

The response of the Special Educational Consortium to the DfE's call for evidence on:

Behaviour management strategies, in-school units and managed moves

The Special Educational Consortium (SEC) is a membership organisation that comes together to protect and promote the rights of disabled children and young people and those with special educational needs (SEN). Our membership includes the voluntary and community sector, education providers and professional associations. SEC believes that every child and young person is entitled to an education that allows them to fulfil their potential and achieve their aspirations.

SEC identifies areas of consensus across our membership and works with the Department for Education, Parliament, and other decision-makers when there are proposals for changes in policy, legislation, regulations and guidance that may affect disabled children and young people and those with SEN. Our membership includes nationally recognised experts on issues including assessment and curriculum, schools and high needs funding, the SEN legal framework, exclusions and alternative provision.

SEC welcomes the opportunity to respond to the DfE's call for evidence on *Behaviour management strategies, in-school units and managed moves*. We set out some general concerns about the way the call for evidence has been structured around punitive responses rather than preventive whole school approaches; we make some specific points about pupil voice, culture and the quality of the relationship between pupils and teachers; we make some more specific points about the need to tailor the approach for pupils with special educational needs and to make reasonable adjustments for disabled pupils; and we make some specific points about in-school units and managed moves.

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SEC understands that responses to the call for evidence are likely to have an important role in contributing to the re-drafting of the statutory and the non-statutory guidance in the autumn, so our concerns are that the perspectives that inform the drafting are not restricted to those on which the call for evidence focuses, but rather draws on a much wider evidence base.

Specialist organisations who are part of SEC are responding to the consultation on the details for pupils with a particular type of need or impairment; this response from SEC identifies concerns across areas of need and impairment, with examples drawn from the particular perspectives of member organisations.

Context:

The call for evidence comes in the wake of significant increases in exclusions over recent years, including significant increases in the exclusion of our youngest children: of 5 year-olds and those who are 4 or under. Alongside this, there has been a significant increase in the number and percentage of children excluded for 'persistent disruptive behaviour'.

While the rate of exclusions has grown, there has also been an increase of other ways in which children are not in school, with off-rolling, increased use of alternative provision and an increase the number of children whose parents are educating their child at home.

The number of children educated at home is increasing rapidly. As at autumn 2018, there were an estimated 58,000 children known to be educated at home, which is an increase of approximately 27% from the previous year. In particular, many children moved to home education from secondary school.

More children with additional needs are now being educated at home. Growing evidence suggests that, overall, a disproportionate number of children who are removed from the school roll of a secondary school and do not move to another setting have special educational needs, are from disadvantaged backgrounds or are known to social care services, or have a combination of these characteristics.

We have also seen examples in our inspection evidence of schools giving parents an ultimatum – permanent exclusion or leave – or pursuing fines when a reasonable adjustment for a disability would have been more appropriate.

Ofsted (2019) *Exploring moving to Home Education in Secondary Schools.*

All of these ways of 'not being in school' continue to grow, and disproportionately affect disadvantaged children, black children, and children with special educational needs and disabilities.

This context highlights our concerns about how the call for evidence has been structured:

The call for evidence is itself too focused on punishment rather than prevention:

The call for evidence focuses primarily on punitive policies such as removal rooms and managed moves rather than preventive policies. If we want to ensure that all children are in school and receive the high quality education that they need and are entitled to, there needs to be a much clearer focus on prevention and whole-school approaches that promote wellbeing and foster a culture of learning and belonging.

Research commissioned by the National Education Union, *Place and Belonging in School: why it matters today*¹, offers examples of how intentional whole-school practice can help create a climate of welcome and belonging in school. The UCL researchers drew on case studies from the following schools: Parklands Primary, Leeds; Hargrave Primary, Islington; Flakefleet Primary, Fleetwood; Frederick Bird Primary, Coventry; Helston Community College, Cornwall.

Carrying out the case studies was a joyous undertaking. We were welcomed into the schools and found attitudes and approaches which aim to put children and young people at the heart of the school endeavour. This is not to suggest that the schools we visited are perfect! Each school has its own journey which may at times be rocky. However, we found them to be places of enjoyment, learning – and belonging².

The researchers identify purposeful approaches that bring everyone on board, enrich the lives of all concerned and set schools on a positive and upward trajectory. They identify three interconnected elements needed to create the conditions for belonging:

- *Leadership: Leadership shapes culture.*
- *Culture: Culture shapes learning and behaviour.*
- *Culture and leadership: Culture and leadership shape agency and belonging.³*

This work builds on earlier research by Professor Kathy Weare, commissioned by the *Partnership for Well-being and Mental Health in Schools* and published by the National Children's Bureau: *What works in promoting social and emotional well-being and responding to mental health*

¹ *Place and Belonging in School: Why it matters today*. A Research-based Inquiry undertaken by The Art of Possibilities & UCL, Institute of Education Professor Kathryn Riley, Dr Max Coates, Dr Tracey Allen November 2020 Case Studies

² Ibid

³ *Belonging, Behaviour and Inclusion in Schools: What does the research tell us?* A Research-based Inquiry undertaken by The Art of Possibilities & UCL, Institute of Education Dr Tracey Allen, Professor Kathryn Riley, Dr Max Coates November 2020

problems in schools?⁴ Professor Weare's research identifies the benefits for schools, and wider society, of an evidence-informed approach:

Taken together, well conducted reviews demonstrate that there is a solid group of approaches, programmes and interventions which, when well designed and implemented, show repeated and clear evidence of positive impacts on:

- *academic learning, motivation, and sense of commitment and connectedness with learning and with school*
- *staff well-being, reduced stress, sickness and absence, improved teaching ability and performance*
- *pupil well-being including happiness, a sense of purpose, connectedness and meaning*
- *the development of the social and emotional skills and attitudes that promote learning, success, well-being and mental health, in school and throughout life*
- *the prevention and reduction of mental health problems such as depression, anxiety and stress*
- *improving school behaviour, including reductions in low-level disruption, incidents, fights, bullying, exclusions and absence*
- *reductions in risky behaviour – such as impulsiveness, uncontrolled anger, violence, bullying and crime, early sexual experience, alcohol and drug use*

In addition to drawing on the research, it is important that the re-drafting of the guidance this autumn draws on evidence from schools that gather their own evidence, schools that monitor and evaluate what is working, where they could make improvements and how they act on these assessments. An understanding of what works needs to be informed by the circumstances in which it worked, which pupils, what difficulties, which lessons, what time of day, which day of the week. Schools that gather evidence of what works are better placed to take an evidence informed approach to what reduces behaviour difficulties, reduces the use of punitive measures, reduces exclusions and improves attendance.

The benefits of a whole school approach, informed by the research and by the evidence gathered by schools themselves are well documented. SEC believes that the call for evidence has missed an opportunity to ensure that the re-drafting of the guidance is informed by recent best practice examples of how schools have worked constructively to prevent behaviour difficulties in the first place. SEC urges the DfE to draw on these examples and this evidence base when re-

⁴ *What works in promoting social and emotional well-being and responding to mental health problems in schools? Advice for Schools and Framework Document Professor Katherine Weare*

drafting the statutory and non-statutory guidance this autumn and to ensure that the focus shifts from forms of punishment to positive approaches to prevention.

Linked to these considerations, there is a wider range of considerations SEC would like to see reflected in the examples that inform the re-drafting of the guidance.

Behaviour is not solely the responsibility of pupils:

Much of the focus in the call for evidence is on pupils' responsibilities for their behaviour for example, '*pupils to address their persistently disruptive behaviour*' without recognition of the interactive nature of many difficulties and the importance of adjustments made by teachers. At the same time, pupil voice is missing from the call for evidence. There is no reference to how pupil voice is sought and heard and how it can inform successful behaviour management. Ensuring that pupil voice is valued and acted upon gives pupils a sense of agency that can help to prevent and resolve difficulties.

A pupil at Christ's School in Richmond was persistently disrupting English lessons. His teacher's analysis of the situation led her to believe that the disruption was driven more by the pupil seeking attention, rather than a learning difficulty or any difficulty in accessing the curriculum. The teacher discussed the situation with the pupil and they agreed a plan that gave the pupil the attention he wanted in a way that did not disrupt the rest of the class. This solution was highly successful, not least because of the teacher's commitment to finding a positive solution, the pupil's sense of ownership of the solution and the joint investment in the solution by both teacher and pupil.

The quality of the relationship between pupil and teacher is central to this.

The behaviour guidance brought together by the Education Endowment Foundation⁵ identifies a key feature of successful management of behaviour: *Know and understand your pupils and their influences*. This includes the recommendation that: *Every pupil should have a supportive relationship with a member of school staff*. The EEF report advocates having a 2-minute chat with each child in your class or form each day.

The research provides good evidence of the importance of the pupil teacher relationship:

A growing body of literature underscores the importance of adult relationships in a secondary school setting (e.g. Anderman 2002; Greenberger et al. 1998; Shochet et al. 2011; Zimmer-Gembeck et al. 2006). In line with other research (Hattie 2009), the strongest factor impacting

⁵ Education Endowment Foundation (2021) *Improving Behaviour in Schools: Summary of recommendations*

school belonging was teacher support. Students who believe that they have positive relationships with their teachers and that their teachers are caring, empathic and fair and help resolve personal problems, are more likely to feel a greater sense of belonging than those students who perceive a negative relationship with their teachers. Negative interactions with parents or peers can even be intervened by teachers, and while the family may be the first unit to which children belong, students often spend more time at school (Hamre and Pianta 2006). (Allen et al, 2016: p27)

Cited in: *Belonging, Behaviour and Inclusion in Schools: What does research tell us?*
A Research-based Inquiry undertaken by The Art of Possibilities & UCL, Institute of Education
Dr Tracey Allen, Professor Kathryn Riley, Dr Max Coates, November 2020

Pupils with special educational needs require an analytical approach; disabled pupils require reasonable adjustments

Pupils with special educational needs require a different approach depending on the particular nature of their needs. A tailored approach needs to reflect an analysis of the underlying drivers of any behaviour, for example: persistent disruptive behaviour may have a range of differing underlying causes, and different approaches are needed in the light of this analysis. For a pupil with a learning difficulty, has teaching been adjusted? Is learning sequenced appropriately? For a pupil with a communication difficulty, have instructions been adjusted? For a pupil with a hearing impairment, has teacher behaviour been adjusted so that a pupil who lip reads can 'see' what the teacher is saying? For a pupil who has recently been bereaved has counselling been provided?

The Equality Act 2010 requires all schools to make reasonable adjustments to ensure that disabled pupils are not placed at a substantial disadvantage (*substantial* in the Equality Act means *more than minor or trivial*). It is important that the re-drafting of the guidance emphasises the need for reasonable adjustments and the need to ensure that schools understand the breadth of the definition of disability in the Equality Act. Cases of disability discrimination have gone to the Tribunal where teachers were aware of a pupil's special educational needs but were not aware that the same pupil was disabled and was therefore owed reasonable adjustments. Equally, an undue focus on consistency can encourage schools to overlook the need to make those individual adjustments.

Behaviour guidance drawn together by the Education Endowment Foundation, on the basis of the research evidence, includes a key section on using *targeted approaches to meet the needs of individuals in your school*. The call for evidence would desirably have asked for examples of the adjustment of policies and the particular provision made to *meet the needs of individuals* and ensure duties under the Children and Families Act and the Equality Act are met.

The importance of tailoring the approach for different underlying needs or impairments is highlighted by these points from Square Peg, the voluntary organisation focused on improving things for children with school-based anxiety and their families⁶:

There is an inextricable link between persistent absence, mental health and behaviour policies. Most persistent absence is triggered by disabling anxiety, although the underlying causes are varied and multi-faceted. Many of the 916,000 persistent absentees have undiagnosed or unsupported SEND/SEMH. Students who are struggling to cope will either mask and become invisible until they can no longer attend, or their stress will manifest in disruptive behaviour (particularly if there is underlying SEND). They respond to relational, individual frameworks, where they can build trust and feel understood. Strict, standardised behaviour management policies nearly always have a negative impact, exacerbating attendance difficulties, ignoring the neuroscience and often causing trauma. Parents of these children and informed professionals overwhelmingly feel that behaviour is a form of communication and not enough is being done by schools to identify their child's underlying needs; one-size-fits-all is not inclusive or equitable. Behaviour management policies are too standardised, not taking into account individual children's difficulties or circumstances. Trauma-informed approaches and better training for teachers (so that there is less reliance on strict policies) would be more effective.

Teachers should be able to feel confident that there will be support for them in identifying and implementing the best approach. This support may come from professional training and development; it may come from the overall leadership and culture of the school; it may come from colleagues within the school who have particular expertise; expertise may also need to be sought beyond the school, including, specialist teaching support or support from education psychology, health or early help services.

There is nothing in the call for evidence about support for teachers to identify the best approach to managing behaviour, or for the training that the Education Endowment Foundation recommends for teachers who need specific strategies to support pupils with high behaviour needs. In particular, for pupils with special educational needs, teachers need to be confident that they can draw on specialist expertise beyond the school when they need to.

Some pupils need highly specialist support. In the example from SENSE, below, the provision of specialist communication support for a pupil in Year 3 in a mainstream school was crucial to her learning and progress. She is deaf and visually impaired.

⁶ Square Peg was set up in order to improve things for children with school-based anxiety and their families. This has developed to include all low or non-attenders, whether excluded on behaviour grounds, too anxious to attend, or disengaged with an education system which lacks relevance.

[The pupil's] first language is British Sign Language (BSL) and she required an interpreter to participate in lessons. Initially she had BSL interpretation to allow her to access her lessons, but the number of hours was gradually reduced. As a result, she began to communicate through behaviour that challenges. Instead of increasing access to the interpreter, the school started to take steps to permanently exclude the learner, and had conversations with her parents about moving her to a special school. This was stressful for the family, as she had friends and siblings at the mainstream school, and prior to having communication support gradually removed the learner was making excellent progress.

Monitoring the use of forms of provision discussed in the call for evidence:

There is no reference in the call for evidence to the need to monitor the use any of the forms of provision discussed here: which pupils are put in 'removal rooms' and for how long; there is no reference to the need to monitor, by protected characteristics, the use any of the forms of provision discussed here; nor is there any reference to the need for reasonable adjustments for disabled pupils in the use of such provision. Responsibilities under the Public Sector Equality Duty are relevant here, but there is no reference to these important considerations in addressing systematic disadvantage for particular groups of pupils.

There are well-publicised risks associated with the use of isolation rooms, for example where they are used to isolate children for long periods of time. Removal rooms can be alienating, may make problems worse by breeding resentment rather than providing a solution, and undermine the sense of 'belonging' cited above as a powerful feature of schools with well managed behaviour.

There is some evidence that parent carers are not necessarily informed when their child has been placed in a removal room. They should be informed, but they should also be involved in helping to identify positive solutions at a much earlier stage.

Information advice and support for children, young people and their families: There is no reference to the need to ensure that pupils and their families are aware of the information, advice and support services available to disabled pupils, pupils with special educational needs and their families.

There is no reference to any legal parameters around the use of 'removal rooms' or 'internal AP' particularly in terms of placement for pupils with an Education, Health and Care Plan.

Banning the use of phones: the call for evidence gives no consideration to the use of mobile phones for accessibility purposes, for example a partially sighted pupil may use a phone to access resources, a deaf pupil may use a phone for speech to text apps; mobile phones are also a lifeline for very anxious children, and often a key enabler for attendance. There need to be

reminders that blanket policies are unlikely to provide a universal solution and that reasonable adjustments must be made for disabled pupils.

Managed moves: the call for evidence does not rehearse issues about consent and agreement in managed moves. There is no reference to the need for a person-centred approach that can support reintegration, restore relationships and increase the chances of future success in the setting.

In practice, SEC member organisations have reports of schools that force a move by stating or inferring that if the parents do not agree then the school will exclude the pupil anyway. Ofsted have also identified such pressures:

We have also seen examples in our inspection evidence of schools giving parents an ultimatum – permanent exclusion or leave – or pursuing fines when a reasonable adjustment for a disability would have been more appropriate⁷.

Other points SEC would ask DfE to take into account in the re-drafting of guidance:

Use of other arrangements: the call for evidence makes no reference to the problems associated with some of the other responses to difficult behaviour, such as the unlawful use of part-time timetables, the use of unregulated off-site provision. It will be important that the re-drafted guidance addresses these issues.

Language: SEC is pleased that the DfE decided to remove references to Expulsions and have reverted to the use of the term exclusion. However, SEC continues to be opposed to the use of the term 'suspension' for a fixed term exclusion. In the law, the terms are 'fixed-term' and 'permanent exclusions'; the use of 'suspension' risks confusion and trivialises what is an exclusion.

For further information:

SEC would be pleased to clarify anything in this response or to provide further information.

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August 2021

⁷ Ofsted (2019) *Exploring moving to Home Education in Secondary Schools*.