

REPORT TO:	Scrutiny Children and Young People Sub-Committee 9 March 2022
SUBJECT:	PART TWO OF FINAL REPORT – MANAGED MOVES IN THE LONDON BOROUGH OF CROYDON Task and Finish Group (TFG) of the Scrutiny Children and Young People Sub-Committee on Removal from Roll and Off Rolling of Pupils in Croydon Schools
LEAD AUTHOR:	Councillor Jerry Fitzpatrick
CABINET MEMBER:	Councillor Alisa Flemming, Cabinet Member for Children
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Councillor Jerry Fitzpatrick- Chair of the Task and Finish Group
PUBLIC/EXEMPT:	Yes

COUNCIL PRIORITIES 2020-2024

- *We will live within our means, balance the books and provide value for money for our residents.*
- *We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.*
- *We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.*

[Council's priorities](#)

ORIGIN OF ITEM:	This was included in the Sub-Committee's work programme following the recommendation made at the meeting of 27 November 2018.
BRIEF FOR THE COMMITTEE:	To receive Part Two of the final report- Inclusion and Exclusion in the London Borough of Croydon. To consider the recommendations as directed by the report.

Part Two of the Final Report of the Task and Finish Group on Inclusion and Exclusion in the London Borough of Croydon

Executive Summary

Background

1. On 27 November 2018, the Scrutiny and Overview Children and Young People Sub Committee of Croydon Council set up a Task and Finish Group (TFG) to investigate and collate data on children coming off the school roll and the mechanisms involved, with a view to reporting back at the Sub Committee meeting on 19 March 2019.
2. Our Part One report (“Managed Moves in the London Borough of Croydon”) was received and approved by the Scrutiny and Overview Children and Young People Sub-Committee on 2 November 2021 and again in slightly amended form on 18 January 2022. The report came before the Cabinet of Croydon Council on 7 February 2022. The Cabinet discussed the report, and approved it.
3. This Part Three report has six sections:
 - Promoting Inclusion (Section A)
 - Primary to Secondary Transition (Section B)
 - Inclusion of children with Autism Spectrum Disorder in mainstream schools (Section C)
 - Removal of children from classrooms/Use of Isolation Units (Section D)
 - Elective Home Education (Section E)
 - Update on Managed Moves (Section F)
4. The main sources of our evidence were as follows:
 - Data provided by the local authority
 - Interviews with stakeholders
5. We also considered carefully the following draft documents published by the DfE on 31 January 2022 for the purpose of consultation: the “Behaviour in Schools Guidance” and the “Suspension and Permanent Exclusion Guidance” and the current guidance which the new guidance may replace.

6. We had 45 interviews with stakeholders. 13 of those meetings were with Council officers, and some officers attended one or more of those meetings. 32 meetings were with other stakeholders, each of whom had a connection with Croydon. Some of those 32 meetings were attended by more than one person. In all, we spoke to a total of 50 people at these 45 meetings. Six of those to whom we spoke are or had been senior managers in Croydon secondary schools, and four are or had been senior managers in Croydon primary schools. We had eight meetings with parents and one with a young person who had recently finished his tertiary education. We had meetings with counsellors, therapists, mentors, advocates for trauma-informed schooling, alternative providers, the Chief Executive of Croydon Voluntary Action, a retired advisory teacher, a current classroom teacher, and professionals who provided in-school support. The oral evidence was asked for on the basis that the giver could provide it confidentially. Rough contemporaneous notes of the evidence were taken and kept by the Chair.

Key Findings

7. There are increasing numbers of children presenting at school with significant social, emotional and mental health needs. There are tougher thresholds for schools to cross in order to get support such as EHCPs, SALT, or for access to family social work support.
8. The development of stronger multi-agency collegial working is essential in order to develop effective inclusion practices within and across schools. The concrete identification of shared values is important, and concrete practices and objectives which might flow from the implementation of those values.
9. Where a child's issue is psychological, emotional or neurological. the key to prevention of exclusion is finding the roots of the problem. The issue is unlikely to be addressed until the root causes are identified or diagnosed. If those root causes of a child's problems are not identified and/or diagnosed early, and then addressed constructively, negative behaviours will escalate. Punitive actions such as exclusion tend to make the underlying problem worse, and shift it elsewhere.
10. Effective transition from primary to secondary is crucial in good inclusion practice. The sharing of all relevant information is essential, including information on academic issues, issues of emotional and social wellbeing, and specific issues relating to the child's home life, including the existence of domestic abuse. Where there are significant issues, the organisation of appropriate pastoral support needs to be initiated at the earliest stage of transition.

11. The quality of education provided in mainstream schools to children with Autism Spectrum Disorder is often undermined by education professionals having a serious lack of awareness and understanding of how autistic children address their environment.
12. Some pupils are spending long periods in school Isolation Units to the extent that their emotional and educational welfare may be undermined. Such practice is incompatible with any reasonable School Behaviour Policy.
13. The number of children being home-schooled was increasing pre-pandemic and has steeped during the pandemic. The Council's 2019 policy on Elective Home Education was not underpinned by the resources required to carry it out. The significant pre-pandemic backlog in reviewing a child's home education provision has become a huge backlog. There can be no assurance that home-schooled children are receiving a suitable education.
14. If the government implements its intention to place further statutory duties upon local authorities in respect of elective home education, the need for additional resources to be allocated to this area of the Council's work will become even greater.
15. What is contained in the 2022 draft DfE guidance on Behaviour in Schools and Suspensions and Exclusions on managed moves and the creation of In-School Behaviour Units has huge ramifications. No more would there be large numbers of pupils having managed moves brokered through Fair Access Panels. Schools would need to establish commissioning arrangements to set up In-School Behaviour Units. Existing of Alternative Provision would quite probably be affected.

Recommendations

16. That the Director of Education continues to report to the Scrutiny and Overview Committee providing detailed information on how effective inclusion has been promoted in Croydon schools, including in particular information about how the Council has been using its role as community leader to inspire, share and disseminate good practice in inclusive education, and in particular but not limited to:
 - further encouragement of schools to develop awareness of how and in what way they can use trauma-informed approaches
 - the identification of the characteristics of good pastoral care
 - the development of the use of quiet rooms in our schools to allow for pupils to benefit from non-punitive time out
 - bringing school and community stakeholders together with a view to building capacity in more of our schools to introduce an extended day

- co-ordinating schools to ensure that commissioning of AP is conducted in a way which maximises the chance of the speedy and successful reintegration of children in AP/In-School Behaviour Units into the mainstream classroom
 - working in concert with school and community stakeholders to make the case to government and other potential funding providers funding levels which enable schools to be able to commission sufficient specialised support so that more children can remain in or be reintegrated into the mainstream classroom
17. The Director of Education be invited to present a report to the Scrutiny and Overview Children and Young People Sub-Committee with a view to improving primary to secondary school transition in Croydon, and taking particular account of the points set out in paragraph 3.1 of Section B of this report.
18. The Director of Education is invited to consider those recommendations of the All Party Parliamentary Group on Autism which have most direct bearing on local authorities as set out in paragraph 3.2 above, and to set out in a report to the Scrutiny and Overview CYP Sub-Committee what the Council might do to address those recommendations.
19. The Director of Education is invited to publish pages on the Council website which set out in plain English:
- the law on informal exclusions
 - the responsibilities of schools towards pupils with special educational needs and disabilities pursuant to the Equality Act, the SEND Code of Practice, and statutory and non-statutory guidance on suspension and exclusion practice and school behaviour policies as may be published and revised from time to time by the DfE; and, further,
 - to develop a clear procedure to enable parents to make anonymous reports about schools breaking exclusions law, and publicising the availability of the procedure on the website
20. The Director of Education is invited to consider how all mainstream schools can be made aware of the best practice existing in Croydon schools as to the education of children with Autism Spectrum Disorder.
21. The Director of Education is invited to consider the issue that parents quite often find meetings with school leaders and/or other professionals (particularly meetings which are potentially contentious) as extremely stressful, and provide guidance to schools and other professionals who may attend such meetings on how to set up such meetings in a sensitive, constructive and unthreatening way.

22. The Director of Education is invited:
- to ask Octavo Partnership Governor Services to provide training to school governors on issues surrounding removal from the classroom, and to publicise the availability of the training in all schools
 - to include questions on the use by schools of in-school behaviour units in the annual local authority safeguarding audit
23. The Director of Education is invited to take into account the conclusions of the TFG in drafting the Council's response to the current DfE consultation on revised guidance about school behaviour policies, and in particular to highlight the following:
- The lack of clarity about different short-term and longer-term pathways for a pupil which might reasonably follow after removal from the classroom
 - The need for there to be a clear safeguarding framework surrounding removed pupils, including where necessary unannounced visits to units to which pupils have been removed, and for the local authority in which an ISU may be located to have the key role in undertaking the safeguarding function
 - The implications of the guidance for Ofsted in respect of its inspection framework: in particular, when Ofsted inspect a school with pupils registered at that school and an off-site ISU, the quality of the ongoing care and support provided by the school to those pupils should be a focus of their inspection, quite separate from inspection of the ISU itself
 - The funding implications if ISUs are to follow best practice as indicated in the draft guidance
24. The Director of Education is invited to hold an early discussion with borough headteachers and AP units about the implications of the draft DfE guidance for the development of good practice on removal of pupils from classrooms in Croydon schools and AP units.
25. That the Scrutiny and Overview CYP Sub-Committee have Elective Home Education in its work programme for 2022-23, with a view to scrutinising the extent to which officers are in a position to meet the requirements of its current EHE policy, and in a position to fulfil further duties such as the establishment of an EHE register and provision of support for home education which – as seems probable – are tasks which the government will bestow upon local authorities.
26. That the KPI dashboard which is presented to Scrutiny and Overview CYP Sub-Committee shows what percentage of annual reviews of EHE have been completed.

27. That the Corporate Director responsible for Children and Young People provides by 18 March 2022 a written briefing note to members of the Scrutiny and Overview CYP Sub-Committee addressing the issue of whether the principles and practices set out in paragraphs 9.4-9.6 of the 2019 EHE policy are being implemented.
28. The Director of Education is asked to provide a short report setting out the Council's response to that part of the draft consultation which relates to managed moves, and dealing with among other things the following matters:
- the potentially positive and potentially negative consequences flowing from disbandment of the FAP
 - whether the FAP should continue as long as possible, or be disbanded at an early specific time
 - what contingency plans are being made to face a future without the FAP

Part Two of the Final Report of the Task and Finish Group on Inclusion and Exclusion in the London Borough of Croydon

Introduction

Acknowledgements

The task of the TFG has required us to focus on the fact that there are areas of practice in schools and the local authority which are in need of close attention. We observe that school is rarely the start of a child's problem, but what happens at school can and does contribute to a child's downward path.

So having said that, we state at once that the job of school leaders and teachers is often a very stressful one. They have to perform in the face of many pressures, with one powerful voice calling them to do one thing and another powerful voice to do the exact opposite. They do not have the resources which would enable them to solve optimally each one of the many problems that come their way. Fortunately, their job is deeply rewarding as well as stressful. We take pleasure in their pride that they change for the better the lives of many young people who attend our borough schools.

We also acknowledge with grateful thanks the many parents, teachers, Council officers and other professionals who have given up their time to give their accounts and opinions of Exclusion and Inclusion in Croydon schools.

The Part One report

Our Part One report ("Managed Moves in the London Borough of Croydon") was received and approved by the Scrutiny and Overview Children and Young People Sub-Committee on 2 November 2021 and again in slightly amended form on 18 January 2022. The report came before the Cabinet of Croydon Council on 7 February 2022. The Cabinet discussed the report, and approved it.

Members of the TFG at the date of the publication of the Part Two report

Jerry Fitzpatrick is Chair of the TFG. He was born and brought up in Croydon. He qualified as a teacher in 1976 and spent 17 years teaching in London comprehensive schools, leading English and Drama departments in his last two, and then 3 years in part-time educational consultancy. From 1996-2016 he was a barrister with a specialism in family law. First elected in 1986, he has served five terms on Croydon Council, during which period he spent 7 years as opposition spokesperson on Education, and two years as the Council's Deputy Leader. He has served on governing bodies of four Croydon schools, including 16 years as Chair of the former Oval Primary School.

Elaine Jones has served on the Scrutiny and Overview Children and Young People Sub Committee for around 9 years. She is the representative for the Archdiocese of Southwark, having lived in Croydon all her life as well as being a governor at two Croydon schools for more than 15 years up to 2015. She was also asked by Croydon to sit on an Interim Executive Board of a Croydon School and currently works in governance at two schools in Croydon. During her time on the Sub Committee she has also taken part in one other TFG related to academy conversions.

Ian Parker is a Coulsdon Town councillor and has lived and worked in the Coulsdon/Purley area for over 30 years. He is married with two children both educated at local state schools. He was Chair of Governors at Woodcote High School and was previously a Coulsdon West councillor (2010-2014) and Deputy Cabinet Member for Economic Development and Regeneration. As a parent and a governor he has experience of education in the state comprehensive, state selective and independent sectors. Having himself attended a comprehensive school in Bradford, he is particularly proud of what his children have achieved with his daughter qualifying as an ACA at the age of 23 and his son achieving a First at Cambridge.

Leo Morrell ceased to be a member of the TFG on 12 February 2022 shortly before the Part Two report was completed. He contributed to the opening sections of the report before his resignation as representative of the Southwark Diocesan Board of Education on the Scrutiny and Overview Children and Young People Sub-Committee. (His resignation was consequent upon his appointment to a new post.) His TFG colleagues warmly thank him for his contribution to both the Part One and Part Two reports.

Structure of report

This Part Two report has six sections, which are preceded by an Executive Summary:

- Promoting Inclusion (Section A)
- Primary to Secondary Transition (Section B)
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A Note on terminology

Following recent DfE guidance, we use the word “exclusion” to denote the permanent removal of a child from a school roll for disciplinary reasons. (In our Part One report we had used the then current term “permanent exclusion”.)

Evidence base

At Section 4 of our Part One report, we set out the number and roles of stakeholders to whom we spoke and whose observations and opinions form the evidential basis of our report, and our processes in hearing and evaluating what these stakeholders said to us. Section 4 is reproduced as Appendix One to this Part Two report.

We add that the length of our interviews with these stakeholders was never less than thirty minutes. In respect of professional stakeholders particularly, the length of each interview was in the range of one to two hours.

We have considered carefully everything which has been said to us. We have tried to give the greatest weight to the observations and opinions of stakeholders which have appeared to us to have been informed by significant knowledge and experience and set out with cogency. Quite often different stakeholders speaking to us independently have made the same point: such observations and opinions may often have carried additional weight with us.

Part Two of the Final Report of the Task and Finish Group on Inclusion and Exclusion in the London Borough of Croydon

Section A

Promoting Inclusion

A1 The TFG's understanding of the term "Inclusion"

- 1.1 The concept of Inclusion embraces the right of all children to an education in a safe environment which is suited to their learning needs.
- 1.2 Children come to school hoping to learn, and teachers come to school hoping to enable their pupils to learn. There is probably a strong consensus among parents irrespective of social background or ethnicity or gender that school should be a place where teachers can teach effectively and children learn effectively. We respect and concur with this view.
- 1.3 Respect needs equally to be given to the concerns about the many children who are capable of accessing the school curriculum but who cannot do so because of adverse childhood experiences, low emotional wellbeing or poor mental health or potentially destructive attributes of character or a combination of the above. If their journey through school worsens their situation, the cost to the individuals themselves and to society generally is likely to be high.
- 1.4 The majority of professional stakeholders whom we interviewed acknowledged that an exclusion or managed move was likely to have an adverse consequence – at least initially – for the excluded child, and for some children would be part of a chain of events which would have very negative and possibly lifelong consequences for themselves, their families and the society in which they live. These consequences might include one or more of the following:
 - attaining less academically than they might have achieved, with the possible long-term consequences of underachievement, frustration and relative poverty
 - being drawn into increasingly serious anti-social behaviours leading to engagement with the criminal justice system and to the detriment of victims of their behaviours
 - being drawn into behaviours – for example substance abuse and domestic abuse and addictive gambling - which damage themselves and their family members, and trigger violence against those close to them, and harm in due course their own children

- 1.5 The issue of the balance between inclusion and exclusion is the potent one. It is a particular issue for headteachers given that schools exist in a market-place. The unpopular school has less money and can find itself on a downward trajectory which is difficult to reverse. Those who remain – parents, children and teachers alike – are demoralised.
- 1.6 The “Vulnerable Adolescents’ Thematic Review” (referred to at paragraph 2.10 of Part 1 of the TFG report) sets out evidence that exclusion is one of a number of factors which correlates with disastrous life trajectory. The VAR focused on 60 Croydon children who were in the deepest part of the mire, five of whom had lost their own life in their teenage years.
- 1.7 We are unaware of any longitudinal study of a wider range of children who have experienced a removal from school which can be categorised as an exclusion or managed move.
- 1.8 The role of the TFG is to consider what schools and local authorities might and could do to promote and extend inclusion, and leave it to policy-makers to decide any balance which might exist between meeting the needs of those children who bring serious problems into school and the needs of those who can be contained and taught relatively easily.
- 1.9 We do not underestimate the various difficulties of developing more inclusive schools which can both cater for those attending who have few or no barriers to effective learning and those who do have significant barriers. We are agreed that educationalists and educational policy-makers need to give attention to the practical steps which might be taking to achieve more effective inclusion.

A.2 Some anonymised case studies provided by professional stakeholders

- 2.1 Child A had an anger management problem. He had a fight with the sports teacher. The sports teacher did not know that the young person had ASD. The school did not understand the context of the boy’s aggression, which related to online bullying.
- 2.2 The relationship of Child B with adults had broken down. She would be sent to the inclusion unit on the basis of small misdemeanours. There was a huge log of misbehaviours. The child was not allowed to go outside except at lunchtime. The child kicked the door and was excluded. The child felt that she received very little praise or kindness.
- 2.3 A teacher in a pastoral role invested much time over five years to keep one Child C on a stable path. The child was on a tightrope from beginning to end, receiving many fixed term exclusions. She came from a chaotic home, where she witnessed violence. Her parent appeared to be unable to set boundaries for her. The child was hungry: biscuits were her staple food at every meal. The teacher used to feed her. School provided the only stability in her life. The child was respectful to some adults, but could be very badly-

behaved. Had she been permanently excluded, she would probably have gone downhill very quickly.

- 2.4 Children D and E were two young people in Year 9 and had had involvement with the Youth Offending Service. Both had communication needs which had not been properly identified. One had been permanently excluded and the other on the verge. The complaint was that the children spent much of the time asleep and were rude when they were awake. If they were disobedient, they were put immediately into detention. The support staff who provided this case study did not find the children rude. They saw that the children felt rejected. A multi-disciplinary team meeting was held. One of the problems which was noted was that the teachers talked a lot using a technical vocabulary which they did not explain. The outcome was that teachers were trained to use different approaches, and to differentiate their teaching more effectively when they were teaching a class in which there was a considerable mix of ability.
- 2.5 Child F and their counsellor were of the same ethnicity. The parents believed that that F was being bullied, and did not believe that he was a problem. The counsellor observed F's behaviour in school. He was a bully. The counsellor went to the child's home and discussed her own observations with the parents. The boy listened to the conversation, and was then sent to his room. The counsellor returned to the school and reported to the Headteacher. He helped to set up a meeting between the parents and the Headteacher. He had asked the father to apologise. The counsellor was present. The Headteacher went into the playground, and offered her hand to the father in a gingerly manner. The father hugged the headteacher. Issues were resolved, and more positive relationships established.
- 2.6 A former advisory teacher charted the distressing downward trajectory of some pupils with whom he had worked from Year Two. He referred to vulnerable groups such as boys of black Caribbean origin, white working-class children and a refugee children. He emphasised the importance of enabling children to shine in an endeavour.
- 2.7 A home-school Mediator told us of a family of five children who went to school unkempt. Child G in Year 4 had a particularly unpleasant body odour. The Mediator made a home visit. The home was immaculate but the children were neglected. She taught the mother some cooking skills and how to wash the children. Child G started to use her mother's perfume. Her self-respect grew. The disrespect formerly held by the other children withered away.
- 2.8 A community leader told us of Child H, a girl of 12 who had been excluded for a fixed term for disobedience. The community leader attended the post-exclusion re-entry meeting at the request of the father. On the day in question, the father, the child, the child's advocate and the community leader – on arrival at the school – went to the reception area to await being called into the meeting. They appeared to be taken to the meeting room, and as they approached, the community leader saw that about 8 people were gathered round the table. Upon seeing the community leader, the

school leaders appeared to put in place a sudden change of plan, and the group were taken to a different room and only the Head and another teacher dealt with them. What the school appear to have planned would have been oppressive both for the child and the parent.

A3 Some specific factors which may impede inclusion

3.1 Much of the evidence in this section comes from senior managers of schools. The factors identified affect all schools but some to a great extent. In setting out this evidence, the TFG notes the number of factors beyond the control of school leaders. We gratefully acknowledge that the vast majority of all those involved in teaching and supporting children in our schools are doing the best they can for their pupils in sometimes extremely difficult circumstances.

3.2 Social and economic deprivation

- Children become disadvantaged and disaffected at an early age from factors such as poverty and the disruption of family life. There is a limit to what schools can do
- Pupils having a very high mobility rate in some schools, with a considerable number of children living in emergency accommodation

3.3 The market in education

- There is competition between schools. It has become more difficult to foster the sharing of values within the broader community of schools
- Schools achieving positive outcomes with harder-to-include children do not gain the esteem which they deserve

3.4 Complexity of need

- Children have a large number of first languages other than English – sometimes over 60
- Children come to school with significant unmet needs. Of these children, many will have parents who themselves have complex unmet needs. Others will have capable parents who find it difficult to meet their children's needs because they have to work long anti-social hours to put food on the table and pay the rent. Such parents cannot easily leave work to come to their child's school

3.5 Social breakdown and dysfunction

- The growth of a destructive gang culture has not yet been successfully contained.
- More children of primary school ages are evidencing anti-social behaviours. Gangs are targeting children below the age of 10. One Head observed:

“A child of nine with a knife is more frightening than a child of 14.” Another primary school Head was troubled by the amount of sexualised behaviour from young girls. Another referred to children as young as 9 having started stealing badges from cars and taking off hub caps

- Some parents are distrustful of institutionalised authority. This may be as a result of their own personal experience or perception of institutional injustice, prejudice and discrimination. Children are empathic beings and readily pick up the feelings of their parents.

3.6 **Reduction in provision of social and educational support**

Thresholds for CAMHS, SALT, EHCPs and access to social care support and intervention have gone up. There are children with very significant needs who do not meet the threshold for CAMHS or SALT or EHCPs, or meet the criteria for CIN or LAC. A Head referred to one pupil being refused three times for an EHCP before eventually being given one. Another Head observed that it could be a catastrophe for a family when a family support worker is pulled away. FSWs support transition and encourage respect for education. School staff are left picking up the pieces.

3.7 **Teacher Training**

Teacher training needs to focus more effectively on ensuring that teachers have a better understanding of how to differentiate their use of language and resources according to the learning needs of the pupils.

3.8 **Overall**

Schools have increasingly difficult social challenges with which to cope with but less money and more thinly spread support from key agencies.

A4 Effect of exclusion on child and family

- 4.1 Much of this evidence came from support workers, counsellors and therapists.
- 4.2 The main effects are loss of friends, of significant and trusting relationships, and stigmatisation. Shame is a crippling thing for children entering puberty. Self-esteem is affected. More focus is needed on solution and less on blame..
- 4.3 These are often neglected children and need intimacy. Excluding and isolating children is the worse thing you can do. Exclusion piles instability on instability, and rejection upon rejection.
- 4.4 Boys respond differently to trauma from girls. Boys are more confrontational. Their adolescent brain engenders the peacock stage. Girls tend to internalise more.

- 4.5 Adolescents may already have a feeling of victimhood. They can move quickly into hyper-vigilance. The physical body is both on fight alert and ready to go into flight mode. They have not learnt self-regulation and need help to de-escalate. They need adults who understand and can cope with these psychological factors.
- 4.6 Exclusion leads to “movement upstream” – that is, an escalation of the child’s problems. The stigma becomes a badge. Life chances diminish – immersion in gang culture becomes more likely, habits of addiction form, entry into the criminal justice system follows.
- 4.7 The stigma extends to the whole family. The family is or can feel ostracised. Total isolation is a huge burden to child and family. One serious ramifications for families is that it can trigger family breakdown with the child becoming excluded from home.

A5 The Inclusion of children who come to school with serious social, emotional or mental health needs

Terminology

- 5.1 We debated whether to head sub-section A5 as we have done or with the phrase “trauma-informed schooling”. We did not go with the latter, as we believe at this stage that for many people “trauma-informed” may be an unfamiliar concept. However, we go on to discuss trauma-informed schooling as being an important approach, and one which the Council and other agencies are seeking to promote.
- 5.2 The website of traumaawareschools.org answers the question “What is a Trauma-Informed School” in the following way:

“In a trauma-informed school, the adults in the school community are prepared to recognise and respond to those who have been impacted by traumatic stress. Those adults include administrators, teachers, staff, and parents. In addition, students are provided with clear expectations and communication strategies to guide them through stressful situations. The goal is not only to provide tools to cope with extreme situations, but to create an underlying structure of respect and support.”

It is likely that a school which is ambitious to include children have who present at school with serious social, emotional or mental health needs will have similar characteristics.

Current developments in Croydon

- 5.3 The TFG has heard many views and experiences of education professionals on the development of a more trauma-informed and nurturing approach to schooling. These professionals include both school leaders and those working directly with children who have been traumatised or at least have not

been well-socialised, or whose emotional wellbeing is particularly impaired. Some of these professionals lead schools which have been part of the first phase of work in the projects described below at paragraphs 5.5 and 5.6.

- 5.4 We received an impressive presentation on trauma-informed schooling in September 2019 from a speaker from the Wave Trust, a Croydon-based charity which is advocating the benefits of the trauma-informed methods. The speaker cited pioneering work being undertaken in some American schools which used de-stressing techniques such as sensory inputs and yoga to calm down the stress systems of pupils. He advocated the adoption of behavioural strategies which are holistic. He suggested that there needs to be development in the school system of a greater sense of community responsibility for the behaviours within any part of the community. An emphasis on individual responsibility alone is insufficient.
- 5.5 The Council has been undertaking work to disseminate some of the ideas and practices of trauma-informed schooling since September 2019, and has rolled out into schools GLA-sourced funding of £400,000 per year awarded in the 2019-20 and 2020-2021 school years. The funding stream has come to an end, but as it could not all be disbursed during periods of school lockdown, some money has rolled over for use in following financial years.
- 5.6 Croydon schools have also benefited from NHS England funding for the “Trailblazers” project, which is rolling out mental health support teams in schools to enable them to develop models of early intervention and support school staff. The project was originally established in ten schools, and has subsequently been rolled out in about six more. This funding is continuing. The provision of mental health support for young people is a current priority for NHS England. Clearly, there is synergy between this work and the trauma-informed work.
- 5.7 Pragmatically, the immediate issue for school leaders concerns the potential development of practices informed by the trauma-informed approach rather than whether all borough schools should immediately adopt the philosophy of trauma-informed schooling. Given the number of schools, the autonomy that individual schools enjoy and not least the fact that the trauma-informed approach has yet to reach a tipping-point of consensual support, the embedding of the approach throughout the school system has a great distance to travel.

Note of evidence of two named stakeholders

- 5.8 With their permission, we are providing an agreed note of the observations and opinions of two stakeholders who have consented to being referred to by name. They are Steve Phaure, CEO of Croydon Voluntary Action, and Peter Stanley, Chair of the Board of Ment4. CVA has played a key role in the development of trauma-informed work within the community. They work directly with many young people who bear a heavy burden of adverse childhood experience. They work with a myriad of community organisations for which addressing problems associated with adverse childhood experience

is a priority. Peter Stanley has rich experience of running a mentoring service for some of Croydon's most traumatised children.

The observations of Steve Phaure, CEO of Croydon Voluntary Action (CVA)

- 5.9 He described the GLA funding for trauma-informed schooling and the NHS England funding for Trailblazers as the provision of a “landmark opportunity”. He argued that the biggest need was for a long-term approach and the development of a shared vision on the issues of school exclusion and mental health. He was concerned that the Trailblazers project and the trauma-informed communities project were in silos. They are not speaking to each other. Headteachers need a single pathway into trauma-informed support/adverse childhood experience support available from the NHS, Council, police and voluntary sector. Fragmentation has been and continues to be a problem.
- 5.10 He argued that in order to achieve the best outcomes, there needed to be a single point of service. He emphasised that there needed to be clear mapping of the services which are available. He had been told that Fair Access Panel had information on managed moves and exclusions, and felt frustrated that he had not actually received it. The presentation of basic evidence should not await the outcome of an evaluation project. It becomes extremely difficult to develop effective policy if basic evidence is not freely provided.
- 5.11 There was a need to establish baselines by which to measure success. There needs to be an independent evaluation project. It should be used to gather narratives which would provide good qualitative evidence.
- 5.12 Alternative Provision is complementary to mainstream. Where he wants mainstream schools to be is where the best AP is at. Teachers need to build trust to enable young people to be able to prioritise education. Headteachers take the lead but all have to share responsibility, and especially GPs, police and community groups. The concept of school community must go far beyond the school gates.
- 5.13 Returning to his concern about silos, he emphasised the need to dovetail the approaches of those working in the field. Approaches needed to be complementary and to dovetail. We needed to make the most of the opportunities which we have in order to maximise the effect. We have got to get it right. It would be unforgiveable not to. He referred to key groups and initiatives. As of February 2020, these included:
- Croydon and Communities Partnership against Trauma which comprises eight schools and two further education colleges
 - NHS England Trailblazers, which has a whole school approach and is less 1 to 1 than Croydon Communities Partnership against Trauma

- The September 2020 conference to be led by Marion Hampton and Margot Sunderland which was to have dealt with trauma in the classroom, and which was postponed owing to the pandemic
- 5.14 He lay great weight on the importance of the role of headteachers. Headteachers are realistic rather than sceptical. They are the frontline. You cannot preach to them. He was concerned about the danger of headteachers being seen as the villains of the piece.
- 5.15 He spoke about a conference on trauma-informed communities in February 2020. It had brought in the voices of young people, and these had been eloquent. There needed to be a follow up.

The observations of Peter Stanley, Board Chair of Ment4

- 5.16 Peter provided this introduction: "Ment4 undertakes a lot of work with PRU providers across Croydon, we are constantly inspired and encouraged by the dedication of the staff that help run these units. Many of these staff work passionately and diligently to help engage and improve some of the most challenging young people in Croydon."
- 5.17 Ment4 is a not for profit charity which provides mentoring for troubled secondary school pupils. Their services are commissioned on a case-by-case spot-purchase basis. They have a hardship fund. They receive referrals directly from PRUs, academies and parents. They receive calls from Social Workers.
- 5.18 At the time of interview, Ment4 had 18 clients and 8 Mentors. 50% of clients are white. They have female and male Mentors, and female but mainly male clients. Most clients are from the north of the borough. They are trying to establish "a parental army", and have published a flyer. They get regular offers of help from parents.
- 5.19 Peter himself is a member of the borough's Youth Crime Prevention Board and the Vulnerable Adolescents' Priority Group.
- 5.20 Mentoring requires consequential thinking. Some children of 11 are capable of such thinking, but for most young people the ability develops from the age of 13. Ment4 do not take clients beyond the 18th birthday because at that age adult agencies need to commence involvement. They provide 7 ½ hours time weekly to each client of which 5 hours is direct contact. The minimum effective time for intervention is four months. They are seeking to set up a parental army.
- 5.21 If a child is going to start talking about their pain, it is likely that they will only do so in a safe setting. Some young people will only speak to mentors.
- 5.22 Ment4 mentors provide a weekly report. This report focuses on the key targets which the mentor and client have identified. In-depth conversation is

preceded by a social activity, as the activity relaxes the young person and makes them more receptive to in-depth conversation.

- 5.23 Mentors sometimes identify that the young person has a mental health issue, or autistic traits. They sometimes identify errors in diagnosis or undiagnosed issues or unhelpful applications of medication.
- 5.24 Peter referenced a young person with an anger management problem who had had a fight with the sports teacher at the school. The sports master did not know that the young person had ASC. The teacher in this case needed to be educated. In another school, they did not understand the context of the boy's aggression, which related to online bullying. The young people with whom he comes in contact tend not to like the process of exclusion and being moved to a PRU. They miss their friends, despite the good work which the PRU puts in to support them.
- 5.25 Schools do not always see the roots of the child's problems. If a child has difficulty in reading, he may feel shame and embarrassment. He may be in denial. The way he presents himself may be down to bravado. But you are only really going to see the roots if you see outside the school.
- 5.26 The mentors spend time listening and observing, which schools cannot always do. The first month of four is taken up with the development of trust. In the second month, details of the child's underlying trauma are likely to emerge. Mentors can then go on to look at the roots of trauma. Common roots include a significant bereavement, or the death of a loved person. The child may have a father who has returned to his native country, who makes promises to the child but never answers the phone.
- 5.27 The young person needs a significant other who listens, not specifically a male figure. The young person needs to feel valued, and have a sense of belonging. "URMent4More" is their slogan.
- 5.28 You should not label a child only by what is wrong with them. If you are going to get to the roots of the problem, you need to go back to the child's school, and to the child's family. The family and the school need to have effective meetings. The key to prevention of exclusion is finding the roots of the problem. Finding the triggers merely papers over the cracks.
- 5.29 FAP has the best intentions but they cannot always get to the roots.
- 5.30 Every establishment should have an effective pastoral care team.
- 5.31 It is important that children can develop insight into their own circumstances.
- 5.32 Parents are often more dysfunctional than children.
- 5.33 Mentoring can be like Snakes and Ladders. A ladder is good; a snake is bad. Mentors, however, go down the snakes with the young people and

help them learn the lessons and back up the board with them, rather than rejecting them.

- 5.34 Exclusion often piles instability on instability, and rejection upon rejection and that is why mentors working in conjunction with the PRU can be very effective to overcome the negatives.

A Headteacher whose school has moved to a trauma-informed approach

- 5.35 A different primary school head leads a school which has changed from a zero tolerance approach to trauma-informed. Paragraphs 4.36 – 4.40 set out their evidence.
- 5.36 Using zero tolerance, disciplinary issues escalated quickly to fixed term exclusions, of which there were many. They had been putting pupils outside school who needed to be inside school. They are now doing much more for the community. Children spend quite short periods of their life at school. The main influences on them often come from outside the school. They take the view that getting on in life relies on more than passing exams.
- 5.37 Before an OFSTED inspection, they decided to change, and consulted with behavioural experts. They made a decision to have no permanent exclusions. The governing body and the whole staff had ownership of this decision. Turning mindsets around had been a big challenge. They are still on that journey of changing mindsets. They had significantly reduced the number of exclusions. Between October 2018 and February 2019 they excluded 19 pupils for a total of 68 days. Between October 2019 and February 2020 they excluded six pupils for nine days. They had had a positive monitoring visit from HMI. In the three months period after the OFSTED inspection, the Head logged 382 behaviour incidents. In the following two months, the Head logged only 155 incidents.
- 5.38 The school has had no pushback from parents. They have a team based at the school which delivers the Triple P parenting programme. They have a group for toddlers based at the school. They have a multi-agency approach at the school. The children are monitored intensively. They have weekly staff meetings. They have staff who are trained in trauma-informed approaches. They have nurture provision. Such provision acknowledges the need for children to be in safe places in order that to be able to learn. These children take part in their breakfast club where they make breakfast for each other and where they are consistently polite. There is always someone to listen to them. They employ from their school budget six emotional literacy support assistants and a middle manager. They focus on preventing the behaviours which lead to exclusion. They had engaged the support of the local authority to focus on creating a curriculum which is sufficiently strong and engaging. It is a curriculum which is more relevant to the identities of their pupils. They do a lot to empower girls. There has been no resistance to that from parents.

- 5.39 Of course, life is not always smooth. There has been one proven incident of a child bringing in a weapon. The police were involved. They have parents who smell of cannabis, and they have had to pass on information about parental use of cocaine.
- 5.40 The most important thing for this Head is to get adults to understand that behaviour which led to exclusion is expressive of the unheard needs.

Other evidence received on the Inclusion of children who come to school with serious social, emotional or mental health needs

- 5.41 A primary headteacher who had been on trauma-informed training declared that it had been absolutely excellent. He had been on a level three safeguarding training which included looking at the effect on children of parental alcohol abuse. He felt many more headteachers would be assisted by attendance on such a course.
- 5.42 Another primary school leader stated that they believed it desirable that communities be more trauma-informed. They would like to host psychotherapy in their school. They believe that the causes of children's misbehaviours needed to be addressed.
- 5.43 A former secondary headteacher spoke positively about their former school at which in Years 7 and 8 there is a nurture plan focusing on English, Maths and Science for children with IEPs. These children continued to access the National Curriculum.
- 5.44 We were told that many Croydon primary schools have nurture groups, but that they vary in quality. There are examples of excellent practice.
- 5.45 Relevant factors in introducing nurture groups are cost, space, volume and not least development of skills set. Some schools have the will but not the resources.
- 5.46 We were also told that some schools including at least one secondary school had provided a "quiet space" or "timeout room", where pupils could be referred or perhaps refer themselves if there was an issue affecting them which was preventing them from engaging with routine school activity. Such spaces were not used punitively, but for the purpose of assisting a child to regain their emotional equilibrium.
- 5.47 From the Council point of view, we were reminded of the valuable role that a Council-organised Educational Welfare Service might play in providing the local authority with eyes and ears in every school. "It would be the holy grail to get back the EWS," said one officer.

Evidence received on approaches used by teachers in Alternative Provision to meet the needs of their pupils

- 5.48 Alternative Provision does not enjoy high public estimation. Of course, few if any parents and pupils aspire to placement in AP. We record some of the observations which we received about the need for good AP, and the benefits which good AP has to offer, and some of the high praise which we heard of some current practice. One stakeholder stated: "Alternative Providers are good at supporting the reintegration process, and could do more with better resources."
- 5.49 Four members of associated with a trust which runs a number of AP sites in the East of England and South Midlands came to speak to us about their wish to open a facility in Croydon. One of the four members who attended was a Croydon community leader who might potentially be the Principal of a Croydon site.
- 5.50 All staff are trauma-informed trained. Their schools are holistic and nurturing. Their clientele would be not only excluded pupils but also children going through a crisis of some kind. They put a significant emphasis on achieving engagement from parents as generally a necessary condition for successful work with the child.
- 5.51 They worked on the principle that children stay on the roll of the referring school. Typically, a school might commission a term but they are not rigid and are prepared to work on a roll-on and roll-off basis according to the needs of the child. They seek short-term turnaround into mainstream, and provide support to schools input to reintegrate returnees.
- 5.52 They adopt a whole school approach on instilling effective behaviour for learning. This is a positive approach. A focus on behaviour management is negative. They celebrate behaviours they want to see, and work with negative behaviours.
- 5.53 They felt that Croydon needs their model. Schools have so many behaviour issues, including knife crime. They considered that managed moves too often shift a problem rather than solve it. They take the view that schools can be rejective, and that they need to put a far greater emphasis on reintegration.
- 5.54 A former provider of AP in Croydon gave us the benefit of his seven years experience. He had provided AP for children Year 8 to Year 11. He said that problems tended to peak in Year 9. He stated that the children he took were the toughest of the toughest. 60% of all pupils were boys. The system was effective with white working-class children as well as those children of black Caribbean or other black ethnicity. He noted the absence of black role models in mainstream schools.
- 5.55 He stated the need for a holistic approach. His academy had developed organically from education into therapy. The success of the work depended on the ability of the teacher to be able to identify the journey of a the pupil. 85% of his pupils had had recent bereavement or loss of some sort. Many

had gone through family breakdown which had caused trauma. They were young people going through a grieving process.

- 5.56 He recognised that the family dynamic was very important. Some of the issues which these children faced, such as hunger and poverty perhaps caused by lack of recourse to public funds were not always known to the school from which the child came. He brought in parents. He mentored them as well. He took up with the Council the need to assist families with housing debt. A holistic approach is needed. Education is at the end of the queue.
- 5.57 The motivating factor was the relationship that existed between the pupil and adult. The pupil felt care and love. The classroom became a group therapeutic space where there was trust and where troubles were shared. It was a shared space. Pupils felt pride. The starting-point was not creating an ideal of academic excellence but understanding the needs of the child. Teachers focused on the subjects that the pupils were good at. This energised the pupils. Some achieved a grade at GCSE.
- 5.58 These were children who depended upon the teacher's ability to pick up on the child's needs and to spark the interest to progress learning. They supported the child in transition back to mainstream or PRU. He told us that the children went back to full-time provision as different creatures.
- 5.59 Early intervention is important before the child's problem becomes acute. Adults must not demonise the child.

The extended school day

- 5.60 Some school support staff advocated that schools needed to have an extended day as part of their role in a cohesive community. They mentioned positively a secondary academy which had an extended curriculum and a rewards system. They referred positively to the Legacy Zone. They felt that there needed to be better signposting to activities, as many parents were unaware of what was available. Activities needed to be free or low cost.

A6 Overview and conclusions

Overview

- 6.1 The TFG commenced its work in December 2018. A large proportion of stakeholder evidence was taken in the eight weeks preceding the first Covid lockdown on 16 March 2020. At that point, grave concerns were being expressed about the poor state of the emotional and mental health of many of our children. As we conclude our work in February 2022, we note that evidence suggests that the situation has become even more serious.
- 6.2 There were 77,390 children who had been assessed as having a mental health need by local authorities on 31 March 2021, an increase of 25% on the 61,830 seen two years earlier, according to statistics from the DfE. It is

possible that this figure significantly understates the increase: there has been a 31% reduction in the number of referrals from schools – 36,000 fewer cases – reflective of the restrictions on school attendance in place for parts of the year to April 2021.

- 6.3 Separate NHS figures show that in 2021, one in six children in England had a probable mental disorder, up from one in nine in 2017, with girls aged between 11 and 16 more likely to have experienced a decline in mental health than boys the same age. The proportion of 11- to 16-year-olds with eating problems almost doubled from 2017 to 2021.
- 6.4 On 4 February 2022, the Local Government Association referred to reports from social workers that the pandemic had triggered increased pressure from gangs, through county line drug dealing networks. The most common problems for children remained the impact on the child of a parent being subject to domestic violence, and a parent's poor mental health.
- 6.5 The TFG were told that school lockdowns had inevitably had the effect that the resources available to schools from the Trailblazers project could not be applied. Work to roll out further the trauma-informed training had been impeded. Diversionary activity in the community had effectively come to a halt. One stark example given was that even football coaching could not be convened, as participation would have been unlawful.
- 6.6 We set out below what we believe from the evidence needs to happen if our education system is to be successfully inclusive.

The allocation of more resources

- 6.7 There are increasing numbers of children presenting at school with significant social, emotional and mental health needs. There are tougher thresholds for schools to cross in order to get support such as EHCPs, SALT, or for access to family social work support. There are increasing lead-in times – now as much as 15 months - between referral to CAMHS and receiving an appointment.

The development of greater systemic cohesion between schools and other relevant agencies

- 6.8 The development of stronger multi-agency collegial working is essential in order to develop effective inclusion practices within schools. The concrete identification of shared values is important, and concrete practices and objectives which might flow from the implementation of those values.
- 6.9 It was recognised, and the TFG recognise, that headteachers are playing a leading role in existing developments. Necessarily this is so, as the work will founder without headteachers being engaged in and accepting ownership of developments. We observe that there is a tension between the in principle desire of headteachers to develop more inclusive practices and the

practical reality of running a school in the context of the pressures which we summarise in sub-section A3 above at paragraph 3.3.

- 6.10 If progress is to be made, these issues need to continue to be at the forefront of national policy debate.

Importance of early intervention

- 6.11 Where a child's issue is psychological, emotional or neurological. the key to prevention of exclusion is finding the roots of the problem. It is idle to imagine that one can begin to address the issue effectively before the root causes are identified or diagnosed. If those root causes of a child's problems are not identified and/or diagnosed early, and then addressed constructively, negative behaviours will escalate. For such a child, a punitive action such as exclusion can exacerbate underlying problems and require others to address the resulting mess.
- 6.12 Children are more likely to flourish in school if adults are curious about the cause of unusual or disruptive behaviours, whether trauma, neurological or otherwise, and seek to address the cause rather than prematurely adopt a punitive stance. A child who has difficulty in reading or understanding is likely to feel shame and embarrassment. They may be in denial. The way they present themselves may be down to bravado.

Better working with parents and the child's community network

- 6.13 The roots may be growing outside of the school. Children with problems often have parents who have suffered trauma. The children let out at school things which are suppressed at home. There needs to be a holistic approach which involves parents.
- 6.14 The family and the school must be able to have effective meetings. It is important for schools to have a relationship with the home based on mutual respect and trust. Home-school liaison can play an important part in the prevention of exclusions. It is important to school and family to have someone who is able to act as an objective conduit of information and assist in the resolution of problems.
- 6.15 Professionals need to hold back on negative judgements about children and families, and to understand specific kinds of family or educational issue. Labelling a child or family is not a constructive step. It can be necessary to understand the role that the child is playing in the household, For example, where his mother has no partner, a boy is seen or may see himself as man of the house, and needs to be the man in school too. He may need sympathetic guidance in order to enable him to be a boy in school
- 6.16 Celebrating children's cultural heritage brings both joy to a child and a sense of self-respect which reinforces positively the child's sense of being part of a community.

- 6.17 The inclusive school need to work with the child's network, which includes not just family members but also community groups which are part of the family network. We heard praise about the Talkbus project which is organised by Croydon Drop-In. This takes support to the community, providing support to traumatised children and preventing the escalation of the child's problems. There needs to be a holistic approach to supporting the vulnerable child.

Every school, college and alternative provider should have an effective pastoral care team

- 6.18 The scope and extent of pastoral care varies from school to school. There needs to be a clear evaluation of what characterises an effective pastoral care system, and good practice disseminated and encouraged.
- 6.19 It is easy to like a secure and well-adjusted child. The test of an effective pastoral system is how it is set up to ensure that vulnerable, damaged and indeed unlikeable children can flourish. Children thrive better where they feel valued. Positive, respectful relationships with adults create a feeling of value. An adult with a positive relationship with a child with problems can more easily correct or reprimand them. The formation of positive relationships is completely compatible with the setting of appropriate boundaries.
- 6.20 Damaged children generally have not learnt self-regulation. They need teachers who understand and can deal with these behaviours rather than teachers who cannot. There is a need to foster a child's self awareness. That helps children to take responsibility for themselves.

Availability of mentoring, counselling and therapy

- 6.21 A school needs to be able to turn to draw on specialised sources of help in order that individual pupils have the support they need to achieve their potential.
- 6.22 Some young people will only speak to mentors. Boys who have black Caribbean ethnicity arising from one or both sides of their family have fewer adult role models in schools than many other ethnic groups. One stakeholder to whom we spoke who noted the lack of positive role models stated the need for mentoring from someone as close as possible to the age of the mentee.
- 6.23 A mentor is not necessarily a trained counsellor, and a mentor or counsellor is not necessarily a trained therapist. Support should be customised to meet the needs of the individual.
- 6.24 It is important to roll out mental health training. Children who are behaving in certain ways because of mental health or neurological issues should not be punished for that behaviour.. Mental health first aid training needs to be rolled out fully into schools.

Good inclusion practice starts with effective transition

- 6.25 Primary to secondary transition is dealt with in detail in Section 3 our report. The principle applies to transition at all stages, commencing with transition from home to the child's first school.
- 6.26 Making transition successful is the joint responsibility of the giving school as well as the receiving, as stated in our Part 1 report on Managed Moves. It applies to moves to AP. For managed moves to SVC there is no follow up from the exporting school. The child should not just be forgotten. Children in transition need scaffolding, and particularly children with very complex needs. In contrast, some of the borough's AP providers place a huge effort to ensure that a pupil can successfully return to mainstream.

Need for extra-curricular school activities with teachers – relationships are built up

- 6.27 They can tie children into the school community in a positive way. They can give children a chance to shine at non-classroom pursuits which builds up their self-respect and earns them the respect of others. They provide opportunities that the child would not otherwise enjoy. They cause the child to arrive at or leave school at times when there are fewer children travelling to and fro, and reducing the risk of their being involved in trouble outside the school gate.

More short-term Alternative Provision which is focused on re-integration

- 6.28 Some of the highest independent praise we heard about good inclusive practice was reserved for work being undertaken in AP by professionals working with excluded children. In the best of this work, the teachers and support staff are working with the young people and their families to get to the roots of problems, and they appear to be achieving some good outcomes.
- 6.29 Many of the children in AP are in Years 10 and 11. They have come off the roll of their mainstream school, and there is no ongoing contact. They may be doing large parts of a mainstream curriculum in AP but they cannot easily be transplanted back into classrooms where topics have been taught in a different way at different times.
- 6.30 There is an urgent need – irrespective of the issue set out in paragraph 6.31 below - for more AP which can be commissioned by a school for a child on the basis that the child remains on its roll, and that reintegration will happen – or at least a wholehearted effort will be made to ensure that it will happen – after a specific period.
- 6.31 The need is particularly urgent in the context of the current national consultation which contemplates restrictions on the nature of managed moves which can be undertaken, and which we consider in Section F of this

report. In the five terms from Autumn 2018 to Easter 2019, mainstream schools were putting an average of 65 children per term through the FAP. Unless large numbers of children are to be expelled, schools will need to include more of these hard-to-include pupils, and are likely to need a resource which takes children for a specific period into AP while they retain the children on roll.

A.7 Recommendation

7.1 That the Director of Education continues to report to the Scrutiny and Overview Committee providing detailed information on how effective inclusion has been promoted in Croydon schools, including in particular information about how the Council has been using its role as community leader to inspire, share and disseminate good practice in inclusive education, and in particular but not limited to:

- further encouragement of schools to develop awareness of how and in what way they can use trauma-informed approaches
- the identification of the characteristics of good pastoral care
- the development of the use of quiet rooms in our schools to allow for pupils to benefit from non-punitive time out
- bringing school and community stakeholders together with a view to building capacity in more of our schools to introduce an extended day
- co-ordinating schools to ensure that commissioning of AP is conducted in a way which maximises the chance of the speedy and successful reintegration of children in AP/In-School Behaviour Units into the mainstream classroom
- working in concert with school and community stakeholders to make the case to government and other potential funding providers funding levels which enable schools to be able to commission sufficient specialised support so that more children can remain in or be reintegrated into the mainstream classroom

Part Two of the Final Report of the Task and Finish Group on Inclusion and Exclusion in the London Borough of Croydon

Section B

Transition from Primary to Secondary School

B1 Preliminary Discussion

- 1.1 Very few primary school children undergo permanent exclusion, or a managed move to alternative provision.
- 1.2 There may be many factors which make it easier for a primary school than a secondary school to keep a child who is experiencing problems within its community. It was the evidence of our professional witnesses that effective primary to secondary transition plays an extremely important role in embedding a child in a new school community in an enduring way.
- 1.3 Some counsellors to whom we spoke summed up cogently the problem of transition, a problem particularly experienced by vulnerable pupils. They pointed to primary schools having the advantages of continuity of teacher, much less movement from classroom to classroom, a nurturing or at least containing environment and a better knowledge of their pupils. The primary school environment conduces to a degree of stability and security which enables boundaries and relationships to be maintained more easily than in a secondary school. We were told by one primary head that for some vulnerable children, key adults in primary school were the most consistent figures in a child's life. Upon moving to the secondary phase, pupils quite suddenly have to adapt to forming relationships with a considerable and sometimes quite rapidly changing number of adults, and this can add significantly to transition pressures.
- 1.4 These counsellors referred to in paragraph 1.3 above also spoke of the need to establish a community of primary and secondary schools working together. A headteacher made a similar point when they observed sharply that "primary and secondary schools needed to be on the same planet".
- 1.5 A key question for policy-makers is how secondary school leaders can best mitigate some of the more destabilising and alienating effects of a larger, busier and emotionally more distant environment.
- 1.6 Almost all of the professionals we spoke to had observations on aspects of transition which could be improved. One expressed the view that transition

had been on the borough agenda for years without being adequately addressed.

B2 Discussion of evidence received on Primary to Secondary Transition

- 2.1 Transition was a significant topic in our interviews with three headteachers of primary schools, one retired primary head, five secondary school senior managers (three of whom are headteachers), one retired secondary headteacher, a variety of other professionals, including Croydon education officers, and some parents.
- 2.2 Those whom we interviewed clearly thought that transition is an extremely important issue. It would have been surprising if they had thought otherwise. Most had ideas about how the transitions process could be improved.
- 2.3 We identify the main themes brought out by those whom we interviewed as follows:
- Preparation of children and parents
 - Information sharing
 - Transfer meetings
 - Enhanced transition
 - Diagnosis and relevant support
 - Good practice in Year 7
- 2.4 We set out below some of the comments on these themes which we found persuasive.
- 2.5 We emphasise that much of our evidence base was provided pre-pandemic. There is a strong body of evidence now that the pandemic may have reduced the resilience of children, and indeed parents, which if correct adds further strength and resonance to our concerns that the transition process needs significant attention.

Preparation of children and parents

- 2.6 The preparation of children for transition needs to begin in Year Four focusing on resilience and psychological preparation for secondary school. Visits to secondary schools (albeit not necessarily to the school which the pupil might eventually attend) might usefully be arranged in the Autumn Term of Year 6.
- 2.7 There is too little attention paid to preparing parents for transition, particularly parents of vulnerable children. Some parents will not have fully engaged in the process of making a choice of secondary school which best suits their child's needs, and have not necessarily received any support in doing so. Unprepared parents are ones who are more likely to feel stress and panic about the way their child is experiencing transition in Year 7.

Information sharing

- 2.8 Information sharing is the crux of transition. It can be much less than satisfactory. Openness and transparency are vital in supporting children in transition.
- 2.9 Good transition from primary to secondary is absolutely key – sharing of all relevant information is crucial – that includes academic issues, issues of emotional and social wellbeing, specific issues relating to the child’s home life, including the existence of domestic abuse. Where there are significant issues, the organisation of appropriate pastoral support needs to be initiated at the earliest stage of transition.
- 2.10 There is no shared policy regarding the transfer of information upon transition from primary to secondary.
- 2.11 Schools do not speak sufficiently to each other about transfers. There needs to be an open forum of relevant professionals. Intelligence is lost.
- 2.12 It is a struggle sometimes to get information from primary schools: issues which are important to record are not placed on the manual file. The most sensitive things are less likely to be made available electronically. Manual files are often sent to receiving schools in the last weeks of summer term, during the holiday, or even in September. This can be because the school is uncertain about the destination secondary school. Files can go unread unless and until an issue occurs. If an issue has occurred, damage has already been done.
- 2.13 Secondary schools need to evaluate better the data with which they are provided, for example on issues such as attendance and failure to engage with the curriculum.
- 2.14 Secondaries should be getting transition information in the Spring Term preceding secondary enrolment. The secondary Inclusion Team Planning should be able to start planning support in March. By the start of the summer term, secondary schools need to receive all the data from feeder schools.
- 2.15 Information needs to be readily accessible – this is a systemic issue. Data needs to migrate effectively.
- 2.16 The primary SENDCO needs routinely to be in conversation with the secondary inclusion lead in order that the latter can flag up potential problems at the earliest stage.

Transfer meetings

- 2.17 Transfer meetings are needed immediately after Easter so that secondary school can be involved in the IEP, SEND and LAC reviews which are due to take place in the summer term. Secondary schools need reasonable notice. Where EHCP reviews have taken place in the Autumn Term of Year 6, there may be value in the secondary school having the opportunity to participate in

a specific transition-focused review in the late Spring or early Summer Term, which would not require the attendance of the Local Authority's Case Officer. There is the same need for such meetings for pupils with SEND needs but without an EHCP. This seems to be a growing number as getting EHCPs becomes more difficult. If the secondary school wish to put the pupil forward for EHCP, they need the full picture from the primary phase.

- 2.18 The secondary school leaders should meet every Year 7 pupil. Each pupil should be visited in their school. There should be a conversation with their teacher. (The Head who recommended this led a school which had a very large number of feeder schools.)
- 2.19 One primary headteacher spoke approvingly of a shared policy which was operated by a county authority where they had previously worked. This policy provided for systematic online booking of meetings between secondary school and feeder school.
- 2.20 Where necessary, the secondary school leader should find opportunity to meet parents without the child being present, and/or the child without the parent being present.

Enhanced transition

- 2.21 Some schools provide "enhanced transition" for vulnerable children. Children may go with teaching assistants for additional sessions to schools into which they are transferring. One primary leader stated that they were aware of teachers in secondary schools who do not even know that the child whom they are teaching has an EHCP. Transition is fundamental. Enhanced transition requires two meetings. One of these meetings focuses on the academic, and the other focuses on such things as special educational needs, EHCPs and SLT. One primary Head recommended the provision of a transition passport which includes a photograph for their new teacher which the child takes when they visit their new classroom.

Diagnosis and relevant support

- 2.22 Children are not coming with a diagnosis. It has become more difficult to get an EHCP. Where a pupil has come from out-borough, the situation may be harder (or sometimes easier) as different local authorities may have different thresholds before an EHCP is given. The playing-field is not a level one.

Good practice in Year 7

- 2.23 Children need careful transition at the start of Year 7. It is important to deploy strong practitioners for the Year 7.
- 2.24 Parents may also need support during the transitional period. There will be parents whose whole experience of schools is negative. Their child's difficulty during transition may cause stress and alarm and engender an aggressive response. The establishment of a positive working relationship

based on mutual understanding and respect will make a huge positive impact on the child's prospect of making a successful transition.

- 2.25 Support for vulnerable and potentially vulnerable pupils is particularly important in the transitional period. This support needs to have been mobilised by the pupil's first day. But the threshold for getting support seems to be getting higher.
- 2.26 A flexible curricular pathway should be available for children who have difficulties in accessing the full curriculum, but still enabling pupil access to their National Curriculum entitlement.
- 2.27 A counsellor provided a case study of a child who at their primary school had received great in-school counselling support. The counsellor had been willing to continue to work with the pupil after transition but the secondary school refused. The child was traumatised, eventually excluded, and suffered greatly. Damage had been added to existing damage. Schools need to be flexible in using external support where the child's needs require.

B3 Summary of features of good transition practice

3.1 We noted the following as features of good transition practice:

- A customised online shared process for booking transition appointments with expectation that each school will participate
- Holding transfer meetings immediately after Easter so that secondary schools can be involved in the PEP, SEND and LAC reviews in the summer term
- Creation of a forum to maximise sharing and ensure that key intelligence is not lost or overlooked
- The establishment of strong and respectful relationships with parents and others who provide valuable support to the child
- Flexible curricular pathways for vulnerable pupils
- Development of resilience and psychological preparation for secondary school from Year 4.
- The development of a shared policy on the sharing of information which deals with:
 - (i) effective communication of information on the manual file and the communication of other sensitive information and key data at the earliest feasible stage;
 - (ii) Knowledge of adverse life experiences (e.g. exposure to domestic abuse) which leads secondary school to introduce strong pastoral support

- The secondary school having in place a system which ensures careful evaluation of that information: secondary school must be aware of poor attendance, non-engagement with curriculum, etc, and take preparatory steps
- Enhanced transition for vulnerable children, which might include additional visits with a TA to schools to which child is transferring
- Longer (or two) preparatory meetings between feeder school and secondary giving sufficient time to focus on “red flag” issues
- Primary and secondary schools recognising that they must work together
- Secondary schools meeting every Year 6 pupil coming to them in the term before they come (or earlier)
- Attendance of secondary school at the Year 6 PEP/LAC/SEND reviews of pupils coming to them in Year 7
- Sufficient deployment of strong practitioners in Year 7
- A system which ensures that every subject teacher is fully briefed about a pupil with vulnerabilities
- Children who need a diagnosis arriving at secondary school having received a diagnosis, including out-borough children: in the case of the latter, better cross-borough communication would make this more likely to happen

B4 Recommendation

- 4.1 The Director of Education be invited to present a report to the Scrutiny and Overview Children and Young People Sub-Committee with a view to improving primary to secondary school transition in Croydon, and taking particular account of the points set out in paragraph 3.1 of Section B of this report.

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Section C

Inclusion of children with Autism Spectrum Disorder in mainstream schools

C1 What is Autism?

- 1.1 Paragraph 1.2 below is taken from Croydon's Autism Strategy. The full statement of how the strategy answers the question can be found at Appendix Two to this report.
- 1.2 "Autism is a lifelong neurological disability that affects how a person communicates, processes and interacts with the world. Put simply, the autistic brain is wired differently from other people's brains. Many autistic people have difficulty processing sensory information, and can be very sensitive to lights, noises, smells and textures. Some autistic people are non-speaking or non-verbal, and may use alternate methods of communicating with people. Autistic people are also much more likely to have other medical conditions than most people, and those who have can regularly face multiple barriers to being accepted, and functioning from day to day. There is no cure or treatment for autism."
- 1.3 The majority of autistic children do not have learning disabilities, and can realistically expect to benefit from full access to the mainstream school curriculum.

C2 Evidence base

- 2.1 Stakeholders who spoke to us about autism comprised the following:
 - headteachers, and in particular the Head of a primary school who seeks to ensure that autistic children are working in an environment in which they can thrive
 - seven carers from different families which included one or more autistic child
 - support professionals, counsellors, therapists and leaders of AP schools and units who have rich experience in working with autistic children

Evidence of a headteacher

- 2.2 The school is highly regarded for its work with pupils with SEND, of whom 18 have EHCPs. They have restructured staffing with the effect of providing more teachers and reducing teaching assistants.
- 2.3 They have a very effective SENDCO, who champions the needs of the children. They have a TA who provides 14 hours of counselling weekly. Counselling is provided for between 2 and 6 sessions, and for children who have issues arising from bereavement, behaviours, anxiety, relationships (or lack of relationships). They saved up money from six discos to add to existing funding in order to provide a sensory room. They also have a room where occupational therapy is provided, and also a breakfast room which is in addition to the Breakfast Club area. They received a grant of ten thousand pounds to develop an area which will become the sensory garden. Part of the staff room has been designated to their nurture provision. They are looking at the seminal work of John Bowlby on attachment in order to develop good practice.
- 2.4 A small number of parents feel that the school puts a disproportionate emphasis on special needs provision. The financial cost of inclusive provision is greater than the specific special needs funding which the school receives.

Evidence from a national organisation focused on autism

- 2.5 In a survey of 500 families in 2014, Ambitious about Autism (a national charity) found four in 10 children had been informally excluded from school temporarily, which is illegal. The charity said children with autism were being asked to stay at home, miss school trips and activities and to attend lessons on a part-time basis. Their report was based on surveys of 500 families with a child with autism and 1,000 school staff. It also drew on information from local councils. The charity said that as about 71,000 children have the condition, it could mean more than 28,000 children were subject to illegal exclusions across England.
- 2.6 Ambitious about Autism found one-fifth (20%) of the parents questioned said their child had been formally excluded in the past year, while almost four in 10 children (39%) had been subject to informal exclusions. More than half said that they had kept their son or daughter out of school because they were concerned that the school was not able to provide the right support.
- 2.7 The report also found that two-fifths of parents had been asked to collect their child at an unscheduled time, while three in 10 said they had been asked by a school to keep their child at home.
- 2.8 Ambitious about Autism suggests that schools are resorting to informal exclusions - which could also mean refusing to allow youngsters to take part in social activities or school trips - because they are unable to support

youngsters with autism. One parent, Clare Moore, said: "I have lost count of the number of times different schools have rung and asked me to collect my son early or keep him at home because they could not support his needs. It has been really distressing for him because it interrupted his routine and he never knew how long he would be in school for each day. It has also had a massive impact on our family life because I had to give up work as I had to be available at short notice."

2.9 In a further report headed "When will we learn?" in 2017, *Ambitious about Autism* returned to the theme. Nearly a quarter of respondents to a survey said their child had been formally excluded at some point. Nearly half (45%) of the families surveyed said their child had illegally been put on a reduced timetable, sent home early or asked not to come in to school on days when tests or school trips were happening. More than half of these said this had happened this year.

2.10 The report writer commented that if these exclusions happened without the school providing the proper paperwork, they are illegal. Not only do children with autism miss out on vital school time because of such illegal exclusions, but by their going unrecorded or reported the scale of the problem is hidden, making it harder for families to stand up for their children's rights. (The TFG note that the 2017 statutory guidance to headteachers on Suspension and Exclusion makes it quite clear that such exclusions are unlawful, and paragraph 14 of the draft 2022 guidance re-affirms the point: The 2017 guidance at paragraph 14 states:

"'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded."

2.11 Recommendation arising from the *Ambitious about Autism* report were that:

- all school governors who were likely to hear exclusion appeals should receive training in autism
- a clear procedure for anonymously reporting schools breaking exclusions law should be publicised to all parents, with the agencies responsible for holding schools to account reporting annually on the scale of the issue and how they are preventing this illegal activity

2.12 We also have taken into account the report of the All Party Parliamentary Group on Autism and Education (2017) and the section on Education in the APPGA's report on Autism published in 2019. The recommendations of the reports are set out as Appendix Three of our Part 2 report.

Evidence of parents

2.13 Seven families in which there are one or more autistic child responded to the invitation to Croydon residents to speak to the TFG.

- 2.14 It is outside of the scope of the TFG's role to make judgement about individual cases. However, the parental concerns gain credibility by their number, and the fact that they are consistent with evidence presented by autistic campaign groups nationally. The Chair of the TFG, who is also the borough Autism Champion and Chair of the Autism Partnership Board, can attest to the fact that the narratives of those parents who spoke to the TFG are consistent with the many other narratives he has heard from parents who want their child to be educated in mainstream schools.
- 2.15 The parents who came to speak to us wanted – or at least initially had wanted - their children to be educated in mainstream schools. They believe that they were exercising their right to express a preference for the school at which they wanted their child to be educated was being exercised in the child's best interests.
- 2.16 The parents had all endured huge stress in seeking to obtain for their children the education which they wanted them to have. They had had to overcome – or more often had failed to overcome - the considerable obstacles which lie in the path of getting one's autistic child successfully through mainstream schools from the ages of 4 to 18.
- 2.17 Several parents mentioned appreciatively the advice which they had received from Parents in Partnership, and the fact they could also network with other parents through PiP. Since the work of the TFG began, PiP has become Parents in Partnership @ Croydon Mencap.
- 2.18 We were given credible accounts of meetings which were destructive and intimidating. (We consider that a meeting which might be described as destructive is one in which the school seems to have no desire to listen to a parent's point of view and therefore does not explore constructive solutions for the child. A meeting which might be described as intimidating is one where unrepresented parents are outnumbered by professionals who have arrived at the meeting with a closed view.)
- 2.19 In one case, tenacious parents held out against professional opinion at such a meeting. They felt that the advice they were getting from local authority professionals amounted to saying "the school wants you to take him away so take him away". They asked for the minutes of the meeting. They disagreed with the minutes. They never saw the minutes again. These parents engaged their own unimpeachable sources of clinical evidence. The child's EHCP had to be amended. The school was in effect obliged to make the reasonable adjustments recommended by the clinicians, and the child began to flourish. Of course, few parents have the personal resources to be able to push back so hard on what the school wants in order to get what the child needs.
- 2.19 One parent observed: "When you battle against an institution like a school, it feels like you're taking on the world." The child is left "feeling so rejected".

- 2.20 In another case, we heard that an Educational Psychologist was appalled at the punitive responses of a mainstream school to the behaviours of an autistic child. The particular case involved placing an autistic child on their own isolated from other children in a small room over a period of months. It was a course of action which showed a complete lack of insight into the child's needs. Another parent described their child having been sent to AP for a fortnight for respite. They described the effect on the child as "horrible to watch". It is unacceptable to dump autistic children into this kind of environment.
- 2.21 A parent referred to a long, stressful period an autistic child who spent two years at a mainstream primary school experienced. The school phoned the parent to pick up the child early on "loads of occasions". B received 10 or more fixed term exclusions in her first four terms before she left. The school always sent a letter and she always was set work. The child had a period in the primary PRU where the staff showed a good level of understanding "from the head down to each teaching assistant". The parent felt that nurturing care was being given. The parent felt that the child was not wanted at the primary school. The process of obtaining an EHCP did not start until the child commenced at the PRU.
- 2.22 Another parent has an autistic child who had been permanently excluded by his school. For a period of months, the parent and the child's social worker sought assistance from the Council without any response. The child was referred to the PRU, who stated that theirs was not the appropriate provision. For 18 months, the child had home tuition for four hours a week from a teacher with no autism specialism. Eventually, the child was seen by an Educational Psychologist, who recommended that the child needed therapeutic provision. The parent contacted IPSEA who helped her to instigate proceedings against the Council. The Council at that point agreed to place the child at a school with therapeutic provision, 22 months after the permanent exclusion.
- 2.23 These were the main points of concern:
- School leaders having little understanding of the ways autistic children experience and navigate the world to the extent that they cannot even get to the starting-line of effectively including them in their school
 - Primary and secondary schools which appear to have little interest or desire in making the effort to include autistic children in a way which is going to enable them to thrive
 - (and perhaps related to the preceding point) A lack of knowledge about the kind of reasonable adjustments which need to be made in compliance with the Equality Act 2010 to enable autistic children to enjoy the benefit of mainstream education
 - The initial training which mainstream teachers receive about autism and how to teach autistic children in mainstream schools is inadequate

- Schools which informally and on a frequent basis exclude autistic pupils
- Inappropriately punitive responses for behaviours which arise wholly or mainly from the child's autism
- Absence of direct advocacy support for parents, and lack of sufficient signposting to support; parents need to be made aware of their rights – particularly their right to challenge
- Meetings with professionals set up in a way which can be intimidatory and/or destructive
- The commencement of the process to get an EHCP for the child was not initiated by the school as soon as the obvious need had arisen

Evidence of professional stakeholders

- 2.24 Concern was particularly expressed both by professionals about young people with Autistic Spectrum Disorder undiagnosed or incorrectly diagnosed. One experienced support worker referred to the problem as “huge”, and adding that more needs to be done to support them.
- 2.25 Another support professional reminded us that children with ASD find it difficult to understand and navigate the world as shaped by the neurotypical. Many teachers do not understand that behaviours which are hard to manage are triggered by this. They added that some primary schools were able to support or at least contain autistic children without learning difficulties, but they easily fell through the net in secondary, where schools were more liable to enforce behaviour codes in a rigid manner. People who have ASD tend to be very rule-bound, but at the point the rule appears to defy reality they easily become confused and decline to follow the rule. An example is a dress code which is applied so inflexibly that a child cannot remove a blazer or coat when they feel extremely hot, or cannot put on a coat when they feel extremely cold.
- 2.26 We were told by support workers that children with autism are often not well-supported in secondary schools. Most have been held in the primary phase and then have difficulty in secondary. They are falling through the net. The sensory and communication issue with which they contend can become overwhelming. They suffer a lack of continuity and stability. They need much more support to obtain the life skills they need in their teenage years and beyond.
- 2.27 Experienced counsellors expressed to us that there were many undiagnosed children with autism, describing the issue as “huge”. Much more support is needed, and a greater sense of urgency is referring children for diagnosis. Another counsellor said that schools needed to be more curious about the

causes of problematic behaviours. Some such behaviours were likely to be indicative of undiagnosed autism.

2.28 Problematic behaviours were addressed punitively or in a humiliating way that dehumanised the child. We were given the example of a child who would bark out, and was laughed at. The family felt shame.

2.29 Much more than neurotypical children, autistic children are likely to be confused and distressed by change. The particular need for carefully-planned transitions is very great.

C3 Recommendations of the All Party Parliamentary Group on Autism

3.1 Appendix Three to this Part 2 report sets out in full the recommendations made in two reports of the All Party Parliamentary Group on Autism (APPGA):

- Autism and Education (2017)
- The section headed “Education” in the 2019 report on Autism

3.2 Many of these recommendations are aimed at central government. The recommendations from these reports which seem most relevant to local authorities and which seem particularly important in the context of the evidence which the TFG has received are as follows:

- Autism understanding should be embedded in the education system, with autism training for all teachers, including head teachers, and ongoing funding for the Autism Education Trust.
- Local authorities should collect data on the number of children and young people in their area who are on the autism spectrum, and on the profile of their needs, and use this data to plan and commission the school places and other services they will need.
- There should be a presumption by local authorities that a child with an autism diagnosis may need an education, health and care needs assessment, and this should be carried out when it is requested.
- Local authority staff and school staff should receive training in the requirements of the Children and Families Act 2014 and the SEND Code of Practice
- The types of reasonable adjustments that autistic children may need in schools should be clearly explained.
- Strategies should be in place to improve autism awareness and understanding in all schools, to help reduce bullying and improve inclusion.

- There should be guidance on how special schools and mainstream schools can support each other and transfer good practice.
- There should be guidance for schools and commissioners on what good educational provision for children and young people on the autism spectrum looks like, based on the large volume of existing evidence.
- Modelling should be available for local authorities to help them commission educational provision that meets the full range of needs of children on the autism spectrum.
- Schools should be required to work with local mental health services to ensure that children on the autism spectrum get any mental health support they need before their problems become severe.

4. Overview of Evidence

- 4.1 Evidence from Croydon carers of autistic children and professionals working with those children is consistent with evidence which has been given nationally. The quality of education provided in mainstream schools is too often characterised by lack of awareness and understanding of the educational needs of autistic children. Depressingly, the appetite to include the many autistic children who are capable of benefiting from a mainstream curriculum is frequently lacking. In some schools, the effort seems to be too hard.
- 4.2 The practice of informal exclusion of autistic children continues. This is an unlawful practice. The DfE makes this abundantly clear in the 2017 statutory guidance to headteachers on exclusions, and the 2022 draft statutory guidance is if anything more robust.
- 4.3 Statutory guidance to headteachers and non-statutory guidance about school behaviour policies and the SEND Code of Practice alike make clear the need to take account of the special educational needs of pupils, and the requirement to make reasonable adjustments so that these needs can be met. All headteachers need to be knowledgeable about the law on reasonable adjustments, knowledgeable about how reasonable adjustments can be put to effective use, and – not least – have an active desire to put them to good use. Until this kind of knowledge and active desire develops further, the spirit and the letter of the Equality Act 2010 remains unfulfilled.
- 4.4 We have heard of good practice in mainstream schools, and there is much good practice which could be drawn upon in our special schools. This good practice needs to be shared.

5. Recommendations

Recommendation One

- 5.1 The Director of Education is invited to consider those recommendations of the All Party Parliamentary Group on Autism which have most direct bearing on local authorities as set out in paragraph 3.2 above, and to set out in a report to the Scrutiny and Overview CYP Sub-Committee what the Council might do to address those recommendations.

5.2 Recommendation Two

The Director of Education is invited to publish pages on the Council website which set out in plain English:

- the law on informal exclusions
- the responsibilities of schools towards pupils with special educational needs and disabilities pursuant to the Equality Act, the SEND Code of Practice, and statutory and non-statutory guidance on suspension and exclusion practice and school behaviour policies as may be published and revised from time to time by the DfE; and, further,
- to develop a clear procedure to enable parents to make anonymous reports about schools breaking exclusions law, and publicising the availability of the procedure on the website

Recommendation Three

- 5.3 The Director of Education is invited to consider how all mainstream schools can be made aware of the best practice existing in Croydon schools as to the education of children with Autism Spectrum Disorder.

Recommendation Four

- 5.4 The Director of Education is invited to consider the issue that parents quite often find meetings with school leaders and/or other professionals (particularly meetings which are potentially contentious) as extremely stressful, and provide guidance to schools and other professionals who may attend such meetings on how to set up such meetings in a sensitive, constructive and unthreatening way.

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Section D

Removal of pupils from classrooms/use of isolation/seclusion units

Use of terminology

The terms “Removal from classrooms” and “Isolation Units” are taken from “Behaviour and Discipline in Schools: Guidance for headteachers and school staff”, the 2013 DfE publication which should guide the behaviour policies of all maintained schools and academies.

In fact, few schools use the term “Isolation Unit”. Schools prefer to use phrases such as “Inclusion Room” or “Seclusion Room”. Often, pupils are working in isolation in these rooms, whatever they may be called.

Removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons.

D1 Why schools remove pupils from classrooms

- 1.1 Removal of a child from a classroom is a sanction often used in schools in order to punish a child for unruly behaviour and better to enable teaching and learning for others in the class. This sanction needs to be available to teachers. The application of the sanction may and often should be accompanied by rehabilitative work with the pupil.
- 1.2 According to research published by the Department for Education in 2018, over half of secondary schools and a minority of primaries are using “internal inclusion units” as a behaviour strategy
- 1.3 The nature of the inclusion units varied across schools. The emphasis in some was on punishment, for others on providing respite for the majority of pupils, while for some schools the focus was on the provision of a more supportive environment for the children who had been removed.
- 1.4 A common theme identified by schools was that the units offered a halfway point between excluding a pupil and keeping them in the mainstream classroom.

D2 Evidence received by the TFG

2.1 The TFG heard serious concerns from a number of stakeholders that the use of this sanction was being applied in unacceptable ways. The concerns were as follows:

- Pupils being placed in isolation units for excessively long periods
- Pupils losing touch with the curriculum, making re-integration more difficult
- Pupils being supervised rather than taught
- Insufficient attention being paid to the addressing the causes of the pupil's behaviours
- Absence of record-keeping about the imposition of the sanction
- Absence of external scrutiny of isolation units

Evidence of a Croydon Council officer

2.2 He told us that the local authority has little evidence about Isolation Units. It was not necessarily easy to walk into one. He referred to two occasions where the local authority had been denied access to units. On both occasions safeguarding visits followed.

Evidence of support staff

- 2.3 They described what they had observed in Isolation Units. There was no teaching. Some children were in booths. The children have worksheets. Often there is no qualified teacher in the room. The supervising adult did not appear to want to be there. Some of the children had been in the unit for many months.
- 2.4 They noted the presence of a child who appeared to show the classic signs of ADHD, about whom was recorded a long list of negative behaviours but who had never seen an Educational Psychologist.
- 2.5 They observed what they perceived to be a disproportionate number of black children and children of dual heritage including black heritage in the units.
- 2.6 There appeared to be no nurture or therapy. The approach seemed to be crisis management of children rather the addressing of the cause of children's behaviour. They felt that such units might work with the right support and with a focus on reintegration. In what they saw, the feeling was merely of segregation.

Evidence from counsellors

- 2.7 A counsellor who was a qualified teacher referred to one boy who was in an Isolation Unit in his school for almost all of Year 8. It was meant to be a short-term unit. The teachers provided work, but the pupil was not able to access the curriculum. There were three in the unit from different year groups. They were supervised by an adult. Sometimes the adult was a qualified teacher and sometimes a mentor. The unit was in a separate building from the school and had its own garden and kitchen. It was not a conducive place for a pupil who had social, emotional and mental health issues. He stated that there was a need to record details of pupils who spent time in an inclusion unit.
- 2.8 A group of counsellors with great experience of dealing with teenagers who had suffered adverse childhood experiences stated simply: “Placing children in a seclusion room is pointless. It does not work.” Other counsellors and therapists referred to the primary need for children with serious problems as being the formation of positive relationships rather than isolation.

Evidence of a parent of a child with Autism Spectrum Disorder

- 2.9 At the age of six, the child was isolated in a room with support workers in attendance. This was described as an “internal exclusion”. The child was eventually seen by an Educational Psychologist who expressed firm disapproval about the isolation of the child.

D3 Current regulatory guidance

- 3.1 Every school is required to have a Behaviour Policy which outlines the behaviour which it expects from registered pupils and the sanctions it will impose for breaches in discipline. The practice of punishing children by removing them to an in-school unit must be referred to in a school’s behaviour policy.
- 3.2 The DfE provide guidance, the most recent document having been first published in 2013: “Behaviour and Discipline in Schools: Guidance for headteachers and school staff”. This guidance has been occasionally amended and updated. It needs to be emphasised that what is contained in guidance is certainly important but it is not mandatory. It is for individual schools to develop their own best practice for managing behaviour.
- 3.3 Also in 2013, the DfE published “Behaviour and discipline in schools: Guidance for governing bodies”. This is statutory guidance. Under Section 88(1) of the Education and Inspections Act 2006 (EIA), governing bodies must ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school.

D4 Draft changes in regulatory guidance and discussion of changes relevant to this section of the TFG report

- 4.1 In January 2022, the DfE put out for consultation a new guidance document. The period of consultation is to continue until 31 March 2022. The context of the 2022 guidance is the concerns which the DfE has heard from a variety of stakeholders in the period since the 2013 guidance was published.
- 4.2 The draft 2022 guidance runs to 36 pages. The 2013 guidance is 14 pages long.
- 4.3 The 2013 guidance has two paragraphs (42-43) under the heading “Guidance on removal from class/use of isolation rooms. The 2022 draft guidance has 10 paragraphs (79-88) under the heading of “Removal from classrooms” and 11 paragraphs (101-111) under the heading “In-school Behaviour Units”.
- 4.4 The 2022 draft guidance focuses on the different ways in which schools put to use the sanction of removing a pupil from the classroom. Implicitly, it distinguishes removals from the classroom which may be for a relatively short period from the removals which might require the placement of the pupil in what is in effect Alternative Provision, that is, an In-School Behaviour Unit, which the DfE abbreviates to ISU.
- 4.5 It is not envisaged that each school would have an ISU. An ISU at one school might serve several schools. A pupil placed by another school at the ISU would be dual registered, that is remaining on the roll of the school which placed them at the ISU as well as the school hosting the ISU. The pupil would continue to follow the curriculum of their school. There would be a focus on addressing the underlying issues which might have caused the pupil to be removed from the mainstream classroom, and on reintegrating them back into that classroom. It would not be a permanent removal from a school.
- 4.6 Looked at in this way, the use of ISUs might be seen as replacing in quite large parts the system of managed moves which has developed in ad hoc ways across the country, but which in some local authority areas – including Croydon – has developed systemically. Removal of a pupil to an ISU would be a managed short-term removal with the “giving” school retaining an active responsibility for that pupil.
- 4.7 The ISUs as presented in the 2022 draft guidance have the potential to play a positive role in improving school inclusion. We note in particular the following aspects:
- Attendance at an ISU is characterised as being as much rehabilitative as punitive
 - The child remains on the register the presenting school while at the ISU

- There is a very strong emphasis on reintegration into the presenting school or, if not, another school
- The importance of acting in accordance with the Equality Act 2010 is flagged up.
- The important role of governors is identified in scrutinising how sanctions entailing removals from the classroom are used by the school
- The importance of objective analysis and appropriate use of data by school leaders, governing bodies and local authorities in improving good practice is highlighted.

4.8 Although the thinking behind the introduction of ISUs is constructive, there may be a considerable distance between theory and practice. Much more detail is required in order to give assurance that theory and practice match. We set out the following specific concerns:

- There has been strong concern from Ofsted about the use of offrolling. The TFG was told by an officer about “blatant offrolling” of which he was aware. The main mischief of offrolling is “gaming the system”: the easing out of the school of pupils likely to lower the rate of success in public examination. The same concerns might reasonably be expressed about the use of managed moves in Croydon brokered through the Fair Access Panel. As shown in our Part One report, 90% of pupils who went from mainstream school to Alternative Provision had special needs support, and 65% of pupils who went from one mainstream school to another. There should be assurance that ISUs are not being used by schools to offload pupils who are receipt of special needs support. It needs to be clear that the public examination results of pupils in ISUs are part of the results of their presenting school
- Although the principle of a child in an ISU following the curriculum of the presenting school is a good one, a significant problem is not addressed. If children are coming from different schools to an ISU, how in practical terms are the ISU teachers going to cope with a cohort of children following different schemes of work and syllabuses.
- If ISUs are going to provide children with a strong chance of successful reintegration, they are going to need to be resourced sufficiently to do so. This is likely to require pupil teacher ratios higher and perhaps considerably higher than mainstream schools, and funding which enables plentiful access to ancillary support from mentors, counsellors and therapists.
- There is a vagueness about the “exceptional circumstances” which are required to justify a managed move. Greater clarity is needed here. Schools should need to provide a sufficient justification of the use of a managed move, otherwise may become a procedure too open to abuse.
- A managed move to an ISU a sufficiently serious step in a child’s life to require justification. Sufficient justification may often be stated briefly. Such justification should be provided to the local authority of the child who

undergoes the managed move, also – where the move involves an academy – the Regional Schools Commissioner

D5 Discussion and conclusions

- 5.1 The TFG heard with great concern from one of our Council's own officers that on separate occasions different schools refused to permit an unannounced visit to their Isolation Unit from a Council officer. We draw the strong inference that the trigger for the local authority seeking to visit was a complaint from a parent or whistle-blower about that Isolation Unit. The unannounced visits were followed by later announced visits where the local authority was able to invoke its statutory safeguarding duty as its reason for attendance.
- 5.2 We struggle to understand what satisfactory reason that a school might give to refuse to permit an unannounced visit of an Isolation Unit.
- 5.3 Where they hold safeguarding concerns, local authorities need be able to have and use the power to make an unannounced visit to a school's Isolation Unit. This is a role which should be held in respect both of maintained schools and academies. In respect of safeguarding, it is in every child's interests that the school should be accountable to the local authority in which the school is located rather than to a Regional Schools' Commissioner or central government. It is in every child's interests as safeguarding often has significant multi-agency implications, and the local authority is best-placed to shape multi-agency working in its own area.
- 5.4 We fully understand the need of schools to deploy a range of sanctions to ensure that disruptive pupils do not prevent teachers from teaching and the majority of pupils from learning. Those sanctions should include the use of removal from the mainstream classroom. But given the characteristics of many disruptive pupils, sanctions need to be used in a way which is constructive for the removed pupil.
- 5.5 We are extremely concerned at the evidence in Croydon and across the country that placement in an Isolation Unit may by effect of separation from peers aggravate a child's existing emotional and mental health problems, may by effect of detachment from the oversight of specialised teachers make it more difficult or impossible for the child to follow the mainstream curriculum, and may without the input of additional pastoral care such as mentoring and counselling leave unaddressed the child's underlying problems. In short, a child who already finds it difficult to benefit from classroom teaching is rendered more ineducable and less likely to reintegrate successfully into the mainstream classroom.
- 5.6 We think that much of the thinking which underlies the paragraphs 79-88 and 101-111 of the 2022 DfE draft guidance is sound, and indeed tallies with evidence we have received and set out in Section A of our Part 2 report which

highlights that our best AP providers apply skills and approaches from which the children they are teaching greatly benefit.

- 5.7 The potential for benefit becomes even greater when schools continue to have active responsibility for children placed in AP, or – in using the terminology of the draft 2022 guidance – in an ISU, and on the basis that the placement in ISU is short-term and has the focus firmly on the achievement of reintegration wherever possible.
- 5.8 It follows from the above that if the ISUs are to achieve their potential, they need to be able to harness all the resources which are needed by children (and particularly adolescent children) with significant social, emotional and mental health problems if they are to reintegrate successfully in their mainstream school, and that their schools have such resources to facilitate reintegrative transition.
- 5.9 We are concerned that the 2022 draft DfE guidance has not yet been coupled with draft proposals which address how and which agencies – and this should include local authorities - will oversee how the principles set out in the draft guidance are being implemented. The main issues are safeguarding, quality control and evaluation of impact. Following our observations in paragraphs D5.1-5.3 above, we believe that the safeguarding responsibilities of local authorities need to be reaffirmed, and that where a local authority has received a safeguarding concern made in good faith, schools should be made fully aware that the local authority has the power to make an unannounced visit to the relevant ISU.
- 5.10 Quality control is the role of Ofsted. When Ofsted inspect a school with pupils registered at that school and an off-site ISU, the quality of the ongoing care and support provided by the school to those pupils should be a focus of their inspection, quite separate from the inspection of the ISU itself.
- 5.11 Many school governors are likely to need to be alerted to the increasing significance of the issue of removal, and training should be provided so that they are better able to consider how well the issue is addressed in their school's Behaviour Policy, and how school practice matches with DfE guidance. The above applies irrespective of whether or what changes are made to the DfE guidance.
- 5.12 We end this sub-section of the report by re-emphasising that removal of children from classrooms for what may be a protracted period is very often a further downward step for the child in a trajectory which has a very dismal conclusion. Such is the importance of the issue.

D6 Recommendations

Recommendation One

6.1 The Director of Education is invited:

- to ask Octavo Partnership Governor Services to provide training to school governors on issues surrounding removal from the classroom, and to publicise the availability of the training in all schools
- to include questions on the use by schools of in-school behaviour units in the annual local authority safeguarding audit

Recommendation Two

6.2 The Director of Education is invited to take into account the conclusions of the TFG in drafting the Council's response to the current DfE consultation on revised guidance about school behaviour policies, and in particular to highlight the following:

- The lack of clarity about different short-term and longer-term pathways for a pupil which might reasonably follow after removal from the classroom
- The need for there to be a clear safeguarding framework surrounding removed pupils, including where necessary unannounced visits to units to which pupils have been removed, and for the local authority in which an ISU may be located to have the key role in undertaking the safeguarding function
- The implications of the guidance for Ofsted in respect of its inspection framework: in particular, when Ofsted inspect a school with pupils registered at that school and an off-site ISU, the quality of the ongoing care and support provided by the school to those pupils should be a focus of their inspection, quite separate from inspection of the ISU itself
- The funding implications if ISUs are to follow best practice as indicated in the draft guidance

Recommendation Three

6.3 The Director of Education is invited to hold an early discussion with borough headteachers and AP units about the implications of the draft DfE guidance for the development of good practice on removal of pupils from classrooms in Croydon schools and AP units.

Part Two of the Final Report of the Task and Finish Group on Inclusion and Exclusion in the London Borough of Croydon

Section E

Elective Home Education

E1 Some context

- 1.1 Elective Home Education is the phrase used to denote the lawful choice that parents may make to educate their child otherwise than at school. (The permission of the local authority is required if the child is registered at a special school.) Section 7 of the Education Act 1996 provides that parents who home-school their child shall cause them to receive “efficient full-time education” according to age, ability, aptitude and any special educational needs which they may.
- 1.2 The Council issued its most recent EHE policy in 2019, it being marked on that policy that it was due for review in September 2022.
- 1.3 The TFG had not initially intended to devote a separate section on EHE in its report. However, at the meeting of the Scrutiny and Overview Sub-Committee meeting on 3 November 2020, the Chair of the TFG asked some questions about EHE, after which he received from the Interim Head of Inclusion a report from his colleague with a responsibility for the Council’s work with home-schooled children. Upon reading the report, the TFG felt grave concern that the Council was in danger of not being able to carry out satisfactorily its responsibilities in respect of home-schooled children.
- 1.4 EHE has become an increasingly important educational topic owing to its greater use both before and during the Covid pandemic. In January 2022, the government announced that local authorities were to be given new responsibilities in respect of EHE under which local authorities would become responsible for logging where each child is being educated and ensuring that support is being offered to home-schooling families. The DfE stated that the register will be launched at “the earliest available legislative opportunity”. Dame Rachel de Souza, Children’s Commissioner for England, said: “The register of children not in school is vital in making sure that we are able to keep children safe and engaged, wherever they are learning.”

- 1.5 The vast majority of children whom the Council has recorded as being in receipt of EHE are children who commenced their education at a school, and were then removed by their parent to undergo EHE. In addition there will be children having EHE who have never been at a Croydon school, and are not on the Council's radar.

E2 The report on EHE provided to the TFG

- 2.1 The report in question was clearly not written specifically for the TFG. It contains some factual information and a number of observations – made in an entirely professional way – to be considered by officers who regularly review EHE.
- 2.2 The facts and comments in the report are referenced by the EHE officer to 5 November 2020. The Chair of the TFG has used his best endeavours to edit the report so that what he perceived to be its most significant points are brought out, and using his own words where necessary. Paragraphs 2.3 and following set out those points.

Growth in the number of Croydon children receiving EHE

- 2.3 The number of active cases on 5 November 2020 was 510. This represented a 44% increase between the dates of 3 September 2020 to 5 November 2020. The significant annual growth in Croydon children undergoing EHE had commenced in the years pre-pandemic, and continued during the pandemic. There had been a 15% increase in the 2019/20 academic year, which was lower than projected, and reflected the inevitable reduced new case referrals due to the full lockdown from mid-March 2020 running through to the end of the 2020 Summer Term. There had been a 36% increase during the 2018/19 academic year, and an 11% increase during the 2017/18 academic year.

Percentages of children in EHE by Key Stage age

- 2.4 Of the EHE cohort at 5 November 2020: KS2 = 35% KS3 = 28% KS4 = 22% KS1 = 14% EYFS = 1% .

Children with EHCPs receiving EHE

- 2.5 The EHE cohort had 27 identified children with an EHCP in EHE as of 5 November 2020. This represented 5% of the current EHE active cases and slightly lower than the 7 – 8 % range of the preceding three years.

Any safeguarding risk which has arisen

- 2.6 There had been no capacity to undertake any local authority-initiated review inspection of any child's EHE since 1 July 2020. This was recognised by senior managers as a necessary and inevitable shift in local authority practice during the Covid-19 crisis and is in line with neighbouring boroughs.

- 2.7 By the end of the academic year 2017-18, senior management had been alerted to the fact that the steady rise in EHE numbers had put pressure on the annual cycle of review with 11% of the EHE cohort outside of this 12 month review cycle. By the end of the academic year 2018-19, effective working practice was analysed, reviewed and evaluated in response to the still steadily rising numbers and ongoing limited capacity overseeing the EHE cohort. There was a 'roll over' of 109 children whose EHE had not been reviewed in 2018-19.
- 2.8 Where children undergoing EHE are subject to a Child Protection Plan, the Croydon EHE policy recognises that the local authority ought to take action under safeguarding law. There had been some conflict between EHE and social care professionals about how the latter support the EHE policy.

The ability of EHE officers to manage demand being overwhelmed

- 2.9 In February 2020 Ofsted had acknowledged the senior management decision to increase the capacity of the EHE team. This had not been implemented, although the recruitment process was underway with interviews scheduled for the end of March 2020 which were cancelled due to the Covid-19 crisis. Subsequent financial constraints for the council may have prevented the recruitment process being resumed.
- 2.10 The capacity for the ongoing oversight of the increasing number of children undergoing EHE remained critically under-resourced, including the deletion of a management post. The workload at the time of writing had become overwhelming. The alarm that demand was exceeding capacity was first raised in 2017- 18.

The Council's legal obligations

- 2.11 The local authority had made and sustained a decision to follow the DfE guidance with a light touch approach to the EHE cohort. Registration was currently not a legal obligation for either parents or authorities.
- 2.12 Section 436A of the Education Act 1996 places a statutory duty on local authorities to make arrangements to "enable them to establish (so far as it is possible) the identities of children in their area who are not receiving a suitable education". This duty applies to any child of statutory school age who is not on a school roll and is not receiving a suitable education otherwise than being at school. In such cases, the local authority's task is to find out how that child is being educated and whether that education satisfies legal requirements. If the education is not suitable, the Council has a power under s.437 of the 1996 Act to issue a School Attendance order requiring the parent to register the child at a named school.
- 2.13 If the Council sought to obtain greater assurance that children being home-schooled were in receipt of a suitable education, the creation of an EHE team sufficiently resourced to be fit for purpose would be required.

E3 Conclusions

3.1 Paragraph 8.10 of the Council's EHE Policy states:

The Monitoring and support teacher for EHE will maintain an annual/biannual oversight, consistent with the local authority duty under s.436A, to be available and offer support and advice and if necessary intervention if a change in circumstances occurs.

The oversight of EHE that a local authority typically provides to evaluate whether a home-schooled child is receiving a "suitable education" is a meeting with the parent and child just before the home schooling commences to evaluate whether a home-schooled child is likely to receive a "suitable" education, and by annual (or even biannual) review thereafter.

3.2 At the end of the academic year before the pandemic, 2018-2019, Croydon had not undertaken a review of 109 children in the preceding 12 months, which on the basis of the statistics set out in paragraph 2.3 above amounted to over one-third of what was then the EHE cohort. Inevitably, the situation deteriorated during the periods of lockdown, both because of the steep increase in children having EHE during lockdowns, and the impediments which obstructed parent-local authority interaction during lockdowns.

3.3 The Scrutiny and Overview CYP Committee were informed at its meeting on 2 November 2021 that the number of children receiving EHE in September 2021 was 618, an increase of 22% from the figure the TFG saw for November 2020.

3.4 Given that Croydon did not have the number of officers three years ago to permit it to maintain the annual review inspection of EHE for more than one-third of a cohort of just over 300 children, the backlog of reviews is likely now to be considerably worse.

3.5 We cannot and do not feel assured therefore that children receiving EHE are obtaining a suitable education. We are aware from some of the evidence we heard that some children getting home-schooled have parents who are needy themselves, and might struggle to provide suitable education to their children. We consider that there is likely to be some correlation between children living completely under the radar of the state and increase in likelihood of such children benefiting from safeguarding checks.

3.6 In the event that the government places a duty on the Council to register home-schooled children, the degree of proactivity required to achieve that will be significant, not least to identify children who have never attended a maintained school or academy.

3.7 We note with concern that the EHE officer perceives that social care professionals do not carry out the level of safeguarding contemplated in the

Council's EHE Policy. The relevant paragraphs of the policy are paragraphs 9.4-9.6:

9.4 Child Protection Plan (CPP) – home education cannot be seen as a protective factor for a child. A child being educated at home is not necessarily being seen on a regular basis by professionals such as teachers and this logically increases the chances that any parents who set out to use home education to avoid independent oversight may be more successful by doing so. Services are less likely to become aware of the signs of abuse or neglect.

9.5 Where a child is made subject to a child protection plan or is already subject to a child protection plan, the conference chair will make clear that if the parent has already declared EHE, or states an intention to do so, the risk will be re-considered in light of this information with the likelihood that the child is considered unsafe as a consequence. The chair will therefore immediately ensure that the plan is changed or reviewed to protect the child which will include a stop to EHE with immediate effect. The chair will outline what harm is likely, what the risk is and how it is increased as a result of continuing to educate the child at home. The resulting plan will reflect the necessary actions that need to be taken including the immediate review of the EHE declaration.

9.6 Where an education provision is not immediately available, the child protection conference chair and allocated social worker will ensure that the plan will include increased home visits to regularly check that the child is safe whilst not in education.

3.8 We believe that councillors should receive reassurance that social care professionals are implementing 9.5-9.6 of the EHE policy.

E4 Recommendations

Recommendation One

4.1 That the Scrutiny and Overview CYP Sub-Committee have Elective Home Education in its work programme for 2022-23, with a view to scrutinising the extent to which officers are in a position to meet the requirements of its current EHE policy, and in a position to fulfil further duties such as the establishment of an EHE register and provision of support for home education which – as seems probable – are tasks which the government will bestow upon local authorities.

Recommendation Two

4.2 That the KPI dashboard which is presented to Scrutiny and Overview CYP Sub-Committee shows what percentage of annual reviews of EHE have been completed.

Recommendation Three

- 4.3 That the Corporate Director responsible for Children and Young People provides by 18 March 2022 a written briefing note to members of the Scrutiny and Overview CYP Sub-Committee addressing the issue of whether the principles and practices set out in paragraphs 9.4-9.6 of the 2019 EHE policy are being implemented.

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Section F

An Update on Managed Moves

F1 Draft DfE Guidance on Managed Moves – January 2022

- 1.1 On 3 November 2021, our Part One report on Managed Moves in Croydon Schools came before our parent committee. Its recommendations were supported by the committee. On 7 February, those recommendations were endorsed by Croydon Cabinet.
- 1.2 Our reports have had a lengthy gestation period. The TFG was convened in November 2018. On 29 June 2021, the DfE instigated a six weeks period of stakeholder consultation extending to 10 August 2021 under the heading “Behaviour management strategies, in-school units and managed moves”. The TFG has to confess to complete lack of awareness of such consultation until 30 January 2022, when the DfE circulated for consultation two documents which were influenced by the earlier consultation. The period of consultation on these documents ends on 31 March 2022.
- 1.3 Looking on the positive side, the recommendations of the TFG in our Part One report based on the evidence which we set out in that report point in the same general direction as that to which the DfE is now leading.
- 1.4 The two documents which the DfE are consulting on are “Behaviour and Discipline in School” and “School suspensions and exclusions”. Each represents a thoroughgoing revision of previous guidance. The former is non-statutory guidance, whereas the latter is statutory guidance, the use of the sanction of exclusion being within a statutory framework.
- 1.5 The predecessors of the draft guidance out for consultation made no mention of managed moves. The 2022 guidance (both the statutory and non-statutory) addresses managed moves expressly, perhaps reflecting the fact that managed moves have become a contentious educational topic over the last five years, as their use has grown.
- 1.6 Paragraphs 41-43 of the 2022 draft guidance on Suspension and Exclusion state as follows:

41. A managed move should only be offered as a permanent transfer, and only when the pupil has been attending the proposed new school under an off-site direction and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Under exceptional circumstances, such as a safeguarding concern, it may be appropriate for a pupil at any mainstream school to transfer to another mainstream school as a managed move, but this should only happen when it is in the pupil's best interest.

42. Managed moves should be a permanent move, voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority at an early stage. If the local authority, both schools and parents are in agreement that there should indeed be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

43. If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the official school complaint procedure with the governing board and the local authority. Within the school inspections framework, under leadership and management, Ofsted will consider any evidence found of a parent being pressured into a managed move as off-rolling and is likely to judge a school as inadequate.

1.7 If embodied in the final guidance, what is set out in paragraphs 41-42 would probably mark the end of the line for the borough's system of managed moves, which has been so carefully honed over the last decade. Gone would be the practice whereby a child would move from one mainstream school to another mainstream school or to Alternative Provision, coming off the register of the presenting school. Instead, a managed move would only follow where appropriate after a period spent in at another's school's In-School Behaviour Unit (ISU), where the child had been placed by their current school under an off-site direction. While at the ISU, the child would remain on the register of the presenting school, albeit dual-registered at the school at which the ISU was located. (An off-site direction is defined in the guidance as when a governing board of a maintained school requires a pupil to attend somewhere off-site to receive education that is intended to improve their behaviour".) The presenting school would remain responsible for the child while they were at the ISU.

1.8 It is not being proposed that managed moves be placed on a statutory footing, so it might be theoretically possible for a local authority to continue to broker the current Croydon system. Realistically, however, it scarcely seems feasible that a local authority should continue to operate a managed moves procedure incompatible with DfE guidance.

- 1.9 Neither does it seem likely that individual schools would wish to organise managed moves in a way incompatible with the guidance, especially as the second sentence of paragraph 43 makes clear, the disapproval of Ofsted might be visited upon them.
- 1.10 That seems to leave two situations when a managed move can be undertaken: either following the process set out in paragraph 41, or, exceptionally, and the specific example of an exceptional circumstance is “a safeguarding concern”.
- 1.11 There is a vagueness about the “exceptional circumstances” which are required to justify a managed move. Greater clarity is needed here. Schools should need to provide a sufficient justification of the use of a managed move, otherwise it may become a procedure too open to abuse. Sufficient justification may often be stated briefly. In any event, such justification should be provided to the local authority of the child who undergoes the managed move, and also – where the move involves an academy – the Regional Schools Commissioner.

F2 Recommendation

The Director of Education is asked to provide a short report setting out the Council’s response to that part of the draft consultation which relates to managed moves, and dealing with among other things the following matters:

- the potentially positive and potentially negative consequences flowing from disbandment of the FAP
- whether the FAP should continue as long as possible, or be disbanded at an early specific time
- what contingency plans are being made to face a future without the FAP

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APPENDICES TO THIS REPORT:

Appendix One: The number and roles of those whom the TFG interviewed
Appendix Two: What is autism, and how can we help autistic people?
Appendix Three: Recommendations contained in the reports of the All
Parliamentary Group on Autism

BACKGROUND DOCUMENTS: None

Appendix One

The number and roles of those whom the TFG interviewed

The TFG had 43 interviews with stakeholders. 12 of those meetings were with Council officers, and some officers attended one or more of those meetings. 31 meetings were with other stakeholders, each of whom had a connection with Croydon. Some of those 31 meetings were attended by more than one person. In all, we spoke to a total of 50 people at these 43 meetings.

Six of those to whom we spoke are or had been senior managers in Croydon secondary schools, and four are or had been senior managers in Croydon primary schools. We had eight meetings with parents and one with a young person who had recently finished his tertiary education. We had meetings with counsellors, therapists, mentors, advocates for trauma-informed schooling, alternative providers, the Chief Executive of the CVA, a retired advisory teacher, a current classroom teacher, and professionals who provided in-school support.

The oral evidence was asked for on the basis that the giver could provide it confidentially. In respect of two stakeholders whom we interviewed – Steve Phaure (CEO of Croydon Voluntary Action) and Peter Stanley (Chair of the Board of Ment4) we have – with their respective permissions -attributed their name to what they said. Rough contemporaneous notes of the evidence were taken and kept by the Chair.

Our evidence base inevitably has its limitations and we are aware of our own limitations. That said, we are an experienced and knowledgeable group of individuals and we received a significant amount of evidence, including considerable and wide-ranging professional evidence.

We have done our best to present evidence-based conclusions and recommendations. We have given weight to evidence which we considered particularly cogent.

Appendix Two

(Taken from the Croydon Autism Strategy, approved by Croydon Cabinet in June 2021)

What is autism, and how can we help autistic people?

Autism is a lifelong neurological disability that affects how a person communicates, processes and interacts with the world. Put simply, the autistic brain is wired differently from other people's brains. Many autistic people have difficulty processing sensory information, and can be very sensitive to lights, noises, smells and textures. Some autistic people are non-speaking or non-verbal, and may use alternate methods of communicating with people. Autistic people are also much more likely to have other medical conditions than most people, and those who have can regularly face multiple barriers to being accepted, and functioning from day to day. There is no cure or treatment for autism.

Every autistic person is completely unique, and experiences the world in different ways. In fact, individual autistic people's ability to cope and interact with others can vary hugely from day-to-day. Some autistic people are able to "mask", which means that they can appear to fit in or manage better, but it is very difficult and tiring to do this and is linked to a greater risk of severe mental health problems. For many autistic people, having a clear routine helps them feel more in control of their life and reduces their anxiety.

One shared experience is that day-to-day life is harder than that for people who are not autistic. Society is mainly made up of people who aren't autistic, so isn't designed with autistic people in mind, which can make many parts of life more difficult for them. There is also a general lack of understanding about what autism is and how it might affect a person.

There are lots of simple, mainly cost-free things which the public, employers and people working and interacting with autistic people can do, which will help the majority of autistic people::

- Don't make loud or unexpected noises
- Don't use bright or harsh artificial lighting
- Explain things in simple, clear terms without being patronising
- Maintain a routine and try to avoid changing this unnecessarily
- Ensure signposts and instructions are clear and obvious in public places, such as hospitals, schools and colleges or railway stations
- Don't force autistic people to do things they don't want to do because "everyone else is doing it" — everyone else probably isn't autistic
- Avoid unnecessary physical contact if you don't know someone well — some autistic people do not like to be touched at all, or they may need their personal space to feel safe
- Undertake autism awareness and understanding training, and check regularly that your knowledge is still up to date

- Treat all autistic people with respect, listen to their needs and views, and follow their lead when helping them
- Don't make assumptions and wherever possible, ask the autistic person whether, and how, they would like your support

Many organisations, including most of the partners in this strategy such as the NHS and local councils, also have legal responsibilities or duties to recognise the needs that autistic people may have and to provide certain types of support to autistic people. Some responsibilities relate to everyone, but also require organisations to consider if autistic people need to be supported differently due to their autism. Others are specific requirements to support autistic people. You can find out more about autism here from the Autism Alliance / National Autistic Society / Ambitious about Autism.

Appendix Three

Recommendations contained in the reports of the All Parliamentary Group on Autism

The recommendations of the report Autism and Education (2017)

The Government should develop a national autism and education strategy by the end of 2019 that includes:

- training for school staff
- reasonable adjustments for pupils on the autism spectrum in school
- provision of a specialist curriculum for all pupils who need one
- measures to reduce bullying and promote inclusion, and
- guidance for local authorities on commissioning the full range of educational provision and support.

Autism understanding should be embedded in the education system, with autism training for all teachers, including head teachers, and ongoing funding for the Autism Education Trust.

Local authorities should collect data on the number of children and young people in their area who are on the autism spectrum, and on the profile of their needs, and use this data to plan and commission the school places and other services they will need.

There should be a presumption by local authorities that a child with an autism diagnosis may need an education, health and care needs assessment, and this should be carried out when it is requested.

A clear accountability framework should be put in place that requires local authorities and maintained schools, academies and free schools to be clear and transparent about how they are adhering to the Children and Families Act 2014 and the SEND Code of Practice.

The Department for Education should review the funding that is available to local authorities to support implementation of the Children and Families Act 2014, and allocate additional funding if it is needed to help complete the transition to the new SEND system.

Ofsted should be required to monitor implementation of the Children and Families Act 2014 more closely in local areas and should report on it to Parliament annually.

The local area SEND inspection programme should be made permanent, so that every local area is inspected on a regular basis.

Local authority staff and school staff should receive training in the requirements of the Children and Families Act 2014 and the SEND Code of Practice.

The recommendations contained in the APPGA report of 2019 in the section headed “Education”

This APPGA report renewed the recommendations set out above from the 2017 report and made the following further recommendations:

Autism training should be explicitly included in professional development for all teacher, including headteachers.

The types of reasonable adjustments that autistic children may need in schools should be clearly explained.

Strategies should be in place to improve autism awareness and understanding in all schools, to help reduce bullying and improve inclusion.

There should be guidance on how special schools and mainstream schools can support each other and transfer good practice.

There should be guidance for schools and commissioners on what good educational provision for children and young people on the autism spectrum looks like, based on the large volume of existing evidence.

Modelling should be available for local authorities to help them commission educational provision that meets the full range of needs of children on the autism spectrum.

Schools should be required to work with local mental health services to ensure that children on the autism spectrum get any mental health support they need before their problems become severe.

In the new autism strategy, the Government should:

- commit to underpinning commitments in the autism strategy for children and young people with statutory guidance
- require schools and councils to provide information for all families with a child on the autism spectrum on the rights and entitlements of both the young person and the family as the young person reaches adulthood

- commit to ongoing support for staff in all schools to put good policy into practice from the Autism Education Trust
- include guidance on how to make classrooms and the wider school or college environment more supportive for children and young people on the autism spectrum
- commission guidance on what good SEN Support in schools and colleges looks like for autistic children and young people 35 C&C v Governing Body [2018] UKUT AAC 269
- set out schools' legal duties to provide reasonable adjustments in school for autistic children whose behaviour may challenge schools, following a court case last summer, and provide schools with guidance on how to do this
- require schools to teach children and young people on the autism spectrum about relationships and sexual health in an accessible way (eg providing clear and direct information), recognising that for these young people this is a 'hidden curriculum' and they may not learn from their peer group
- commission the development of a model of what good social care looks like for children and young people on the autism spectrum
- make clear that the development of self-care, life skills and social skills should be written into a child's EHC plan, without rigid boundaries between what is considered to be 'education' and what is 'health'
- set out clear 'transition protocols' to support young people at the point when they move from school to college and when they leave college. This should apply to autistic children with EHC plans as well as those receiving SEN Support
- set out that transition planning should begin earlier than Year 9
- extend supported internships to young people who have significant needs but who do not have an EHC plan, rather than limiting them to young people with EHC plans as at present
- commission a review of how support is provided to autistic looked after children across England and act on its findings
- set out in guidance to councils that their Corporate Parenting Boards should report to local autism partnership boards on their performance for autistic children, and attend partnership board meetings
- work with universities to gather and share best practice on supporting autistic people moving into higher education

Behaviour expectations and pupils with Special Educational Needs and Disability (SEND) 33. A school's culture should consistently promote high standards of behaviour and provide the necessary support to ensure all pupils can achieve and thrive both in and out of the classroom. Schools should consider how a whole-school approach can meet the needs of all pupils in the school, including pupils with SEN or a disability so that everyone can feel they belong in the school community and high expectations are maintained for all pupils. Schools with good behaviour cultures will create calm, orderly environments which will benefit pupils with SEND, enabling them to learn and to feel confident asking for help and support. 34. Some behaviours are more likely to arise from types of SEN or disabilities, such as a pupil with a specific learning difficulty such as dyslexia who may seek to distract from the fact that they find it difficult to access written material. 35. Schools need to manage pupils' behaviour effectively, whether or not the pupil has underlying needs. And they owe duties (for example, over safety) not just to the individual pupil, but also to the other pupils and to staff. These are imperatives. 36. The law also requires flexibility in how to meet those duties – how schools should act if a pupil has a SEN or a disability that at times affects their behaviour. In particular, • schools have duties under the Equality Act 2010 to make reasonable adjustments to policies, practice, and criteria for disabled pupils¹⁹; • under the Children and Families Act 2014, relevant settings have a duty to use their 'best endeavours' to meet the needs of those with SEN²⁰; and • if a pupil has an Education, Health and Care plan²¹ the provision set out in that plan must be secured and the school must co-operate²² with the local authority and other bodies over that. 37. As part of meeting any of these duties, where appropriate, schools should anticipate likely triggers of misbehaviour and put in place support to prevent these. Examples of preventative measures include (but are not limited to): 19 Section 20 of the Equality Act 2010 20 Section 66 of the Children and Families Act 2014 applies to certain settings, including mainstream schools, maintained nursery schools, academies, alternative provision academies and pupil referral units. 21 Section 42 of the Children and Families Act 2014 22 Section 29 of the Children and Families Act 2014 16 • short, planned movement breaks for a pupil whose SEN or disability means that they find it difficult to sit still for long; • allowing the wearing of clip-on school ties for pupils whose SEN or disability makes them hyper-sensitive to a feeling of constriction; • training for staff in understanding conditions such as autism and recognising potential triggers for 'meltdowns'; and • text messages (outside school hours) to help a pupil with SEN or a disability remember the required equipment.

Pupils with SEND: the use of sanctions 51. Schools should consistently and fairly promote high standards of behaviour for all pupils and provide additional support where needed to ensure all pupils can achieve and learn as well as possible. This approach should continue when using sanctions. 52. A school should not assume that because a pupil has SEN or a disability that this must have affected their behaviour on a particular occasion – this is a question of judgement for the school on the facts of the situation. Nor must there be any 26 Section 91 of the Education and Inspections Act 2006 27 Section 91(6)(b)

of the Education and Inspections Act 2006 20 assumption that a pupil's SEND automatically requires behavioural support to be put in place – again, it depends on the pupil. 53. All schools should consider whether a pupil's SEN or disability has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil. To do this schools should consider whether the pupil understood the rule or instruction and whether the pupil was unable to act differently as a result of their SEN or disability. 54. The school should also consider whether any reasonable adjustments need to be made to the sanction in response to any disability the pupil may have. It is also important for the schools to seek to try and understand the underlying causes of behaviour and whether additional support is needed. 55. In 2018 an Upper Tribunal judgment²⁸ found that if a child in education has a recognised condition that is more likely to result in a tendency to physical abuse, that can be a disability. As is explained above, this does not mean that a disabled child is exempt from sanction: rather it means that the decision about whether and, if so, how to sanction needs to be taken in a way that is consistent with the usual duties that the school has under the Equality Act 2010. At the same time, the school should consider ways in which other pupils are protected from further disruption and this may result in further support for the pupil.

Managed moves 91. A managed move should only be offered as a permanent transfer and only when the pupil has been attending the proposed new school under an off-site direction³⁴ and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Headteachers should follow the guidance on managed moves in the department's guidance document 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement guidance'. Behaviour outside of school premises and online 92. Teachers have the power to sanction pupils for misbehaving outside of the school premises to such an extent as is reasonable. 93. Maintained schools and academies' behaviour policies should set out what the school will do in response to non-criminal poor behaviour and bullying which occurs off the school premises or online and which is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils (See paragraphs 126 – 128 on suspected criminal behaviour). 94. Conduct outside the school premises and online conduct that teachers might sanction pupils for include misbehaviour: • when taking part in any school-organised or school-related activity; • when travelling to or from school; • when wearing school uniform; • when in some other way identifiable as a pupil at the school; • that could have repercussions for the orderly running of the school; • that poses a threat to another pupil; or • that could adversely affect the reputation of the school. 34 Section 29A Education Act 2002. 29 95. The decision to sanction a pupil will be lawful if it is made on the school premises or elsewhere at a time when the pupil is under the control or charge of a member of staff of the school.

Off-rolling and unlawful exclusions 16. Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance. 17. Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion. 18. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting

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19. A further example of off-rolling would be putting pressure on a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place. 20. If a parent¹³ feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the local authority. Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this.

Re-integration after reinstatement or off-site direction 25. Schools should have a strategy for reintegrating a pupil who returns to school following a suspension or after a period of being educated off-site and for managing their future behaviour. This is so pupils can be supported to successfully readjust back into a normal routine. This should include ensuring a re-integration meeting takes place between e.g., senior staff members, pastoral staff, mentors, teachers, pupils, parents, or where relevant, other multi-agency organisations such as the safer schools team or the pupil's social worker, if they have one, to ensure a successful return into mainstream school or other suitable provision. 26. During this meeting, it may be appropriate to discuss with the pupil the reasons that led up to the sanction being used and setting targets they can report back on with relevant staff, e.g., form teacher/tutor/pastoral mentor. As far as possible, the school should work with the pupil, so they can

understand the impact of their behaviour on their own learning and that of others, and how to improve their behaviour in the future. The school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. It is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a re-integration meeting.

31. Off-site direction is when a governing board of a maintained school requires a pupil to attend somewhere off-site to receive education that is intended to improve their behaviour. Whilst the legislation does not apply to academies, they can arrange offsite provision for such purposes under their general powers. Where interventions or outreach support have not been successful in improving a child or young person's behaviour, off-site direction should be used to arrange short-term temporary support in another mainstream school or AP. During the off-site direction, pupils must be dual registered. 32. When possible, in-school interventions, such as those set out in the Behaviour in Schools guidance, or outreach support from AP schools should be used to meet a child or young person's individual needs and circumstances – whether behavioural or special educational. 33. Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education.

40. The length of time a pupil spends in another mainstream school or AP will depend on what best supports the pupil's needs and potential improvement in behaviour. The length of time a pupil spends in another mainstream school or AP and the reintegration plan should be kept under review.

Managed moves 41. A managed move should only be offered as a permanent transfer, and only when the pupil has been attending the proposed new school under an off-site direction and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Under exceptional circumstances, such as a safeguarding concern, it may be appropriate for a pupil at any mainstream school to transfer to another mainstream school as a managed move, but this should 18 Regulation 6 of the Education (Educational Provision for Improving Behaviour) Regulations 2010. 19 Regulation 4A of the Education (Educational Provision for Improving Behaviour) Regulations 2010. 20 only happen when it is in the pupil's best interest. 42. Managed moves should be a permanent move, voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority at an early stage. If the local authority, both schools and parents are in agreement that there should indeed be a managed move, the local authority will need to follow the statutory procedures for amending a plan²⁰. 43. If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the official school complaint procedure with the

governing board and the local authority. Within the school inspections framework²¹, under leadership and management, Ofsted will consider any evidence found of a parent being pressured into a managed move as off-rolling and is likely to judge a school as inadequate.

Variation in exclusion rates 44. There are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion. All of these factors will differ for each child, and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends. Using this understanding, local leaders will be best placed to effectively plan and put in place additional and targeted action based on their own context. If they identify any gaps, they are also in the position to act to ensure those who work with children have the training, services and support they need to address these

Guidance for governing boards on using data on suspensions and permanent exclusions 96. Governing boards should already be challenging and evaluating what their school's data is telling them about their school or academy trust. Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary as a last resort. 97. Governing boards should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off site. It is important to consider both the cost implications of directing children to be educated off site in AP and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, academy or trust may wish to consider reviewing its SEN support. 98. Multi-academy trusts (MATs) may also choose to work with their academies to consider this information, and whether or not there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis. 99. Governing boards should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure they are only used when necessary
- timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working

understanding the characteristics of excluded pupils, and why this is taking place

- whether the placements of pupils directed off site into AP are reviewed at sufficient intervals to provide assurance that the education is achieving its objectives and that pupils are benefiting from it

Guidance on providing exclusion data 133. In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, certain information about any pupils suspended or permanently excluded within the last 12 months⁴⁸. Guidance to schools on marking attendance registers following permanent exclusion 134. Whilst a permanently excluded pupil's name remains on a school's admission register, the pupil should be marked using the appropriate attendance code. Where alternative provision has been made and the pupil attends it, an appropriate ⁴⁸

Appointing a SEN expert Guidance to the local authority and the academy trust on appointing a SEN expert 176. If requested by parents with their application for an independent review, the local authority/academy trust must appoint a SEN expert to attend the review and must cover the associated costs of this appointment. 177. The local authority/academy trust must make arrangements to indemnify the SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith. 178. Parents or a pupil if they are 18 years or over have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEN. 179. The SEN expert's role is set out in paragraphs 218 to 221. 180. Individuals may not serve as a SEN expert if they have, or at any time have had, any connection with the local authority, academy trust, school, parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially. However, an individual should not be assumed to have such a connection simply by virtue of the fact that he/she is an employee of the local authority/academy trust. 60 181. The SEN expert should be someone who has expertise and experience of special educational needs considered by the local authority/academy trust as appropriate to perform the functions specified in the legislation. 182. The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability. Examples of suitable individuals might include educational psychologists; specialist SEN teachers; special educational needs coordinators (SENCOs); and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role, though the local authority/academy trust would need to assure themselves that the individual had a good understanding of current practice and the legal requirements on schools in relation to SEN and disability. Additionally, they should also be able to demonstrate that they have experience of working in schools.