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RE Education Select Committee Alternative Provision Inquiry

Following my appearance before the committee on 1 May 2018 I am writing to provide additional information and some clarifications. This includes:

- Statistics on exclusions and AP for children with SEN
- Clarification on the registration criteria for independent schools and what constitutes 'full-time'.
- Information on when the exclusions review, Elective Home Education (EHE) call for evidence and consultation, and programme of AP reform will end and report.
- Information on data collected in exclusions statistics, where the reason for the exclusion provided is 'Other'.
- Clarification on changes made to the AP census data.

Q472 Emma Hardy MP outlined the statistics of children in AP and

The Minister committed to outlining the trend to SEN figures over recent years.

From 2011-2017, the proportion of children with SEN in state-funded AP has fluctuated, reaching its peak in 2015 with 81.6% of children having an identified SEN. The proportion of children with EHC plans (formerly statements of SEN) in state-funded AP has declined since 2014.

The table below shows the number of children who have identified SEN or Education Health and Care plans in state-funded AP, from 2011-2017*

| Pupil Referral Units ⁽⁵⁾ | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|--------|--------|--------|--------|--------|--------|--------|
| Pupils on roll | 14,050 | 13,495 | 12,950 | 12,895 | 13,585 | 15,015 | 15,670 |
| Pupils with SEN (total) | 11,095 | 10,805 | 10,545 | 10,215 | 11,090 | 11,515 | 12,085 |
| Pupils with SEN (%) | 79.0 | 80.1 | 81.4 | 79.2 | 81.6 | 76.7 | 77.1 |
| Pupils with statements or EHC plans (total) | 1,695 | 1,610 | 1,630 | 1,545 | 1,565 | 1,500 | 1,635 |
| Pupils with statements or EHC plans (%) | 12.1 | 11.9 | 12.6 | 12.0 | 11.5 | 10.0 | 10.4 |
| Pupils with SEN without statements or EHC plans (total) | 9,405 | 9,195 | 8,920 | 8,670 | 9,525 | 10,015 | 10,455 |
| Pupils with SEN without statements or EHC plans (%) | 66.9 | 68.2 | 68.9 | 67.2 | 70.1 | 66.7 | 66.7 |

* *Data is based on pupils in state-place funded settings (where core funding is in place through the local authority's high needs budget). Data includes those pupils who are sole-registered to an AP institution and those who are dual-registered with their main registration at an AP institution. Data excludes dual subsidiary registered pupils (for the purpose of the school census a pupil should be dual main registered at their school and dual subsidiary registered at the alternative provision).*

Source: <https://www.gov.uk/government/collections/statistics-special-educational-needs-sen>

Q482 Robert Halfon MP requested clarification on the number of excluded children with special educational needs and if their special educational needs were the reason for their exclusions.

Children who receive special educational needs support in schools are four times more likely to be permanently excluded than all pupils. The Government wants to understand how schools use exclusions and establish why certain groups of children are more likely than others to face exclusions from school. The exclusions review will look at this.

Permanent exclusions should be a last resort, in response to a serious breach, or persistent breaches, of a school's behaviour policy; and if allowing the pupil to remain in school would seriously harm the education or welfare of them or others.

Schools should, as far as possible, avoid permanently excluding pupils who are looked after or have an EHCP.

Q524 Trudy Harrison MP asked how many hours could a young person spending in an out of school setting before it has to be registered?

Any school that is not maintained by a local authority or a non-maintained special school should be registered as an independent school if it meets the following criteria:

any school at which full time education is provided for five or more pupils of compulsory school age, or one or more such pupils with an EHC plan or a statement of special educational needs or who is "looked after" by the local authority.¹

Although there is no legal definition of 'full time', the Department considers an institution to be providing full-time education if it is intended to provide, or does provide, all, or substantially all, of a child's education.

Relevant factors in determining whether education is full-time include:

- (a) the number of hours per week that is provided - including breaks and independent study time;
- (b) the number of weeks in the academic term/year the education is provided;
- (c) the time of day it is provided;
- (d) whether the education provision in practice precludes the possibility that full-time education could be provided elsewhere.

Generally, the Department considers any institution that is operating during the day, for more than 18 hours per week, to be providing full-time education. This is because the education being provided is taking up the substantial part of the week in which it can be reasonably expected a child can be educated, and therefore indicates that the education provided is the main source of education for that child.

Q529 Robert Halfon MP asked for information on when the exclusions review, Elective Home Education (EHE) call for evidence and consultation, and programme of AP reform will end and report.

Elective Home Education

The Department's call for evidence and consultation on elective home education closes on 2 July. Following this, the Department will publish the finalised guidance documents for local authorities and parents on existing home education arrangements as soon as possible once responses have been analysed and any necessary revisions made. We hope this will take place by early autumn 2018.

A Government response document will be issued analysing responses to the call for evidence and setting out the Government's position on issues raised. No date has

¹ <https://www.gov.uk/government/publications/independent-school-registration>

been fixed for the publication of the Government response but it will be published as soon as possible.

Exclusions review

As part of Edward Timpson's review of exclusions, the Department published a call for evidence, seeking views from parents, children, schools, local authorities and other organisations, about their experiences, practice and evidence. The call for evidence closed on Sunday 6 May, and this evidence will help to inform Edward Timpson's lines of enquiry going forward.

The review will aim to report by the end of the year.

Programme of AP reform

I have set out the Government's ambitious programme of reform to AP. Our vision is to ensure that all AP settings provide high quality education and that the routes into and out of AP settings work in the best interests of children. We will do this by working collaboratively with partners across the education sector. The reform programme is split into three stages. We will:

- **Lay strong foundations for reform, by building the evidence base.** We have already made progress here with the exclusions review underway and through launching an extensive qualitative and quantitative research programme into AP practices across England.
- **Develop and share effective practice within alternative provision and beyond.** We have already launched a dedicated Alternative Provision Innovation Fund. Projects will be commencing in September 2018 and we will publish an evaluation after projects have completed in 2020. We will also be launching a new special and alternative free school wave this summer 2018, and reviewing the education in alternative provision.
- **Strengthen partnership arrangements for commissioning and delivering alternative provision, by considering the use of unregistered alternative provision settings and developing a bespoke alternative provision performance framework.** We will clarify the roles of schools, alternative providers and local authorities in delivering high quality alternative provision in due course through statutory guidance, commissioning and inspection arrangements and legislation as required.

The document published by the Department in March provides an indicative timeline of some of the key milestones for AP reform up to and including 2020.²

² <https://www.gov.uk/government/publications/creating-opportunity-for-all-our-vision-for-alternative-provision>

Q531 Robert Halfon MP noted that the official statistics for permanent exclusion include data on the reasons for exclusions in each case, but that it is not possible to determine the reason for exclusion in one in six cases. He asked whether the reasons could be shared publicly.

Exclusions statistics³ are based on exclusion data collected via the school census. For each exclusion, schools are required to report the main reason for exclusion. Schools are able to select the following descriptions of reasons for exclusions:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse/ threatening behaviour against a pupil
- Verbal abuse/ threatening behaviour against an adult
- Bullying
- Racist abuse
- Sexual misconduct
- Drug and alcohol related
- Damage
- Theft
- Persistent disruptive behaviour
- Other

As shown in the table below, the number of permanent and fixed term exclusions due to 'other' reasons has been rising since 2009/10.

| | 2009/10 | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 |
|---|---------|---------|---------|---------|---------|---------|---------|
| Number of permanent exclusions due to 'other' reason | 875 | 725 | 745 | 710 | 770 | 980 | 1,125 |
| Percentage of permanent exclusions due to 'other' reason | 15.3% | 14.3% | 14.4% | 15.4% | 15.5% | 16.9% | 16.8% |
| Number of fixed period exclusions due to 'other' reason | 54,415 | 53,265 | 52,260 | 44,010 | 43,985 | 54,600 | 62,315 |
| Percentage of fixed period exclusions due to 'other' reason | 16.4% | 16.4% | 17.2% | 16.5% | 16.3% | 18.0% | 18.4% |

³ <https://www.gov.uk/government/collections/statistics-exclusions>

Source: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2015-to-2016>

It is for the head teacher to decide whether to exclude a pupil, taking into account the evidence available and the need to balance the interests of the excluded pupil against those of the whole school community.

The Department does not currently have a further breakdown of the reasons behind the "other" category. We will be reviewing the current collection of data to assess what more can be done to better understand the reasons underpinning exclusions.

Guidance to schools sets out that the "other" category should be used sparingly.

Q532 Robert Halfon MP asked if the Department will publish the AP Census.

The alternative provision census is a local authority census that requires the return of individual pupil records. The census covers pupils attending a school not maintained by a local authority for whom the authority is paying full tuition fees, or educated otherwise than in schools and pupil referral units, under arrangements made (and funded) by the authority, such as independent providers.

Information collected in the AP census, along with data in the school census return, are passed through several phases of checking and data cleaning. The Department also ensures all our data collections and publications are compliant with data protection legislation and the new rules on GDPR.

The Department made changes to the AP census in 2018 to collect the following new data items:

- Pupil SEN type
- Pupil SEN type ranking
- URN of previous school attended
- Primary reason for placement
- Date of entry into AP
- Date of leaving AP
- URN
- UKPRN
- Type of setting
- Association
- Attendance pattern
- Sessions per week

Data on numbers of pupils by characteristics as collected in the Alternative Provision census will be published in the usual way in June this year in our 'Schools, pupils and their characteristics' National Statistics Release. New information was collected in the Alternative Provision census for the first time in 2018, as detailed above. Analysis will

need to be carried out internally to assess the quality of these new data items before we can commit to any plans for publication.

I hope that the information provided is of use to you.

With best wishes.

Your sincerely

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