Ofsted response to the Education Select Committee’s report
‘Forgotten children: alternative provision and the scandal of ever increasing exclusions’

Ofsted provided written and oral evidence to the Education Select Committee’s inquiry into Alternative Provision. We welcome the committee’s work in this important area.

The published report, ‘Forgotten children: alternative provision and the scandal of ever increasing exclusions’, raises many pertinent issues. It also includes a number of conclusions and recommendations which have relevance to, or implications for, Ofsted. Our response to these is provided below.

Conclusion and recommendation 5

*The Government and Ofsted should introduce an inclusion measure or criteria that sits within schools to incentivise schools to be more inclusive.*

(Paragraph 27)

We welcome any measure that identifies schools where leaders’ inclusive practice has a positive impact on pupils’ outcomes. We are reviewing the education inspection framework, and as part of this will consider the incentives on schools to be inclusive and ensure pupils complete their course of study. We will also take account of any related recommendations from the Timpson Review.

Conclusion and recommendation 6

*We do not think that Ofsted should take sole responsibility for tackling off-rolling. Off-rolling is in part driven by school policies created by the Department for Education. The Department cannot wash its hands of the issue, just as schools cannot wash their hands of their pupils.*

(Paragraph 34)

We welcome the recognition that Ofsted alone cannot solve the known off-rolling problem.

Off-rolling, when school leaders deliberately attempt to remove pupils from the roll without an official exclusion, is often unlawful and always harmful to pupils, regardless of the national policies that are said to drive school leaders’ behaviours.

It is important to acknowledge that there are legitimate reasons for pupils to leave the school roll, including formal exclusion. We support headteachers’ rights to exclude pupils using the formal process, and as a last resort. However, where exclusions rates are persistently too high, or where leaders remove pupils from the roll for inappropriate reasons, such as being unable to meet pupils’ needs, being
unable to solve behavioural issues or for school performance reasons, we will report on this and take it into account in our judgements.

Over the last 12 months, Ofsted has looked closely at the issue of schools which off-roll pupils. We have given training to inspectors and, since January 2018, the data tool they use in inspections tells them if a large number/proportion of pupils have left the school. A review of evidence gathered on inspections shows that inspectors explore the issue with leaders. When we identify high levels of pupil mobility our regional directors will also speak directly with multi-academy trusts and local authorities to ascertain the reasons for pupils leaving a particular school roll.

Around 19,000 pupils left a state-funded secondary school between years 10 and 11 last year, and some of them we believe will have been ‘off-rolled’ by their school. It seems unlikely that a high proportion of parents will voluntarily change where their child is being educated in the middle of a GCSE course of study. Please see our recent blog which has helped to draw the sector’s attention to this issue: https://educationinspection.blog.gov.uk/2018/06/26/off-rolling-using-data-to-see-a-fuller-picture/. Some of these pupils will end up in alternative provision or pupil referral units, within state-funded schools, independent schools, or in unregistered provision. However, only half reappear on another registered institution’s roll, suggesting that a significant number are now not in formal education settings. Many of these pupils will not have family arrangements that can support adequate home schooling support.

As the blog explains, we have created a statistical model of pupil movements which takes into account the context of the school. This model helps us to see where ‘exceptional’ levels of pupils have moved, and where this has been a consistent pattern in each of the last two years. Out of 2,900 schools that lost some pupils between years 10 and 11, the model highlights 300 schools with particularly high levels of “off-rolling”. This model will be used to inform our future discussions with local authorities and multi-academy trusts, and to ask questions in school inspections.

However, we can still do more. We already have plans for all inspectors to have further training in identifying and investigating off-rolling during inspection, so that inspectors know what to ask leaders if they suspect off-rolling. The new education inspection framework will enable us to better take off-rolling and exclusion into account in forming our judgements. By focusing on the quality of education the new framework will ensure Ofsted plays its proper role in complementing performance tables. Rather than further intensifying pressure on qualitative metrics.

**Conclusion and recommendation 26**

*Ofsted should carry out thematic inspections of in-school alternative provision.*

*(Paragraph 88)*
We also recognise that exclusions are rising and, to help us understand the reasons for this, we are researching ways schools manage pupils’ behaviour. In this project, we will, where appropriate, consider in-school alternative provision. We will publish these findings, which will also inform the development of the 2019 Education Inspection Framework.

**Conclusion and recommendation 29**

*No pupil should be educated in unregistered provision for more than two days a week. The Government, Ofsted and independent school inspectorates should consider how this may affect different forms of alternative provision so that where providers want to accept pupils for more than two days a week, they are able to register and be subject to a suitable inspection and regulation regime. Schools that commission any alternative provision should be responsible for the quality of that provision.*

*(Paragraph 110)*

We agree with the committee’s conclusion that unregistered alternative provision, without sufficient oversight, puts children’s education and safety at risk and would reiterate our call for a more robust definition of what constitutes an educational institution that does not allow unregistered providers to escape scrutiny. However the power to make the changes recommended does not lie in our hands.

We have said for some time that we have concerns about pupils who are being educated in unregistered settings where there is no formal, robust, external oversight of safeguarding, health and safety or the quality of education. As the report makes clear, alternative provision is often unregistered. In most cases, this is because it is not required to be. In 2011, as part of a report into alternative provision, Ofsted recommended to the DfE that all alternative provision should be registered and therefore inspected. We repeated this recommendation in our 2016 follow up report.

However, Ofsted’s Unregistered Schools Taskforce has also identified a number of alternative providers operating illegally as unregistered schools. Some of these settings have been badly maintained, are unsafe or provide squalid conditions for pupils attending them. And while we have no powers to make assessments of the quality of education being provided, from our inspectors’ experience of visiting these types of settings, it is clear that the quality of education and pastoral support offered by providers is often not of the level that the pupils attending them have the right to expect.

As with all providers operating an unregistered school, Ofsted will inform the Department for Education and will issue a warning notice to the provider requiring...

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1 Settings are required to register as an independent school if they provide full time education for 5 or more compulsory school age pupils; 1 or more pupils if compulsory school age with an education, health and care (EHC) plan or statement of special educational needs (SEN); or 1 or more pupils of compulsory school age who are looked after by the local authority.
them to cease operating illegally. We may also, in conjunction with DfE, put a case to the CPS who can take steps to prosecute the people running the setting. The current legislative framework does however make the likelihood of a successful prosecution slim in most cases.

However, we have no powers over legally unregistered provision. This type of provision may not be operating on a full-time basis or may only be providing education for very small numbers of children, but it will still be without consistent oversight or quality assurance. As the committee’s report says, while the settings themselves may not be operating full-time, the children attending them may receive their full-time education by attending two or more alternative providers, none of which is inspected or required to meet a set of appropriate standards.

Schools and local authorities placing children in alternative provision are, however, responsible for quality assuring the provision and ensuring that the education offered is of an appropriate standard. Where schools have placed pupils in alternative provision, Ofsted assesses this as part of inspection. We have found that while some schools do have robust quality assurance processes, it remains the case that too many do not evaluate properly the quality of teaching that their pupils receive in alternative provision.