

School exclusions

House of Commons

26 February 2020

Key Messages

- Recent research, including from the Department for Education,¹ has highlighted an increasing trend of children and young people missing out on access to mainstream schools. Councils are concerned about the growing use of school exclusions, and research commissioned by the LGA found that there had been a 67 per cent increase in the number of children permanently excluded from school between 2014 and 2018².
- These figures provide evidence of a decrease in the levels of inclusion in mainstream schools, which is being fuelled by shortfalls in funding and pressure from school league tables. We are calling on the Government to set national expectations on the importance of mainstream inclusion, particularly in relation to children with Special Educational Needs and Disability (SEND).
- More children with special needs are now being educated outside of mainstream schools. Statistics show that 52 per cent³ of the 271,165 children and young people with Education, Health and Care Plans (EHCPs) were placed in state special schools, alternative provision, or independent and non-maintained special schools in 2019.
- Local Fair Access Protocols, overseen by councils, make sure that children without a place, including those who have been excluded from schools, are quickly placed in suitable settings. These local arrangements rely on goodwill of partners and councils cannot direct academies to accept pupils, even if the local decision is that they are the most appropriate school for a particular pupil. Councils should be given the power to protect the interests of all pupils, including the power to direct academies and free schools to admit pupils that need a place.
- The LGA has raised concerns that councils do not currently have the powers to fulfil their duties to ensure home schooled children are receiving a suitable education. In particular, this is because they have no powers to enter homes or to see children to satisfy themselves that this is the case.
- The majority of parents who home educate their children do a good job and work well with their local council to make sure that a good education is being provided. However, we are concerned that not all children are registered as home schooled, particularly where they have never joined the mainstream education system or they have moved to a new area.
- We are calling on the Government to bring forward legislation⁴ to support councils in helping to make sure home-educated children receive a high quality of education. Councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. New duties on councils must be fully funded.
- The LGA has commissioned research that seeks to understand the factors that are leading to increasing numbers of pupils outside mainstream education, as well as highlighting emerging best practice in identifying, tracking and reducing the numbers of children missing out on access to mainstream education. We expect this research to be published in mid-2020 and would be happy to share further information in due course.

Background information

Increasing number of permanent school exclusions

LGA commissioned research found that there had been a 67 per cent increase in the number of children permanently excluded from school between 2014 and 2018⁵.

The Department for Education's own figures show that the number of permanent exclusions has reached its highest point in nearly a decade⁶. In addition, research undertaken by the Education Policy Institute⁷ estimates that around one in ten pupils (10.1 per cent of the total cohort) who reached year 11 in 2017 experienced an unexplained exit at some point during their time at secondary school.

Informal exclusions and other alternatives to permanent exclusion

Councils have raised concerns about the use of improper or unlawful exclusion strategies such as part-time timetabling, managed moves, encouragement to home school or other types of informal exclusion activity which is not captured in national datasets. While this 'off-rolling' impacts on all children, we are particularly concerned about the impact on children with SEND.

Being in education is one of the strongest protective factors for vulnerable children and young people, including those with SEND. Exclusion can exacerbate safeguarding issues, such as gang involvement, and there is a well-proven link between offending behaviours and not being in suitable, full time education or training.

Exclusion can be more attractive to school leaders than managing a 'difficult' child as it represents a quicker, cheaper solution for the school. In the short-term, councils pick up the bill for the alternative provision package put in place, and society picks up the long-term bill for ill-educated children. Exclusion is very rarely in a child's best interests.

Support for children without a school place

All pupils have a right to fair access to good schools and settings whatever their disability or special needs. Local Fair Access Protocols, overseen by councils, make sure that children without a place, including those who have been excluded from schools, are quickly placed in suitable settings.

These local arrangements rely on the goodwill of partners and they are working well in most areas. But there is not a level playing field between schools because councils cannot direct academies to accept pupils even if the local decision is that they are the most appropriate school for a particular pupil. We are therefore calling for councils to be given the power to protect the interests of all pupils, including the power to direct academies and free schools to admit pupils that need a place.

Elective home education

The rise in exclusions is part of an overall trend of pupils missing out on mainstream education, as evidenced by an increase in the number of children and young people who are being educated at home. The Association of Directors of Children's Services (ADCS) annual Elective Home Education (EHE) survey estimates that around 78,780 children and young people were home educated at any one point during the 2018-19 academic year⁸.

A duty on parents to register home-schooled children with their local authority would help councils to monitor how children are being educated and prevent children from disappearing from the oversight of services designed to keep them safe.

Registration requirements

Parents have the right to choose to home-educate their children and are then responsible for providing suitable education, including addressing any special needs. They are not required to register with a mainstream school or with the local authority, although some local authorities operate a voluntary registration scheme.

Where a child was attending school and then has been withdrawn in order to be home-schooled, the school must notify the local authority. But for children who have never attended school, there is no such requirement. Similarly, where a child is home-educated and moves to another local authority area, there is no requirement to notify the new authority. As such it is difficult to ascertain exactly how many children are being home-schooled and where they are located.

Local authorities have a duty to identify, as far as is possible, children not receiving a suitable education and intervene, for example, by issuing a school attendance order. However, local authorities have no legal duties to monitor the quality of home education on a regular basis and no powers to insist on seeing a child in order to establish whether they are receiving a suitable education.

We are calling for legislation to support councils in helping to make sure home-educated children receive high quality education. In a minority of cases where home-schooled children are not receiving a suitable education or being educated in a safe environment, councils need the powers and appropriate funding to enter homes or other premises to speak to children and check their schooling.

Protecting children

Home schooling can be suitable and nurturing environment, but concerns arise when the education provided is not suited to the child's aptitude and ability, where attempts are made to combine home education and caring responsibilities, or where the choice to educate at home is a further component of abuse and neglect.

The Casey Review highlighted the lack of a duty on parents to register their children as home-schooled and recommended that "All children outside mainstream education should be required to register with local authorities and local authorities duties' to know where children are being educated should be increased."⁹

Many parents are willing to work with their local councils, but in cases where parents are unwilling to engage, councils need powers to enter the homes of, or otherwise see, children in order to establish whether they are receiving a suitable education and meet their duties to safeguard and promote the welfare of children. A duty on parents to register home-schooled children with their local authority would help councils to monitor how children are being educated and prevent children from disappearing from the oversight of services designed to keep them safe.

Compulsory registration of home-schooled children, and the ability to check on their education, would also support councils to identify those children potentially being taught in unregistered educational settings, and subsequently help to locate those settings. This would support Ofsted and the Department for Education to close settings that present a danger to children, for example through inappropriate education or dangerous facilities.

As outlined in the UN Convention on the Rights of the Child Children, young people can express their own views about their lives and education¹⁰. There is currently no mechanism by which a council can insist on speaking to a home-educated child unless there is a specific safeguarding concern, denying some children the opportunity to raise any problems with anyone other than their home educators.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820773/Permanent_and_fixed_period_exclusions_2017_to_2018_-_main_text.pdf

²<https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/5d1cdad6b27e2700017ea7c9/1575395025501/LGA+High+Needs+Tipping+Point> page 3

³ <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2019>

⁴ <https://www.local.gov.uk/sites/default/files/documents/Queen%27s%20Speech%20OTDB%20-%2019%20December%202019%20-%20updated%20WEB.pdf>

⁵<https://static1.squarespace.com/static/5ce55a5ad4c5c500016855ee/t/5d1cdad6b27e2700017ea7c9/1575395025501/LGA+High+Needs+Tipping+Point> page 3

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820773/Permanent_and_fixed_period_exclusions_2017_to_2018_-_main_text.pdf

⁷ https://epi.org.uk/wp-content/uploads/2019/10/Unexplained-pupil-moves_LAs-MATs_EPI-2019.pdf

⁸ https://adcs.org.uk/assets/documentation/ADCS_Elective_Home_Education_Survey_Analysis_FINAL.pdf

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575973/The_Casey_Review_Report.pdf page 169

¹⁰ Article 12, UN Convention on the Rights of the Child, <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>