

DfES

New Ways for Schools to and LEAs to Work Together to Manage Excluded Pupils and Those at Risk of Exclusion

15 October 2004

1. NASUWT welcomes the opportunity to comment on this initial consultation document, the outcome of which will be highly significant to all teachers.
2. NASUWT is the largest union representing teachers in primary, secondary and special schools, sixth form colleges and FE colleges throughout the UK.

GENERAL COMMENTS

3. In research undertaken by NASUWT on the career experiences of teachers, pupil behaviour is the key factor influencing decisions to leave the profession. Many NQTs raise it as an issue even before they take up their first teaching post. Unacceptable pupil behaviour is increasingly a problem in many primary, secondary and special schools. Such behaviours include verbal intimidation, personal and other insults, threats of violence as well as sexist, racist and homophobic harassment and intimidation.
4. Independent research has highlighted the effects of pupil violence and indiscipline on the lives of teachers. Research undertaken by NASUWT has demonstrated that a teacher is verbally abused every seven minutes. Failure to deal effectively with verbal abuse often leads to pupils moving

on to physical assault against teachers and intimidation, including making false and malicious allegations against teachers and other staff.

5. Schools find it increasingly difficult to maintain high standards when there is a significant minority of pupils who severely disrupt the education of the majority. In the past year, NASUWT has conducted an increasing number of ballots of members in refusing to teach violent and highly disruptive pupils. The failure to exclude such pupils provides no educational benefit for the pupils concerned, whilst at the same time serves to undermine the education for the remaining majority of pupils. Teachers also report strongly the detrimental effect that such pupils have on their working lives.
6. Schools cannot, however, maintain high standards of behaviour without support. Parents and carers have an essential role to play in assisting schools. They have a duty to take responsibility for the behaviour of their child and in ensuring consistency of expectation between the school and home. Unfortunately, the current consultation does not address this issue,
7. Early identification and intervention are also widely accepted as essential factors in reducing violence and indiscipline. Research evidence available to NASUWT confirms that many schools are unable to access the support and resources they need to respond to pupils' needs at an early stage.
8. Schools must have easy access to external advice, support and specialist provision without the requirement to negotiate burdensome, time consuming bureaucratic procedures. New integrated children's services at school level, arising from the *Every Child Matters* agenda, could help by bringing a greater range of services together to meet the needs of every child.
9. There are times when, despite every effort made by the school, it is necessary to implement the exclusion procedure.

10. NASUWT believes that headteachers must be empowered and supported in exercising their professional judgement in the use of exclusion, where this will be in the interests of the school – pupils and staff – and where the needs of the individual pupil cannot be met in a mainstream setting.
11. The Association recognises that there are deficiencies within the present system in respect of how the needs of excluded pupils are met. Research undertaken by the Association has shown that many LEAs are failing to make appropriate full time provision for permanently excluded pupils. This results in pupils' behavioural and educational needs not being met which is both costly and damaging.
12. Moreover, the evidence suggests that all too often pupils who would otherwise have been excluded are kept within inappropriate mainstream settings which are unable to assess and address the needs of the pupil.
13. Where exclusion proves to be unavoidable there must be support for those pupils who are excluded. Pupils who are permanently excluded should be entitled to immediate placement in specialist off site provision where their needs can be assessed.
14. NASUWT believes that all pupils are entitled to inclusion in the education service and to have their educational needs met. If pupil indiscipline is to be tackled effectively it has to be recognised that for a small minority of pupils, inclusion in a mainstream school is inappropriate and that access to alternative provision must be available.

NASUWT recommends that:

- *the Government must not seek to introduce measures which would distort the work of schools by hampering their ability to use the full range of rewards and sanctions to encourage positive pupil behaviour;*
- *the use of the exclusion sanction must be retained to enable schools to ensure that the needs of all pupils are addressed;*
- *the provision of specialist off site provision for excluded pupils must be maintained and enhanced.*

SPECIFIC COMMENTS

Proposal for groups of schools to collaborate in managing pupils at risk of exclusion, those that are excluded and provision for them

15. In general, NASUWT supports the principle that schools should be encouraged to collaborate. However, the purpose of collaboration must be clear and there should be a reasonable expectation about what can be achieved through it.

16. It is clear that for some pupils at risk of exclusion, the opportunity to be admitted to another school may provide the benefits of a 'fresh start'. However, it is essential that any school which is invited to admit such pupils should be in receipt of the full information about the child's behaviour history and able to exercise judgement about whether or not the school provides a suitable place for the pupil concerned.

17. The proposals set out in the consultation document indicate that there would be an expectation that schools, operating within a consortium

arrangement, would be expected to adopt shared systems for the management of pupils at risk of exclusion and for those who have been excluded. This could result in the potential that a violent pupil could be moved from one school to another within the consortium. NASUWT believes that these proposals could create greater difficulties for schools under pressure to admit a pupil who has been 'excluded' from another institution.

18. The consultation document assumes that through the establishment of these collaborative arrangements, the number of exclusions would be reduced. However, the proposals merely advocate that pupils would be moved from one school to another within a group of schools; in effect, the child would have been excluded, but under the new arrangements would not appear as such within the official statistics. The current proposals do not provide a framework for the management of excluded pupils and those at risk of exclusion; they constitute a cynical measure for the management of the exclusion statistics. NASUWT does not believe that the proposals as set out will deliver real benefits for at risk pupils, particularly where provision within schools is unable to assess and meet their needs.

19. Measures which result in young people being moved around the system, without any effective review of individual needs, are unlikely to prove effective in educational terms. Within a given locality, it is also likely that a child may develop a notoriety which could adversely affect efforts to integrate them into an alternative setting.

NASUWT recommends that:

- ***schools should retain the authority to exercise their own judgement in relation to the needs of excluded pupils.***

Why schools should work together

20. The proposals assert that “reducing the number of exclusions benefits all schools”. NASUWT challenges this assertion as highly erroneous. The financial costs to a school of excluding a child may be significant, but it must be recognised that schools do not exclude pupils on financial grounds, but for educational and health and safety reasons. It would be wholly inappropriate for the system of managing exclusions to be driven by financial expedient as opposed to the educational needs of the pupil. This back-door approach to stifling the levels of school exclusion will fail to deliver any real benefits for pupils, teachers or schools.

21. Funding must be a critical consideration. There is an insufficient recognition that assessing and meeting the needs of children at risk of exclusion is an expensive option. NASUWT does not believe that such provision can be made on the cheap through the deployment of a cost-efficiency approach based upon schools working collaboratively.

22. NASUWT acknowledges the potential benefit of admissions protocols which would seek to address the problems associated with the disproportionate concentration in relatively few schools of pupils at risk of exclusion. However, the Union wholly rejects the assertion that schools should be required to admit ‘hard to place’ pupils. This proposal would fail to address the underlying needs of the pupil or the needs and capacity of the school which is expected to admit the pupil. It would undermine mainstream provisions and damage educational standards.

NASUWT recommends that:

- ***the proposal to require schools to admit ‘hard to place’ pupils be rejected.***

How schools should work together

Notwithstanding the comments above, NASUWT believes that any proposals for the development of protocols for the management of collaboration in this area must be subject to full consultation with NASUWT, within the context of the social partnership with the Government. The bureaucratic and workload implications arising from the current proposals are likely to be significant and should, therefore, be referred to the Implementation Review Unit for consideration. The implications for the deployment and training of staff, roles, responsibilities and training, and funding for school collaboration must be addressed fully prior to the roll-out of any new approach in this area.

NASUWT recommends that:

- *the Government subject proposals for any proposed roll-out of these proposals to full consultation with NASUWT within the context of the social partnership;*
- *the proposals for the collaborative management of excluded pupils and those at risk of exclusion should be referred to the Implementation Review Unit for detailed consideration prior to implementation.*



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