted that the Foundation and voluntary aided schools in their authority were often full because they were popular.

Some officers mentioned that there was a difficulty finding places for pupils with particular types of need, such as BESD or autistic spectrum disorders. Schools were reported to be particularly reluctant to admit pupils with behavioural difficulties, where these difficulties were known to the school. Some officers also mentioned that it was difficult to find places for pupils excluded from one school in an alternative school – these pupils were often reported to have behavioural difficulties. Two LEA officers described how pupils with BESD were now being given a greater focus within the inclusion agenda. One officer described how they had moved 'behaviour' out of the SEN structure and into the social inclusion department *'...because of all the social inclusion initiatives... it seemed daft that we still held the statutory side of BESD within the SEN field'*.

As a result of cooperation between LEAs, an officer in one authority explained that the LEA had made an active decision not to have a special school for pupils with speech and language difficulties because they were able to place pupils in a neighbouring authority with such provision. Instead the LEA focused on providing for other types of SEN through specialist units attached to mainstream schools and through a special school for pupils with complex learning difficulties.

Interviewees in two LEAs explained that they ensured that pupils with statements secured suitable places for the secondary phase by allocating places in advance of the main admissions process. An officer in another LEA, which did not operate in this way, reported that the number of children with statements of SEN admitted to each of

their secondary schools varied considerably.

2.2.3 Casual admissions

In three of the authorities, officers identified that there was high pupil mobility and that this posed particular problems with casual admissions (admissions mid-year). One officer felt that for pupils with SEN, casual admissions was the *'biggest challenge'*, particularly for those with SEN but no statement, as many schools would be full. Because casual admissions had been so problematic, the LEA had established a collaborative system to deal with them in a consistent way (see Policies and Procedures section for further details).

2.2.4 Cross-authority issues and out-of-authority placements

In most of the LEAs, there was movement of pupils between neighbouring authorities – pupils had day places in another authority. Some officers referred to differences in ethos between authorities towards pupils with SEN, saying that this could lead to inconsistency in approach. One LEA officer explained that she did not want to 'upset' their neighbouring authority, so if a school in their neighbouring authority did not want to take a statemented pupil, the LEA would not name the school on the statement (thereby forcing them to accept the pupil in-authority). One of the case-study LEAs was piloting an 'inter-LEA' protocol for secondary admissions; this enabled neighbouring LEAs to work together in placing pupils most appropriately. This coordinated scheme was used for pupils being placed through the general admissions process, rather than for those with statements.

2.2.5 Parental preference

There appeared to be a move towards encouraging pupils to attend their local school rather than schools deemed 'popular' or perceived as 'successful'. Officers referred to the way in which some parents of pupils with statements of SEN used their situation to name a preferred school as a means of 'queue-jumping' to get places at popular schools. This led to problems in transporting pupils to school, as well as '*causing annoyance*' amongst the schools. Additionally, it was felt that these decisions were often not based on which school would provide the best support for pupils, but on which were the most popular or performed best in league tables. In one authority, if the parent expressed a preference for a school that was not the local school, as well as consulting that preferred school, the LEA would also consult the local school before

deciding which school to name on the statement. Some LEAs reported that mainstream schools were concerned that if they had a good reputation for supporting or accepting pupils with SEN, then parents might perceive them as 'SEN' schools.

In some cases, the schools that parents perceived to be good were not always consistent with the LEA view. The interviewee in one LEA gave an example of a town with two secondary schools: one was an old grammar school and served a slightly more affluent catchment area than the other. Parents usually named the old grammar school as the preferred school, whereas, according to the SEN team within the LEA, the other local secondary school was actually more effective in supporting pupils with SEN. This demonstrates how 'word of mouth' reputations could influence school admissions.

Some officers referred to the way in which schools would try to discourage parents of non-statemented pupils with SEN from attending their school. Whilst in theory schools were not aware of which pupils had SEN but were non-statemented, in practice, parents would tell them or it would be mentioned in their record from their previous school. It appeared that schools were in a better position than the LEA to know which pupils were non-statemented SEN. One officer reported that *'schools do everything possible to put the parents off*', including: claiming to be full, interviewing the parents, asking the pupils to sit tests or suggesting that the pupil's needs could not be met in a mainstream school. As this was an authority where many of the schools were foundation or voluntary aided, the LEA did not feel in a position to act on this behaviour. An officer in another authority was aware of cases where some parents had been told by a primary school that there were no vacancies when this was not actually true. This officer reported that it was difficult to resolve these situations because the LEA would only find out after the event, when parents would contact them because they were unsuccessful in securing a school place. By this time, the number of pupils on the school roll could have changed, which also made it difficult to challenge the school on these cases.

2.2.6 Bureaucracy

A number of officers referred to the bureaucracy involved in the admission of pupils with statements of SEN. In particular, they reported that statemented pupils were

unable to use the usual admissions appeal procedure and, instead, would have to follow the SEN tribunal route, which was much more complicated and took longer. One officer said that she was surprised that parents were ever able to make sense of the complexity of the statutory framework.

2.3 Policies and procedures on admissions

2.3.1 Policies and procedures

Some LEAs had local procedures in place, or were trialling particular processes to support pupils' admissions. These schemes included an 'in-year placement panel' for pupils entering the authority mid-year who had difficult circumstances (such as SEN, a permanent exclusion or in public care). In this case, if the preferred school for that child was full, s/he would still be admitted to the school with additional resources. This avoided the situation of pupils who transferred mid-year being concentrated in the few schools with places available. Another LEA had set up a 'secondary admissions panel' which consisted of all secondary headteachers and LEA officers. The panel met monthly and the headteachers would jointly agree on where to place pupils transferring mid-year. This scheme was designed to cope with the high pupil mobility that the authority experienced and included all pupils entering the authority, not just those with SEN. An example in another authority was the 'inclusion panel' where, again, the headteachers within a particular local area would meet to decide on placements for particularly difficult pupils. The LEA officer in this authority highlighted the benefit of the scheme: '*it's a much better idea when you have consensus with the headteachers, rather than the LEA sitting in the middle and being forceful*'. The purpose of this panel was two-fold: as well as deciding on placements for particularly difficult pupils, the panel also planned managed moves for pupils at risk of being excluded. Section 3 includes more information on managing exclusions.

2.3.2 Good practice

The success of the admissions procedures for pupils with SEN appeared to depend on a commitment from schools to the inclusion agenda. In particular, the attitude of the headteacher seemed to determine the approach of the school towards such pupils. One officer reported that the headteacher of a school that was particularly inclusive had been seconded to another school, and that the acting headteacher was more *'resistant'*

to pupils with SEN, which had been reflected in a change in approach in that school. Another interviewee felt that commitment from the senior management to inclusion needed to be demonstrated in practice via the whole ethos of the school.

Another factor related to success appeared to be the LEA and school ability to be flexible in response to the changes occurring in relation to the admissions of pupils with SEN, i.e. devolved funding, a reduction in statementing and the emphasis on mainstream provision. As one officer illustrated *'we're succeeding because we've just recently reorganised some provision. We've also had a ongoing review of SEN... so it's an evolving review'*. Other officers described frustration that procedures and expectations had remained constant or had not 'caught-up' with changes in the admissions of pupils with SEN.

Some of the LEAs acknowledged that there were variations across schools in their compliance with the legislation on admissions. Schools' compliance was generally felt to result from a good relationship between the LEA and the schools, and the '*inclusive nature*' of the schools. Other schools were reported to refuse to admit pupils with SEN because of the additional resources that would be required from their existing school budget, or because they felt that they could not meet the needs of a particular child.

There were certain school characteristics that the LEA officers felt affected schools' compliance with the admissions legislation. Schools that were reported to display good practice in this area were considered to have a general inclusive ethos, show a welcoming attitude to parents and children, and have a commitment to inclusion from the senior management team. There was no consensus about whether primary or secondary schools were most likely to comply with the regulations.

2.3.3 Naming schools on statements

Most of the LEAs appeared to go to great lengths to consult schools before naming them on statements. As one officer reported, *'we don't want to force them; we want to win hearts and minds'*. There were few references to the use of direction (forcing schools to take non-statemented pupils) but some authorities had occasionally had to

direct schools to take statemented pupils. One officer explained that s/he had to ensure that all other avenues had been explored first – otherwise, the school had the right to appeal. This had been done successfully in the past in this authority.

2.3.4 Information

There was not a large amount of additional printed information on admissions available to parents of pupils with SEN – but this is not something that LEAs are expected to produce. Most authorities mentioned that the admissions booklet had a section on children with SEN, and that parents (primarily those whose children had statements) were encouraged to make personal contact with SEN teams, which would then be able to assist them on a more tailored or one-to-one level. Some also referred to the support offered by Parent Partnership Services.

2.3.5 Appeals

There was a large variation between the authorities in the number of appeals that took place as a proportion of pupils seeking admission. As pupils with statements of SEN were unable to go through the standard appeal procedure, the only pupils with SEN who would have appeals were those without statements. As with earlier issues, most of the authorities had no record or means of identifying the proportion of appeals that were from pupils with SEN without statements. In two authorities, officers mentioned that the reasons for appeals from non-statemented pupils were unlikely to relate to their SEN, but this was not based on data and there was no evidence to support this. Another officer reported that if parents who were appealing mentioned that their child had SEN (but no statement) this was not recorded or monitored in any way.

2.3.6 Monitoring

Very little monitoring of the admissions process was reported other than the legal requirement to record numbers, gender and ethnicity for a return to the DfES. There was little or no monitoring of SEN-related issues, particularly in relation to non-statemented pupils: as one officer asked, *'how would we know which pupils they are?*'. Additionally, this was an area where there was confusion over who was responsible, with SEN staff reporting that the responsibility lay with the general admissions staff whereas the general admissions staff referred to the SEN teams.

3. Local authorities' perspectives on exclusion practices

3.1 General trends and issues

As noted in the introduction to this report, the LEA officers with a brief for exclusions who were interviewed affirmed that this brief covered **all** exclusions from school within their authority, regardless of type (e.g. permanent or fixed-term), sector (e.g. primary or secondary school), or individual (e.g. with or without SEN). A number of these LEA officers identified a rise in the number of permanent exclusions. In general, this was at secondary level, although in one authority, a rise in primary exclusions (particularly in Year 5) was highlighted. This particular trend at primary level appeared to be authority-wide and the LEA concerned was about to conduct some research to ascertain the underlying reasons for the increase. In one authority, however, the exclusion rate (for both fixed-term and permanent exclusion) had fallen '*dramatically*'. This was considered to be as a result of the LEA working positively with headteachers to reach agreement that they did not need to exclude pupils in order for them to access appropriate provision.

3.1.1 Exclusion and SEN

The exclusion of pupils with SEN was generally discouraged unless as a '*last resort*' and, as such, where it did take place, was usually considered to have been inevitable. In two authorities, there was an agreement, or internal target, to avoid excluding pupils with statements of SEN. However, in other LEAs, this was reported not to be the case, with concern expressed in one about the '*worryingly high*' percentage of pupils with statements of SEN being permanently excluded, from mainstream schools as well as special schools. Over half of all permanent exclusions within this LEA were said to be of pupils with some formally identified SEN, either at *School Action* or *School Action Plus*. In another LEA, of 61 exclusions the previous year, only five were of pupils without SEN (taking SEN to include those at *School Action* and *School Action Plus*). In two of the LEAs, interviewees stated that pupils with SEN did not appear to be excluded from school any more frequently than pupils without SEN, with the number of exclusions from special schools remaining very low.

When asked whether pupils with any particular type of SEN were excluded more often than others, overwhelmingly, interviewees identified pupils with behavioural difficulties. In addition, the over-representation in exclusion figures of pupils with attention deficit hyperactivity disorder (ADHD) and autistic spectrum disorder (ASD) was highlighted. In one authority, following recent exclusions, it was reported that one or two pupils had been found to have mental health problems. A lack of '*respite provision*' was believed to have exacerbated this issue – had there been sufficient capacity within the PRU, the pupils would have been able to attend there whilst waiting for an assessment of SEN, '*at least then they are on a school roll somewhere*'.

Some interviewees highlighted a '*fundamental confusion*' over whether or not behaviour in fact constituted a special educational need, or whether there should be additional learning difficulties to justify identifying it as such. This would appear to be a moot point, with one LEA officer noting that, as most exclusions were for behavioural reasons, in theory they might all be considered to be exclusions of SEN pupils. Similarly, another LEA officer argued:

> *We don't exclude kids because they can't learn, do we? Behaviour's a form of learning, so why would we exclude them because they haven't learnt how to behave?*

This officer went on to assert that, if a pupil was at the point of being excluded, then they had a special need and not to assume so was '*daft*'. They might not fit neatly within the criteria of SEN, but '*we need to be meeting their needs differently*'. One LEA officer reported a lack of confidence amongst parents of children with SEN in the ability of the authority's mainstream schools to meet children's needs. There was a call for greater sharing of the expertise of those working in alternative provision and special schools with staff in mainstream schools.

3.1.2 Delegation of SEN budgets

As noted in the previous section on admissions, most of the LEAs either had delegated, or were in the process of delegating, resources and responsibility for the management of SEN to schools. Whilst it was hoped that the additional resources would increase schools' capacity to cater for pupils' SEN, concern was expressed that

some schools were assessing certain needs as too complex for them to cope with and opting for exclusion as a means of bringing the situation to the LEA's attention. As a result, the need for the LEA to work closely with schools was identified, in order to help schools work more effectively with their pupils to meet needs and thus improve behaviour overall. It was recognised that some schools had already allocated resources in this way, with examples being given of the introduction of learning support units (LSUs) and additional teaching support assistants in lessons.

An LEA officer in one authority explained how, alongside a policy of non-exclusion, the funding for SEN had been reviewed, so that children did not have to have a statement in order to access funding. More money had been delegated directly to schools in order to be able to implement much earlier preventative work. As a result, the number of statements had halved and was expected to reduce further. This had provided an opportunity for LEA resources to be directed towards supporting schools in other ways. One example was reducing the number of pupils on roll in special schools to allow staff to support the inclusion of children in mainstream. This was seen as a valuable way of releasing specialist resources for support and training in mainstream. Another was to put together a '*hubs and spokes*' model of specialist provision where satellite schools could receive advice and support.

However, in spite of such examples of good practice, several interviewees felt that the delegating of resources and responsibility had inevitably led to diversity in schools' practice as to the priority they attached to meeting the needs of pupils displaying challenging behaviour and, thus, where they chose to spend those resources. At the same time, it was not always the schools with the most challenging pupils that had the highest number of exclusions: often these schools tended to be more effective at addressing the problem.

3.2 Main challenges

3.2.1 Budget cutbacks

In two cases, a recent change in the funding formula was reported to have led to a lower level of budget being devolved to schools. Concomitantly, this was believed to have exacerbated the diversity in schools' practice highlighted above, with the result

that some schools were even less likely to prioritise meeting challenging pupils' needs. Pupils with SEN were said to be particularly vulnerable as a result of such cutbacks. One LEA officer noted that the issue had been flagged up both locally and with central government, while another argued for a collective approach to the problem, rather than a top-down edict aimed at forcing schools to cooperate. At the same time, a general lack of funding for specialist provision for pupils with SEN was identified in one authority.

3.2.2 Requirement for full-time provision

Whilst all authorities aimed to support schools to avoid excluding pupils (particularly those with SEN) wherever possible, the need to provide appropriate alternative placements when exclusion did take place was recognised as crucial. For one authority, the recent Government requirement to provide full-time education for all pupils excluded for more than 15 days was a major challenge, particularly for those pupils with complex needs, or those who had become disengaged from education. The challenge was felt to be both in terms of ensuring that suitable provision was made available in the first instance, and then of securing pupils' engagement on a full-time basis.

3.2.3 Reintegration

Reintegrating excluded pupils back into mainstream school was believed to be problematic. This was true for all pupils, including those with SEN, both with and without statements, and particularly of pupils in key stage 4 when reintegration was viewed as '*pretty unrealistic*'. In fact, it was noted that pupils with statements of SEN could occasionally be in a slightly better position than those without, in that they might have wider access to provision that would not be available to a non-statemented pupil – for example, an out-of-authority placement.

The attitude of schools towards excluded pupils was believed to be influential in the success of reintegration. Although statemented pupils could have more complex needs, engaging them in education was often said to be easier than engaging some pupils without statements of SEN – for example, those with long-term behavioural difficulties. As a result, schools were said to be much less willing to readmit the latter.

In some of the LEAs, a system of 'managed moves/transfers', used pre- or post-exclusion, was said to be effective in addressing this problem. Local headteachers 'signed up' to the system, agreeing to take pupils from each other, thus allowing pupils '*a fresh start*' at a different school. A similar system was being piloted in another authority. One LEA had opted to retain a system of charging schools when a pupil was excluded, with the money going to the receiving school. This was believed to have the dual effect of aiding negotiations with schools over reintegrating excluded pupils, and of discouraging schools from excluding in the first place.

3.3 Policies and procedures on exclusions

3.3.1 Policies and procedures

There was consensus amongst LEA interviewees that schools were expected to comply with the current guidance and legislation governing exclusions. Within that, a number of LEA officers referred to expectations or additional LEA guidance and/or protocols. For example, one LEA officer referred to the subsequent creation of a '*statement of expectations*', which laid out local authority targets and the procedures to be followed.

More general protocols included an informal agreement with secondary heads in one authority to end year 11 with the pupils they started with in year 7. A local agreement between schools in another LEA ensured that each would consider accepting at least one excluded pupil. References were made to local forums or groups, including in one authority, a multi-agency 'Children Causing Concern Group' which met weekly to monitor longer fixed-term and permanent exclusions. The group included representatives from Education Support, the Education Welfare Service (EWS), the Educational Psychology Service (EPS), Social Services, the PRU, the Behaviour Support Service (BSS), the Connexions Service and the SEN Team. Schools were not represented, although their views could be brought to the meeting by representatives of the agencies attending. Officers in two LEAs referred to active Parent Partnership Services that supported all parents of permanently excluded pupils.

There were no local protocols identified which focused specifically on the exclusion of pupils with SEN, except for those encouraging schools not to exclude pupils with

statements of SEN, but to consult on alternatives. In the authority operating the above multi-agency group, excluded pupils with SEN would be flagged up as 'children causing concern'. LEA officers in other authorities spoke of issuing guidance to schools to discourage them from using permanent exclusion for pupils with statements of SEN, to allow time for consultation on more appropriate options.

However, one LEA officer pointed out that, in spite of the guidance, schools had autonomy to impose a permanent exclusion as they wished. For some, it was seen as a way of highlighting unmet need and drawing in support from other agencies, despite evidence that this was not always the case. As a result, this LEA was undertaking a review of its Behaviour Support Plan (BSP) in order to improve the support provided to schools in identifying alternatives to exclusion.

3.3.2 Good practice

The degree to which schools were complying with the legislation on exclusions was believed to be variable. Schools were required to notify the LEA immediately when a permanent exclusion or a fixed-term exclusion of more than five days took place. Information on fixed-term exclusions of less than five days still needed to be communicated but not immediately. However, LEA officers noted that there were schools that did not always follow the correct procedures and, where there was evidence of this, schools' practice would be challenged. One of the LEAs, acting as a '*critical friend*', then used a self-review tool with schools to enable them to examine their practice. Generally, schools were said to be more aware than previously of the correct procedures to follow, and of their liability should they fail to '*do it by the book*'. Equally, governors were said to be overturning more exclusions as they became more aware of their responsibilities.

In spite of this, one LEA officer pointed out that, although recent guidance was helpful in ensuring good practice, it did not affect the extent to which exclusion could be used: a school might be following the correct procedures yet still be excluding more than other schools. One LEA officer pointed out that, within this, there was a tension between the school improvement agenda and meeting the needs of challenging pupils. He gave an example of a school in the authority which had been

singled out in the recent value-added league tables for the improvement it had made, yet also happened to be the highest excluding school in the LEA. Although felt to be rare, if schools were seen to be excluding a higher proportion of pupils with SEN than other schools, this would act as a 'trigger' for action in most cases and the schools would be challenged.

Where schools were complying with the legislation, this was believed to be because of the good relationships that existed within the LEA and the extent of negotiation and information-sharing that existed. Schools reported to be displaying good practice in regard to exclusion were felt to have an inclusive approach to which the headteacher and senior management team were fully committed, as well as a good relationship with parents. Other indicators of good practice were believed to be where schools were spending their SEN entitlement in a way that benefited the needs of their SEN pupils, including consulting on an interagency basis about the most effective way of doing so. Often, the schools facing the greatest challenges were reported to be the ones working most proactively to address unmet needs and to allocate resources accordingly. A number of LEA officers spoke about good practice guides and sharing examples of good practice between schools, which, in turn, increased consistency.

3.3.3 Unofficial exclusions

LEA officers acknowledged that, although there were felt to be fewer incidents of unofficial exclusions than there had been in previous years, they did still take place, including ones involving pupils with statements of SEN. A suggested reason for a reduction in unofficial exclusions was that headteachers now had more confidence in the exclusions process (i.e. that their decisions would be upheld) and thus did not feel the need to resort to sending pupils home unofficially. LEA officers noted that, where unofficial exclusions did take place, it was usually for behavioural reasons – a pupil being sent home for the rest of the day to '*cool off*', or being given '*time out*'. There was consensus amongst interviewees that such practice would be challenged by the LEA whenever it came to light. This in itself was a problem though, as it meant the LEA was then '*fighting it after the event*'.

3.3.4 Provision for excluded pupils

LEA officers reported that excluded pupils would generally be referred to a PRU within the authority, with the aim of reintegrating them to another school wherever possible. In one of the LEAs, a Provision and Reintegration Service (PARS) had been set up in response to the Government requirement for full-time provision from the 16th day following an exclusion. This service operated eight centres, four of which functioned as PRUs and four of which dealt specifically with the 16th day requirement, as well as offering outreach provision to provide in-school support for behaviour and learning. In another authority, once excluded, pupils would move onto the roll of the PRU, but within that there was the opportunity to receive home tuition or to participate in alternative education programmes, as the PRU would not have the physical capacity to cater for all excluded pupils. For some pupils, this would only be for a short period of time before moving to another school; for others, it might represent a permanent place until they reached school leaving age. Similar opportunities for alternative education placements involving local further education (FE) colleges were highlighted in other authorities, as was the facility for 'respite' provision within the local PRU. LEA officers reported that any excluded pupils with SEN would be given priority within the system but noted that, often, identifying suitable provision for them could take time.

In one LEA, where a non-exclusion protocol existed, schools were encouraged to talk to the LEA when they had a pupil believed to be at risk of exclusion. A new post of Inclusion Officer had been introduced, through which schools were being enabled to work preventatively and build up support systems (including pastoral support programmes). This made it easier for schools to provide evidence of what they had done and that they had reached a point where they needed LEA support. The intention was to give schools the resources: '*I want to get rid of the PRU and behaviour support and give it to the schools, so the kid can stay in the school system, they don't need to leave it'*.

The importance of good relationships with the local special schools was emphasised in this respect.

3.3.5 Information for parents

In most cases, information available to parents about exclusion was generic rather than specific to pupils with SEN, although often containing a section on how the process related to them. Letters sent to parents informing them about an exclusion were reported to include useful information for parents of children with SEN about who to contact for advice and support, e.g. the Advisory Centre for Education (ACE) and Parent Partnership organisations. The latter were said to be particularly effective in working with schools to prevent exclusion, as well as assisting parents through the process once an exclusion took place.

3.3.6 Appeals

Each of the LEAs was required to collect data on the outcomes of all independent appeals, although the numbers were reported to be very low. Those from parents of pupils with SEN were reported as usually being no more successful than those from any other parent, with only a very small proportion of the former being overturned. As already noted, because the approach in a number of authorities was to encourage schools to avoid the exclusion of pupils with SEN except as '*a last resort*', it was felt that by the time an exclusion took place, all that could be done had been, and the exclusion would usually be upheld.

In the authority where a non-exclusion protocol was in operation, an LEA officer emphasised the importance of ensuring that offering respite provision for children at the local PRU did not in fact represent '*an exclusion by another name*' and thus deny parents their rights. The need to be '*upfront*' with parents and gain their agreement to whatever decisions were being taken was stressed. As exclusion levels in this authority were much lower, concomitantly so were the number of appeals. This officer highlighted a recent case where three pupils were to be excluded for bringing a dangerous weapon into school. One parent had taken the initiative and enrolled their child in a private school, while a transfer or 'managed move' had been facilitated for the other two pupils. Thus, the exclusions had been revoked.

3.3.7 Monitoring

As mentioned earlier, in each of the case study LEAs, schools informed the LEA of any fixed-term or permanent exclusions. Fixed-term exclusions of less than five days did not have to be communicated immediately. Exclusions were then recorded on a central database detailing such information as: the reason for the exclusion, the type of exclusion (whether fixed-term or permanent), gender, ethnicity, age and statement of SEN. Although the exclusions of pupils with SEN were not monitored separately from the exclusion of all pupils, the information on the database clearly identified those pupils with statements of SEN, or at *School Action* or *School Action Plus*.

LEA officers in each of the authorities referred to using the information on the database to produce regular reports and/or digests of statistics for senior managers or elected members. These were then used as a basis for planning and future resource allocations. At the same time, patterns in the data could be identified (e.g. the increase in primary exclusions in one LEA referred to earlier) and appropriate action taken: '*data underpins everything, it is crucial for picking up problems*'. As mentioned earlier, in one LEA, a multi-agency Children Causing Concern Group met half-termly to discuss the data and identify issues or areas to be targeted.

In another authority, a target-setting system for pupils with SEN (similar to the P scales) was being introduced (Performance Indicators for Value Added Target Setting [PIVATS]), which focused on raising attainment and assisting individual pupils to make progress in curricular areas. It was felt that this system would enable more appropriate targets to be set, with some '*very hard*' questions asked about whether those targets were appropriate, or what resources have gone towards supporting those children.

4. Schools' perspectives on admissions of pupils with SEN

The case-study schools were asked about their admissions policies and practices, focusing particularly on any references to pupils with SEN and the admission procedures for such pupils. They were also asked about any challenges they faced with regard to the admission of pupils with SEN. The main points raised by schools fell into two groups relating, respectively, to regular annual admissions and casual admissions. They also distinguished between pupils with statements and those with SEN but without statements. The following sections highlight the key issues for schools. It covers:

- annual admissions
- casual admissions
- special school and special unit admissions
- over-subscription and school reputations
- admission appeals
- resource planning for admission of pupils with SEN.

4.1 Annual admissions

In schools where the LEA was the admission authority (community and voluntary controlled schools) the regular annual admissions seemed to be relatively straightforward for the school staff. The admissions authority would handle all the applications and the schools would offer places according to the formal admissions criteria, before interviewing or meeting pupils, or receiving information about their achievements and educational needs. One of the foundation case-study schools (where the governing body was the admission authority) noted that all the schools within their authority, regardless of type, had agreed to follow the same admissions procedure, to help to make the system simpler for parents to understand. In this case, the admissions process worked for the foundation schools in the same way as for community and voluntary controlled schools.

Pupils with SEN without statements would be allocated places and admitted to schools through the same process as all other pupils. One headteacher commented,

'*we get what we're given according to the criteria and I think that's right*' as this was perceived to eliminate the opportunity for discrimination, for example, against pupils with SEN but no statement. The parents' preference forms were sent directly to the local authority to process before the lists of pupils' names were passed on to the appropriate schools. In the secondary schools, it was usually during the summer term, after children had been offered and accepted places at the school, that the staff involved in transition would begin to find out more specific information about individual children's needs through visits and meetings with the primary schools.

As highlighted in the local authority section, some LEAs ensured that pupils with statements secured suitable secondary school places by allocating places in advance of the main admissions process. Some schools also described this procedure; the pupils with statements were encouraged to visit prospective secondary schools during year 5, rather than waiting until year 6. This could have huge benefits for planning purposes, because the pupils and parents would then be in a good position to make their secondary school preferences known during the year 6 annual review, and at that time, the school could be named on the statement. The pupils would be admitted to the school named on their statement and the case-study schools acknowledged this statutory requirement. But, as the LEA officers mentioned, there were instances where some school interviewees felt that parents used this procedure to their advantage: strategically-aware parents of children with a statement for SEN would access a place at a 'popular' school, by having it named on the statement, rather than applying to their local mainstream school. The headteacher of a popular secondary school explained that when he felt that parents were doing this, he would dispute it by writing to the local authority and asking them to demonstrate why the child could not be enrolled at his/her local secondary school. In another less popular secondary school, the SENCO explained that parents would try to move their statemented children to a neighbouring school that was more popular and performed better in the league tables and, as a result, was admitting a greater number of pupils with statements through the annual admissions than the less popular school. Generally, however, the schools recognised their responsibilities for accepting pupils for whom the school was named on their statement.

4.2 Casual admissions

There was, perhaps, more opportunity for discrimination with casual admissions and it was these that caused more uncertainty amongst school staff. A number of factors made casual admissions more contentious, particularly whether or not the school was oversubscribed, and what reputation the school had. Here again, there were also differences for pupils with SEN with statements and those at *School Action Plus* or *School Action*.

The admissions of pupils at *School Action* or *School Action Plus* would be handled in the same way as for pupils without identified SEN. They '*would simply come through the normal process, they wouldn't jump to the top of the list*'. However, more information on the individual pupils' needs would be available to school staff when considering casual admissions; it was usual for the parents and child to be invited into the prospective school for a pre-admission visit and interview when transferring schools mid-year. This could provide an opportunity for a school to reject a pupil with identified SEN if it so wished, although this did not seem apparent in the case-study schools.

Some interviewees did feel that casual admissions often seemed to involve pupils with SEN. There are two possible reasons for this. First, it may be that there are more children with SEN moving schools mid-term compared to those without SEN; especially if there are differences between schools in the amount of SEN support and provision, parents may be more inclined to move their child to another school if they feel that they are not getting the support required in their present school. Ironically, it is those with identified needs who may actually find transferring schools and catching up with work missed more of a challenge. The second possible reason is that casual admissions of non-statemented children with SEN are only an issue for particular schools: those that are not full as casual admissions are not commonly sought in school that have reached capacity. If this is the case then planning resources and provision would be even more problematic for schools with a high number of mid-year admissions. These issues are returned to in section 4.4. This does suggest, however, that it would be useful to collect, locally or nationally, data on the reasons

for casual admissions to schools, to facilitate informed decision-making on mid-year transfers.

Generally, for casual admissions, pupils with statements would automatically be admitted even if the school was full to capacity, if that school was named on the statement. It would be expected that the 'naming' represented a prior process of assessing the needs of the pupil in relation to the possible schools, as well as consultations with the schools, parents and pupils. As stated in the local authority section, the case-study LEAs appeared to go to great lengths to consult schools before naming them on statements. Commonly, within the case-study schools, the school SENCO would be involved in deciding whether they could meet the needs of a particular child with a statement. However, there were cases where the schools felt that they could not refuse to admit a child if they were under their published admission number (PAN) regardless of the nature of his/her SEN. As an assistant headteacher of a secondary school commented, '*we can't refuse a pupil a place if we have space*'. In situations like this there is a possibility that pupils' needs were not matched with the SEN provision as the pupils would be admitted to the school regardless of adequacy of provision. This suggests that procedures for investigating the appropriateness of particular schools for individual pupils may need to be developed.

Some of those interviewed in the course of the research were concerned about the admission of pupils with special educational needs if the school has reached its PAN. Interviewees considered that such 'casual admissions' created difficulties in planning the deployment of resources. Though it is likely that the effect on the school will vary depending on the school size and current pupil profile. For example, in a small primary school, one additional pupil with a statement of SEN may significantly increase the proportion of pupils requiring specialised support, whereas in a large secondary school that may have a large established SEN team, admitting one more pupil with a statement may not change the overall profile of needs within the school. Furthermore, the situation was affected by the nature and severity of the pupils needs. One headteacher expressed his concerns:

The main challenge is making sure that we have the resources to meet the needs of the students. Where I feel that we don't have that, we would do our best to try not to have to admit that student.

Headteacher, secondary school

4.3 Special school and special unit admissions

Within the case-study sample of schools, two of the mainstream schools had special dedicated provision and resourced places for pupils with particular needs. The infant school received funding for up to 30 places for pupils with physical disabilities or medical needs. Admission to the school for pupils with such disabilities was managed by the SEN team within the local authority and was separate from the school's general admissions. However, once admitted to the school, the pupils with the physical disabilities and medical needs were fully included in the mainstream schooling and allocated to mainstream classes across the school. The secondary mainstream school within the sample had resourced provision for pupils with physical disabilities and with hearing impairment. Admissions with respect to special provision were based on specific criteria relating to those needs (e.g. severity of hearing impairment).

There were three special schools in the case-study sample; admission to these schools differed from that for the mainstream schools. Admission depended on the pupils having statements of SEN relevant to the schools' provision; and involved admissions interviews prior to places being offered. For example, in one special school for pupils with BESD, the headteacher would receive a copy of the statement for a prospective pupil and then invite the parent and child in for an interview, which he felt was critical for informed decision-making. He explained, '*I haven't got the confidence and the faith to look at a statement and say whether or not we can meet that child's needs.*' After the interview, if a place was offered to a child it would be for a six-week trial placement which would then be reviewed before a permanent school place was offered. The whole admissions process thus involved three elements and lasted several months.

4.4 Over-subscription and school reputations

At the time of the research, some of the case-study schools were over-subscribed and some were under-subscribed. This seemed to have implications for the types of admission issues raised. The over-subscribed schools, which tended to have good reputations, such as for having an inclusive ethos or having good SEN provision, felt that an increasing number of pupils with SEN were applying to the school through the regular admissions. As one secondary headteacher who also took on the SENCO role explained, '*obviously the more successful you become at coping with SEN the more SEN children that come*'. One secondary school in this situation had approximately 90 pupils on the waiting list to obtain a place at the school at the time of the research.

Some of the under-subscribed schools, which usually had less positive reputations following poor Ofsted reports, low attainment or staffing issues, felt that because they had spaces available they admitted a number of 'problem pupils' through mid-year transfers, including those who had been excluded from other schools. '*We always have been the dumping ground*', explained one secondary SENCO in an under-subscribed school. The local authorities used a number of different strategies to try to overcome these disparities in admissions, such as the 'in-year placement panel' and the 'secondary admission panel' as described in section 2.3.

For some schools, the challenge was not over-subscription or under-subscription throughout the school, but an issue of particular classes being full. One junior school, which was under its PAN, described a difficulty that it had faced: the school had recently turned down the application for admission of a boy into year 6 and had explained that they were full. The capacity was 75 for that year and there were 66 pupils in year 6 at that time. However, the 66 pupils were split into two classes of 33 and the admission of one more pupil would have increased the class size to 34. Had there been nine pupils requesting a place in year 6 to bring the school up to its PAN of 75, then it would have been possible to split the year into three classes of 25 instead. So, although the school had not reached its PAN, it was actually loath to accept any more pupils because of the class size situation.

4.5 Admission appeals

Approximately half the case-study schools had experienced admission appeals over the previous year, although only a small proportion of these appeals related to pupils with SEN. Most commonly, the appeals were for the year 7 intakes to secondary schools where the schools were massively over-subscribed. One school pointed out that where pupils had statements and were transferring mid-year, even if the school was full to capacity, the statement would override the admission capacity and the pupil would be admitted anyway so there was no need for the parents to appeal. It was also noted that parents of pupils with statements who wished to appeal would do so through the SEN and Disability Tribunal, and not through the ordinary appeals panel.

The schools which had not had any admission appeals seemed to be under-subscribed and therefore less likely to reject pupils. As one headteacher explained:

> *We're never full so we basically take everybody! I think when we don't take somebody, we don't take them with the support of the authority. In other words, because we don't just reject people out of hand and seriously consider everybody and take most, then the authority know that when we say we've got a bit of a problem taking this pupil as well then they'll be sympathetic and look for other possibilities*.
>
> Headteacher, secondary school

Overall, admission appeals relating to SEN were not common amongst the case-study schools.

4.6 Resource planning for admissions of pupils with SEN

If a pupil with SEN is to settle in a school and be able to participate in the curriculum – thus minimising the likelihood of their exclusion – then the school needs to prepare for their admission. This includes making arrangements for appropriate staffing and support. Planning resources for pupils with SEN presented a particular challenge to some schools, both with regular admissions and casual admissions. With regular admissions, it was common for the schools to receive detailed information only in the summer term, on the number or types of needs of pupils joining their school in the new intake. This led to problems planning staffing and resources in advance, particularly where there were complex patterns of delegation for SEN funding. One

school cited the case of a pupil joining in September who had a specific learning need requiring a specialised learning support assistant on a one-to-one basis. The assistant headteacher explained, '*when that pupil leaves, we have someone who specialises in one area who wants to keep that specialised aspect of their role but the school may not need them to continue*'.

A headteacher of another school made a similar comment:

> *I don't know what the demand of this next year 7 pupils will be until my staff visit the primary schools. By the end of this month [June] I will know and I'll have to look at the number of TAs we need and the amount of individual support. This is very difficult for planning.*
>
> Headteacher, secondary school

For a school that already had difficulties with staffing, this did not allow much time to recruit appropriate teaching assistants for the new intake of pupils, as well as having implications for the school budget.

Some of the primary schools expressed similar concerns, particularly with regard to casual admissions:

> *At the start of the year we set up our special needs approach and our staff and our extra staff, then another child joins the school with special educational needs and we have to provide for them somehow with what we've got and that's not always easy.*
>
> Headteacher, junior school

Similarly:

> *It is expensive to be inclusive and that should be recognised…especially when some schools are not doing their 'fair share'. It made me quite angry to be told that the money is in your budget – how is it if they are joining the school?*
>
> Deputy headteacher and SENCO, primary school

In one of the secondary schools, the resourcing issues related to the fact that the funding for pupils at *School Action* and *School Action Plus* was not ring-fenced. The SENCO explained that the school SEN department would not receive the money: '*it disappears into the school, into the ether*'. This SENCO had tried to resolve the issue with both the headteacher and the finance department, but without progress. This was estimated to be funding equivalent to five additional classroom assistants.

Resourcing SEN was certainly an issue for some of the case-study schools, and it could have implications for the admission of pupils with identified special needs. It was clearly an area where some schools would appreciate some more guidance.

5. Profile of pupils with SEN within the school sample

This section outlines the profile of pupils with SEN on roll in the case-study schools. It highlights the challenges that the schools faced and the strategies for supporting these pupils. The following table gives an indication of the proportion of pupils in the case-study schools who had identified SEN based on data from the 2003 DfES Schools Performance Tables.

Table 1 Percentage of pupils with statements of SEN in the case-study schools

% of pupils with statements:	Lowest %	Highest %
Primary schools	0.0	9.8
Secondary schools	1.0	6.0
N = 14		

Source: http://www.dfes.gov.uk/performancetables/

Within the primary schools, the percentage of pupils with statements of SEN ranged from none to almost ten per cent of the school population. In the secondary schools, the proportion with statements ranged from one per cent to six per cent. (These included schools with units on site.)

Table 2 Percentage of pupils with SEN without statements in the case-study schools

% of pupils with SEN without statements:	Lowest %	Highest %
Primary schools	10.0	47.3
Secondary schools	5.8	22.0
N = 14		

Source: http://www.dfes.gov.uk/performancetables/

There was a wider range of percentages of pupils with SEN but without statements in the case-study schools: in one of the primary schools nearly half the pupils had some SEN.

5.1 Challenges identified by the schools

The interviewees were asked to comment on the profile of pupils with SEN within their schools and to identify any particular challenges that this presented to them. In the secondary schools, interviewees identified both learning difficulties and behavioural difficulties as common needs. In some cases, the pupils with learning difficulties were also thought to have behavioural difficulties whereas in other cases, the interviewees felt that these were different cohorts of pupils. One school felt that many of the pupils identified with learning difficulties would then develop behavioural difficulties because their learning needs were unmet, whereas others argued that behavioural difficulties alone did not constitute a special educational need as such (it should be noted that this represents interviewees' perceptions – regardless of DfES guidelines). Some schools also commented that they had a few pupils on the autistic spectrum on their school roll. Two of the secondary schools were particularly concerned with the low levels of literacy of some pupils. One school explained that this had consequences for their learning: if the pupils in year 7 had a reading age of eight then they would not be able to access the textbooks and therefore would not be able to access the curriculum. Furthermore, one support worker commented, '*if you came into school at a reading age of seven but you weren't statemented, it would be very hit and miss whether you would get any help with that, and that's what the problem is.*' In this case, where available resources to support SEN were low, the pupils at *School Action* and *School Action Plus*, including those with poor literacy skills, would 'miss out' on additional support.

The primary schools had profiles of needs similar to those of the secondary schools in the sample, with learning difficulties being identified most often as the principal need and some also mentioning behavioural difficulties. Two mainstream schools within the sample (one infant and one secondary) also had specialised resources and places allocated for pupils with physical disabilities. The secondary school also had provision for pupils who were deaf. In both schools it was felt that this helped to

create an inclusive and caring ethos within their school and that they were accustomed to supporting a diverse range of needs.

Some interviewees also commented about the decline in the numbers of pupils receiving statements for their needs, because of the national move to reduce the number of new statements. Staff in one junior school felt it was a challenge because of parents' views on statementing: '*A lot of children used to have statements and their parents still want them to have this, but there's no way they would get one now. That's quite an awkward situation for us to be in as a school.*' However, in contrast, a special school for pupils with BESD (where all pupils had statements) viewed the situation differently. The headteacher felt that the local authority would issue statements to pupils when they did not know how else to support them in a mainstream situation, because that would then make them eligible for a place in the special school. The headteacher said, '*they get statements as a quick fix*'. This special school explained that their intake included pupils who applied as a last resort and who had often already failed a number of times in mainstream schooling. Therefore the pupils applying to special schools were those with more severe or multiple needs who, perhaps, had not been successful in mainstream school and this added to the challenges for the special school.

As discussed earlier, the way resources for SEN were delegated to schools was felt to be a challenge to some schools. A number of the interviewees from mainstream schools felt the challenges they faced were because of their need for more support, whether it was from teaching assistants or parents. In relation to teaching assistants, a primary headteacher commented that a number of pupils were supposed to receive one-to-one support from a teaching assistant to support their needs. But because the general level of behaviour in the classes was so poor, the teaching assistants were being used at class level, rather than individual pupil level. Furthermore, a secondary headteacher felt that these issues were heightened in secondary schools. For example, in a primary classroom a teaching assistant could easily be shared between three pupils with specific learning needs and if each pupil was entitled to nine hours' support a week, then in practice, the teaching assistant could work full-time with the three pupils. However, in a secondary school, the three pupils would probably have different classes for different subjects and would therefore only receive the nine hours

support. This headteacher felt that the pupils would realistically need more support in secondary school than in primary because of the nature of the timetable, but were actually receiving less support (in theory). The school had tried to overcome the challenge by matching pupils with similar needs and allocating them to the same classes; however, this was not always possible if the pupils were of different ability levels.

An interviewee in a junior school commented that the parents of the pupils with SEN would not go into the school, despite numerous invitations. The school had run a 'dyslexia friendly' evening for parents but only two parents attended and they were both classroom assistants within the school. '*We offer lots of different meetings for all sorts of things but we just don't get the parents into school.*' This was a particular problem with the parents of the pupils with behavioural difficulties, where the SENCO wanted to work with the families to support the children. Other schools had had similar experiences and one school was looking at ways of supporting the parents who would not go into the school, commenting that their reluctance was often because the parents had had bad experiences of school.

5.2 Strategies for supporting pupils with SEN

Once pupils had been offered a school place and prior to starting at the school, it was common for the headteacher or another senior member of staff to meet with the parents and the child, particularly for casual admissions. This was often an opportunity for the family to decide whether they wanted to accept the offer of a place and find out more about the school's strategies. There were also a number of common practices for supporting pupils through the year 6 to year 7 transfer, especially for those with special needs.

5.2.1 Transition

The case-study schools were asked about their year 6 to year 7 transition schemes, and whether any additional support was available to pupils with SEN at that time. The primary schools in the sample explained how they ensured that relevant information concerning their year 6 pupils would get passed on to the secondary schools. Usually, within the primary schools, there was a specific member of staff (e.g. SENCO,

learning mentor, social inclusion worker, secondary transfer liaison officer) who was responsible for liaising with the local secondary schools and sharing knowledge on individual children. There would usually be meetings during the summer term to discuss the pupils with SEN transferring to secondary school. The students' files, including copies of individual education plans (IEPs), would be shared, as well as other 'verbal' information. As one primary headteacher noted, '*all the information that we have is made available to the secondaries*'. There was one case where the SENCO explained that they were still waiting to find out which secondary school one boy with a statement would be transferring to, in order for them to be able to pass the information on to the relevant school. Some primary schools mentioned that they would provide additional support for those with SEN who were worried about the transfer to secondary school. In one school, this involved a session about how to make friends; in another school, an additional visit had been arranged for a pupil to visit the secondary school with a member of staff from the behavioural unit. One of the case-study schools was also working with the parents around transition issues and holding meetings for parents to talk about their concerns. Overall, the primary schools seemed to have systems for sharing information with the secondary schools, including SEN information. In some instances, the primary schools would be proactive in arranging this, whereas in other cases, they would wait for the secondary schools to make contact.

The secondary schools in the sample gave similar descriptions of the processes concerning the year 6 to year 7 transition in relation to pupils with SEN. During the summer term, staff would visit the feeder primary schools, to obtain information on pupils transferring. Usually, where there were pupils with SEN, the secondary SENCO would liaise with the primary schools to collect information. The schools generally found it easier to obtain information from their regular feeder primary schools than from other primary schools because links had been established. It was also easier for a secondary school the fewer feeder primary schools it had to deal with. In these cases, the SENCOs seemed very supportive of each other and it was common for the secondary SENCO to be involved in the year 6 reviews for statemented pupils. Two of the schools commented that it was not always so easy to find out about pupils at the *School Action* or *School Action Plus* level in advance of transition, which would obviously have implications on the support available immediately on transfer.

However, one of the case-study schools focused particularly on this, as the SENCO explained, '*we try and get all the support sorted before the children even transfer, we try and get all the IEPs sorted and this is something we pride ourselves on. We try to make it seamless.*'

In relation to transition for pupils with SEN, the key aspect seemed to be good primary to secondary liaison, not only through the SENCOs, but also through other support staff such as learning mentors in order '*to build up a full picture*' of each of the pupil's needs. One secondary school explained that one of their feeder primary schools would also send examples of the pupil's work as well, which was felt to be helpful. However, the advantage of secondary staff actually visiting the feeder primary schools to meet with the teachers and pupils, rather than just collecting documentation, was explained by one school: '*this gives access to lots of information that isn't necessarily written down*'.

Some of the secondary schools mentioned extra support that was available to the pupils with SEN after general taster day visits. This included additional visits to the school to look around or meet with the SENCO; additional voluntary induction days during the summer holidays; or special 'transition classes' for the first part of the secondary school year where the teaching set-up was based on the primary model, with one teacher in one classroom for most of the subjects, to help the pupils settle in to secondary school.

5.2.2 Within-school communication

Following the admission of pupils with SEN, it was usually the responsibility of the SENCO to share information across the staff on the pupils with SEN and possible strategies for supporting them. Some SENCOs explained that they would provide all teaching staff and classroom assistants with copies of the children's IEPs. This would ensure that staff were clear about the pupils' needs and the targets that they would be working towards. One SENCO explained that they kept a book of all of the IEPs in the staffroom for staff to access, but she was not convinced that all the staff used it. Another secondary school had set up a student support panel for staff, where each

week one year group was discussed. This was a forum for the staff to share their ideas on effective strategies for supporting the pupils with particular needs. The most effective strategies for individual pupils were then entered into a book, which could be used as a reference guide by other teachers.

Additional support for pupils with SEN was usually provided within the classroom setting with an emphasis on differentiation, rather than through withdrawal work. Support provided through withdrawal, was usually for those with more severe learning needs. Particular strategies for supporting pupils with identified behavioural difficulties are described in section 6. Within the classroom setting, pupils with SEN could be supported by teaching assistants, learning mentors or the school counsellor. One school counsellor said '*it's a strength that I don't teach because then I'm available most of the time to go and support*'. The teaching assistants were also highly valued: '*they know the children and work with them and the children trust them ...they are a valuable resource for the school'*.

5.2.3 Staff training and experience of SEN

Some of the schools involved in this research felt that their experience of supporting pupils with SEN was good generally, whereas other schools felt the need for more training in specific areas. Some schools talked about whole-school training and some focused on training for new staff or support staff. It was usually the SENCO who provided whole-school training, although one school mentioned an extensive SEN training course run by the local authority. Often, whole-school SEN training was part of the INSET at the beginning of the school year on general SEN issues and behavioural issues, or on more specific needs such as dyslexia. One school SENCO explained that she had recently run a training session for staff straight after school on autism, but nobody attended because it was voluntary. This secondary school currently had five pupils on the autistic spectrum who were particularly challenging. She commented, '*I think there is so much that class teachers have to do, this is just an added layer and they think that "I've only got them for two hours a week so why do I need to know?"'*. Arguably, a school should only be named on a statement if there is a guarantee that the school can meet the pupil's needs effectively.

Some schools mentioned that new members of staff would receive extra training from the SENCO, to introduce them to the types of children they would be likely to come across in the school. Other schools mentioned that they would train staff in specific types of SEN depending on the current demands. For example, one primary school explained how different support staff had attended different training courses for such as ADHD or autism, and they would then be the 'specialist' support staff member in that area and could provide information to other support staff when needed. In some cases, the support staff were given the opportunity to specify what type of training in SEN they felt would be most useful. Commonly, after a training course, the member of staff would feed back to the rest of the team the information that they had gathered.

One secondary school explained that they could apply for additional SEN training through a 'provider panel' and, if successful, the special school outreach worker would work with the staff and children within school. However, this was not always the favoured option, as one primary headteacher commented, '*I believe very much in doing it internally, rather than bringing people in who just dip in and out and then leave you. I need to have something left in the school that we can work on.*'

In schools where the level of experience of supporting pupils with SEN was high, it was usually where there was a history of including pupils with a range of needs in the school. For example, the headteacher of an infants school explained how the school's resource base for pupils with physical and medical difficulties benefited all pupils with SEN:

> *The strategies and provision that we are able to provide for those children has had a knock-on effect on the provision that we can provide for overall in a number of ways, including the ratio of staff to pupils, the expectations, the flexibility of staff.*
>
> Headteacher, infant school

Furthermore, a special school for pupils with BESD worked closely with its local mainstream schools and delivered outreach support for BESD. The aim of the outreach was to support children to cope in mainstream schools where they would traditionally have attended a special school. Interestingly, the headteacher of the special school felt that, as well as benefiting the mainstream schools, this also benefited his staff as they learnt new strategies and skills from mainstream teaching

that could then be applied within the special school classes. The school also offered the chance for mainstream support staff to work alongside the special learning support assistants to gain first-hand experience. In this case, there seemed to be several good links that helped a number of pupils.

Overall, the case-study schools identified a number of challenges with regard to the profile of pupils with SEN in their schools, but also highlighted a number of strategies for supporting these pupils, through the transition process and once admitted to the school. The whole process of assessing and meeting the needs of pupils new to the school is of prime importance and can be seen as a fundamental strategy to prevent exclusion, insofar as the whole cohort is given the opportunity to engage in the community of the school and participate in the curriculum.

Sections 4 and 5 have illustrated how the official admissions procedure is really only the start of the process of supporting pupils with SEN, to ensure they receive appropriate provision through school transfers. The next section of the report focuses on the challenges in the management of exclusions in relation to pupils with SEN and then on provision for pupils following an exclusion.

6. Schools' perspectives on exclusions from school

This part of the report now moves on to discuss the exclusion of pupils with SEN from the case-study schools, drawing on the interviews with school staff and, where relevant, with PRU staff, pupils and parents. It covers:

- the extent and type of exclusion within the sample
- challenges and issues within schools' management of exclusion
- preventative approaches to exclusion
- the exclusions process
- provision following exclusion (both fixed-term and permanent)
- reintegration (following both a fixed-term and a permanent exclusion).

It should be noted that interviewees tended to talk about exclusion in terms of the general school population. However, wherever relevant, issues relating to pupils with SEN have been flagged up.

6.1 Extent and type of exclusion within the sample

6.1.1 The number of exclusions within the sample

Interviewees in the majority of schools in the sample were adamant that exclusion, and particularly permanent exclusion, was not used lightly. The use of fixed-term exclusion was fairly common within the secondary schools' repertoires of sanctions, although the frequency of use varied quite considerably. Estimates of the number of fixed-term exclusions in the previous year ranged from 45 to 90 (approximately) in four of the secondary schools, with interviewees in the other three noting that there had been '*some*', or '*a lot*', or that a higher number of fixed-term exclusions was inevitable because of '*the tight structure of steps leading up to it*'. Interviewees in all three special schools and four of the seven primary schools in the sample reported having no fixed-term exclusions in the last year, while of the other three primary schools, in two, two fixed-term exclusions were reported and in one, one was reported.

Interviewees' quantification of permanent exclusions within the last year showed similar variation. None of the primary or special schools within the sample reported making any permanent exclusions within the last year. In one of the secondary schools, a permanent exclusion of a pupil with a statement of SEN had been threatened but an alternative school had been found before this had become necessary. In the last year, in three of the secondary schools, between one and five permanent exclusions were reported to have taken place, while in another two (both in the same high-excluding authority), the figure was reported to be between ten and 12. In one of the remaining two secondary schools, interviewees referred to four permanent exclusions taking place in the last three and a half years (although the number was said to be dropping since the authority had become a Behaviour Improvement Programme (BIP) area); and in the other, three were reported over the last 16 years.

6.1.2 The reasons or 'triggers' for exclusion

In one case-study school, an interviewee's comment supported the view expressed in the authority (which was a 'high-excluding' one), that fixed-term exclusions were at a high level because of a lack of tolerance of persistent poor behaviour: '[The school] *has improved quite a lot and a lot of that is due to exclusion – we have rooted out quite a lot of the undesirable kids*'.

This focus on removing undesirable behaviour was underlined in the comment from another interviewee in the same school, who reported 'pushing' a year 7 pupil with ongoing behavioural problems until a confrontation occurred and the pupil was eventually permanently excluded.

> *As far as I'm concerned if a kid is misbehaving in class then they should be removed ... I always make a point of challenging those pupils, and it's either black or white, they either conform to what I want or it results in a very serious incident where I challenge them to the point where they swear at me or do something. ... I challenge them to the point that neither of us will back down.*
>
> Head of year, secondary school

Interestingly, in this school, a number of interviewees highlighted a lack of consistency amongst staff in applying sanctions, and a feeling that certain staff would '*provoke*' confrontation. A senior manager advocated more staff training in behaviour management because of a sense that, sometimes, situations were allowed to escalate

that could have been diffused if handled slightly differently. (It should be noted that the DfES is currently making provision for key stage 3 behaviour training nationally.)

In one of the case-study special schools, staff had all come to an agreement that the exclusion of pupils with SEN served no purpose, because it merely provided a sense of relief or '*justice*' for staff rather than modifying behaviour. However, a special school headteacher did comment that the selling of drugs in school could not be tolerated because of the number of pupils taking medication which, if combined with cannabis, for example, could have very serious consequences. Even so, exclusion was not necessarily the only option: the last time a pupil at this school had been caught selling drugs, he had been transferred to another school, for a 'fresh start', rather than being excluded.

Another possible reason for an exclusion, where it would not itself directly benefit the pupil, was to force the LEA to make appropriate provision. A headteacher in one of the current study's primary schools commented that the only reason he might consider using exclusion as a threat would be to put pressure on the LEA to '*sit up and take notice*' when the school felt unable to cope with a particular pupil's SEN.

The principal reason given for exclusion by school staff in the current study (in line with the DfES guidance on exclusions) was behaviour that was unacceptable (also confirmed by staff in the case-study PRUs). Interviewees within the case-study schools reported that fixed-term exclusions were used in cases of:

- verbal or physical abuse towards staff
- physical abuse towards other pupils
- racial abuse
- bullying
- persistent lesson disruption.

However, as noted later in section 6.4, a series of earlier stages within a hierarchy of sanctions, and/or preventative strategies, would usually have been brought into play before the stage of fixed-term exclusion was reached.

Permanent exclusion was considered to be extremely rare in response to a one-off incident, especially where a pupil had no previous history of serious behaviour. Again, in most cases, a whole range of sanctions (including fixed-term exclusion) and preventative, or remediating, strategies would have been gone through before considering permanent exclusion. Exclusion as the response to a one-off incident was generally when drugs, violent assault, or the use of an offensive weapon had been involved. For most interviewees, permanent exclusion was seen as '*a last resort*'; '*the ultimate extreme*'; and after '*the straw that broke the camel's back*': that is, it was the result of an accumulation of incidents after all possible solutions had been exhausted, as the following extract from one of the case-study school's behaviour policies illustrates.

Figure 1 Extract from Behaviour and Discipline Policy (secondary school)

Permanent exclusions: Exclusion when it is not intended that the pupil returns to [the school]. A permanent exclusion is considered only as a last resort and usually is the final sanction in cases of cumulative disruption, or disturbed behaviour and persistent offending. Before this stage, the pupil will have progressed through the school-based stages of assessment and provision … The latter school-based strategies will also have drawn on expertise available outside the school, in particular Educational Psychologist and Education Welfare Officers, and possibly Health, Social Services and voluntary agencies.

As a final means of averting permanent exclusion proceedings, a Pre-Final Exclusion (PFE) meeting will be held with the pupil and his/her parents, to which relevant external agencies may be invited, in order to try and resolve the difficulties which the pupil is experiencing. The aim of this meeting will be to issue the pupil with a final warning that should his/her behaviour not improve within a stated period of time then permanent exclusion will be the consequence. The pupil and parents may be asked to agree to a school behaviour contract following the PFE meeting.

It is to be hoped that the PFE meeting is successful in averting a permanent exclusion within the agreed time period. However, should the pupil's behaviour prove to be totally unacceptable at a later date, then a further PFE meeting will be held. In certain cases, it may be deemed desirable that the pupil be brought before the Disciplinary Committee of the Governors who have the power to issue a formal warning, verbal or written, to the pupil. The Disciplinary Committee can also recommend that the Headteacher consider exclusion or an appropriate course of action.

Throughout the progression of sanctions leading to the possibility of exclusion, whether fixed-term or permanent, there will have been effective liaison with and involvement of the parents.

Source: Documentation provided by case-study schools, NFER study, 2004

As a result of following an accumulation of incidents, where permanent exclusions had taken place, the majority of interviewees considered them to be inevitable: '*Sometimes, you have no choice*'. Nevertheless, some headteachers expressed their sense of failure when this occurred: '*when I do exclude a child, I actually feel I've*

failed' (headteacher, primary school). '*I perceive that every permanent exclusion is a failure and, as such, do everything possible to avoid it.*' (headteacher, secondary school).

One interviewee, however, expressed some reservation about the wisdom of struggling to retain pupils, only to exclude them, for example, in year 10 or 11 ('*at the end of a long road*'), when it was much more difficult to find them another mainstream school place, or an appropriate alternative placement. There was also a recognition that an emphasis on inclusion could come at a price, in terms of supporting challenging behaviour in school whilst, at the same time, striving to meet national performance targets.

6.1.3 The extent to which SEN was a factor

In line with the current guidance on exclusions (DfES, 2004b), interviewees referred to doing everything possible to avoid excluding pupils with SEN. Thus, interviewees were in agreement that exclusion was rarely as a result of a pupil's SEN where these needs were in the nature of a learning disability, a physical disability or a sensory impairment. A number of school interviewees asserted, as did their LEA colleagues, that pupils with these special educational needs were no more likely to be excluded than any other pupil. Each case would be looked at individually, taking all the facts, including pupils' individual needs, into account. It should be pointed out that these interviewees were separating out 'unacceptable behaviour' from 'special educational needs'. The research produced a substantial amount of evidence that there was a lack of clarity among interviewees as to whether or not pupils whose behaviour had deteriorated to the extent that they were excluded had 'behavioural difficulties' as a class of 'special educational needs', or whether they could merely be placed in some other category such as 'naughty', 'offending' or disaffected'.

While pupils with SEN were excluded (albeit usually on a fixed-term rather than a permanent basis) from the case-study schools, there was some variation in the extent to which SEN was considered to be a contributory factor in the exclusion. For example, some interviewees referred to acting out/disruptive behaviour resulting from learning difficulties, or difficulties with language and literacy which made responding

to instructions problematic, while others felt that SEN was rarely a factor: '*A lot of the time it's because they're just not interested and they use their SEN as an excuse*'.

A teacher in one of the primary schools in the sample noted that staff tended to tolerate behaviour from a pupil with identified behavioural difficulties that they would not accept from other pupils, which did not always seem fair (although, on the whole, the other pupils appeared to accept this quite happily). Tolerance was a recurring theme within the discourse of the special school interviewees who dealt with often quite extreme behaviour on a daily basis. Although there might be times when staff were '*battered, bruised and bitten*', excluding pupils was considered to be inappropriate in that, often, it would mean sending pupils home to an environment where parents were also '*at their wits end*'. A better response was believed to be the building up of appropriate strategies in school, in order to manage the challenging behaviour more effectively and minimise negative effects on staff.

6.1.4 The relationship between behavioural issues and SEN

In agreement with the LEA officers interviewed, school interviewees expressed some confusion as to whether behavioural difficulties merited inclusion within the category of SEN: '*Some pupils with behavioural problems do have SEN but it's not a given*'. As the Literature Review for the current study highlighted (see Appendix 1), previous research (Audit Commission, 2002; Polat *et al*., 2001; Male, 1996) has shown that identifying children's needs can be problematic, with some difficulties usually being identified earlier (e.g. physical difficulties) or more reliably than, for example, emotional and/or behavioural difficulties. The SEN Code of Practice (DfES, 2001a), which also reflected the new rights and duties established by the SEN and Disability Discrimination Act 2001, indicated that the trigger for intervention through *School Action* would be when the behaviour being exhibited had been shown to be persistent and unaffected by the behaviour management strategies usually in place within school.

Within the current study, there were examples of pupils:

- who '*understood the limits*' and whose inappropriate behaviour could be modified through the whole-school approach to behaviour management, including the more general preventative strategies in place

- who were in need of some form of more intensive support in school to manage their behaviour, but did not necessarily have SEN

- who had identified special needs, which might include behaviour.

Some interviewees referred to a '*chicken and egg*' scenario where the latter was concerned:

> *It isn't necessarily naughty children ... a lot of the children misbehave, but they do this because they can't access what is happening in the classroom and if we tackle that we can tackle the behaviour.*
>
> Deputy headteacher/SENCO, primary school

Interviewees also recognised the influence of family and social issues outside school which could impact on pupils' behaviour in school. In spite of some apparent conflict of opinion as to whether pupils had SEN, or were just 'naughty', the majority of responses have indicated that the approach within the case-study schools appeared to be to endeavour to meet pupils' learning and behavioural needs in school, with exclusion as a last resort (again, as per DfES guidance on exclusions). The extent to which existing school systems and strategies are equipped to do so may well be debatable, as the next section, which looks particularly at the challenges and issues posed by pupils with SEN to schools' management of exclusion, now addresses.

6.2 Challenges and issues within schools' management of exclusion

A number of challenges to schools' management of exclusions were identified, which clustered around the following main issues:

- the extent and/or type of pupil need
- the current emphasis on inclusion
- parental involvement/expectations
- unofficial exclusions.

6.2.1 Extent and/or type of need

As identified in the previous section and in line with the DfES guidance on exclusion, the principal reason for exclusion within the case-study schools was behavioural. Managing that behaviour in school was identified as a particular challenge. Equally, although pupils with severe learning needs were believed to present fewer problems in terms of exclusion, ensuring that their needs were catered for, and that their learning progressed at an appropriate rate, was a challenge. Although a range of in-school strategies was identified (see section 6.4), schools' ability to respond to the needs of pupils with extreme difficulties was said to be problematic when resources were limited. Equally, excluding a pupil with SEN brought accompanying challenges, in terms of securing a suitable alternative placement that could cater for his/her specific need (e.g. sensory or physical impairment). For one senior manager, the decision whether or not to exclude a deaf pupil from the school (which had a resourced base for deaf pupils) had been particularly difficult as no similar provision was available within the LEA:

> *If he were permanently excluded, there isn't another deaf provision in* [the LEA]. *He is causing significant problems – it's an issue – where do they go?*
>
> Assistant headteacher, secondary school

Acknowledging and taking account of the particular home circumstances of some pupils with SEN was also recognised as a significant issue when considering an exclusion – for example, whether there would be appropriate care and/or supervision available at home. The associated consequences of excluding a child in public care, in terms of the potential for disruption to, or the loss of, their care placement, were also highlighted.

In several cases, interviewees were of the opinion that a '*one size fits all*' approach was not appropriate for the management of exclusion, reiterating the fact that individual needs and circumstances should be taken into account:

> *I'm always a little bit more wary of excluding special needs children, because you want to be considerate of their problems.*
>
> Headteacher, primary school

As mentioned in section 5, in some schools, a list of all pupils with SEN, including their particular needs and characteristics, was available to all staff. In one secondary school, this would be referred to in the event of a potential exclusion. However, it seemed that the nature of the incident itself would have more bearing on the decision to exclude:

> *If a kid hits somebody, whether he's SEN or not, he's going to get a fixed-term exclusion because the rules are such that you don't do that.*
>
> Headteacher, secondary school

6.2.2 The current emphasis on inclusion

There was consensus amongst interviewees that permanent exclusion should be a last resort when there was no other alternative, with a number articulating their obligations within the current guidance to '*make every effort*' to avoid excluding pupils at *School Action* and *School Action Plus*, whilst avoiding the exclusion of pupils with statements except in '*the most exceptional circumstances*' (DfES, 2004b). However, this was felt to present a challenge in terms of ensuring consistency of approach and parity with other pupils. One headteacher's interpretation of 'inclusivity' was that pupils with SEN should not be treated any differently, with the corollary that '*outrageous*' behaviour from pupils with SEN would not be tolerated any more than from any other pupil. Thus, there was a general perception that, in certain cases (e.g. violence or physical assault as illustrated in the section above, or if the behaviour of one pupil was affecting others) a decision to exclude a pupil with SEN might be necessary. Nevertheless, senior managers expressed an awareness that their decisions could be challenged if a pupil had a statement or was on the Code of Practice. This was believed to create an essential dichotomy between an emphasis on inclusion and the welfare of others.

> *I'm worried that there seems to be a belief in education at the moment that schools have to keep children in whatever. I think that the policy of inclusion is what we are about, but you have to do the best for the children that you have already. When you get to a point where you cannot deal with a child without members of staff being involved in restraining them all the time, then you have to make a decision to exclude them.*
>
> Headteacher, primary school

6.2.3 Parental involvement/expectations

Interviewees affirmed that parental contact was a particularly important aspect of their management of exclusion. Involving parents in the early stages of any behavioural problems and maintaining this involvement throughout were considered to be helpful in reducing the potential for conflict in the event of an exclusion being necessary. Generally, school staff spoke positively about the support received from parents, noting in most cases that parents were supportive and willing to work with the school, particularly if it could avoid their child being excluded. Parents of pupils having difficulties in school also spoke positively of the home/school contact:

> *They keep me informed, sometimes by phone or by a letter, and I try to make myself available to come in at any time.*
>
> Parent, secondary aged pupil

> *I had a meeting with the deputy head. Every time we've met he's had a list of all the things* [name of pupil] *has done wrong and all the good things (the things he's done wrong is thicker!). The teachers write reports of the good things as well as the bad. This helps him when he knows they recognise the good things.*
>
> Parent, secondary aged pupil

In a few cases, however, interviewees reported that some parents responded negatively to the school's management of their children's behaviour, or that parents considered the school seeking their involvement (e.g. having their child at home) to be an inconvenience. One parent whose child had been excluded, although appreciative of the general school strategies to manage behaviour, felt that concerns should have been communicated before the point of exclusion was reached:

> *When he got excluded, we weren't called to any meetings, but I think we should be. I think the school should be more informative half way through the problem, before the exclusion happens. We got a letter about the exclusion by post showing the dates of the exclusion.*
>
> Parent, secondary aged pupil

Several school interviewees did refer to requesting meetings with parents to discuss children's behaviour in an effort to avoid the behaviour escalating. In some of the primary schools in the sample, examples were highlighted of arrangements for parents

to come in and work with their children in the classroom, or at lunchtime if that part of the day had been identified as particularly difficult for the child.

Sometimes, parental understanding or appreciation of the gravity of certain offences could cause conflict. In one instance, two pupils had been excluded for four days for accessing pornographic sites on one of the school computers, in spite of the various filters in place to prevent this ('*it isn't possible to accidentally come across those sites*'). The parents of one pupil had fully accepted the need for the exclusion and had collected work to be done during the period at home. However, the other pupil's parents had objected to the exclusion even though the school had explained that, if the pupil had done this as an adult in the workplace, he would have been facing dismissal, or even prosecution. The parents then appealed to the governors, who took the view that the correct procedures had been followed and that the decision to exclude should stand. However, the parents were now taking the matter further with the LEA and had threatened to approach the newspapers with the story.

In addition, school staff again referred to the fact that it was not uncommon for the problematic behaviour presented in school to arise from outside factors, such as family break-ups or bereavement, or if parents themselves were not very able. In certain cases, it was recognised that parental involvement and, indeed, exclusion would not be the most appropriate option and alternatives would be implemented.

6.2.4 Unofficial exclusions

There was a general perception that sending pupils home without making it an exclusion (i.e. an unofficial exclusion) did sometimes take place, but was only appropriate in exceptional circumstances and with the support and cooperation of parents. However, the latest guidance from the DfES (2004b) clearly states what unofficial exclusions are illegal, regardless of whether they are administered with the agreement of parents. Some headteachers did identify unofficial exclusions as illegal, with one referring to it as '*an avoidance technique*' when schools could not make up their minds whether to exclude or not. This was believed to give mixed messages to pupils when there should be clarity and consistency in schools' approaches to managing behaviour and exclusion. Preferred approaches included: inviting parents in

to discuss their child's behaviour; part-time timetables; allowing pupils to come in a bit later or leave ten minutes earlier (to avoid potential '*flashpoints*'); and '*cooling off*' areas on site).

However, some school staff felt that sending pupils home was not necessarily a bad thing. Situations were reported where a parent might be contacted and a child sent home if, for example, they were having '*a bad day*', were emotionally upset, or had been involved in a fight: '*We have had days where a child is going ballistic and we have sent them home*'. In this way, it was felt that it could prevent something more serious occurring and thus avoid exclusion. At the same time, the appropriateness of sending pupils home had to be considered, e.g. if parents were at work, or were also unable to cope with the behaviour and/or particular needs of the pupil, or if pupils were in care, as schools were aware that they were responsible should anything untoward happen.

> *A lot of students unfortunately do have dysfunctional families. I suppose, in a way, it's defeating its own object – you are getting rid of the problem, but you are sending them off to reinforce their dysfunctional behaviour by sending them back to a dysfunctional set up.*
>
> Headteacher, PRU

Thus, as outlined above, sending a pupil home had to be with the full support of parents: '*You can only do that when you have built up a relationship with parents and they accept you are avoiding exclusion and managing the situation'* (head of year, secondary school).

As such, sending pupils home could be seen as another strand of the school's repertoire of sanctions and behaviour management strategies. In one school, in rare circumstances, parents might be offered the choice of taking their child out of school for a couple of days, rather than them having a fixed-term exclusion on their record. In another school, parents would be contacted before a pupil was sent home and then asked to come back into school with the pupil to discuss the situation further. Examples of lunchtime exclusions were also reported in some of the case-study primary schools. When used as a sanction, the effectiveness of sending pupils home was felt to depend on parents recognising the reasons underpinning the action and supporting it accordingly, i.e. not letting them go out, or giving them treats. Equally, it

was felt that some pupils might not regard the approach as a punishment and might even manipulate the situation in order to be sent home. At the same time, care had to be taken that staff did not abuse the system – questionable examples within the case-study sample included being sent home for not wearing the proper uniform and being rude to a head of year '*for the second time within my year group*'.

Finally, one headteacher believed that unofficial exclusions were fairly common, even contributing to a national reduction in exclusion. However, the fact that they were often covert meant that they were not properly monitored and regulated. More generally, monitoring permanent exclusions was considered useful in terms of where pupils moved on to and their subsequent progress, which was seen as a means of enabling the excluding school to reflect on its practices and support strategies. However, it was recognised that this was often difficult to implement, particularly where pupils were living out of authority.

6.3 Preventative approaches to exclusion

6.3.1 Principles/rationale underpinning schools' behaviour policies

School interviewees were asked to consider the main principles or rationale underpinning the school's behaviour policy and how those related to the schools' use and management of exclusion. For the majority of interviewees, the behaviour policy set out the behaviour expectations within the school and, as such, was seen as part of a whole-school preventative approach to avoiding exclusion. Expectations were generally made clear to staff, pupils and parents, for example in staff handbooks, pupil planners, the school prospectus and in assemblies (though there may be an issue in that some pupils may not be able to comprehend these expectations as a result of their learning difficulties). In a third of the schools in the sample, the behaviour policy had either recently been reviewed or was currently under review. In the remainder, there was a recognition that behaviour policies needed to be organic, able to respond flexibly to changing needs. In one secondary school, the policy was believed to be in need of development, it was '*too long winded*' and involved too much '*paper chasing*'. In another, the headteacher described how his school's policy was based on the four Fs: being firm, fair, friendly and flexible.

> *The firmness is that we have a structure that everybody understands and knows what it is. Fairness is that we look at whatever a child has done really has happened and that we haven't over-reacted and they understand where they are. Friendly is that we don't want to actually fall out with a student because of what we do. Flexible is because we want to be able to respond to pupils' needs.*
>
> Headteacher, secondary school

However, problems sometimes arose in ensuring the flexibility part whilst still ensuring some consistency of approach. An example was quoted of one year 8 pupil who had already had a ten-day exclusion for one incident and should have received a 15-day exclusion for the next incident. However, because of an awareness of difficulties in the family situation, he had been given a five-day internal exclusion instead, which had been flagged up by governors as being inconsistent. The parent of this pupil felt that the ten-day exclusion had been fair but questioned the wisdom of giving his son exclusions, '*when he's excluded he knows he gets away from what he doesn't want to do*'. Although expressing a lack of understanding of the reason behind the decision not to externally exclude for the second incident, he felt that inclusion – keeping his son separated from his peers but still in school – was probably a better approach:

> *I think they've got to look at any exclusion carefully to see if it's going to benefit the child. Obviously the classroom is benefiting because if he's disrupting the class then they're not learning, so with an exclusion the class benefits. But I still think it's so drastic to kick him out of school for a week. I think the inclusions may be more suitable. Plus when he's in the house he does my head in, he doesn't just sit still, he's up and out. I think the inclusion is a good idea, it's like an exclusion but in school.*
>
> Parent, secondary aged pupil

In general, the principles or rationales underpinning behaviour policies in the case-study schools were identified as having the following focus:

- positive reinforcement
- respect
- caring ethos
- pupil ownership
- effective management of behaviour.

However, it is important to note that most interviewees tended to identify elements from more than one of the above categories.

Approaches based on **positive reinforcement** generally included giving pupils praise and rewarding good behaviour: '*Fundamentally, our philosophy is that we would prefer to praise rather than apply sanctions*'. Examples of rewards included cumulative systems (e.g. points, merits or tokens; smiley faces; stickers; '*good*' letters; certificates etc.) which built up towards higher rewards such as special activities or treats. In one primary school, a '*politeness raffle*' had been introduced. If a child had been particularly polite or considerate, they received a ticket which went into a box with their name on it and then each Friday, one ticket was pulled out and the named child won a prize. This was believed to have been very effective in encouraging politeness. Reference was also made in some case-study schools to adults modelling good behaviour. Senior managers recognised that sustaining a positive approach could be problematic for some teachers when coping with difficult behaviour on a daily basis. One interviewee, with the dual role of deputy headteacher and SENCO, spoke of the difficulties inherent in this duality, in terms of balancing the positive with applying the required sanctions: '*If people send children to me as the deputy, they want me to punish them, if they send me them as SENCO, they want me to put them in a nurture group*'. This underlines the point made earlier that there was an implicit distinction between pupils who could not help their behaviour (i.e. with special educational needs) and who thus needed to be supported, and those who could, and thus 'deserved' punishment.

Some interviewees stressed the **mutual respect** on which their philosophy was based, which included pupils and staff respecting each other, as well as pupils having respect for each other.

A number of staff members across all types of school, but particularly those in primary and special schools within the sample, referred to a **caring ethos** based on an understanding of pupils' problems and early identification of need. The emphasis tended to be on conciliation rather than confrontation. Staff working with children with particular problems, for example, in schools in difficult areas, or with resourced units for pupils with SEN and in special schools, spoke of having greater tolerance

levels for certain behaviours than perhaps other mainstream colleagues might have, coupled with an acceptance that some children can not cope with certain things:

> *For most of our students, you can't talk about consequences – because of their cognitive ability, often they don't realise they have done something, or don't realise the force they have used*.
>
> Headteacher, special school

However, at the same time, there was believed to be a limit to what staff should be expected to put up with: '*We don't accept it as our remit to be a punch bag*'.

In some schools, the behaviour policy was founded on **pupil ownership**. Here, the emphasis was on choice, with children encouraged to 'own' their behaviour and take responsibility for the choices they made. In the primary schools in particular, this involved pupils being involved in shaping the policy and/or in devising class rules and consequences. In one primary school, pupils had been involved in devising school rules through their representatives on the School Council.

Approaches based on the **effective management of behaviour** focused on having clear structures and systems. Inherent in this was the need for consistency of approach, particularly in the application of rules and sanctions. It was believed to be important that all children, including those with SEN, were given the same message by every member of staff, including office and caretaking staff – '*a united front*'. However, there was some recognition, particularly within the secondary schools in the sample, that this was not always easy to achieve.

6.3.2 Within-school strategies for avoiding exclusion

Interviewees referred to within-school strategies for avoiding exclusion in terms of:

- a hierarchical or staged system of sanctions
- general preventative strategies aimed at the whole-school/class population
- remediating strategies for those with identified behavioural difficulties.

A hierarchical/staged system of sanctions

Generally, a staged system of sanctions was seen to be a fundamental part of the school's approach to managing behaviour and preventing exclusions. The system of sanctions was seen as applicable to the whole-school population, including those with SEN, although in the majority of cases this would be taken into account: '*We accept they have SEN but not that they are out of control*'.

A wide range of sanctions was identified by interviewees, which closely reflected that reported in a previous NFER study (Kinder *et al*., 1999). Also in line with that study, which looked at effective behaviour management in schools, lower-, middle- and higher-order sanctions (as depicted by Merrett *et al*., 1988) were apparent. 'Lower order' sanctions were usually within the remit of the class teacher, 'middle order' sanctions involved management staff (e.g. key stage leaders, heads of year), while 'higher order' sanctions usually involved senior management. The following hierarchy of sanctions (with some variations) was evident in the current study:

Lower order sanctions:	• **warnings** • **registering of poor/inappropriate behaviour** • **loss of privileges** • **loss of personal time**
Middle order sanctions:	• **parental contact/involvement** • **ongoing surveillance** • **removal from lessons**
Higher order sanctions:	• **internal exclusion** • **pre-exclusion meetings** • **fixed-term exclusion**

Lower-order sanctions

The first sanction at the disposal of the class teacher (e.g. lower order) was usually a warning about a pupil's behaviour, which could be either verbal or written, for example writing the pupil's name on the board (as with the system of Assertive Discipline). Slightly more formal was the registering of poor or inappropriate behaviour, for example, through incident slips detailing what had taken place and what action had been taken. These would then be filed for future consideration should the pupil's behaviour fail to improve or a more serious incident occur. Losing

privileges was a lower-order sanction which was mainly in use in the primary schools in the sample and, in some instances, in the special schools. Examples mentioned were the loss of special activities, for example '*golden time*', a period of free choice activity which could be withdrawn if pupils behaved inappropriately, or of trips out of school.

Loss of personal time usually involved some form of detention, being kept in at break or lunchtimes, or after school. Within this, some interviewees in secondary schools described a staged system of detentions, beginning with a class detention, then a department or a head of year's detention through to a school or SMT detention, with, in one case, a Saturday detention as '*a last and final warning*' before more serious action was taken. In this way, detentions moved beyond being within the realm of the class teacher to become a middle- or higher-order sanction. In one secondary school, a system of '*remission*' operated where pupils could drop back one place in the hierarchy if a repetition of the same or similar offence were avoided within the subsequent eight school weeks. This was believed to allow some flexibility within the system and enable pupils to take more control of their behaviour.

Middle-order sanctions

Contact with parents, either by letter or through meetings, was usually initiated once behaviour had escalated to a certain level, and after earlier, lower-order sanctions had failed to produce any improvement. However, in the primary and special schools in the sample, interviewees referred to more informal contact with parents which was considered to be beneficial in terms of registering early concerns about behaviour. This contact should, of course, have been established once the pupil was on the SEN Register.

Once a concern about a pupil's behaviour had been registered, some type of ongoing surveillance often took place. This generally took the form of report or monitoring cards/sheets which usually included targets for the pupil to meet. Pupils would have to have this signed by teachers throughout the day and, in most cases, the monitoring card/sheet would have to be taken home for parents to sign as well. One interviewee reported that this monitoring system was effective while pupils were on it, often functioning as '*a wake-up call*'. However, once no longer being monitored in this

way, interviewees reported that pupils' behaviour tended to revert back to how it had been previously. This may well be linked to the extent to which this sanction was seen as having a remediating function (as opposed to merely curbing poor behaviour), underpinned, as it was in some schools, by some form of other support, such as pastoral support plans (PSPs).

Removal from lessons or '*time out*' could be implemented as a lower-, middle- or higher-order sanction. Essentially, it involved taking the pupil out of the lesson or activity in which they were misbehaving. This was a more immediate response to the behaviour, usually involving a chance for the pupil to think about what they had done. In the primary schools in the sample, examples ranged from being sent outside the room for a short while, being removed to another '*paired*' classroom, or of being sent to work in the headteacher's office. In the secondary schools in the sample, examples were given of removal to a designated space or room, such as an '*on-call room*', where pupils would work under the supervision of a senior member of staff.

One senior manager referred to having introduced community service in the range of sanctions, which included '*socially useful*' activities such as litter picking and cleaning graffiti off school property. The interviewee was at pains to stress that this was not meant to be seen as at all demeaning.

Higher-order sanctions

Internal exclusion took the sanction of removal from lessons to a higher-order, in that it involved withdrawing a pupil from lessons for a more sustained period of time. Pupils would be closely supervised in a withdrawal room/unit and isolated from their peers, so they were '*not getting the social interaction they like*'. This response would also have a remediating function where some form of support for behaviour was provided, particularly where this involved a period in an LSU. This was seen as a '*more realistic*' approach than exclusion from school in that it kept the pupil in school where s/he could be appropriately supported.

References were made in a number of secondary schools to pre-exclusion meetings, usually involving senior managers, the parents and the pupil, which were seen as '*a last chance*' before an exclusion took place. Finally, some interviewees also identified

fixed-term exclusion as another stage in the hierarchy of sanctions in order to prevent a permanent exclusion.

General preventative strategies aimed at the whole-school/class population

Preventative strategies which were aimed at the whole-school population included two already discussed as a focus of schools' behaviour policies: the positive reinforcement of good behaviour (e.g. through praise, reward systems, modelling of appropriate behaviour) and the involvement of pupils in devising school/class rules and consequences, thus giving them a sense of 'ownership'.

Other general whole-school preventative strategies included:

- The introduction of additional designated staff in support, mentoring or counselling roles to whom all pupils had access: for example, teaching assistants, school counsellors.

- Activities aimed at raising awareness of behavioural issues: for example, circle time.

- Restructuring: for example, of the school day (moving to three morning lessons and one afternoon one to remove afternoon playtime – an identified source of conflict); or of existing systems (changing from a house to a year system).

- Support for staff: for example, forums for staff to meet and share concerns or discuss appropriate strategies (such as weekly meetings, behaviour panels, student support panels etc.); behaviour managers/coordinators (staff with no teaching commitment who could investigate incidents in school and/or suggest strategies).

- Support for parents: for example, special information-sharing events; a parents' group (in the form of a monthly coffee morning for parents/carers who wanted to come in and talk to a behaviour support worker about problems they might be having and/or seek advice on parenting skills); alternative therapy classes (such as family massage).

Remediating strategies for those with identified behavioural difficulties

Once behavioural difficulties had been identified, a number of remediating strategies could be put in place. These included:

- Restructuring the curriculum: for example, introducing a personalised curriculum or different modes of learning (e.g. a more kinaesthetic, practical approach, greater use of ICT).

- Designated support from adults for identified pupils: for example, emotional mentors, learning/personal mentor support.

- Individualised behaviour modification strategies: for example, IEPs; PSPs; review meetings; exit cards (for a pupil to produce in order to leave the room if in danger of '*acting up*').

- Support groups: for example, anger management; a playtime group (for those having difficulty with free time, to teach them how to play, take turns etc.); nurture groups (to provide support for those needing extra support for BESD, often providing something they do not get at home, e.g. social interaction, singing nursery rhymes, '*being a child*'); the '*quiet place*' (a short-term intervention involving psychotherapist support, a relaxation programme and massage).

More generally, in one secondary school, interviewees referred to an '*alert system*' which activated when a pupil seemed to be heading towards exclusion. The SENCO would then meet with key members of staff to look at the events leading up to this situation and whether anything had been missed, as well as what could be done to avoid an exclusion taking place. Another case-study secondary school was considering the introduction of a restorative justice system which was currently being implemented at another school in the LEA. This approach was based on '*the theory that the best people to solve a problem are those who are involved*' and, as such, brought the victim and the perpetrator of an incident together to discuss why the incident happened and reach resolution in an '*amicable*' way. The approach might involve a whole range of different practices, including circle time, peer support/mediation and conflict resolution.

Overall, a wide range of preventative strategies was in evidence within the case-study schools, testament to the aim, articulated by the majority of interviewees, of doing everything possible to avoid exclusion and keep pupils in school: '*We'll have a go at anything*'.

6.3.3 External support to avoid exclusion

External support available to schools in order to avoid excluding pupils included support from:

- LEA services (e.g. Behaviour Support Service (BSS); Educational Psychology Service (EPS); Education Welfare Service (EWS); Learning/SEN Support Service; Youth Offending Team (YOT); Connexions).

- Other statutory agencies (e.g. social services; Child and Adolescent Mental Health Service (CAMHS); further education (FE) colleges for part-time vocational courses – seen as an effective way of re-engaging pupils displaying disaffection tendencies or challenging behaviour; the police in relation to drugs issues).

- Voluntary or charitable agencies (e.g. those offering vocational training, anger management courses, counselling).

Other external support referenced by school staff interviewees included multi-agency committees or meetings, involving a range of professionals from different agencies, to make decisions about how best to support pupils once their behaviour had reached the stage of a potential permanent exclusion. However, a number of interviewees noted that such support could often be limited, or delayed, which represented something of a dichotomy: '*You have to cope whilst it is taking that time but, at the same time, you have to demonstrate that you are not coping in order to get the support*' (headteacher, primary school). The following illustration, from a school counsellor, provides further evidence of school-level frustration.

The final thing we are allowed to do with the local authority is what's called a crisis conference, where they get professionals there. I went to a meeting on a boy recently, he doesn't attend and his parents don't attend, but we had an educational psychologist, behaviour support, additional educational needs and inclusion representative, behaviour consultant for KS3 and KS4, family adolescent resource centre head, plus support from social services and the local authority. I spent two and three quarter hours discussing this boy.

The reasons for the conference were [the boy's] complete refusal to attend any lessons and he is presently excluded and his mother refuses to have him at home, so he's been taken into care because his mum won't allow him back.
The action points from this meeting were: refer him to Connexions, which we've done; re-refer him to child & adolescent mental health based on new information and we've done that; clarify his status as a looked after child, and we know he's looked after; make a referral to the PRU which is full and they won't take him – they know that and we know that. Someone is approaching someone about giving him some time in the evenings to look at him and explore a part-time timetable.

Every single thing on there I gave evidence that we'd done and that's what's come back weeks after the meeting. We've now nowhere else to go.

Respite provision at a local PRU or 'time out' in a neighbouring school's LSU were both seen as effective external support to avoid exclusion. Pupils could receive small-group support for the curriculum and behaviour, as well as with other issues such as self-esteem and anger management.

Managed moves, or negotiated transfers, viewed as a '*viable*' alternative to permanent exclusion, involved schools working with the LEA in order to accommodate pupils from other schools. This 'moving on' of pupils, including those with SEN, was seen as a way of giving a pupil a fresh start at a new school without the stigma of exclusion. In one authority, where a protocol for this was in operation, pupils would remain on the roll of their original school for a half-term period after transferring. If they made good progress at the new school then they would be transferred to that school's roll, together with the attached funding.

Finally, other external support identified by school interviewees included additional staff training opportunities, for example, in managing challenging behaviour and in coping with pupils with specific syndromes, such as Aspergers or Tourettes.

6.3.4 Additional external support that would be helpful

When asked whether there was any additional external support in preventing exclusion that would be helpful, school interviewees suggested that there was a lack

of expertise available to schools in terms of dealing with challenging behaviour. Particularly highlighted was a need for more LEA support for small-group work involving practical activities, work on self-esteem and relationship building, such as that available from charitable and voluntary groups. A shortage of educational psychologist support was noted in some authorities; this prolonged the statementing process and, concomitantly, delayed the provision of appropriate support for pupils.

Also identified were the need for additional funding to allow schools to implement support strategies in school (e.g. extra support in class) and increased PRU provision, particularly respite provision.

6.4 The exclusion process

This short section focuses on the processes involved in excluding pupils, once the range of sanctions and strategies outlined above had been implemented. It looks particularly at how decisions regarding the length of fixed-term exclusions were made in the case-study schools and the role of the governing body in decisions about exclusions. The section also considers the number of appeals against exclusion within the last year in the case-study schools, and whether any of those had been in relation to pupils with SEN.

6.4.1 Overall procedures

Within the case-study schools, the headteacher had responsibility for the final decision to exclude. In the secondary schools, a deputy headteacher with responsibility for behaviour and discipline within school often made the initial decision, or might be involved in preparing information for any investigation following a decision to exclude. Once the decision to exclude had been taken, the headteacher, in line with the current guidance on exclusion (DfES, 2004b), then had to communicate this to the parents of the pupil, including the length of the exclusion, or the fact that it was permanent, the reason(s) for the exclusions, and the fact that parents had an entitlement to make representation to the governing body and the LEA, including who they should contact. If a decision to permanently exclude was then upheld by the governing body, parents could appeal against the decision to an independent appeal panel.

The headteacher would usually make the decision regarding the length of fixed term exclusions. Within the primary schools, there was a general perception that, if a fixed-term exclusion was given, then the length should be '*the shorter the better*', with a maximum of five-days reported. In the secondary schools, fixed-term exclusions of between one and five days were most common, but, in some cases, exclusions of up to 15 days would be considered. In one school in a high excluding authority, two cases of longer exclusions (20 and 25 days) were reported in response to incidents of physical assault, neither of which had involved pupils with SEN.

Interviewees highlighted a number of factors which came into play in making decisions about the length of fixed-term exclusions, the most common of which was the nature of the incident and/or any history of previous offences. As might be expected, serious incidents or second offences would usually result in a longer exclusion being issued.

> *For example, if they have had one-day exclusions (that's what we start with) in the past and they have had no effect, then I might go for four or five days. It depends on the child's own history.*
>
> Headteacher, special school

In some cases, decisions about the length of a fixed-term exclusion could also be influenced by the time that had elapsed between incidents (i.e. a shorter exclusion would be issued as the time between each incident increased). Other factors taken into consideration included the pupil's age and their background.

> *It can depend on the nature of the offence, the individual pupil, their age etc. Sometimes the same offence might be dealt with more strictly with an older pupil. It can also depend on the pupil's track record.*
>
> Assistant headteacher, secondary school

Interviewees' comments suggested that, generally, pupils with SEN would not be treated any differently within the exclusions process. However, the majority suggested that, informally, 'allowances' might be made for pupils with SEN, in recognition that their particular need(s) might have been a contributory factor in the events leading up to the exclusion.

> *Formally, we don't treat them any differently if they have SEN, but I suspect that children with SEN get away with things more often than others. But that is built into the system, because if a teacher knows that a child has got SEN, then*

> *quite often, they will put up with behaviours from those children that they wouldn't put up with from other children. Whether that's right or not is another thing.*
>
> Headteacher, secondary school

The importance of consistency and clarity within the exclusions process were particularly highlighted by a small number of interviewees. For example, in one secondary school, verbal abuse merited a five-day fixed-term exclusion. However, one interviewee felt that this could sometimes be a bit of a '*grey area*', in terms of defining what constituted verbal abuse. In spite of this, several interviewees noted a level of flexibility within the exclusion process which enabled each case to be assessed individually, '*on its own merits*'.

6.4.2 Role of the governing body in the exclusions process

In most cases, the governing body was not involved in the initial decision to exclude, but often provided guidance and support at various points throughout the process. In addition, interviewees in the case-study schools reported that the governing body set the general policy for exclusion, kept records of exclusion incidents, monitored consistency within the process and was actively involved in any appeals procedures. Furthermore, one interviewee described the role of the governing body in specific cases prior to exclusion. Where pupils were presenting particular problems in school, this could be presented to the governors who might then issue a '*governors' contract*' to the pupil outlining their expectations. If the pupil's behaviour did not then conform to those expectations, a fixed-term exclusion might then be issued as a condition of that contract. This section now moves on to discuss the appeals process and the role of the governing body within that.

6.4.3 Appeals

Within the case-study schools, decisions to issue a fixed-term exclusion were usually passed through the governing body's disciplinary committee, where that had been established, which had overarching responsibility for reviewing and accepting the decision. In some cases, this was only necessary for exclusions over 15 days while, in other cases, this was the procedure for all fixed-term exclusions. The current guidance (DfES, 2004b) states that the headteacher is required to inform the governing body

once a term of fixed-term exclusions of up to, and including, five days in total in one term. However, in such cases, the governing body must consider any representation made by parents.

Very few appeals against exclusion were reported in the case-study schools, which, given the low numbers of exclusions noted earlier (particularly in the primary and special schools), is perhaps not surprising. Where examples of appeals were quoted, these were more likely to be against permanent exclusion. Once the governing body had upheld the school's decision to permanently exclude, then the parents would have the right to an independent appeal panel through the LEA. Examples given of these usually involved an exclusions officer from the LEA, the governing body and the parents. One interviewee noted that the constitution of appeals panels had recently been reformed to ensure a fairer balance between the rights of individual pupils and those of the school. Panels should now be made up of a serving or retired headteacher, a school governor and a lay person. However, this assistant headteacher commented that the legal services department was of the opinion that this would swing the balance too much in favour of the schools and away from parents. Another interviewee suggested that there had been an increase recently in the number of independent appeals because more parents were now aware of their rights.

Interviewees highlighted the importance of adhering to defined policy and procedures during the exclusions process. The school would need to present evidence that this had been done in the event of an appeal against the exclusion. Equally, there was believed to be more risk of an appeal being made if the correct procedure had not been followed. In some cases, where appeals against exclusion had resulted in the decision being overturned, interviewees did not always feel that had been in the best interests of the school. One senior manager, who stressed the fact that the school only excluded as a last resort, referred to feeling disappointed when an exclusion was not upheld.

> *I don't like the fact that people don't believe our judgement because I feel confident that we do everything we possibly can to keep the youngsters in school and when we make a decision, we then feel very annoyed when we get challenged by that. That certainly is a major frustration.*
>
> Head of year, secondary school

In one case-study secondary school, an appeal had been brought by the parents of a permanently excluded pupil with ADHD, under the SEN and Disability Discrimination Act, 2001. The pupil had been permanently excluded for intimidating the Asian owner of a post office which bordered the school grounds. The parents had sought legal aid to help them with the appeal. In response, the school had employed a barrister to try to resolve the issue and the decision had been upheld. The senior manager who highlighted this case also commented that the school had received no support in this from the LEA.

Finally, one headteacher commented that when parents did appeal against a permanent exclusion, very often they felt that the exclusion itself was fair, but they were really seeking to secure a second chance for their child.

6.5 Provision following exclusion

6.5.1 Provision following a fixed-term exclusion

School support

Within the case-study schools, interviewees commented that work was not likely to be sent home for pupils excluded for shorter periods of time (i.e. one to three days), despite current guidance (DfES, 2004b) which states that, in all cases of more than one day's exclusion, work should be set and marked. For longer periods of time, especially if for five days or more, work tended to be sent home for pupils to complete (there was an issue as to whether pupils with learning difficulties could cope with work on their own, without the teaching assistant support to which they were accustomed). However, interviewees did point out that pupils' compliance with this varied considerably.

LEA support

Although some reference was made to the use of PRUs for short-term provision for pupils excluded on a fixed-term basis, PRUs were more likely to provide short-term respite provision for those at risk of exclusion. Although believed to be a valuable strategy, opportunities for respite provision, particularly for key stage 3 and 4 pupils, were said to be limited due to the number of permanent excludees requiring placements.

6.5.2 Provision following a permanent exclusion

Within the case-study sample, the most common provision for those pupils permanently excluded from school was a placement at a PRU. For younger pupils (e.g. those in key stage 2 and 3), the aim would be to find them another mainstream school as soon as possible. For pupils with SEN, a special school placement or BESD provision might be considered, with individual support provided in the meantime. For pupils at key stage 4, home tuition and a range of alternative provision, including work-related learning and college provision, were also evident. In some cases of permanent exclusion (e.g. for a 'one-off' incident), a place at another mainstream school might be sought immediately following the exclusion. One interviewee highlighted the inherent difficulty in treating excluded pupils who have SEN in the same way as any excluded other pupil. If a pupil was excluded for violence as a result of their BESD and was immediately moved to another school, but without access to appropriate counselling, educational psychologist, or child and family guidance support first, then the problems would just continue, albeit in a different location, '*this is a shortcoming*'.

Where PRU provision was the chosen option, following the permanent exclusion, interviewees reported that both the LEA and the parents would be notified and an interview for a placement at the PRU arranged: '*it is a smooth process*'. Several interviewees, however, identified a shortage of available placements in relation to the number of permanent exclusions. In one LEA, significant investment had enabled an additional PRU to be established, which had gone some way to overcoming this problem.

It should be noted, that in most cases no support at all is provided following an unofficial exclusion. This section now moves on to consider the characteristics of the six case-study PRUs, drawing on the interviews with PRU staff.

The case-study PRUs

The pupils

Pupils attending the case-study PRUs in the sample ranged from key stage 1 to key stage 4 pupils, although the majority of pupils were from key stages 3 and 4. In most

cases, younger pupils were educated separately from key stage 3 and 4 pupils. Two of the PRUs catered for key stage 3 and 4 pupils only.

The majority of the pupils attending the PRUs had been permanently excluded from school. Pupils with behavioural difficulties were placed alongside other pupils attending, including long-term truants, school phobics and pupils with medical needs (supported through the home tuition service). Pupils usually attended full-time, with the exception of some younger pupils (who were integrated on a more gradual basis) and a minority of permanently excluded pupils who were on part-time timetables (and for whom, thus, the LEA would be failing in its commitment to provide full-time education unless the reduced hours were specified on the pupil's statement). Some interviewees referred to the difficulties posed by the composition of the pupil population. Some pupils had more severe needs than others, while a constantly changing population could adversely affect the group dynamics. *'It's a rolling programme of admission and exit, and assimilating those pupils within fairly stable groups can be quite de-stabilising* (head of PRU).

A number of the PRUs also provided respite placements for pupils at risk of exclusion, which involved schools purchasing a certain number of places at the PRU. Pupils would then be dually registered with the PRU and with their school.

Although the majority of pupils were considered to have some level of SEN, the percentage of pupils with statements of SEN varied considerably between the case-study PRUs. In one, all the pupils were reported to have statements and in another a quarter were statemented. In two case-study PRUs, at the time of the research visit, none of the pupils had a statement: in one case, one pupil was in the process of statutory assessment and another was considered by the school to be *borderline BESD*'. Other PRU staff noted that more than 50 per cent of their pupils would be at either *School Action* or *School Action Plus* of the SEN Code of Practice. Arguably, if the pupils' behaviour was sufficiently unacceptable for them to have been placed at the PRU, they all ought to have been on at least *School Action*.

Referral and assessment

In the majority of the case-study PRUs, referral was made through the LEA. Interviewees referred to responsibility for this resting with particular teams or panels/forums which met regularly to assess and review the particular circumstances and appropriate placement of excluded pupils. In one LEA, immediately following an exclusion, pupils could be placed in one of two '*satellite units*' until they could be placed at the PRU or provided with an appropriate alternative. This enabled the LEA to fulfil its obligation to provide full-time and appropriate education for pupils excluded for more than 15 days (DfES, 2004b). In another authority, an inclusion officer was described as the main point of contact between schools and the PRU.

In all case-study PRUs, staff were provided with information about the pupils being referred (including levels of SEN) through a '*referral form*' or '*proforma*' completed by the excluding school. However, interviewees reported varying levels of detail, with one referring to the information as being little more than a '*crime sheet*', while another noted that it was '*quite comprehensive*'. As an example, a proforma in one authority requested information on:

- risk assessment
- '*regarded*' behaviour
- attainment levels
- significant incidents
- health
- biographical details
- level of SEN.

In the first LEA highlighted above, where the information provided only included details of the exclusion itself, the need for academic and social information was particularly identified. The PRU interviewee reported pupils being referred who had a statement of SEN of which PRU staff were completely unaware: '*information sharing needs improving*'. Difficulties were also identified when an excluded pupil was involved with a number of different agencies – obtaining all the relevant case notes could be problematic and time-consuming. In some cases, obtaining information from excluding schools was the responsibility of a designated member of PRU staff, such as a key worker, or of an outreach team.

PRU interviewees also highlighted specific referral procedures for respite provision, with a number reporting application or referral forms requesting information on, for example: the pupil's particular difficulties; what the school had done to try to support those difficulties; and the school's perception of the purpose of the PRU placement. In one authority, a set of guidelines on pupil placements had been developed, so that all involved parties were clear about the purpose of the PRU placement. Where a pupil was dually registered at the PRU and the school, a member of staff in the school was designated as a point of contact for PRU staff, in order to provide paperwork and information.

Most commonly, some form of initial pupil assessment was conducted at the PRU. This usually involved an induction interview/visit (which included parents) and a series of assessments to determine, for example, pupils' numeracy and literacy levels in order to provide a baseline from which to set targets. Reference was made in one PRU to introducing an assessment for learning system called GOAL (www.goalplc.co.uk) which, it was believed, would greatly improve the identification of pupils' levels of ability. In one of the case-study PRUs, a behavioural profile was also established for each pupil, from which behaviour could then be monitored against a pre-determined 13-point scale. In addition, where there were concerns relating to mental or emotional health, a psychological profile could be completed. However, access to an educational psychologist was not always immediately available and thus obtaining this information could often be delayed.

Curriculum/activities

The PRUs all fulfilled the statutory requirement of full-time educational provision, offering a core curriculum for pupils. In some cases, PRU staff felt that they lacked the expertise, resources and/or facilities to provide specific 'specialist' subjects such as science or PE. Others reported having more extensive facilities including, in one, sports facilities such as a gymnasium, a fitness suite and good links with local sports facilities (including visiting athletes). Interviewees did not report any special curriculum arrangements for pupils with SEN, but highlighted that where additional learning support was required, for example, if a pupil had fallen behind, or had an IEP, this would be provided. Other PRU staff commented that limited staffing and

funding meant that, sometimes, it was difficult to provide one-to-one support in-house, or to buy in the specialist support required.

A more flexible curriculum tended to be in place for older pupils, particularly those in key stage 4, including, for example, key skills, alternative accreditation schemes (e.g. GNVQs, NVQs), college placements, vocational training, work experience and employment. For example, in one of the case-study PRUs, provision for key stage 4 pupils focused on a work-related learning programme, which involved two days vocational training with a training provider or college as part of the work towards a GCSE entry level vocational, or educational, qualification.

> *They do a variety of things - from construction, IT, childcare, hairdressing etc. It is quite a good package … I always tell them, short of brain surgery and being an astronaut, we can usually find you something to do.*
>
> Head of PRU

Good links with other agencies which could provide support for pupils were highlighted, including Connexions, YOT, police and various youth inclusion projects.

Several members of PRU staff referred to the importance of establishing consistency, with clear procedures and routines (including rules) within the PRU, in order to maintain a safe and secure environment for pupils – '*it's not regimented but we have timetables and classes*'. The importance of good, fair discipline was also emphasised, especially when several pupils with extreme behaviours might be grouped together. Several interviewees referred to keeping pupils engaged and on task through constant dialogue and positive reinforcement – '*direction in a sensitive way*'. Interviewees working with younger pupils stressed the nurturing element of their role. A focus on building positive relationships between staff and pupils was very much in evidence in the PRUs (having '*a positive regard for the pupil*'), which was identified, along with raising pupils' self-esteem, as a key feature of the work.

Impact/outcomes

The majority of interviewees felt that pupils attending the PRU benefited particularly from the small-group setting and the more intimate environment it provided in comparison to mainstream schools and classrooms: '*In key stage 2 it's groups of four*

or five, compared with about 28 in a school'. Interviewees highlighted a range of benefits in this respect, including more individualised attention, greater contact with staff and a highly structured environment, the outcomes of which were considered to be enhanced social skills and academic progress. A number of PRU interviewees also referred to an impact on pupils' reading ability. In one case-study PRU, for example, the reading age of some pupils was reported to have increased by two years within three or four months of them attending the PRU, something that had been highlighted in a recent OFSTED inspection report. This raises issues as to why the literacy difficulties of these pupils had not been addressed in their previous placement.

Particularly noted were the development of pupils' levels of self-esteem and confidence, with praise and enabling pupils to succeed identified as key features in achieving this. A number of interviewees reported good attendance rates as a positive outcome, with one commenting that, in several cases, pupils did not want to return to mainstream school as they felt happy and comfortable within the PRU environment. The implications of this for reintegration were noted:

> *They want to come here, but the danger is I make them feel so good about themselves that they don't want to go back into mainstream schools, and that's why I think it's a somewhat skewed system that we have. PRUs were a knee-jerk reaction because of the rise in exclusions, no-one was looking at why there had been a rise in exclusions and whether the curriculum was appropriate. It's difficult when we're saying to a pupil that they have done really well and to reward this, we send them back into a situation that didn't want them and rejected them.*
>
> Head of PRU

The fact that pupils were often keen to keep in continued contact with PRU staff after they had left was believed to be indicative of the positive impact of the provision on their lives:

> *We have an immense number of young men and young women who return on a regular basis ... We have one youngster who is now 22 or 23 years old and he still comes back on a regular basis. We have a whole legion of almost admirers who come back and make a cup of tea and chat.*
>
> Head of PRU

In the PRU in the above example, a voluntary tracking system had been established for year 11 leavers to report on their situation on a yearly basis for the first three years

after leaving the PRU. As part of that system, a follow-up facility was offered through which pupils could continue to access advice and guidance from the PRU during the three-year period.

6.6 Reintegration

This section looks at reintegration following both a fixed-term exclusion and a permanent exclusion and draws on the interviews with both school and PRU staff and, where relevant, pupils who had experience of being excluded.

6.6.1 Destinations

As already mentioned, the aim for younger pupils (i.e. those in key stages 1/2 and 3), was to reintegrate them back into mainstream school as soon as possible. (Reintegration to mainstream school is covered in detail in the subsequent section). One interviewee reported that the pupil's destination was an immediate consideration for the PRU as soon as they were placed there, given that the placement was regarded as being a temporary arrangement. However, in some cases, for pupils with SEN, alternative specialist provision might be sought, for example, in a special school or BESD provision.

For pupils unable to reintegrate back into mainstream school at the end of key stage 3, particularly those with sustained problems, alternative arrangements (most often a key stage 4 PRU placement) were usually made. For example, in one PRU, pupils could sit their end of key stage 3 tests within the PRU and then move on to the key stage 4 PRU. In key stage 4, where reintegration was not considered to be a particularly realistic option, there were believed to be more opportunities available for pupils than '*simply mainstream school*'. Pupils were generally supported into further education, work-related training or employment. This was felt to be particularly successful: '*A hundred per cent of every single year 11 who has left here has gone into something, either FE … or an apprenticeship, or the armed forces'*.

Head of PRU

6.6.2 Reintegration following a fixed-term exclusion

Process

In the majority of cases, reintegration following a fixed-term exclusion involved an initial meeting between the school, the pupil and their parents to discuss expectations and, often, to gain agreement from the pupil to try to change his/her behaviour. This might involve signing some form of contract. In one of the special schools in the sample, the headteacher particularly stressed the need for that agreement as an acknowledgement by the pupil of his/her behaviour and thus, a first step towards changing it, commenting that he would not readmit a pupil without it.

> *We need an agreement from the child essentially that he is going to change - that he is going to try not to do whatever led to the exclusion. If there is no agreement I won't readmit until there is. This is the thing with emotional and behavioural disorders - they need to recognise what they've done. Once they have recognised and internalised then we have some chance of getting a change.*
>
> Headteacher, special school

An initial meeting also provided an opportunity for school staff to discuss the support required during reintegration which, for pupils with SEN, might include an opportunity to review their IEP or PSP.

> *We had a meeting to talk about whether I needed any help with anything and what they could do to make me behave. That was mainly them giving me their options. It was useful. They said that in lessons there would be someone, a teaching assistant, in with me helping me with my work. That was helpful and it still happens.*
>
> Year 9 pupil

Most commonly, meetings involved a senior member of staff, usually the headteacher, but it could be the deputy headteacher and/or a head of year. In one of the special schools in the sample, an interviewee referred to a visit to the pupil at home by a learning mentor prior to the initial meeting in school.

In some instances, the nature of the incident that had resulted in the exclusion determined the reintegration process. For example, for '*mild*' incidents, pupils might go straight back into lessons following the initial meeting. Reintegration following more serious or extreme incidents would involve gradual reintegration (i.e. part-time

timetables), often after a period of attendance at an LSU. More gradual reintegration might also be put in place for younger pupils. In one primary school where playground behaviour had been identified as a particular problem, pupils returning from a fixed-term exclusion would be gradually reintroduced to playtime, with support from a teaching assistant.

An interviewee from a secondary school which did not use fixed-term exclusions, preferring instead to opt for internal exclusion within its LSU, described the process of reintegration into the normal routine of school that would take place when a pupil was judged ready to return.

> *As we reach the end of exclusion – the stated period where they won't have been in circulation in the school, we would then be negotiating with the child about going back in. Each individual child is treated on his or her merits. The opinion of the inclusion manager, along with the kid, would be paramount. That manager would have been the person dealing with that kid throughout the exclusion.*
>
> Deputy headteacher

Monitoring and support

Following the initial reintegration meeting, pupils' subsequent behaviour was usually monitored for a period of time, most often through the use of report cards/sheets. In some cases, pupil targets were incorporated into the monitoring process. In one case-study secondary school, a system by which teachers were only to write positive comments about a pupil had been established, the aim being to give pupils a '*positive start'* to their reintegration. In a primary school, a behaviour chart was compiled for pupils reintegrating following a fixed-term exclusion. In this case, class teachers would write comments on, and sign, the behaviour chart following each lesson, providing stickers as a reward for good behaviour. Parents would then be required to enter comments and sign the chart each evening. The value of parental involvement in the reintegration process was stressed by the majority of interviewees.

One head of year, however, identified an apparent conflict within monitoring systems in that the pupil had to cooperate, which was not always the case as pupils who had been excluded might not be in the most cooperative mood: '*So then what do we do? Do we punish or exclude again for the thing that was meant to help them*

reintegrate?'. At the same time, peer pressure was also identified as a factor affecting the success of reintegration. One interviewee described how monitoring systems would show that pupils were responding positively initially, but then their behaviour would begin to deteriorate again once contact with their peers increased, for example, by engaging in bad behaviour in order to maintain their 'reputation'.

Support identified for reintegration following a fixed-term exclusion included: the use of LSUs; part-time timetables; learning mentor, SENCO, or teaching assistant support; anger management sessions and referral to other agencies, e.g. educational psychology. For SEN pupils, appropriate support would be put in place following a review of their PSP or IEP. One pupil reintegrating on a part-time timetable reported feeling ready to increase this, commenting that he would rather be in school.

> *I'm still on a reduced timetable and now, for the two days I'm in school, I have someone sitting next to me in the classroom. I have regular classes. The rest of the time, I'm at home. If my behaviour improves, I will get off the part-time timetable. I would prefer to come back – it's alright just doing two days a week, but it's quite boring sitting at home.*
>
> Year 7 pupil

However, support strategies on reintegration were said to be less successful where behaviour problems were 'entrenched'. For example, where pupils had a history of fixed-term exclusions, this form of sanction was often said to be '*like water off a duck's back*' and thus reintegration had less chance of success, '*they have opted out by then*'. One secondary school had developed a school-based anti-social behaviour order (ABC) with the Youth Justice Unit, which was believed to be particularly useful when exclusions involved anti-social criminal behaviour. This would be drawn up internally with the parents and the pupil and then reviewed half-termly at meetings involving a police officer, school staff, the parents and the pupil.

Thus, within the current study, a number of factors were believed to be influential in the success of the reintegration of pupils following a fixed-term exclusion. These included:

- identification and implementation of appropriate support
- effective monitoring
- sustained parental involvement in the process

- pupil cooperation (e.g. acknowledging their behaviour and engaging positively in the strategies implemented)
- the absence of peer pressure (to revert to previous behaviour)
- the extent to which behaviour was 'entrenched'.

Finally, a number of interviewees articulated a belief that it was the support strategies that schools put in place to reintegrate pupils that were more likely to effect a change in pupils' behaviour, rather than the act of exclusion itself.

> *I would love to say that they come back having learnt their mistake, but its more the work we do with them in school that settles them rather than that they have been excluded and have learnt a lesson. It is the strategies in school that changes their behaviour.*
>
> Assistant headteacher, secondary school

6.6.3 Reintegration following a permanent exclusion (or a managed move)

Process

For pupils reintegrating to another school following a permanent exclusion (which might have entailed a period at a PRU), or entering on a managed move, the process again involved an initial meeting between senior school staff, the pupil and their parents. In some cases, if a pupil with SEN was involved, this meeting might include other relevant people such as the SENCO, PRU staff and/or a representative of the LEA's SEN support service. Expectations of the pupil and the nature of the support to be provided would be discussed at this meeting. If a pupil was at *School Action* or *School Action Plus,* interviewees indicated that support in place at their previous school would be continued. A subsequent monitoring period (e.g. through report cards or monitoring sheets) then took place with regular review meetings. The latter served as arenas in which to assess the pupil's progress and thus the success of the placement. (It should be noted that DfES guidance on exclusions (DfES 2004b) includes guidance on individual reintegration plans (paragraphs 168-169).)

Support for reintegration

School staff identified a range of support strategies that could be put in place following a permanent exclusion. In-class support from a learning mentor, teaching assistant and/or SENCO was common in the case-study schools. The support that the SEN department in school could offer, in terms of providing a point of contact for pupils experiencing difficulties with reintegration, was particularly appreciated. In addition, phased entry via an LSU and the establishment of part-time timetables were both highlighted. Other support referenced included a buddying system, which involved the pupil being paired with another pupil following the same timetable.

Although some of the case-study PRUs did provide outreach support, interviewees felt that support for pupils reintegrating after a permanent exclusion was often limited, because of pressures on staffing levels, particularly with the requirement to provide full-time education for pupils within the PRU. LEA support for reintegration noted included a re-engagement officer and an inclusion officer who could provide individualised support.

The type and amount of support required for pupils was said to vary according to their particular needs. For example, some were able to reintegrate with very little support, whereas others required a more intensive approach, sometimes involving support from the PRU.

> *We had one pupil who went back and felt confident to deal with the situation himself, but we had another child who was here because of difficulties with inter-relationships so we sent a member of staff for the first full five days so that the youngster knew that the person was there to offer help when they needed it.*
>
> Head of PRU

Interviewees were less positive about the success rate of reintegration for permanently excluded pupils than they were for those transferring on a managed move. The latter did not have the '*stigma*' of an exclusion attached to them. As has already been reported, within the case-study schools, exclusion tended to be used only as a last resort, when all other solutions had been exhausted. Thus, by the time pupils were permanently excluded, they were believed to be so far along the continuum of disengagement from education that reintegration was unlikely to be successful.

Equally, a large mainstream school environment was not felt to be appropriate for some pupils.

> *He was at the* [name of PRU] *and was reintegrated back into mainstream. He never put a foot wrong at* [name of PRU]… *but he lasted a fortnight. And he is a lovely boy, I just don't think he is the sort who can operate in a big school system but fits in very well here. Some of them just can't can they?*
>
> Head of PRU

Information provided on reintegration

A range of information on pupils reintegrating after a permanent exclusion or a managed move was provided by PRUs and mainstream schools, including attendance and behaviour data, progress reports and background information. The importance of liaison and effective information sharing between schools and PRUs was particularly highlighted. Information on pupils reintegrating after a permanent exclusion was felt to be more comprehensive than those entering on a managed move. The former tended to have '*been through the system*' by the time they were excluded and had therefore been assessed at several different stages. Several interviewees reported a lack of, or a delay in receiving, information on pupils being reintegrated on a managed move.

> *Sometimes I've had kids just turning up at the beginning of the year in my class and I don't even know who they are, what their difficulties are, or any strategies or tactics to deal with them.*
>
> Form tutor, secondary school

In addition, one interviewee suggested that some schools might try to disguise, or deliberately delay, information on pupils transferring on a managed move, in order to increase their chances of being accepted by another school.

> *Generally speaking, we only find out about the more difficult aspects of the child once they come here. Once we've been identified as the school, then the information comes out of the woodwork, but it's very difficult to say no by then.*
>
> SENCO, secondary school

Some interviewees recognised a dilemma in wanting to give pupils coming in a managed move a '*fresh start*', whilst also appreciating the value of having '*the full*

story' about that pupil. The risk with the latter was that it might be '*tarnishing somebody before they've even started*'.

Are some pupils with SEN easier to reintegrate than others?

There was general agreement that some pupils with SEN were easier to reintegrate than others. Pupils with physical difficulties or pupils who had been excluded for one-off incidents where their behaviour had been reactive (e.g. in response to recent trauma in their lives, to which children in public care might be particularly vulnerable), or they had been provoked, were reported to be easier to reintegrate.

Those whose difficulties stemmed from outside influences, such as family or social issues, were believed to be more problematic in terms of reintegration, given that the reintegration process would not necessarily address any underlying problem.

> *We might provide the security at school, but once they go through the school gates, the trouble doesn't necessarily disappear.*
>
> SENCO, secondary school

Pupils with behavioural difficulties, particularly BESD, and those with syndromes such as Aspergers or Tourettes were perceived to be the most difficult pupils to reintegrate. Children with Aspergers could often be high functioning, but lack social skills and thus often ran the risk of being bullied by other pupils. One school SENCO highlighted the problems presented by such pupils:

> *We've got a lad with Tourettes and you have to be so careful – where does Tourettes end and naughtiness start? Have I abided by the letter of the law and have I been seen to be fair and have I given him every opportunity?*
>
> SENCO, secondary school

Clearly, as with decisions about the method of reintegration, whether it be after a fixed-term or permanent exclusion, or as the result of a managed move, the perspectives of the case-study interviewees have shown that the nature of the support provided depended very much on the individual circumstances of the pupil involved, including their particular level of need. This was believed to be crucial to the success of any reintegration process.

> *I don't think there is another way of doing it, I don't think you can blanket this sort of provision. When you get to this level of addressing an issue with a kid*

> *it's because that kid is presenting unusual problems or issues and I think you have to deal with those on the basis of what is in front of you. I don't think a generic approach would work.*
>
> Deputy headteacher, secondary school

Interestingly, previous research has also identified the value of gearing reintegration strategies towards the individual needs of the pupil, which might include support from other pupils (e.g. through buddying schemes), from identified adults (e.g. a learning mentor or key worker), and close liaison or contact with parents/carers (MacDonald and Kinder, 2001), all of which were in evidence in the case-study schools in the current study. Other research focused on school phobics (Archer *et al*., 2003) highlighted the need for a safe place in school as key to successful reintegration, as well as one-to-one curriculum and pastoral support.

7. Illustrative examples of admissions and exclusions of pupils with SEN

This section provides in-depth examples of the issues regarding admission and exclusion for three individual pupils with SEN. It also highlights some key messages arising from each case. Example 1 is based on information provided by the school and the PRU concerning a year 2 pupil; example 2 is based on the parent's view of a year 3 pupil; and example 3 is based on the parent and year 10 pupil's perspective. All pupil and school names are pseudonyms to protect the anonymity of those involved.

7.1 In-depth example 1: Michael – year 2 pupil

School and PRU perspectives

Background

South Ridge primary school was located on a small council estate. The estate had a very negative reputation locally, and because of this it was reported that the school was not popular with middle-class parents. The school had a very inclusive ethos and often admitted pupils who had failed elsewhere.

Joining South Ridge

Michael joined South Ridge at the beginning of year 2, having been permanently excluded from another school. Michael had a statement for Aspergers (although the PRU staff thought that he was further along the autistic spectrum and should instead have had a statement for autism). The move to South Ridge was intended to be temporary until a space became available at the special school he was supposed to move to. The intended special school was located in the neighbouring authority as no such provision existed in his authority. On account of the unusual circumstances, the LEA provided the school with additional funds to meet Michael's needs.

Gradual integration

When Michael first joined South Ridge, in the autumn term, he had an hour's tuition a day (from a PRU home tutor, paid for by the additional LEA funds), and this

gradually increased. Initially he was taught in a separate room (as he refused to go into the classroom). The PRU staff and school staff worked together to overcome this through the use of strategies, such as giving Michael his own chair within the class and being encouraged to go into the classroom at breaktimes. Michael was integrated into the classroom by the end of the Christmas term, with his own full-time TA (funded through additional LEA funds). The school and PRU staff were very pleased with the way that Michael had been integrated into the school and the school staff (particularly the TAs) had learnt many new skills.

However, following the summer holidays, in the first few days of year 3, Michael's behaviour changed dramatically. The school staff were unclear as to exactly what had caused this change, but they reported a possible combination of factors – issues in his home circumstances, a class teacher who was new to him, and being told off in class. The member of staff from the PRU felt that he had '*regressed*' to where he was when he first joined the school. Michael would run out of school and it would take three or four members of staff to restrain him (as he had bitten a member of staff on two occasions).

Move to the PRU

It was decided that, despite having a full-time TA working with him, Michael's presence was disrupting the work of the school. As the headteacher said '*we were happy to have him here but there was a limit*'. The SENCO described how it felt as if '*in the end we had to admit defeat*'. The school implemented a range of strategies to try and keep Michael (the PRU staff also reported that the school had '*tried everything*'). It was decided that Michael should move to the PRU until a space became available at the special school.

One of the problems that Michael's move to the PRU created for the school, was that South Ridge had employed a '*very expensive*' teaching assistant on a one-year contract to work with Michael and when he transferred to the PRU the LEA removed the additional funds. However, the school had to continue to pay the costs of employing this person.

Michael started attending the PRU in the January, the intention being that this would be a temporary placement until a place in the special school in the neighbouring authority became available. The PRU staff also struggled to cope with Michael and reported difficulties in restraining him. He would be confined to the classroom and much of the furniture and decorations had to be removed as Michael would become violent and damage them, himself and others.

Move to a special school

The PRU staff were very concerned that their provision was not meeting Michael's needs and his case was regularly referred to the LEA board that dealt with these issues, but in the absence of anywhere more appropriate there was nothing else that could be suggested. At Easter a place became available at the special school. Michael then moved to the special school that he was originally intended to attend and was reported to be doing well.

Part of the problem appeared to be that Michael's local authority had a shortage of specialist places that were suitable for his age group. Although the neighbouring LEA had an agreement to take pupils, this was difficult when schools were full and maybe taking pupils over the PAN. Since Michael's case, the LEA was reviewing its provision and was in the process of building a primary special school within the authority.

Messages

- LEAs should seek creative solutions to admission shortages, including flexible funding options.
- Effective area planning should be developed to ensure that there are places to cover the full range of special educational needs for all age groups.
- The case had been a huge learning experience for the school and had also led to disappointment for some of the staff. Schools and PRUs should be fully supported when they are taking on particularly challenging pupils.
- Serial referrals should trigger instant action on the part of the LEA panel.

- More support should have been implemented earlier to prevent Michael from being permanently excluded from his original primary school, especially considering his SEN. For example a specialist teaching assistant to work with him at that point might have prevented the exclusion in the first place.

- Transferring schools is likely to be particularly difficult for a child with any form of ASD. Careful consideration should be given to planning appropriate support and provision prior to the change of school, especially where there is a shortage of specialist provision or expertise.

7.2 In-depth example 2: Kelly – year 3 pupil

Parent perspective

Special educational needs

Joan had two children with ADHD. Her daughter Kelly, who, at the time of the research interview, was in year 3, also had Oppositional Deficiency Disorder (ODD) and her special educational needs were greater than those of her brother, who was in year 6. Both children attended their local mainstream primary school.

Admission to school

Joan's family had moved to the area during the summer holidays two years before and so both children started at the school in the following September. At the time that Joan's family moved to the area, her son had already been diagnosed with ADHD and Kelly was just being referred; the re-location delayed the referral a little. Joan contacted the prospective primary school in the area before they moved and also visited the school for an interview, when she explained to the headteacher that her son was diagnosed with ADHD and that Kelly had been referred. The school was willing to admit both children, but the actual provision and support for the children was not discussed at this stage.

Kelly's behaviour and needs

Soon after their move and start at the new school, Kelly was referred by her GP to the hospital for further diagnosis. The hospital contacted the school and asked them to complete the Conners Rating Scale (Conners, 1997) regarding Kelly's behaviour and

concentration. At the time, Kelly's behaviour at school was good and so the ratings were more favourable – indicating less of a problem – than those of the hospital. This extended the time the diagnosis took to complete, but eventually Kelly was diagnosed with ADHD and ODD.

Kelly's behaviour in school and at home would fluctuate; it tended to improve when there was a new strategy (such as sticker charts) implemented for managing her behaviour. A large multi-agency meeting (including representatives from the hospital, the LEA SEN team and the school) was arranged by the school to discuss Kelly's diagnosis. At the time of the meeting, Kelly's behaviour in school had been good and the school reported that they were coping well with her ADHD. However, soon after the meeting, Kelly's behaviour deteriorated again and her mother was invited to a meeting in school to discuss the situation.

Joan explained what she thought the problem was: '*they don't keep her on the SEN extra help consistently. They put her at School Action Plus and then move her back down to School Action as her behaviour goes up and down*'. This meant that Kelly's support would frequently change and when the school could not cope with her they would end up having to telephone Joan to ask her to collect Kelly and take her home. This would happen two or three times a week when she refused to do as she was asked in school. Joan explained that '*normally children with special needs would have an extra worker to go off with at times like this*', rather than being sent home, unofficially excluded. Joan felt that the school was not experienced in working with children with ADHD and so she downloaded information from the internet and offered it to the school but she felt that they were reluctant to take this information on board.

Unofficial exclusions

After a series of unofficial exclusions, Joan was advised by the local parent support network that she should ask the school to make the exclusions official, rather than just sending Kelly home. Joan reported that the school's response was *'if you want these exclusions to be official she will end up being permanently excluded'*.

Official exclusions

Since the time that Joan asked for the exclusions to be made official, Kelly had been excluded twice within three days; for one-day and then for two-days because of her behaviour and Joan felt that she would soon receive a five-day exclusion. She explained that Kelly:

> *doesn't understand the seriousness of the exclusions, she has been sent home so many times before when the exclusions were unofficial, that to her it's no different. She can't distinguish between these and doesn't understand that she could end up without a school place. She's too young to understand.*

Joan felt that the problems had escalated to a level where she could no longer discuss the issues with the school. She was investigating other possible schools for Kelly:

> *I've approached another school and I'm waiting for them to offer me an appointment to go in and talk to them, so I can explain the difficulties and what's happened and to see whether or not they have the facilities to choose to accept her there.*

Messages

- Exclusion carries no meaning (and is thus ineffective as deterrent or punishment) for a range of pupils, particularly those who are too young to understand or who have learning difficulties. Its only justification, thus, is when the safety of the child or other pupils is at risk; or as a trigger to positive parental action.

- Where relations between a school and a parent are frail, the pupil's case might be best furthered by the intervention of a mediator

- Unofficial exclusions are probably of no help in terms of documenting pupil behaviour and accessing provision.

- Schools and local authorities should monitor individual cases and scrutinise cumulative data to ensure that exclusions are not triggered by the removal, for whatever reason, of support.

7.3 In-depth example 3: Lewis – year 10 pupil

Pupil & parent perspectives

Secondary school admission

Lewis secured a secondary school place at his parents' first choice of school. His older sister had also attended the same secondary school. It was not, however, his closest secondary school, because the closest school *'had an awful reputation…it had real problems and was low in the league tables'* (Lewis's father).

PRU placements

Lewis got into trouble on numerous occasions at his secondary school; he received a series of exclusions and he was falling behind in maths. The school suggested the possibility of a 'managed move' to another secondary school to avoid a permanent exclusion, but his parents felt it would be better to resolve the issues at the current school rather than to move him. At that time they felt the school was just looking for a quick option out, rather than giving him the support he needed. Instead, Lewis was offered a short-term placement (two and half weeks) at a PRU. He then returned to the mainstream school for two months but did not settle down again and was offered another placement at the same PRU, this time for six weeks.

Lewis was positive about his experience at the PRU – he liked working in a small group with one teacher for most subjects. Lewis's father also felt that he did well at the PRU, although he was less keen on the effect that it could have on Lewis, mixing with pupils who had been excluded from schools for violence. The PRU did have a good reputation for supporting pupils with behavioural difficulties.

Managed move

When Lewis returned to his mainstream school his behaviour deteriorated and he received a further series of exclusions. At this point, his parents decided that they would try a 'managed move' before he was permanently excluded. So during year 9, he moved to the school (with the poor reputation) closest to their home. There were no problems with admission because he lived close to the school and it was a managed move. Lewis's father was very pleased with the support from the

headteacher at the new school. His father felt that the school reputation had actually changed as well and had really improved in terms of discipline.

Transition support

A buddy system was set up to help Lewis to settle in to the new school. Lewis felt this helped him for his first week before he made friends. Lewis was positive about his new secondary school – he felt that the teachers would listen to his point of view more than at the previous school and not shout at him immediately (which often aggravated him more).

Behaviour sanctions

Since his managed move in year 9, Lewis had been excluded for one day in that academic year, and for two days in year 10, which was a great improvement on his previous experiences. A number of alternative behaviour sanctions had also been used on occasions such as in-school exclusions, daily report cards, and PSPs. The school also had a 'time out room' where pupils could go if they needed to calm down. Lewis's father felt that the school was very good at keeping him informed about Lewis's progress and behaviour – sometimes by telephone calls or by letter. Generally he felt the managed move had had a beneficial effect on Lewis's education and regretted not doing this sooner.

Messages

- There needs to be a high quality dialogue between parents and the LEA/schools regarding suitable admission. Parents may only pick up inaccurate 'local' information about a school and may not have information about particular qualities/practices that might support their child.

- Schools need to be supported and encouraged to provide a range of strategies for pupils causing concern and to use these before considering exclusion.

- Any pupil with a series of exclusions should be regarded as very vulnerable and, if possible, be referred to an external agency which can support both the pupil and the school.

8. Conclusions and recommendations

8.1 Admissions

8.1.1 Conclusions

General position

Overall, the research found no evidence in the case-study schools of systematic discrimination or unfavourable treatment of pupils with SEN in the annual admissions process. For pupils with SEN but no statement, schools simply did not have an opportunity to do this as information about pupils' abilities and needs was not available when the admissions criteria were being applied.

Admissions of pupils with statements

All schools respected the legal position regarding the admission of pupils for whom the school was named on the statement. Admissions for these pupils were often decided in advance of those of their chronological peers so that schools were able to prepare provision for the pupil and his/her family.

Pupils with special educational needs but no statement

Even if they themselves did not discriminate, interviewees considered that less favourable treatment was possible with the casual admission of pupils with special educational needs but no statement (at *School Action* or *School Action Plus*) – a group that is expanding with the reduction, nationally, in the proportion of pupils issued with new statements. In these cases, schools could try to dissuade parents from seeking admission to the school for their child. This practice was more likely in schools that had reached their capacity in terms of pupil numbers. Schools that were not full had less leeway to refuse admission and generally did not do this.

Schools' reasons for reluctance to admit pupils

Reluctance to admit a pupil with SEN occurred when schools considered that:

- they already had an undue proportion of pupils with special educational needs and/or
- they could not cope with a particular profile of needs and/or

- they had inadequate financial resources (within their delegated budget) for meeting the needs of the pupil.

The effect of casual admissions on schools which were 'under-capacity'

Schools that were not full considered that most of their casual admissions were of pupils with some degree of special educational needs. This meant that, during the year, they could have a substantial number of pupils entering who needed additional support. As support is generally planned prior to the new school year and allocated in the autumn term, this can pose difficulties in the deployment of support and putting in place provision for those pupils who need it.

Monitoring of admissions

Admission Forums can monitor admission agreements in terms of their effectiveness in serving pupils with special educational needs. However, interviewees did not produce any evidence of this mechanisms being used; local authorities reported little or no monitoring, particularly of pupils with non-statemented SEN.

Admissions to special schools

There was some evidence that admissions to special schools constituted a better planned and thought through process than admissions to mainstream schools for pupils with statements. In one case, the headteacher used the prospective pupil's statement, an interview and a six-week trial placement before offering a permanent place at the school.

Action following formal admission

A number of the case-study schools put great importance on interventions following the formal admission of pupils (that is, when they had the list of pupils joining the school the following term). Secondary school staff visited primary schools to meet with, and obtain information about, pupils with special educational needs; transition arrangements were put in place to give new pupils confidence; and assessment activities were instigated in the autumn term. This could be regarded as the first vital

step to facilitate the engagement of all pupils and, thus, eliminate the opportunity for exclusion in the long term.

8.1.2 Recommendations

Recommendation 1:

- ***LEAs*** *should consider whether they could institute mechanisms for giving information about pupils with significant special educational needs at School Action to receiving schools as soon as the admissions lists are confirmed.*

There was evidence that a longer lead time for planning provision to meet the needs of existing and new pupils would enhance the educational experiences of pupils with special educational needs.

Recommendation 2:

- ***LEAs*** *should give schools the confidence to discuss their reluctance to admit pupils with special educational needs and should support schools to expand their capacity to meet the needs of particular pupils over whom they have concerns.*

This would ensure that pupils were included in their local school – or their parents' preferred school – wherever possible and that admission was not restricted by schools' fears of not being able to provide adequately.

Recommendation 3:

- ***LEAs*** *should monitor casual admissions with respect to pupils' special educational needs and try to ensure that schools with capacity did not have to make significant additional provision mid-year without the necessary financial resources or specialist support.*

There was evidence that pupils with special educational needs seeking mid-year moves were placed at schools with capacity regardless of the appropriateness of that school for the pupil's individual profile of needs. While, in most cases, it might be expected that all schools should have the capacity to meet 'general' special educational needs, there were cases of pupils with significant needs at *School Action Plus* where certain schools might justifiably not have the necessary expertise or provision.

Recommendation 4:

- ***Schools*** *should continue to develop transition arrangements and try to manage staffing in the summer term so that staff are able to visit feeder schools to gather first-hand information about pupils' needs and the particular strategies that have been found to be effective for them.*

8.2 Exclusions

8.2.1 Conclusions

The deployment of exclusion

In the majority of case-study schools, exclusions were usually used as a 'last resort' after a series of strategies had failed, although a common exception was where the health and safety of a pupil, his/her peers or staff was at risk (the example was given of a pupil bringing in drugs to a special school where many of the pupils were on medication).

The treatment of pupils with special educational needs

In the case of exclusion, pupils with special educational needs generally went through the same processes as, and were treated similarly to, other pupils but thresholds were often higher and it was reported that a greater degree of disruptive/unacceptable behaviour was tolerated before the exclusion process was initiated.

Adult accelerating exclusion

There was some evidence that, in schools which had not achieved consistency among staff regarding behaviour management, there might be occasions where staff would almost provoke certain pupils to display inappropriate behaviour so that an incident occurred which warranted exclusion. This situation was very different from those where all staff realised their responsibility for working with pupils to offer options to manage any offending behaviour.

The effectiveness of exclusion

Exclusion, *per se*, was not generally regarded as an effective strategy for directly improving/changing a pupil's behaviour. In some cases, it could serve a function in triggering the provision of support to meet a pupil's needs (e.g. by way of effective

assessment or a reintegration programme). At worst, a permanent exclusion was a *cri de coeur* from the school that its repertoire of strategies (including, in some cases, extensive multi-agency intervention) had failed. Exclusion was considered particularly ineffective in cases where:

- the pupil and/or the family did not understand the severity of the unacceptable behaviour
- the pupil and/or the family did not understand that exclusion was a sanction
- the pupils and/or the family did not care about being excluded
- parents/carers were struggling to cope with the child's behaviour out of school hours
- domestic/social issues were receiving intensive intervention from other agencies.

Many pupils with special educational needs fall into at least one of these categories.

The relationship between special educational needs and 'bad behaviour'

The case-study schools generally contended that exclusion was rarely the result of a pupil's special educational needs and that, at these schools, pupils with special educational needs were no more likely to be excluded than any other pupil. Disruptive/unacceptable behaviour was regarded as an addition to, and distinct from, special educational needs. However, some interviewees referred to pupils acting out because of learning difficulties, or learning difficulties inhibiting pupils conforming to instructions. Staff in special schools were more accustomed to experiencing extreme behaviour and did not, thus, react as negatively towards it as some mainstream colleagues. There was considerable debate as to whether 'behaviour difficulties' were 'special educational needs' and difficulty in distinguishing between 'naughtiness' and an inability to behave appropriately.

Reluctance to exclude pupils with special educational needs

Schools were particularly reluctant to exclude pupils with special educational needs (or in public care), knowing that alternative provision might not be available (for example, a mainstream school resourced for deaf pupils pointed out that there was no alternative provision for one of their pupils who was causing concern). However, schools noted that this reluctance did not extend to acts of violence on the part of

pupils. There was evidence that some schools experienced real dilemmas about the lengths to which they should go (e.g. in terms of full-time one-to-one support) to keep a pupil in school by preventing him/her from displaying violent behaviour.

Parental involvement

Parental involvement was considered critical to supporting behaviour management and reintegration if exclusion were necessary. Where parents were unable (on account of their own learning difficulties or social difficulties) or unwilling to be involved, or were deemed to contribute to their child's behaviour difficulties, exclusion was not considered an effective strategy.

Unofficial exclusion

Unofficial exclusion – or sending a pupil home for a session 'to cool off' – was in use in some case-study schools but regarded as exceptional and only effective with parental cooperation and support. However, although this practice may occasionally take place in some schools, DfES guidance (DfES, 2004) and communication to schools and LEAs makes it clear that unofficial exclusion has no legal basis and should neither be proposed by teachers, nor agreed by parents. Some headteachers in the current study did consider that it was an unacceptable strategy, being 'an avoidance technique' on the part of the school, and not meeting the criteria of clarity and consistency that should underpin behaviour management policies. Furthermore, because it was covert, unofficial exclusion was not properly monitored or regulated and thus schools did not have the data which might help them to reflect on the effectiveness of their instances of exclusion.

Prevention

Many of the interviewees in the case-study schools considered that exclusion was a function of school culture and management and could be minimised or prevented by:

- clear expectations of pupil (and staff) behaviour via flexible and sensitive organisational policies, positive reinforcement of desirable behaviour, and an environment in which there was respect between teachers and pupils (and among pupils as a group) and pupils felt cared for. Pupil development and ownership of

rules was also considered powerful in reducing incidents of serious pupil misbehaviour

- a hierarchy of sanctions depending on the severity and frequency of the offending behaviour
- whole school support via curricular activities (e.g. circle time, golden time), organisational restructuring (e.g. reducing play/break time; analysing trigger points for individual pupils), and individual support for pupils (e.g. learning, behaviour management), parents (e.g. discussion groups, peer support) and staff (e.g. professional development and peer support)
- external interventions (e.g. from the local authority and voluntary agencies).

However, it was acknowledged that there was a limit to the effectiveness of these and maintaining a placement at a particular school was not necessarily possible in all cases. Thus the options of a placement at a PRU, another school's LSU, or (managed) at another mainstream school needed to be available. Furthermore, the experience and expertise of staff working in alternative provision should be available to mainstream colleagues.

The act of exclusion

All case-study schools stated that they followed the requirements for exclusion with respect to all pupils. Because exclusion was considered a 'last resort' and so many prior interventions and strategies had been put in place, a few headteachers admitted to 'resenting' appeals which questioned the effectiveness of the decision to exclude. Following exclusion, pupils in the case-study schools were found a place in a PRU, another mainstream school (usually in the case of younger pupils), a special school or (if at key stage 4) an alternative curriculum scheme. Interviewees pointed out that there was no point in moving a pupil with BESD to another site if there was no accompanying support or intervention as it was likely that the problems would be perpetuated in the new location.

Pupil referral units

Staff in PRUs commented on the difficulties they faced educating 'difficult' and vulnerable pupils in an unstable environment characterised by serial admissions and

exits, when the removal or addition of just one pupil could destroy positive dynamics in a small group. Some pupils in PRUs were dual registered (with a mainstream school); some had been identified as having SEN at the school from which they had come. Staff in PRUs highlighted the very different approaches schools took to passing on information on pupil admissions in a timely way – some reported having only 'a crime sheet' while others had a useful file. All assessed pupils on entry.

Staff in PRUs recognised that the small-group, intimate environment of a PRU, with the opportunity of a high degree of interaction with adults, suited some pupils who had had difficulties in an ordinary mainstream school. Poor attendance and behaviour difficulties might disappear – only to resurface when the pupil returned to the very different mainstream environment. Staff claimed that the literacy levels of some pupils could rise by as much as two chronological years in a few months when pupils were being taught at the PRU.

Reintegration to mainstream placements

Successful reintegration following exclusion was regarded as depending on pupil cooperation and motivation, rigorous planning, and a clear programme for re-entry, support and monitoring. 'Managed moves' were considered easier to execute than restoration following permanent exclusions as they did not carry any stigma. Pupils deemed the hardest to reintegrate were those with statements for syndromes such as Aspergers or Tourettes, when disruption to routine and new social environments posed a particular challenge/threat to the pupil.

8.2.2 Recommendations

Recommendation 5:

- ***LEAs** should try to ensure that a range of provision is available for pupils with behaviour difficulties so that the environment most conducive to supporting their behaviour management may be selected.*

There was evidence that a pupil's best interests might not be served by maintaining him/her within a mainstream setting where this entailed a very high level of one-to-one support. The pupil might gain more independence (and thus be better able to be socially included) in another setting where s/he felt more confident and would not, thus, need such intensive individual support.

Recommendation 6:

- ***LEAs*** *should encourage schools to assess their strengths and weaknesses and, in the light of these, consider, in a strategic way, the mutual benefits of 'managed moves' with pupil support.*

A group of schools might solve problems jointly rather than merely conceive of 'managed moves' as 'swapping' difficult pupils.

Recommendation 7:

- ***LEAs*** *should monitor schools' use of exclusion (in particular, the serial fixed-term exclusions of any one pupil), challenge inappropriate use of exclusion and offer support to the school to resolve some of the issues.*

There was evidence that data could be used positively, in order to support schools' management of difficult pupils, rather than merely collected as a performance indicator.

Recommendation 8:

- ***Schools*** *should be encouraged to establish the degree to which a pupil's special educational needs impinges on his/her ability to manage his/her behaviour and to make this information available to all staff.*

If there is no effect, then there is no need to 'tolerate' higher levels of unacceptable behaviour from this pupil than would be the case for other pupils. If there is an effect (for example, in the event of diagnosed ADHD or ASD) then strategies to help the pupil manage his/her behaviour should be put in place alongside strategies to enable the pupil to access the curriculum.

Recommendation 9:

- ***Schools*** *should consult with other professionals in order to be as clear as possible as to whether a pupil's inappropriate behaviour constitutes a 'special educational need' or whether it is occasioned by disaffection, poor motivation or disinterest in school*.

In all cases, the critical factor is to ensure that the most effective intervention is applied to the individual case – rather than the formal categorisation.

Recommendation 10:

- ***Schools*** *should ensure that all staff respond appropriately to behavioural difficulties occasioned by a pupil's special educational needs and accept the challenge of helping pupils acquire desirable patterns of behaviour.*

This would eliminate, or reduce, those instances where staff were allowing pupils to perpetuate undesirable behaviour to the point that exclusion was inevitable and, thus, their removal was guaranteed.

Recommendation 11:

- ***Schools*** *should be encouraged to consider the effectiveness and purpose of any proposed exclusion and to question whether there are other means of obtaining the same result.*

For example, more rigorous placement panel management, swifter response mechanisms for assessment and support where identified as needed, and access to a wider repertoire of expertise might enable schools to put in place interventions which obviated exclusion. Extended schools might focus on the development of multi-agency support in cases where exclusion was clearly not going to benefit either the pupil or the family.

Recommendation 12:

- ***Schools*** *should be encouraged, as part of behaviour policies, to develop management and organisational strategies that support pupils' positive behaviour and eliminate negative behaviour.*

Such development could consider 'baseline provision' as well as specific responses to individual pupil difficulties, including the challenges of pupils reintegrating or transferring.

Appendix 1: Literature Review

1. Introduction

This literature review seeks to examine the evidence base in the area of schools' admissions and exclusions policies in relation to pupils with special educational needs (SEN) both with and without statements. In doing so, it aims to identify gaps in existing knowledge and, building on the Literature Review (Dockrell *et al*., 2002) conducted for the Audit Commission report *Special Educational Needs: A Mainstream Issue* (Audit Commission, 2002), to highlight further issues of concern to be examined in subsequent stages of the current research study. Following initial discussions with NFER's Library staff to establish the parameters of the review, research was drawn from a range of different educational, sociological and psychological databases. These included: British Education Index (BEI); Educational Resources Information Centre (ERIC); and PsycInfo, as well as the Library's own internal databases (e.g. ProCite). Copies of available sources believed to be the most pertinent to the review were then acquired by the project team and subsequently read for consideration for inclusion. Overall, 90 sources were included in the review. Given the time constraints under which this review was conducted, it can not be considered to be exhaustive, but was intended primarily to identify for further consideration a number of key themes and issues arising from the literature.

In order to contextualise the review, a brief discussion of the definition and prevalence of SEN, including gender and ethnicity differences is first presented.

2. Defining SEN

The new SEN Code of Practice (DfES, 2001a) came into force in January 2002 and, whilst retaining much of the 1994 version, it also reflected the new rights and duties established by the SEN and Disability Discrimination Act, 2001. The new SEN Code of Practice provided guidance on policies and procedures in order to help pupils with SEN '*to reach their full potential, to be included fully in their school communities and make a successful transition to adulthood*' (DfES, 2001a, p. 6). As the Code of Practice noted, a mainstream school setting will meet the needs of most children.

There will be some children however, who will need additional support from external agencies, while a small number will have such complex needs that their local education authority (LEA) will have to determine and then put in place the appropriate special education provision to meet those particular needs.

The nature of children's needs can vary widely, for example they may arise as a result of physical, sensory, or cognitive difficulties as well as emotional or behavioural ones. At the same time, children may have more than one type of need and thus the support they receive would be required to be equally varied. However, previous research (Audit Commission, 2002; Polat *et al*., 2001; Male, 1996) has shown that identifying children's needs is not 'an exact science', with some difficulties usually being identified earlier (e.g. physical difficulties) or more reliably. Particular problems have been highlighted regarding the identification of (BESD) (Dockrell *et al*., 2002; OFSTED, 1999b).

Recent DfES statistics show that, in 2003, there were some 1,169,800 pupils in schools in England and Wales who had SEN, i.e. they were having difficulty learning which had resulted in them requiring some type of support in class, but who did not have a statement (14 per cent of pupils on roll). The statistics show that in 2003, some 250,500 pupils needed more support than could be provided in school and, as a result, the LEA was required to draw up a statement of SEN to specify the nature of their needs and what additional or alternative provision was required. This represents an increase of 0.6 per cent since 2002, and an increase of one per cent over the five years since 1999. Sixty per cent (150,400) of pupils with statements of SEN were said to be attending maintained mainstream schools in 2003, while 37 per cent were either attending maintained special schools or pupil referral units (PRUs).

In terms of gender, boys have been found to make up the majority in every category of SEN except sensory impairment (Polat *et al*., 2001). Boys are said to be particularly over represented amongst pupils with statements and pupils identified as having BESD (Audit Commission, 2002; Polat *et al*., 2001). At the same time, the Audit Commission (2002) reported that more than half (68 per cent) of pupils attending special schools are boys, while Morris *et al*. (2002) referred to research which suggested that boys comprise the majority of disabled children placed at

residential schools. Such gender differences amongst pupils with SEN are believed to raise important questions about the effectiveness of schools' responses to the needs of boys (Audit Commission, 2002).

Research evidence relating to ethnicity and SEN is believed to be inconclusive. Difficulties in identification relate to language, lack of accurate or easily accessible information and the '*perceived stigma attached to SEN*' within certain communities (Audit Commission, 2002, p. 10). Polat *et al*. (2001) referenced American data which revealed a higher percentage of African American pupils with SEN than that group's percentage within the general population. Few LEAs in England collect comparable data and even fewer make use of it to establish whether ethnic minority pupils are over or under represented in terms of pupils with SEN (Audit Commission, 2002). However, Male (1996) in a study looking at the characteristics of pupils attending schools for those with moderate learning difficulties (MLD), found that previous perceptions of an over representation of black pupils in MLD schools appeared to be changing. Headteachers of MLD schools in this study indicated that their school intakes of this group were comparable with the intakes of mainstream schools in the same area. Interestingly though, 25 per cent of the headteachers in the study felt that Asian pupils were over represented within MLD schools (Male, 1996). Families from minority communities are reported to face a number of challenges in their relationships with schools, including their understanding of the school system and '*cultural knowledge relevant to the national curriculum*' (Cline, 2003). These issues highlight concerns about the consistency of data collection relating to ethnicity and the need for appropriate translation and interpreting facilities (Audit Commission, 2002).

3. Admissions

3.1 The role of parents

Parents are believed to have a significant role to play in the education of their children (ACE, 1997; OFSTED, 1999b; DfES, 2001a). The SEN Code of Practice urges all professionals to '*actively seek to work with parents and value the contribution they make* '(DfES, 2001a, p. 16). The Code acknowledges that parents have in-depth knowledge of their children's needs together with the most effective ways of

supporting them. Thus it notes, by extension, involving parents can enable professionals to work more effectively, particularly where children with SEN are concerned. An OFSTED inspection of BESD special schools reported that teachers in the schools involved were convinced of '*the importance of forging strong links with parents so that they would grow to trust the school's ability to care for and understand their children*' (OFSTED, 1999b, p. 23). Equally, strong support from parents is seen as a key component in a '*high-quality successful school*' (Bosetti, 1998, p. 64).

3.2 Information for parents

However, in order to be involved fully in their child's education and to make informed decisions, for example when applying for a school place or during the statutory assessment process, the importance of parents being aware of all the relevant information is noted (ACE, 1997; DfES, 2003a). It is therefore essential that information relating to admission arrangements or the assessment process is written clearly, in languages commonly used within the community and in a range of different mediums '*so that all parents for whom English is not their first language, and those with a disability or learning difficulties can access the information*' (DfES, 2001a, p. 18).

Although recognised as valuable, it is acknowledged that establishing effective working relationships with parents can sometimes be difficult (Brown and Carpenter, 1995; OFSTED, 1999b). Misunderstanding can arise when information such as admissions criteria is not clear. Bowe *et al*. (1994) noted that parents can be faced with a myriad of complex and often confusing information '*which requires fairly sophisticated information-handling strategies*' (p. 42). West and Hind (2003) found that both the amount and the clarity of the information in secondary school brochures varied '*enormously*'. In a study of parental views of the statementing process (Brown and Carpenter, 1995), parents were asked about the information they had received prior to their child's admission to the school named in the statement. All had received some information on the school's SEN policy, although this generally took the form of a brief outline in the school's prospectus. In two cases, the headteacher had been asked for further information, an approach which was said to have been more

satisfactory. Similarly, ACE guidance on choosing schools urges parents to '*visit schools and ask questions*' (ACE, 1997, p. 9) as well as studying prospectuses, annual reports and other policy documents. Most of the parents in the Brown and Carpenter (1995) study professed themselves to be happy with the amount of information received, although three referred to the policy documents containing '*jargon*' which they found hard to understand. This once again emphasises the need for clarity in any written material produced for parents.

3.3 Parental 'choice'

Once apprised of all the necessary information, parents will then need to decide which establishment they feel will best satisfy the needs and aspirations of their children (Bosetti, 1998). As noted in Section 3.4, LEAs must arrange for parents to be able to express a preference for a place for their child in any school, a preference with which admission authorities have a duty to comply, except in specific circumstances. A study conducted by the Office for National Statistics and Sheffield Hallam University found that, nationally, more than eight out of ten parents received an offer of a place in the secondary school '*they most wanted*', while more than nine out of ten parents were offered a place '*in their first preference school*' (Flatley *et al*., 2001). The principle of parental 'choice' was first articulated in the 1944 Education Act (GB. Statutes, 1944) and then reaffirmed in subsequent legislation e.g. the Education Reform Act 1988 (GB. Statutes, 1988) and the School Standards and Framework Act 1998 (GB. Statutes, 1998). However, critics (Bowe *et al*., 1994; Gewirtz *et al*., 1995; Power *et al*., 1997; White *et al*., 1999a) have argued that parental choice, coupled with other policy initiatives such as open enrolment, devolved budgets and league tables, positioned education as a commodity within the market place. Gewirtz *et al*. (1995) referred to *The Parent's Charter* (introduced in 1991 (DES, 1991) and updated in 1994 (DfE, 1994)) as reinforcing this ideology and promoting choice as a right. Thus, as Bowe *et al*. (1994) pointed out, the danger arises of schools being judged on examination results, truancy and exclusion rates, leavers' destinations and the image of the school itself. Parents, as consumers, then run the risk of being '*seduced by schools' hype rather than the value of their educational processes*' (Bowe *et al*., 1994, p. 42).

Research has shown that the element of parental choice is fraught with difficulties, especially for the socially and culturally disadvantaged (Gewirtz *et al*., 1995; Armstrong, 1995; Bosetti, 1998; Whitty *et al*., 1998). In their three-year study of market forces in education, Gewirtz *et al*. (1995) examined the complexities of parental choice and identified distinct class and cultural differences. They highlighted three types of chooser: the '*privileged/skilled chooser*'; the '*semi-skilled chooser*'; and the '*disconnected chooser*' (p. 24). Privileged/skilled choosers were predominantly middle class parents who were better equipped to find the schools that matched the needs and aspirations of their children. They had the necessary economic, social and cultural capital to be able to approach headteachers, to gather the relevant knowledge and to appeal against decisions if necessary. Semi-skilled choosers tended to be a mixed class group who had the inclination but were limited in terms of their '*capacity to engage "effectively" with the market*' (Gewirtz *et al*., 1995, p. 40). This group of parents appeared less comfortable with the idea of choice and had little knowledge of the school system or the contacts to pursue. As a result, they were more likely to choose schools on the basis of reputation and the advice of others who they saw as being more informed of the issues. Disconnected choosers were generally working class parents disinclined to engage with the market who tended to choose schools within their own communities. These parents typically regarded schools as being much the same and did not seek out information about them, tending to rely instead on knowledge gleaned from local social networks or direct experience.

Gewirtz *et al*. (1995) concluded that competition between parents for schools disadvantages those parents who are not in the position to exploit the market to their advantage '*either because of insufficient finances or inappropriate cultural and social capital*' (p. 183). In addition, an OFSTED review of special education noted that through '*the accident of geography*' (OFSTED, 1999a, p. 15), families in one LEA may have far greater access to specialist services and provision than those living in a neighbouring authority. This element of chance is believed to have implications for pupils' equality of opportunity, something the Green Paper '*Excellence For All Children*' (GB. Parliament. HoC, 1997) was seen as addressing through its proposals to increase the inclusion of pupils with SEN and reduce the variability of provision that existed nationally (OFSTED, 1999a). In response, the DfES established 11 SEN

Regional Partnerships (covering all local authorities in England) to help redress this variability through collaborative planning and working.

Others have argued that the climate of competition and market forces in education disadvantages vulnerable pupils (Whitty *et al*., 1998; Bolton, 2002; Taylor, 2003). Thus, the more sought after pupils are those who are more academically able, with the least desirable being those who are less able, or those with SEN. The Audit Commission report (2002) highlighted instances where parents of pupils with SEN had been '*gently discouraged*' from applying for a place at a school, for example through the suggestion that another might be more appropriate for their child's particular needs. A recent report from the Social Exclusion Unit (SEU) noted that one reason local authorities have difficulties finding school places for children in public care is that schools sometimes assume such children will have behavioural difficulties and poor attainment, often requiring additional support (SEU, 2003). Indeed, pupils with behavioural difficulties are said to be particularly disadvantaged (Whitty *et al*., 1998; Feiler and Gibson, 1999; Audit Commission, 2002; OFSTED, 2002).

> *Teachers may be prepared to support children with milder SEN but, as for those with severe behavioural difficulties, rhetoric about education for all may well go unheeded.*
>
> (Feiler and Gibson, 1999, p. 148).

It could therefore be suggested that children with such difficulties who have parents who do not possess the material, cultural or social capital to argue their case, Gerwitz *et al's*. (1995) '*disconnected choosers*', are doubly disadvantaged in the competition for school places.

The impact of parental choice on the composition of school intakes has been of major concern in recent years (Taylor, 2003) with fears that it would lead to the increasing segregation of disadvantaged pupil groups. Reporting on recent ESRC-funded research on the changing composition of secondary schools, Taylor (2003) noted that, since 1989, there has been little change in national levels of segregation between schools, thus suggesting that parental choice has not in fact led to increases in segregation. Despite this, the concerns raised are believed to have increased awareness of the uneven distribution of children between schools. In addition, the

research is believed to have identified potential causes of segregation – '*residential differentiation*' (allocation of school places according to designated areas) and '*the ability of particular schools to overtly and covertly, intentionally and unintentionally, select the more academically able children*' (Taylor, 2003, p. 9). West and Hind (2003) highlighted the issue of secondary transfer, arguing that some groups of parents and pupils, as well as some schools, benefit at the expense of others and called for those schools that are their own admission authorities to be encouraged '*to be both academically and socially mixed with "fair access" to all in an area*' (West and Hind, 2003). A recent report from OFSTED (2003b) on school place planning noted that parental choice can '*exacerbate*' certain problems and called for more effective partnerships and protocols between schools in order to avoid the '*increasing polarisation*' between popular and unpopular schools.

3.4 Admission arrangements

The framework for school admissions was introduced in the School Standards and Framework Act 1998 (GB. Statutes, 1998). Section 84 of this Act required the Secretary of State to issue a Code of Practice relating to the discharge of admission functions by LEAs, governing bodies, admission appeal panels and the Schools Adjudicator. The Act also required individual admissions authorities to make their admission arrangements public. The School Admissions Code of Practice (DfES, 2003a) takes account of changes to the admissions system introduced in the Education Act 2002, but applies to school intakes from September 2004, thus replacing the previous version of the Code in place from April 1999, as well as other guidance on school admissions. The Code sets out guidelines on admission arrangements and aims to improve the admissions system by making it more open and fair, whilst also facilitating the admissions process. The Education (Determination of Admission Arrangements) Regulations 1999 requires all admission authorities to consult annually with each other on admission arrangements for their schools. These admission arrangements should benefit local parents and children and should be publicly accessible and easily understood, so as to enable parents to make informed decisions about the most appropriate school for their children (DfES, 2003a). It is interesting though, as White *et al.* (1999a) pointed out in commentary on the 1999 version of the Code of Practice, that consultation between LEAs on admissions

arrangements remains a requirement, but consultation with parents is still merely '*encouraged*' (DfES, 2003a, p. 18).

The Code emphasises the right of parents to express a preference for a place for their child in any school, a preference with which admission authorities have a duty to comply before other application policies are applied (DfES, 2003a). It also sets out the principle of coordinated admission schemes to introduce ways of ensuring that parents applying in the '*normal admission round*' (p. 27) receive only one offer of a school place on the same day. Where a greater number of parents have expressed a preference for a school than there are places available that year, in order to decide which preferences are met, the authority must apply the oversubscription criteria in its published admissions policy. This would commonly include sibling connections; proximity to the school; ease of access; catchment areas; feeder primary schools; medical or social grounds; and whether the child is in public care (DfES, 2003a). The Code of Practice urges admissions authorities to ensure that the criteria are clear and '*objectively*' assessable. However, White *et al.* (1999b) found that oversubscription criteria varied both between and within LEAs, so that even those that appeared at first to be similar often had different implications for some parents and their children. Equally, White *et al.* (1999a) argued that the 1999 version of the Code of Practice allowed admissions authorities a considerable degree of flexibility and thus control over their admission arrangements, while West and Hind (2003) referred to '*clear opportunities* [within the Code] *for schools to "select in" and "select out" pupils*'.

> *As long as those arrangements do not breach any equal opportunities legislation and provided they are published and disseminated in their final form, they can reasonably contain any prohibitions on admission, providing such clauses are legitimated in terms of 'prejudice' to 'efficient' education or use of resources.*
>
> (White *et al.* 1999a).

The 2003 version of the Code of Practice points out that authorities should take care not to apply oversubscription criteria which might disadvantage '*certain social groups in the local community, including disabled pupils*' (DfES, 2003a, p. 12). It goes on to state that where a school is named in a statement of SEN, the governing body of that school has a duty to admit the child concerned. Furthermore, the Code makes it clear that admission authorities should apply oversubscription criteria '*as fairly to children*

with special educational needs but no statement, or to children with a disability, as to other applicants (DfES, 2003a, p. 13).

Admission Forums

The School Standards and Framework Act 1998 (GB. Statutes, 1998), amended by the Education Act 2002, required each LEA to establish an Admission Forum to enable admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements. Such forums are required to consider existing arrangements and the extent to which they serve the interests of the local community, as well as how these arrangements might be improved. As such, Admission Forums have an important advisory role. Forums are also responsible for '*seeking to promote agreements on arrangements for dealing with a range of difficult issues*' (DfES, 2003a, p. 26). This includes ensuring effective provision within admission arrangements for potentially vulnerable young people such as looked after children and those with SEN. Adjudicators are then responsible for settling any unresolved differences between admissions authorities which relate to determining admission arrangements, as well as any disputes between admissions authorities and schools. In their study of secondary school admissions in England, West and Hind (2003) argue for a more proactive role for the adjudicator as a move towards better regulation of school admissions.

Core membership of Admission Forums should include representatives from the LEA, schools within the community, the local church (both Church of England and Roman Catholic), the local community itself, academies and City Technology Colleges (CTCs). In addition, LEAs are encouraged to consider whether membership should include representatives from other faith or ethnic minority groups, especially where such a group forms '*a significant proportion of the population covered by the Forum and is not otherwise represented*' (DfES, 2003a, p. 25). Similarly, other key groups may be invited on an '*ad hoc*' basis to meetings in which they are likely to have a particular interest, for example representatives of SEN or Disability organisations.

Admissions of pupils with SEN

The School Admissions Code of Practice (DfES, 2003a) maintains that the applications of children with SEN but who do not have statements must be treated as

fairly as those of other children. Admission authorities may not refuse admission because they feel unable to cater for a pupil's SEN, and must consider applications from children with SEN but without a statement, on the basis of the school's published admission criteria. Admission authorities must not refuse admission on the grounds that the pupil (with identified needs) does not have a statement of SEN, or that they are currently undergoing assessment for one. Equally, the Code states that schools can not refuse admission to a child considered to be potentially disruptive, or exhibiting challenging behaviour, on the grounds that the child should first be assessed for SEN.

Where children have a statement of SEN, once parents have expressed a preference for the school they would like their child to attend, the LEA concerned will take account of that preference in finalising the child's statement. The LEA then has a duty to arrange the provision specified in the statement. Where a school is considered by the LEA to be appropriate for a child with a statement of SEN and is named within the statement, then that school is required to admit the child and the governing body can not refuse admission. However, governors can make a complaint to the Secretary of State that the LEA has acted unreasonably in finalising a statement to name their school. The School Admissions Code of Practice (DfES, 2003a) recommends that this information should be included in prospectuses to raise awareness amongst parents of other children. Where parents are in dispute over the special education provision made for their child, the SEN Code of Practice (DfES, 2001a) requires LEAs to make arrangements to resolve any such disagreements. LEAs are also required to make any disagreement resolution services known to parents, schools and other interested parties. It is worth noting that the use of disagreement resolution does not remove parents' right of appeal to SENDIST. Parent partnership services, offering impartial advice and support, play a valuable role in mediating between LEAs and parents, or schools and parents. Training courses in mediation and SEN run by the National Parent Partnership Network take place in many LEAs.

Similarly, children with disabilities should be treated as fairly as other pupils. The SEN and Disability Discrimination Act 2001 (GB. Statutes, 2001) amended the Disability Discrimination Act 1995 and placed admission authorities under a new duty not to discriminate against disabled pupils in relation to admission arrangements,

their access to education and other activities (e.g. after school activities), or by excluding them. The School Admissions Code of Practice (DfES, 2003a) defines pupils with disabilities as those pupils with '*a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities*' (DfES, 2003a, p. 36). As such this would include those with physical, sensory or learning disabilities. Schools are required to make '*reasonable adjustments*' in order to ensure that pupils with disabilities are not disadvantaged. Schools are also required to make public information on their admission arrangements for disabled pupils, access arrangements for those pupils, the steps being taken to ensure that such pupils are treated as fairly as other pupils, and plans to increase accessibility for disabled pupils (DfES, 2003a).

Furthermore, the Code states that LEAs are required to monitor the admission of children with SEN (including those with and without statements) across all maintained schools within the authority, '*as a basis for local discussions designed to ensure the equal treatment of children with special educational needs*' (DfES, 2003a). The Audit Commission (2002) recently recommended that Admission Forums should discuss, at least annually, the pattern of admissions in order to encourage a more even distribution of children with SEN. Discussions should include a separate analysis of admissions of children with behavioural difficulties.

3.5 Admission appeals

Admission authorities must establish independent appeal panels to allow parents to appeal, if they so wish, against a decision to offer their child a place at a school. This right of appeal is set out in the School Standards and Framework Act 1998 (GB. Statutes, 1998) (as amended by the Education Act 2002 (England and Wales. Statutes, 2002)). Section 84 of this Act required the Secretary of State to issue a Code of Practice on School Admission Appeals, the revised version of which came into force in January 2003. The Code contains guidance on two types of appeals: those by parents wishing to appeal against the school at which their child is to be educated; and those by governing bodies of community or voluntary controlled schools against an LEA decision to admit to that school a child who has been permanently excluded from two or more schools (DfES, 2003c). LEAs are required to organise appeal

panels for community and voluntary controlled schools, even if they have delegated responsibility for admissions to the governing body. Governing bodies of foundation or voluntary aided schools are responsible for setting up appeal panels at their schools. Appeal panel membership must be independent of the school's governing body and the LEA that maintains the school, while the clerk to the appeal panel should be a person who has had no prior involvement in any stage of the admissions process.

The School Admissions Code of Practice (DfES, 2003a) highlights instances when it could be appropriate to refuse the admission of a challenging child, even if a place at the school is available, most often where a school has a particularly high number of pupils with challenging behaviour. The School Admission Appeals Code of Practice (DfES, 2003c) states that appeal panels should take account of this when hearing appeals for such pupils. The Code underlines the importance of the panel considering carefully '*whether the admission authority had clearly proven that admission of the child would be prejudicial*' (DfES, 2003c).

Appeal arrangements should be clear and easily understood, particularly where parents are concerned. Parents should be informed of the reason when their child is refused a place at a school. This information, along with notification of their right to appeal against the decision and the contact details of the person who will organise any appeal should be clearly communicated by letter (DfES, 2003a).

If the parent of a child with a statement of SEN wishes to appeal against the school named in that statement, or because no school has been named, the appeal is made to the SEN and Disability Tribunal (SENDIST) rather than the admission appeal panel. Appeals to SENDIST are not admission appeals, but appeals against the provision specified in the statement, including the named school. In their research on admission appeals, Taylor *et al* (2002) found that the number of appeals lodged by parents had more than doubled between 1993 and 1998, and suggested that this rise could be equated with parents' increasing awareness of '*their rights to express a preference of school and of their rights to appeal*' (p. 246). Similarly, a recent article in the Times Educational Supplement (TES) reported '*record*' numbers of parents appealing to SENDIST in 2002 to 2003, a 16 per cent rise on figures reported in 2001 to 2002

(Gold, 2003). The Audit Commission report (2002) noted that, at the time of reporting, 61 per cent of Tribunal decisions that supported a change in the named school resulted in special school placements. Only 30 per cent of appeals in 2000/2001 resulted in a mainstream school place. The report recommended that the Tribunal should reflect on the extent to which its decisions match national policy on inclusion, and identify '*the key barriers to inclusion*' (Audit Commission, 2002)

3.6 The experience of parents

The government's commitment to inclusion was underlined in the SEN Code of Practice which advocated '*a stronger right for children with SEN to be educated at a mainstream school*' (DfES, 2001a, p. iv). Critics of the inclusion debate, such as Powell and Tutt (2002), have argued that it has been '*taken to an unhelpful extreme*' (p. 44) by those who advocate mainstream schooling for all pupils and advise parents that this is their right. They maintained that '*there is little point in having a right to something that is not appropriate*' (Powell and Tutt, 2002, p. 44) as the '*inappropriate*' placement in mainstream education of a child with SEN might be. The authors suggested the need for special settings offering appropriate and targeted provision for such children and made the case for a continuing role for special schools. The Audit Commission report *Special Educational Needs: A Mainstream Issue* (Audit Commission, 2002) noted that, in fact, the move towards the greater inclusion in mainstream school of pupils with SEN has not progressed very quickly, with the special school population reducing little during the last ten years, a finding supported by OFSTED (2003a). At the same time, a continuum of provision was believed to have developed including specially resourced provision in mainstream schools and dual registration arrangements where special school pupils could spend some of the week in mainstream schools. This was believed to have allowed pupils with higher levels of SEN to '*reap the benefits of both sectors*' (Audit Commission, 2002, p. 19).

The study by the Office for National Statistics and Sheffield Hallam University (Flatley *et al*., 2001) found the '*vast majority*' of parents to be satisfied with the outcome of the application process, although the authors noted that this appeared to be related to whether they had been offered a place at their preferred secondary school.

Indeed, a number of commentators have chronicled the experiences of parents of children with SEN as they struggle to gain their child admittance to their preferred school, be that in mainstream education (Jupp, 1992; Armstrong, 1995; Skidmore, 2000) or in the most appropriate special educational settings (Powell and Tutt, 2002; Scott, 2003).

Given the earlier discussion on parental choice, where critics have argued that the element of market forces in education advantages those parents with higher levels of economic, social and cultural capital (Gewirtz *et al*., 1995; Armstrong, 1995; Whitty *et al*., 1998; Bosetti, 1998), it could logically be suggested that the same parents would be the most likely to pursue, and be successful in, the appeals process (Taylor *et al*., 2002). A recent article in the TES noted that many parents withdraw because they feel too intimidated or lack the resources to continue and reported that most parents who do continue end up spending approximately £5,000 (Gold, 2003, p. 18). Taylor *et al*. (2002) noted that three out of every ten appeals lodged did not progress any further, and highlighted the fact that, for a number of parents, writing and then presenting their argument to an appeals panel would be a difficult task. In spite of this, their research found little evidence of a distinct '*socio-economic type*' of parent going through the appeals process (Taylor *et al*., 2002). Instead, the level of market activity within an area, the geography of the area, and the provision of schooling (i.e. the diversity of schools and the number of surplus places) appeared to be of greater significance.

The Independent Panel for Special Education Advice (IPSEA) however, recently reproduced on its website, articles which originally appeared in the Sunday Times in February 2003, describing the struggles faced by many parents of disabled children. It is argued that the only parents in a position to challenge LEAs' decisions at Tribunals are those with '*the knowledge, resources and confidence to stay the course*' (Scott, 2003). Even when an appeal to the Tribunal is successful, parents are rarely able to claim costs or to complain against what they often perceive to be a discrimination issue. The balance of power is said to be weighted against the interests of parents (Jupp, 1992; Armstrong, 1995; Skidmore, 2000) with professionals holding '*all the trump cards*' (Jupp, 1992, p. 64).

> *It is clear that there is a general asymmetry built into the mechanisms of identification, assessment and placement which govern the educational careers available to children with disabilities and learning difficulties. These mechanisms are weighted against parents and in favour of those whose occupational positions give them authority over local school admissions policy for this group of children.*
>
> (Skidmore, 2000).

Skidmore (2000) reporting on one family's struggle to have their child included in mainstream, concluded that their experience had led them to believe that the decisions made by LEAs in such cases were based on the authority's own priorities and available resources, rather than on the needs of the child. When it comes to compliance with their preference for a placement in the school of their choice, parents of children with SEN are believed to be in a '*qualitatively different, and inferior, legal position*' (Skidmore, 2000) than parents of children who have not been so identified. It could be suggested that such a position must make pursuing an appeal against the school named in their child's statement even more problematic for the economically, socially and culturally disadvantaged. Thus, the concept of 'parents as partners' in their children's education, as is currently promoted in the SEN Code of Practice (DfES, 2001a) would appear to contain inherent contradictions (Armstrong, 1995).

4. Exclusions

The number of young people permanently excluded from school rose steadily during the 1990s, reaching a peak of 12,668 in 1996/1997 (DfES, 2001b). Concerns regarding this increase resulted in the government setting targets to reduce exclusions by a third by September 2002 (SEU, 1998). The introduction of these targets reflected concerns about the link between young people's exclusion from school and their exclusion from society in general: for example, in terms of a lack of positive post-16 progression, poor employment prospects and teenage parenthood. Furthermore, it also reflected concerns that exclusion from school was linked to an increased risk of anti-social behaviour and even offending. Research has suggested a link between truancy, exclusion and crime (Audit Commission, 1996) and this connection, as well as the longer-term consequences, has been subsequently acknowledged in various reports (SEU, 1998; Audit Commission, 2002).

LEAs met their targets to reduce exclusions by a third by September 2002 (DfES, 2001b). Recent DfES statistics show that there were 9,290 permanent exclusions from school in 2002/2003, a decrease of three per cent from the 9,535 permanent exclusions in the previous year and a 24 per cent decrease since 1997/1998.

4.1 Government guidance on exclusions

The most recent government guidance on exclusions (DfES, 2004b) came into force from March 2004. Headteachers, teachers in charge of a PRU, governing bodies, LEAs and independent appeal panels must by law have regard to this guidance when making decisions on exclusion and administering the exclusion procedure. The document replaces Chapter 6 (on the use of exclusion) and Annex D (on procedures for exclusion) of the previous guidance, DfES Circular 10/99 (DfEE, 1999). The procedures outlined in the guidance apply to all maintained schools and PRUs and their pupils. There is also a recommendation that where the parents of an excluded child do not speak, or have a good understanding of, English, any documentation relating to exclusion should be translated into their mother tongue. As with admission arrangements, it is essential that information relating to exclusions is in an accessible format for parents so that they are not disadvantaged.

The current DfES guidance on exclusions states that schools should '*make every effort*' to avoid excluding pupils at '*School Action*' or '*School Action Plus*' under the SEN Code of Practice, which should include those pupils at *School Action Plus* being assessed for a statement of SEN. Furthermore, the guidance includes the condition that schools should avoid the permanent exclusion of pupils with statements '*other than in the most exceptional circumstances*' (DfES, 2004b). Given reports of the high numbers of pupils with SEN but without statements being permanently excluded, together with variations between LEAs in statementing rates (Audit Commission, 2002; Slater, 2003), the Audit Commission report recommends that '*this condition should apply to all children with SEN, including those without a statement*' (Audit Commission, 2002).

4.2 The exclusion of pupils with SEN

Despite a reduction in recent years in the number of children with statements permanently excluded from school (Audit Commission, 2002), DfES data show that, in England, such children are still four times more likely to be permanently excluded from school than other children. In 2002/2003, estimates show that 0.45 per cent of all pupils with SEN were excluded from school compared with only 0.05 of the school population with no SEN. Given the links already noted between exclusion and long-term underachievement and as the Audit Commission report (2002) stresses, this over-representation of children with statements of SEN in national exclusion figures is of concern. Atkinson (1996) echoed this concern noting that:

> *Permanent exclusion for a statemented child effectively presents a unilateral negation of the agreed provision set out in the statement.*
>
> (Atkinson, 1996).

Until recently, no data have been available nationally on the far larger group of children with SEN but without a statement who are permanently excluded, as fewer than half of all LEAs collected these data locally (Audit Commission, 2002). In October 2003, DfES data showed for the first time the total number of pupils with SEN, with and without statements, who had been permanently excluded from school. IPSEA (2003) reported recently on its website that these data show that of the 9,535 pupils permanently excluded in 2001/2002, 5,826 (61 per cent) had SEN. Slater (2003) noted that the vast majority of the pupils with SEN comprising this figure (some 4,696) were **not** statemented.

At the same time, IPSEA's website suggested that the number of pupils with SEN subjected to fixed-term exclusions was far greater than the number permanently excluded. Fixed-term exclusions, which can be repeated for up to a total of 45 days (nine school weeks) in any one year, can represent '*a sizeable chunk of any child's formal education*' (IPSEA, 2003). Given that, from September 2002, LEAs have been required to provide suitable full-time education for all pupils excluded for more than 15 days (DfES, 2004b), this has serious implications for many authorities. However, IPSEA argues that this is merely the tip of the iceberg, referring to the numbers of pupils with SEN who are '*informally excluded*' – where formal procedures are not

followed but parents are persuaded not to send their children to school (see, for example, Stirling, 1994; Vulliamy and Webb, 2001). Anecdotal evidence has highlighted several instances of pupils with SEN being sent home before an OFSTED inspection, or being referred to PRUs before National Curriculum tests or in Year 11. Gewirtz *et al*. (1995) reported instances of pupils being threatened with exclusion as a way of encouraging parents to '*voluntarily*' withdraw their children from the school. IPSEA estimates that the real figure for exclusions of pupils with SEN (including permanent, fixed-term and informal) is '*in the region of 40,000 children at any one point in time*' (IPSEA, 2003). At the same time, under the system of 'managed moves', where it is felt that a pupil's needs are not being met in one school, they can be moved to another without a break in their education, thus effectively removing them from the roll of one school, but without them being officially excluded. There is support for this approach (LGA, 2002; DfES, 2004b) where appropriately managed and monitored:

> *This should only be done with the full knowledge and cooperation of all parties involved, including the parents and the LEA, and in circumstances where it is in the best interests of the pupil concerned.*
>
> (DfES, 2004b, p. 8).

A DfES discussion paper on the prevention, management and funding of school exclusions advocates the role of Admission Forums in promoting local agreement for such a system by working to ensure that pupils are not '*disproportionately*' placed in schools with the least ability to cope (DfES, 2003d).

Research has shown that pupils with BESD are more likely to be permanently excluded (Stirling, 1994; Hayden, 1997; Osler *et al*., 2000; Bolton, 2002; Audit Commission, 2002). As this review has already indicated, such difficulties can be harder to identify and can pose problematic issues within any inclusion strategy, often leading to conflict between the needs of the individual pupil and the needs of others. Many of these pupils also tend to experience difficulties with learning (Blow, 1993; Royer, 1995; Osler *et al*., 2000; Gross and McChrystal, 2001) which can become exacerbated through exclusion. Inherent within the exclusion debate is the tension between the need for schools to become more inclusive and the competition for school places, together with the current emphasis on national targets and academic

standards (Hayden, 1997; Harris and Eden, 2000; Osler and Osler, 2002; Audit Commission, 2002). It may thus become tempting for schools to rid themselves of pupils deemed 'undesirable' – those '*who can rather easily be dismissed – and sometimes all too fortuitously lost*' (OFSTED, 2002). Mainstream school staff have also reported viewing the exclusion of pupils with SEN as a way of ensuring that the severity of their needs is recognised and thus addressed (Blyth and Milner, 1994; Hayden, 1997; Osler *et al*., 2001).

The literature review conducted for the Audit Commission report (2002) suggested that, although patchy, there is evidence that pupils with SEN are '*routinely excluded*' from school activities. Examples quoted included being excluded from:

- using certain equipment (e.g. for science or design and technology work)
- trips/social events
- some mainstream lessons (e.g. modern foreign languages) for support
- assessments (e.g. National Curriculum tests) (Dockrell *et al*., 2002).

Similarly, the above review documents the fact that pupils with disabilities can be excluded from areas of the curriculum '*because of failure or inability to remove physical and other barriers to their taking part*' (Dockrell *et al*., 2002, p. 30). The SEN and Disability Discrimination Act 2001 imposed on LEAs a duty not to discriminate against disabled pupils by excluding them from their educational rights. As such, schools are required to take '*reasonable*' steps towards ensuring that they are not disadvantaged. Osler and Osler (2002), writing prior to the Act coming into force, welcomed its forthcoming introduction noting:

> *It will be unacceptable for the school simply to argue that participation in certain lessons or activities poses a health and safety risk. There will be an obligation to review provision to ensure that all appropriate steps have been taken to alleviate such risks.*
>
> (Osler and Osler, 2002, p. 37).

Stirling (1994) noted the '*marked increase*' in exclusions from special schools, particularly pupils from BESD special schools. Similarly, an OFSTED review found that special schools for pupils with MLD excluded more pupils while exclusions from special schools of pupils with BESD had increased '*year by year*' (OFSTED, 1999b).

Stirling identified '*a crucial difference*' between these and exclusions from mainstream schools, in that the former '*frequently have no suitable alternative authority school available to them*' (Stirling, 1994, p. 28).

4.3 Meeting the needs of pupils with SEN in school

Recent exclusion figures raise questions about the extent to which exclusions result from pupils' unmet needs, particularly where pupils with SEN are concerned (Harris and Eden, 2000; Audit Commission, 2002). IPSEA (2003) notes that its casework records would support this suggestion. Meeting pupils' needs more effectively in school may well lead to '*a significant drop*' in the numbers of permanent exclusions (Audit Commission, 2002). Evidence from a DfES project on the implementation of Circular 10/98 (Fletcher-Campbell *et al*., 2003) bears out that there is a link: creating environments which recognise the needs of pupils with behavioural difficulties not only reduces the type of behaviour likely to result in exclusion, but also enhances these pupils' learning. Similarly, a study by Vulliamy and Webb (1999; 2001) found that the number of exclusions of pupils with challenging behaviour could be reduced through the provision of '*targeted assistance to the pupils and families*' of those considered to be at risk. This targeted assistance involved placing social work-trained home-school support workers in secondary schools to work with a caseload of pupils and their families. Gewirtz *et al*. (1995) noted that research has shown that, not only is it more effective to support pupils at risk of exclusion in school, it is also more cost-efficient than excluding them and involving a whole raft of external agencies. The Audit Commission report (2002) welcomes the new national standards for Qualified Teacher Status which expects newly qualified teachers (NQTs) to be able to identify and support pupils working below expectations, including those experiencing BESD, but recommends that this should be a key part of the induction year, as well as of initial teacher training.

Equally, the emphasis on inclusion has led to greater diversity of pupil need within the classroom (Audit Commission, 2002), placing more pressure on teachers with which they may well feel ill-equipped to cope (Dockrell *et al*., 2002). SEN-related training for teachers as well as for SENCOs (e.g. in meeting the requirements of the SEN and Disability Discrimination Act 2001) should therefore be seen as a

fundamental part of any inclusion strategy so that, for all staff, SEN becomes '*a core part of their teaching responsibilities, not an "add-on"*' (Audit Commission, 2002). At the same time, as more children with milder levels of SEN are being included in mainstream schools and the number of special schools is decreasing, the profile of the special school population has changed. Special schools are now coping with an ever more diverse range of more serious needs (including a greater number of pupils with profound and multiple learning difficulties). This has serious implications for the training of staff in special schools, which, although often limited and costly, should be considered vital in order to ensure the quality of the provision, (OFSTED 1999b; Audit Commission, 2002).

The support provided in school for pupils with SEN can vary between schools and LEAs, even where that support is specified within a statement of SEN. One problem raised in relation to statements has been in their phrasing, with '*vague*' or ambiguous terms such as '*support as necessary*' being used (Gold, 2003). The reason for this lack of specificity is believed to relate directly to resources:

> *As long as the duty to assess and describe the provision of special need falls on the same body that also has to pay, there will be a fundamental conflict of interests.*
>
> (Scott, 2003).

Local authority support services (e.g. learning and behavioural support services, educational psychology etc.) can provide valuable help and advice to schools. Osler *et al*., (2000) noted that this kind of external support needed to be accessed quickly in order to have the maximum effect on the pupil, the family and the school itself. However, once again, this support was found to be variable. Some LEAs have delegated a large amount of their funding to schools which then face competing demands on limited resources. An evaluation of the SEN Regional Partnerships (Ainscow *et al*., 2002) found that they had done much to foster collaboration between LEAs and had contributed to enhanced multi-agency working. At the same time, the study noted that the benefits to specific target groups of pupils were recognised and highly rated by other professionals working in the field of SEN. The Audit Commission report (2002) identified a lack of clarity over funding arrangements for SEN and welcomed the introduction in the Education Act 2002 of new arrangements

from April 2003. These required LEAs to establish Schools Forums, comprised of headteachers and governors, to advise on the way in which schools' budgets, including SEN funding, are allocated .

The Audit Commission report (2002) recommended that, in order to develop the capacity of schools to meet pupils' needs, there needs to be '*sustained investment in staff skills and school facilities*'. It noted that both human and financial resources are '*a key determinant of how much support schools are able to offer individual pupils*' (Audit Commission, p. 34). At the same time, research has highlighted the need for greater monitoring: of data on fixed-term exclusions in order to identify trends and potential problems; and of those groups known to be at greater risk of permanent exclusion (e.g. pupils with SEN) (Audit Commission, 2002; Osler *et al*., 2001).

4.4 Parents and exclusion

Once the decision to exclude a pupil has been taken, this decision must be communicated to the parent, or if aged 18, to the pupil. Notification must include details of: the period of exclusion or the fact that it is permanent; the reasons for the exclusion, the fact that they are entitled to make representation to the governing body; and the means by which such representation can be made (DfES, 2004b). Where the decision to permanently exclude is subsequently upheld by the governing body, the parent or, if 18 or over, the pupil may appeal against the school's decision to a locally constituted appeal panel. Legal requirements for the constitution of such appeal panels are set out in the DfES guidance on exclusions. The guidance also states that '*all written evidence*' should be circulated to '*all parties*' five working days before the appeal hearing (DfES, 2004b). Once again, all information to parents, including the last day that an appeal can be lodged must be clearly communicated to parents. As already noted, where parents do not speak, or have sufficient understanding of, English, this should be appropriately translated. Interestingly, Harris and Eden. (2000) reported that ethnic minorities are under-represented on exclusion appeal panels. This is particularly significant given that children from ethnic minorities, many of whom have SEN, are '*disproportionately*' at risk of exclusion (Slater, 2003).

What is clear from the literature is that the exclusion process is an emotive and difficult experience that has a profound effect on all involved. Parents are faced with a myriad of different options and decisions when their child is excluded, not least of which is whether or not to pursue an appeal against a decision to permanently exclude. IPSEA argues that for parents of SEN pupils this takes place against a '*backdrop of mutual resentment*' with parents often feeling that the decision to exclude is unjustified because the school has failed to meet their child's particular needs, and school staff feeling that '*unreasonable demands*' have been made on them because of a lack of resources and/or appropriate training (IPSEA, 2003).

Harris and Eden (2000) in a study of the legal processes involved in challenging permanent exclusion found that only one in 12 parents in their sample brought an exclusion appeal. However, the majority of those parents in the survey that did not appeal still felt that their child's exclusion had been '*unnecessary*' (Harris and Eden, 2000). The reasons for not appealing were found to cluster around a lack of confidence in the fairness of the outcome and the feeling that perhaps their child would be better off in another school. For some, as highlighted above, the latter was because they felt their child's SEN had not been adequately met by the excluding school. A number of parents in the study had found the initial meeting with the governing body to be such an intimidating experience that this had affected their inclination to appeal. Others had decided not to appeal in order to avoid their child being out of education any longer than necessary, with some claiming to have been advised that an appeal could take months to be heard (Harris and Eden, 2000), despite the fact that the DfES guidance on exclusions states that appeals should be heard no later than the 15th school day after being lodged (DfES, 2004b).

As has been noted with admission appeals, it could thus be suggested that the parents most likely to pursue an appeal against permanent exclusion would be more privileged parents, those with sufficient levels of '*cultural and social capital*' (Gewirtz *et al*., 1995). Indeed this was borne out in Harris and Eden's study (2000) which found that' *the more privileged the occupational group the more likely it is that a parent will bring an appeal*' (p. 138). Osler and Osler (2002) in a study of the experiences of a pupil with Aspergers syndrome (one of the authors) who was twice excluded from school for an indefinite period, chronicled the struggle for

reinstatement faced by the family. They concluded that parents face very real barriers in seeking to become true partners in their child's education:

> *Even where a family had privileged professional knowledge and access to information, these barriers were daunting and, at times, insurmountable.*
>
> (Osler and Osler, 2002, p. 53).

4.5 Provision for excluded pupils

When a pupil is excluded for a fixed period, the excluding school is responsible for ensuring that their education continues whilst they are excluded. Once a pupil has been permanently excluded, another educational establishment must be found for them at which they can continue their education. This might be another school, a PRU or other suitable alternative provision. As already noted, since September 2002, LEAs have been required to provide full-time education for all pupils excluded for more than 15 days (DfES, 2004b). However, a recent study by Atkinson *et al*. (2003) found there to be a lack of clarity over LEAs' understanding of the number of 'taught' hours necessary to fulfil this requirement, although this is explained in DfES guidance, Circular 11/99 (DfEE, 1999).

Different types of provision for excluded pupils were apparent in the literature, depending on the age of the pupil, their level of need and the depth of their disengagement from educational opportunity. Kinder *et al*. (2000) identified a continuum of provision running from programmes with a main focus on reintegration to mainstream school, through to initiatives aimed at offering alternative, vocationally focused education and those with a particularly strong element of personal and social education. Alternative programmes, often involving a range of different agencies (e.g. careers and youth services, the voluntary sector, training providers and the further education (FE) sector) were most often focused on key stage 4 pupils.

The quality and amount of education provision for excluded pupils in PRUs has been highlighted as a concern (OFSTED, 1995; Morris, 1996; Parsons, 1996; Garner, 1996). Individual OFSTED reports and evaluations by LEAs have proved to be major sources of information on effective PRU provision. Kinder *et al* (2000) highlighted key elements of effective provision, relating to: ethos; relationships; the skills and qualities of staff; resources; curriculum; and a focus on achieving success. Since the

peak in exclusions in the mid-1990s, additional resources have been made available to support improvements in provision (e.g. the Grants for Education Support and Training (GEST) Programme, Standards Fund and more recently the Excellence in Cities (EiC) initiative and the Behaviour and Improvement Programme (BIP)). Equally, a number of sources have noted the need for, and benefits of, multi-agency involvement, especially in alternative programmes at key stage 4 and where more vulnerable children are concerned (Donovan, 1998; SEU, 1998; Kinder *et al*., 2000; Osler *et al*., 2001; Atkinson *et al*., 2002; Bolton, 2002).

Concern over recent exclusion figures, combined with the government emphasis on inclusion, has led to recommendations for increases in the support available to schools, including developing the role of PRUs to provide short-term placements and outreach support to children perceived to be at risk of exclusion (Audit Commission, 2002).

4.6 Reintegration of pupils with SEN

A lack of research and evaluation with a focus on the reintegration of excluded pupils back into mainstream was apparent, particularly so for pupils with SEN. Indeed, it is noteworthy that the term 'reintegration' currently does not feature as a key word in most education research databases. It may also be of significance that there was no national evaluation of the Pupil Retention Grant (PRG) before its demise. However, DfES has recently commissioned research on the reintegration of pupils who have been absent, excluded or missing from school, with the aim of being able to identify best practice and make recommendations on the reintegration of different groups into mainstream education.

Existing research does point to key elements for the positive re-engagement of excluded pupils. Kinder and Wilkin (1998), suggested '*three basic tools of repair*': positive relations with a key adult who can model and represent pro-social values; the opportunity to achieve vocational or academic success which also offers the young person a sense of coherence and progression in their learning pathway, and constructive leisure opportunities, interacting successfully with peers and building self-esteem. However, they do also stress the need for devising individualised

approaches and thus, the particular challenges of reintegration – in terms of resources – may be immediately apparent. In an evaluation of the PRG for one authority, MacDonald and Kinder (2001) noted the need for reintegration strategies geared towards the individual needs of the pupil to be emphasised by LEA and school staff, at each of the different stages of reintegration: prior to arrival at the new site/school, on arrival, and when sustaining reintegration. Also highlighted in this study was the importance of support from other pupils (e.g. through buddying schemes) and/or of an identified adult (e.g. a learning mentor or key worker) and close liaison or contact with parents/carers. Research to ascertain how far the experience of the PRG in this authority was shared by three other LEAs, echoed these findings and promoted '*rapid, managed and sustained reintegration*' as the most appropriate response for the majority of pupils (Downing and Kinder, 2003). Other research focused on school phobics (Archer *et al*., 2003) highlighted the need for a safe place in school as key to the successful reintegration of these vulnerable pupils, as well as one-to-one curriculum and pastoral support.

Numbers of articles and reviews have noted how reintegration to mainstream, particularly at key stage 4 (and particularly Year 11) has not always been viewed as appropriate (Luton, 1997; Donovan, 1998; Pinnock, 2000). Parsons (1996) commented that reintegration to mainstream was more common in primary than secondary-aged pupils while Garner (1996) found that PRU staff regarded it as a slim prospect for most pupils. Also noted was PRUs' poor rate of reintegration to mainstream schools (Donovan, 1998). However, more recently, Pinnock (2000) put the figure at a third of pupils in PRUs not returning. Similarly, Kendall *et al*. (2003) indicated the difficulties of reintegration to school from alternative education sites with rates as low as 30 per cent, most of whom were younger pupils (i.e. Years 7–9). At the same time, once placed in special schools, especially BESD special schools, reintegration to mainstream was viewed as highly unlikely (Dockrell *et al*., 2002).

Research (INCLUDE, 2000; Kinder *et al*., 2000) has shown that the length of time taken to reintegrate pupils into mainstream school or alternative provision can be a significant factor in the success of the process. Not only was the timing of reintegration crucial, so was the nature of the process, e.g. whether it should be a phased process or not. This was found to be particularly the case for vulnerable young

people, especially those who may have been out of education for some time (Kinder *et al*., 2000; MacDonald and Kinder, 2001). If the process took too long, then disengagement could become entrenched and thus more problematic. Equally, reintegrating young people before they were ready, or inappropriately, could just be setting them up to fail. Indeed, Hayden and Ward (1996) in discussing the experiences of primary-aged excludees concluded that '*optimism about returning*' was an encouraging indicator of successful reintegration. For some LEAs, a lack of appropriate and alternative provision could hinder the reintegration process (Kinder *et al.*, 2000) rendering the ideal of a 'revolving door' approach unrealistic. Equally, this study noted that within a number of LEAs, there was a recognition that success would be better measured by the number of pupils remaining in school following reintegration, rather than figures on reintegration *per se* (Kinder *et al*., 2000), information which is far less evident in the literature.

Thus, the successful reintegration into, or re-engagement with education of excluded pupils, particularly those with wide-ranging and complex needs, may prove particularly challenging. Some young people may be returning to completely different schools in different areas and, in some cases, even a different country. Others may have been out of education for all sorts of other, equally traumatic reasons, ranging from, for example, family breakdown, homelessness, involvement in criminal activity, to school phobia, being in public care or part of the Travelling community. Indeed, a recent OFSTED report found that Traveller pupils, a large number of whom have SEN, '*are the group most at risk in the education system*' (OFSTED, 1999c).

Kinder *et al*. (2000) found that the level of support provided on reintegrating was a significant issue, as was the amount of information provided by referring agencies, e.g. regarding academic ability or SEN (including behavioural difficulties). At the same time, more training for school staff in working with excluded pupils was identified (Kinder *et al*., 2000). However, the '*need*' for reintegration has also been questioned, with the suggestion made that increased in-school support for pupils at risk of exclusion would reduce the necessity for the exclusion itself and thus subsequently for reintegration (Kinder *et al*., 2000; Osler *et al*., 2001).

5. Summary and issues for consideration

This review has highlighted how all the relevant legislation and government targets are directed towards the equal treatment of pupils, regardless of their level of ability or particular need, and the way in which the government is positively promoting inclusion. Nevertheless, there remains unease, illustrated largely in anecdotal evidence, some case-study work, and other evidence (see for example, Audit Commission, 2002), that some vulnerable children are disadvantaged by schools' admissions and exclusion policies. Hard evidence is at present not available, not only because the relevant statistical analysis has not been undertaken but also because it is difficult collecting systematic evidence of school practice which would seem to disregard, explicitly or implicitly, the legislation. Where evidence exists it is largely anecdotal and provided by those working directly with more vulnerable children. For example, research on the education of children in care, many of whom have, or are perceived to have, SEN, has consistently raised concerns about the admission and retention of pupils who are perceived unfavourably by some schools (Fletcher-Campbell and Hall, 1990; Brodie, 1995; Fletcher-Campbell, 1997; Fletcher-Campbell and Archer, 2003; SEU, 2003). Similarly, a recent study for the DfES on the LEA role in raising standards of achievement in schools (Fletcher-Campbell and Lee, 2003) found that some LEA officers were concerned that there were perceptions, rightly or wrongly, that inclusion policies were not necessarily compatible, across all schools, with strategies to raise standards of achievement. However, it should be noted that, equally, there are studies, including international and cross-cultural ones (e.g. UNESCO, n.d.), which present counterfactual evidence.

Therefore, it is perhaps unsurprising that the current review of the literature has highlighted a lack of major independent research relating to the admission and exclusion of pupils with SEN. It has however, identified a number of concerns and tensions in this area which could be explored through case-study work in the current research study, for example:

Admissions issues

- the variations within school intakes, in terms of SEN, gender and ethnicity
- the nature of pupils' SEN (i.e. are pupils with behavioural difficulties under represented in school intakes)
- if, and how, LEAs and schools are working together to establish protocols for the allocation of school places to pupils with SEN
- where such protocols exist, whether there are any strategies in place to monitor and/or ensure that all schools adhere to them
- the availability, clarity and neutrality of information (both written and verbal) given to parents about the school, its SEN policy and its admissions criteria
- the social class/occupational background of the parents of children with SEN making successful admission appeals (i.e. are the '*privileged/skilled*' choosers more successful in gaining a place for their SEN child at the school of their choice).

Exclusion issues

- where exclusion rates for SEN pupils are low, what examples of good practice *re* prevention exist
- if, and how, LEAs and/or schools are monitoring: fixed-term exclusion data in order to identify trends and potential problems; and groups known to be at greater risk of exclusion e.g. pupils with SEN
- where pupils with SEN are excluded, the nature of their SEN (i.e. are pupils with behavioural difficulties disproportionately represented in the exclusion figures)
- the perceived extent, causes and nature of 'unofficial' exclusions of SEN pupils
- the extent, causes and nature of exclusions from special schools
- the social class/occupational background of parents making successful appeals against the exclusion of their SEN child (i.e. are the '*privileged/skilled*' choosers more successful in winning such appeals)
- the extent of appeals against the exclusion of pupils from ethnic minorities, including: the accessibility of information for parents; and the composition of the exclusion appeal panel
- where the reintegration, or re-engagement with educational opportunity, of pupils with SEN has been successfully achieved, what examples of good practice exist.

General issues

- the perceived impact of current and recent government legislation and policy on the issue of SEN admissions and exclusions
- the perceived impact of any cross-authority (regional) work on SEN admissions and exclusions.

Appendix 1a: Relevant Legislation/Government Publications

Date	Legislation/ publication	Description
1944	Education Act	• Introduced the principle of parental choice of a school for their child.
1988	Education Reform Act	• Introduced changes to the organisation and control of the education system in the UK. • Reaffirmed the principle of parental choice.
1994	The Updated Parent's Charter	• Updated the 1991 Parent's Charter. • Promoted the principle of parental choice as a right.
1997	Green Paper '*Excellence For All Children*'	• Proposed a reduction in the variability of existing SEN provision • Emphasised the government's commitment to developing greater inclusion.
1998	School Standards and Framework Act	• Introduced the framework for school admissions. • Required the Secretary of State to issue a Code of Practice relating to the discharge of admission functions. • Reaffirmed the principle of parental choice. • Set out the right of appeal for parents against school place decisions, requiring Secretary of State to issue a Code of Practice on School Admission Appeals.
2001	SEN Code of Practice	• Provided practical advice to LEAs and educational establishments on carrying out their statutory duty to identify, assess and make provision for pupils with SEN. • Underlined the government commitment to inclusion. • Promoted the concept of 'parents as partners' in their children's education.
2001	SEN and Disability Discrimination Act 2001	• Amended the Disability Discrimination Act 1995. • Placed admission authorities under a new duty not to discriminate against disabled pupils in relation to admission arrangements, access to education or by excluding them.
2002	Education Act 2002	• Amended the School Standards and Framework Act 1998, introducing changes to the system for school admissions. • Clarified the law on parental preference for schools. • Outlined new funding arrangements to take effect from April 2003, requiring LEAs to set up Schools Forums to advise on the way in which schools' budgets (including SEN funding) are allocated.
2002	The Education	• Only fixed period exclusions of more than 15 school days in any one

	(Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002	term now automatically trigger a meeting of the governing body. • Introduced lunchtime exclusions. • Changed the composition of independent appeal panels. • In addition to either upholding the exclusion or directing the pupil's reinstatement, panels empowered (in exceptional circumstances) to overturn an exclusion without directing the pupil's reinstatement.
2003	Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units	• Updated previous guidance on exclusions (DfES Circular 10/99). • Outlined exclusion procedures to be followed by all maintained schools and PRUs. • Advised schools to make '*every effort*' not to exclude pupils at '*School Action*' or '*School Action Plus*' under the SEN Code of Practice, and, wherever possible, to avoid excluding those with a statement of SEN. • Outlined parents' right to appeal against a decision to permanently exclude their child.
2003	School Admissions Code of Practice	• Updated the earlier version in place from April 1999. • Provided guidance on school admissions in order to improve the system for parents and their children. • Emphasised the right of parental preference for schools. • Required LEAs to monitor the admission of pupils with SEN to ensure equality.
2003	School Admission Appeals Code of Practice	• Provided guidance on two types of appeals: those by parents against school decisions, and those by governing bodies against LEA decisions.

Appendix 2: Technical paper
Likelihood of exclusion for pupils with SEN

1. Introduction

The PLASC 2003 database was used for this analysis of which there were 8,737 permanent exclusions. (There was no information regarding fixed-term exclusions at the time the analysis was carried out.) Since these exclusions were for the academic year 2001/2 these pupils were matched to the PLASC 2002 database to obtain the background information needed for modelling. Only 6,615 matched back suggesting that the other 2,122 exclusions may have occurred in the autumn term of the academic year 2001/2. Background information for these 2,122 pupils was taken from the PLASC 2003 database. Pupils with either missing (or misleading) data for their school year were removed from the analysis. School year for excluded pupils was calculated using age. Since there were so few primary exclusions (0.04 per cent) it was decided just to use secondary school data in the analysis. Thus the final dataset contained 2,815,293 pupils, of which 6,898 (0.2 per cent) were permanently excluded.

2. The Model

The dataset was used to produce a multilevel model to predict the probability of being excluded if the pupil has special educational needs (either statemented or not statemented) taking account other background information such as gender and ethnicity. Multilevel modelling is a form of regression analysis which takes account of data which is grouped into similar clusters at different levels. For example, individual pupils are grouped into schools, and those schools are grouped within LEAs. There may be more in common between pupils within the same schools than with other schools, and there may be elements of similarity between different schools in the same LEA. Multilevel modelling allows us to take account of this hierarchical structure of the data and produce more accurate predictions, as well as estimates of the differences between pupils, between schools, and between LEAs. Since our outcome variable was binary (the probability of being excluded was either yes or no) a logistic multilevel model was fitted.

The variables used in the model to predict the probability of being excluded were:

Pupil-Level

- Sex (male or female)
- Key stage 2 score[2]
- Missing key stage 2 score (yes or no)
- Ethnicity (White UK, Black Caribbean, Black other, Asian, other, prefer not to say, ethnicity missing)
- Region of country school is located (North, Midlands and East, South, London)
- SEN status (none, yes-not statemented, yes-statemented)
- Eligibility for free school meals (FSM)
- School year (year 7 to year 11).

School-Level

- School percentage of pupils eligible for free school meals (FSM).

The base model uses a white year 7 male who is not eligible for free school meals, is not a pupil with SEN and lives in London. Other variables were then added to see if there was a difference between pupils from other regions, ethnicities, year groups and SEN status. Key stage 2 average and school proportion of free school meals was also then tested to see if they had an influence on exclusions.

The multilevel model was fitted at three levels: LEA, school and pupil. Over and above the 'fixed' part of the model, which consists of the regression against the background factors outlined above, there is a random part of the model which relates to variations in outcome that are specific to particular pupils, schools or LEAs.

3. Limitations of the Model

The package that we used for the multilevel modelling (MLwiN) had problems coping with such as a large data set (2.8 million). As a result we could not test for random

[2] Key stage 2 score was calculated as the average score for key stage 2 maths, English and science. 45720 pupils (324 excluded) only had two of these indicators so an average of two was taken for them. 18189 (123) pupils only had one so that score was used. 141937 (594) had no key stage 2 data so were given an average score and a dummy variable was created to indicate if they had missing key stage 2 results.

slopes[3] and interaction terms. The alternatives to this were to either fit a normal logistic regression model (in a package such as SPSS) or to use a sample of the data. We were against using a normal logistic regression model since there is usually clustering of pupils within schools which would be ignored leading to the standard errors for the model parameters being under estimated. We were also reluctant to take a sample since we only had a small number of exclusions to start with, so we did not test for random slopes and interaction terms.

4. Results

Table 1 in Appendix 2a gives a full list of all the variables used in the multilevel modelling. Table 2 gives detailed results of the multilevel analysis of each significant variable – all variables were significant in the model with the exception of region. The table shows the variances at each level in the 'base case' (with no background variables, and just simple components at LEA, school and pupil levels), and the results for the 'final model' with coefficients of each background variable. From this it can be seen that the variance at school level was reduced by 34 per cent suggesting a large amount of the differences between schools can be explained by the background factors.

The model revealed that pupils with lower key stage 2 results were more likely to be excluded. Also the higher the percentage of free school meals in a school the more likely the pupils were to be excluded.

Odds ratios were calculated for ease of interpretation and revealed:

- Males were 3.1 times more likely to be excluded than females.

[3] Normally the relationship between the probability of being excluded and average key stage 2 score would have been made random; in other words, it was assumed that this relationship could vary from school to school.

Compared to White UK pupils these pupils were more likely to be excluded:

- Black Caribbean (2.3 times)
- Other Black pupils (not including Black Caribbean) (1.4 times)
- Pupils in other ethnic groups (1.2 times)
- Pupils who prefer not give their ethnicity (1.9 times)
- Pupils for whom their ethnicity was missing (3.1 times).

Compared to White UK pupils these pupils were less likely to be excluded:

- Asian pupils (2 times).

Compared to pupils in year 7 the likelihood of being excluded was:

- 1.8 times more for year 11s
- 2.5 times more for year 8s
- 3.9 times more for year 9s
- 4.3 times more for year 10s.

Taking all these background factors into account the model predicts that for pupils with special educational needs:

- Those pupils with special educational needs but who were NOT statemented, were 4.3 times more likely to be excluded than pupils without special educational needs
- Those pupils who had a statement of special educational needs were 3 times more likely to be excluded than pupils without special educational needs.

Appendix 2a: Details of multilevel modelling results

Table 1 Variables used in multilevel modelling

Name	Min.	Max.	Description
LEA	202	938	LEA
SCHOOLID	2009	7511	School
PUPILID	1	2127	Pupil*
EXCLUDE	0	1	Exclude (yes=1,no=0)
KS2AV	15	39	KS2 average score
KS2AVMISSING	0	1	KS2 average score missing (yes=1,no=0)
FEMALE	0	1	Sex (male = 0, female = 1)
WHITE UK	0	1	White UK (yes=1,no=0)
BLACKCARIBBEAN	0	1	Black Caribbean (yes=1,no=0)
BLACKOTHER	0	1	Black Other (yes=1,no=0)
ASIAN	0	1	Asian (yes=1,no=0)
OTHER	0	1	Other ethnic code (yes=1,no=0)
PREFER	0	1	Prefer not to give ethnicity (yes=1,no=0)
ETHNICMISS	0	1	Ethnicity not given (yes=1,no=0)
FSM	0	1	Pupils eligible for free schools meals (yes=1,no=0)
NO SEN	0	1	Pupil is not SEN (yes=1,no=0)
SEN-NOTSTATEMENTED	0	1	Pupil SEN –not statemented (yes=1,no=0)
SEN-STATEMENTED	0	1	Pupil SEN –statemented (yes=1,no=0)
YEAR7	0	1	Pupil in year 7 (yes=1,no=0)
YEAR8	0	1	Pupil in year 8 (yes=1,no=0)
YEAR9	0	1	Pupil in year 9 (yes=1,no=0)

*There were obviously more pupils' identifiers than this but since MLwiN only went up to 999999 pupils were sorted by LEA and school and then the pupils who were in the same school and LEA could have an identifier up to 2127.

YEAR10	0	1	Pupil in year 10 (yes=1,no=0)
YEAR11	0	1	Pupil in year 11 (yes=1,no=0)
NORTH	0	1	School in the north of England (yes=1,no=0)
MIDLANDS	0	1	School in the midlands (yes=1,no=0)
LONDON	0	1	School in London (yes=1,no=0)
SOUTH	0	1	School in the south (yes=1,no=0)
REGIOMISS	0	1	School region missing (yes=1,no=0)
PCFSM	0	1	Proportion free school meals within school (0-1)**

Table 2 Multilevel analysis of model – significant parameters

			Odds Ratio		
Parameter	**Estimate**	**Standard error**	**Lower**	**Mean**	**Upper**
Base case					
LEA variance	0.10	0.02			
School variance	0.97	0.04			
Final model					
LEA variance	0.14	0.02			
School variance	0.63	0.03			
Fixed coefficients					
CONS	-6.329	0.117	0.00	0.00	0.00
KS2AV	-0.05	0.00	0.94	0.95	0.95
KS2AVMISS	0.19	0.04	1.11	1.21	1.32
FEMALE	-1.12	0.03	0.31	0.33	0.35
BLACKCARRIBEAN	0.85	0.06	2.07	2.34	2.65
BLACKOTHER	0.37	0.07	1.27	1.45	1.65
ASIAN	-0.71	0.07	0.43	0.49	0.57
OTHER	0.17	0.06	1.07	1.19	1.32

**Those schools with missing free school meals data were set to the average proportion of 0.1569

PREFER	0.62	0.11	1.50	1.85	2.28
ETHNICMISS	1.12	0.08	2.65	3.07	3.56
FSM	0.32	0.03	1.30	1.37	1.45
SEN-NOTSTATEMENTED	1.46	0.03	4.06	4.31	4.57
SEN-STATEMENTED	1.09	0.05	2.69	2.97	3.28
YEAR8	0.91	0.05	2.25	2.49	2.76
YEAR9	1.36	0.05	3.54	3.90	4.29
YEAR10	1.45	0.05	3.88	4.28	4.71
YEAR11	0.58	0.06	1.59	1.78	1.99
PCFSM	0.19	0.04	1.11	1.21	1.32

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