

Education Committee

Oral evidence: [Alternative provision](#), HC 341

Tuesday 1 May 2018

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Members present: Robert Halfon (Chair); Lucy Allan; James Frith; Emma Hardy; Trudy Harrison; Ian Mearns; Lucy Powell; Thelma Walker; Mr William Wragg.

Questions 408-545

Witnesses

I: Stuart Gallimore, President, Association of Directors of Children's Services, Sue Morris-King, Senior HMI, Ofsted, and Kevin Courtney, Joint General Secretary, NEU.

II: Rt Hon Nick Gibb MP, Minister for School Standards, Department for Education

Written evidence from witnesses:

- [Association of Directors of Children's Services](#)
- [Department for Education](#)
- [NEU](#)
- [Ofsted](#)



Examination of witnesses

Witnesses: Stuart Gallimore, Sue Morris-King and Kevin Courtney.

Q408 **Chair:** Good morning. Thank you for coming to our Committee today. For the benefit of the tape and for those watching on the internet, could you kindly give your names, from our left to right, and your positions?

Stuart Gallimore: Stuart Gallimore, I am the President of the Association of Directors of Children Services.

Sue Morris-King: Good morning, I am Sue Morris-King, Senior Her Majesty's Inspector for Ofsted. I was previously Ofsted's national lead for behaviour and attendance.

Kevin Courtney: Morning, I am Kevin Courtney. I am the Joint General Secretary of the National Education Union, an education union that represents the majority of teachers in England and Wales.

Q409 **Mr Wragg:** Good morning, everybody. The first question is directed at Sue for the Ofsted view. In a typical inspection, how will an inspector look at off-rolling and exclusions?

Sue Morris-King: Let me start with exclusions on a section 5 inspection, which is our full inspection of schools. In advance of the inspection, the lead inspector will have in the inspection dashboard, which is where the data is for the inspector, information about the school's exclusion rates. Exclusion data is always a little bit out of date but they will have the most up-to-date published set of data. What that will show them is the school's fixed-term exclusions, repeated fixed-term exclusions, when the same child has been excluded time and again, and the permanent exclusion rates; it will show that over the last couple of years. They will have that in advance of the inspection.

When they speak to the head teacher on the phone, they will ask for the school's analysed exclusion information to be ready when they come in. On the basis of what that shows, they will ask questions. Of course, one of the things they will ask the school for is their up-to-date exclusion information because a lot can change between the published dataset and when they come in. They will particularly ask questions around repeated exclusions, when a child has been repeatedly excluded, and if there is any particular pattern for groups, such as free school meals.

Q410 **Mr Wragg:** That takes me on from that quantitative approach to a more qualitative approach in terms of the attitude perhaps of the school. How does that qualitative approach show itself in the inspection?

Sue Morris-King: Depending on what the school's data is showing, that is when the inspector will start asking questions. For example, if there were very high exclusions of children with a particular need, such as those with special educational needs—as we know, that is a disproportionately excluded group—then the inspector will start asking



questions about why that arises. For example, are those children's needs being met in the classroom? Are their special educational needs being diagnosed at the point they come into the school? Where behaviours are presenting themselves are questions asked about why that is? Is the teaching suitable for them? Do they have reading difficulties that are perhaps not being met and are presenting as behavioural difficulties?

In every inspection, when judging behaviour, inspectors are looking at the school's culture: how is positive behaviour promoted? How do teachers model positive behaviour and interactions? How are pupils helped to interact with each other and not bully each other?

Q411 **Mr Wragg:** If an inspector had a concern about off-rolling or exclusions, what further action would normally be taken?

Sue Morris-King: The questions would continue to be asked. From that the inspector would draw their conclusions.

I have not really touched on off-rolling. It can be quite a difficult part of an inspection, in terms of getting to the bottom of any off-rolling that is going on. What inspectors now have shown in the inspection dashboard that they have in advance is—and this is quite new—where there has been a higher number than five pupils off-rolled during the course of the last two years.

Chair: May I gently ask you to be slightly more concise, because we have a lot to get through before 10.30 am, and also to speak loudly because the acoustics in this room are not brilliant, so if you could sum up your answer.

Sue Morris-King: Certainly. To sum up, it is about the lead inspector looking at the information they are presented with in advance, asking the questions and coming to their conclusions accordingly. That is then measured against the "School Inspection Handbook", which has grade descriptors that will help the inspectors make their judgments.

Q412 **Trudy Harrison:** We have talked about exclusions. You were referring to short-term exclusions. I am particularly interested in permanent exclusions. We have had witnesses—students, parents and alternative providers—and we have been to visit alternative provision. I would say the experience the students have in that alternative provision is far better than they had in their mainstream school, yet there seems to be an avoidance of exclusion and almost that schools are marked down for permanent exclusions. Why do you think that would be, when there is clear demonstration that students are performing better in alternative provision?

Sue Morris-King: The first thing I would say is students do not have to be permanently excluded from school in order to go to alternative provision. What we saw repeatedly in the survey we did in 2016 was schools using good quality alternative provision as something that would help the young person to not be excluded. We have the PRU sector but



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there is another part of alternative provision, where pupils can go out perhaps for a day a week to do something that really engages them, that re-engages them in school, motivates them and makes them see the point of getting good qualifications, improving their literacy and numeracy. Good schools can do that very, very well without permanent exclusion. Often that is done as a preventive measure.

Q413 Trudy Harrison: Do you feel that there are sufficient alternative provision placements available for that to happen?

Sue Morris-King: It very much depends on where the schools are situated.

Q414 Trudy Harrison: It is a postcode lottery?

Sue Morris-King: It depends partly on quality as well. What we were very encouraged by when we did our survey in 2016, compared with the one in 2011, was that schools were saying, "If the provision quality isn't good enough in our area we are not going to use it." That was encouraging because back in 2011, when we reported on this, it was more the situation that some schools would use what was there. A lot have drawn back from that and said, "We will use the quality."

Trudy Harrison: I am keen to hear from Stuart and Kevin on that. Thank you.

Kevin Courtney: I don't agree with you, if you are suggesting there are not enough exclusions. Exclusion must exist in the school system. Where a child has made a sexual assault or where there are drugs there have to be exclusions. Alternative provision is vital for a certain group of children, not just those who are excluded for those sorts of reasons but for other children with difficulties. However, we think there are too many children now being put into alternative provision.

Alternative provision needs to be well funded and needs to be very skilful. There are many examples of that and we think your report should encourage that and give some stability, but there is a pipeline of children going into alternative provision and it has grown too large because of the perverse incentives from some parts of the accountability system, in particular Progress 8. The Minister last week answered a question from Mike Kane and said he understands that schools with challenging intakes can have lower progress scores. That admission from the Minister is important because head teachers believe that as well—that Progress 8 is discriminating against schools with challenging intakes, which leads them sometimes into a behaviour that should not be happening.

We agree with Her Majesty's Chief Inspector when she said there is a problem with the moral compass in some institutions. We think that is more as a result of the atomisation of schools—people starting to think about their institution rather than the education system as a whole. We also think there is another part of the pipeline that is caused by the increasing mental health problems we are seeing in children, which in



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some children leads to behavioural issues and acting out, which then leads to exclusion.

Children have always had mental health problems and social media is certainly a new change, but many reports are now saying there is a lot of academic pressure. Look at the fact that, in the summer of 2016, the Government required schools to write to the parents of 47% of children who were just about to go to secondary school to say they were not ready for secondary school. That is a really odd thing to have done when those children were going to secondary school. It is bound to have an impact on some of them.

In terms of the increase in the number of children, there used to be real resource coming into schools. There used to be funding, so people could have teaching assistants to work alongside children who were acting out and nurture groups in schools. Those have all been affected by the funding situation.

There are at least four factors that are increasing the number of children who would not previously have been in alternative provision. While we agree with you that there can be fantastic results from alternative provision, if you place a child there wrongly, you are damaging their life chances and damaging their social mobility. That has to be got right. We need alternative provision but we should not have too many children in alternative provision.

Stuart Gallimore: I concur with much of what Kevin said, so I will not repeat it. You will have found that alternative provision is a broad church, from the PRU, to the hospital school, to some very bespoke arrangements. It clearly has a role to play, but it should rarely be seen as the final destination for that child. Where alternative provision works well, it is part of a plan that is geared to reintegration or a particular programme for that young person, because it is about achieving good outcomes.

There is some good provision but we do not know enough about the outcomes for children and young people who are in the AP area of work. To go back to your opening question, we should work really, really hard to prevent children from being permanently excluded. We know that that has a profound impact on not just their educational outcomes but on a whole range of other safeguarding issues. We need to work really hard in that area. It starts with great teaching. It starts with schools that have a range of wraparound services—mental health services being at the core of that—and we know that is hard for schools at the moment. It starts with schools being at the heart of AP.

Q415 **James Frith:** I think this is a failure due to mainstream education not being dynamic enough. Do you have a view on that? In boroughs such as mine, we have seen a spike of alternative provision that incorporates the SEN provision. Schools feel that their hands are tied, not just their budgets, which is absolutely on the money as an assessment of the



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pressures they are under as well as Progress 8.

I would like to see—I would welcome your thoughts on this—slightly more patience in the system, slightly more comfort for the head teacher making difficult decisions in advance of an inspection cycle or appreciating where they are in the inspection cycle, rather than this farming out that is happening. The spike in out-of-borough is an answer to the postcode lottery—they send them out of borough. They do not not use them; they send them out of borough because that is just how it is.

I wonder whether or not we should be looking at rewarding inclusivity within the system, as a way of adding a halfway point between permanent exclusion and the use of and reliance on alternative provision. When it is right it is absolutely brilliant and is right, but too often it is being used as a go-to resource because of the pressures.

Stuart Gallimore: You are absolutely right. Schools, at their best, are inclusive. We have many, many inclusive schools that are really community focused and really understand the children that they are targeting on for getting those really good outcomes.

If you put schools, head teachers and chairs of governors at the heart of generating solutions for children who are struggling within that school, you can get really, really good outcomes. You bring the head teachers together to run those pupil placement panels, where they are having difficulties with particular children, to explain to and get advice from their peers about what more they could do or how someone else could help handle and work with that child to get great outcomes. They can be in a position to commission the alternative provision that they know they need in their locality. The local authority then has a really important role in terms of the quality assurance of that, the reviewing of that and ensuring that it is a pathway and is not an end in itself.

If you put those things there—you wrap support around the schools, particularly the teachers and newly qualified teachers on working with challenging behaviour or with the range of issues that young people bring into the classroom—you can start to really work on these issues in a way that means that the child is not hoicked out of their neighbourhood, out of their community and into another borough.

Sue Morris-King: That is spot on. What Stuart has just described around partnership working we see as being very, very powerful, with heads working together and challenging and supporting each other.

I would also pick up on the idea of pathways. What we see good inclusive schools do is looking from the very outset at what is going wrong if something has gone wrong with a pupil's behaviour—not just responding in a punitive fashion, but looking underneath it and being analytical about what is needed for that child.

Going back to your point about pupil referral units, children being sent out of borough and the high permanent exclusions, one of the things that



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we are seeing in some areas—I think it came up with the Select Committee last week—is the PRUs being completely full of permanently excluded pupils in some areas, therefore not being able to help with part-time placements and turnaround placements.

Chair: Can I ask of all the questioners and all the witnesses, we have to speed things up a bit. I really appreciate your evidence, it is very valuable but we have a lot to ask you in a short space of time.

Kevin Courtney: There is a lot of evidence that teams can work around children. There is a lot of evidence about the behaviour education support teams and the behaviour improvement programmes. The notion of a team around the child worked; it stopped children being excluded and allowed them to access the curriculum. The budget cuts have often meant that it is just the school left standing.

I worked next door to a pupil referral unit where teachers were fantastic with a real sense of moral purpose. You do have to look at the fact that we are incentivising behaviours we do not want to see. You want that moral purpose for every child. Progress 8 does not value those children. Although in answer to the question the Minister said, “That is okay because Ofsted take the context of the school into account,” the EPI reports suggest that Ofsted do not take the context of the school into account. There is a real correlation between a challenging intake and getting a poor Ofsted outcome.

Q416 **Ian Mearns:** Stuart, you talked about trying to prevent exclusions but is it not the case, though, that some schools are using off-rolling as a method of preventing a permanent exclusion? There is a suggestion made to parents, “You don’t want the stigma of permanent exclusion over your child. Why don’t you home educate them for a while?” I would love to know who is correlating the figures on this. We do need to get somebody to get their foot on the ball and correlate the figures on the number of youngsters being off-rolled and euphemistically home educated. It is happening a lot out there.

Stuart Gallimore: Certainly, as an association, we have evidence of instances that would support your case. That is why we have been very keen and very pleased to hear the Chief Inspector wants to get a real grip of this issue and have a look at children who are disappearing, off-rolled in what will be Year 11 prior to doing their exams. We know that there are instances of, as you say, parents being encouraged to home educate, regardless of their ability or the appropriateness of that as a proposition.

It is about the work that local authorities do with governors, with governing bodies and head teachers in terms of how we get that real sense of, “They are our kids.” In my own authority we talk about, “our kids,” not “The child of that school.” They are the child of that town and a child of our county. That is a really important proposition.



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Ofsted clearly has a key role to play. There is a need for that advocacy for parents who are being called in in relation to their child. As Kevin said, we need to understand what is triggering the behaviour and what we can do about it.

Sue Morris-King: I have three points. If we find what Stuart has just described, parents being pressured to take their children off-roll during inspection, that is strongly challenged and will be taken into account in the inspection judgment being made.

Secondly, Stuart is quite right in saying that we are looking closely at off-rolling and how we can get to that more closely and more carefully during inspections. That is being considered going forward into our 2019 framework.

Thirdly, just for information, we have just had training for all inspectors across the country. Off-rolling featured in that training for inspectors, to make them more aware and more able to challenge.

Kevin Courtney: We are in the era of big data, so we can see some of these factors by looking at the system. The Education Datalab shows that there are children being off-rolled and we can see it happens more often in sponsored academies than in converter academies. The study by the Oxford Centre for High Performance lists 10 things that sponsored academies do to change their position; the fourth thing on the list is—these are their words, not mine—“Remove the poor-quality students.” I am sure they want to say that they were not advocating that but were noting that it happened.

Ian Mearns: That was in conjunction with Kingston as well.

Q417 **Lucy Powell:** A very brief follow-up to Trudy’s question. I do not think, to be fair to Trudy, what she was suggesting was that we exclude more children. What we have found during the course of this inquiry—which wasn’t my standpoint going into this inquiry, I have to say—is that the voice of young people in alternative provision was that they felt that this was the best outcome for them; that they had been failed by the mainstream system. Yet it takes them to be excluded and be labelled as a failure on many occasions in order to access that provision.

My question is: do you think that we need to look earlier on, preventively and more holistically, about other options for children than just mainstream that does not require them to be labelled a failure and a challenge in order to access what might be more suitable schooling for them—what a lot of people describe as a specialist school, not alternative provision?

Kevin Courtney: We should not be saying that children have to fit the schools. We should be saying schools should fit the children. When we told 47% of children they were not secondary ready when they were going to secondary school, it was a real message that they have to fit the schools. I think children in AP are saying it is better provision because



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they feel it is more geared to them as a human being. We have to think about that across the whole school estate.

Q418 Chair: Before I pass to Emma, a statistic that is often given is that a high proportion of AP is rated “good” or “outstanding” by Ofsted. Of the 48,000 students in alternative provision, we only have clear Ofsted inspection data for around 16,000; a third. The rest may be in unregistered provision, although they might be inspected if they are in private schools. The main point is that we do not know for sure and there isn’t transparency. Could I ask you to comment on that, and should Ofsted inspect unregistered schools?

Sue Morris-King: You are absolutely right. We have information about pupil referral units, which are registered and which we inspect. That is the 90% that you have just quoted. The other part is all those students who are in alternative provision that is not registered and, therefore, is not inspected.

From our survey in 2016, one of our recommendations was to consider that provision becomes registered when pupils are in alternative provision for perhaps a couple of days. That could perhaps cause its own issues, but we do need to be aware of the fact there are some pupils who are in one provision that is unregistered for two days and another for three days, and none of that, for the whole of those five days, is inspected. We would stand by what we said in that survey report that there should be further consideration given to what should be registered. It might be, for example, that we turn it on its head and say that a pupil should not be allowed to be placed in unregistered provision by their school or by their pupil referral unit—who themselves use AP—for more than two days a week.

Q419 Chair: Are you saying you think all unregistered schools should be inspected by Ofsted?

Sue Morris-King: Not necessarily. When we see pupils going out for just one day a week to something like motor mechanics that they find very engaging, that probably would not lend itself to any kind of registration or inspection. We look at that through our section 5 inspections and we hold the school or PRU to account there. However, there is a big gap between where we are now and all the unregistered providers where pupils can go for four and possibly five days a week, if they go to two different places, and nobody inspects it.

Stuart Gallimore: We need a conversation about it. We need to be clear about those different propositions that children are receiving. We need to own the responsibility of the person who is commissioning that placement, so they have responsibility about its quality and that it is a safe provision for that child.

Q420 Chair: You said this is the era of big data but, as I said in my question to you, we only have data for a third of those in alternative provision.



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Something is wrong there, surely?

Kevin Courtney: I certainly support the notion that we have to look after all our children, so we cannot let children be in provision that we do not have some way of engaging with.

Q421 **Lucy Allan:** When a child moves from mainstream to AP, how long should a school's responsibility for that child last? In your view, are there circumstances when a school should no longer be responsible for that child?

Kevin Courtney: We mainly want alternative provision to lead to the child being reintegrated into the school that they have left. Therefore, there should be a very long-term relationship and skilled teams of teachers—I think you have to be very skilled to do this work—both teaching in alternative provision and then helping reintegration. That matters so that has to continue long term.

Q422 **Lucy Allan:** Does that happen in practice?

Kevin Courtney: The funding situation is making that increasingly challenging.

Sue Morris-King: Reintegration is crucial, but what we are often seeing is pupils who are in pupil referral units for the long term and are not going back into the mainstream. They can spend three, four or even more years in full-time alternative provision.

Q423 **Lucy Allan:** Is it right that there are no circumstances when the mainstream school should no longer have responsibility for the child?

Sue Morris-King: The accountability, the relationships and the reintegration are important. Part of what happens at the moment is, because that relationship has ended, in order to get a child back into mainstream a new relationship has to be formed. That works well where there is the really good partnership working, which has been referred to earlier. Where there isn't, it often does not.

Stuart Gallimore: We welcome the proposition in "Educational Excellence Everywhere" that suggested that schools that excluded children retain that relationship with that child throughout. As I have said, I certainly think that where you have a cluster of schools working together in the interests of the children in their broader community, that can work well in terms of how you maintain that relationship, with reintegration as the focus of the intervention.

Q424 **Lucy Allan:** In practice that is not happening, is it?

Stuart Gallimore: Very rarely, because it is not incentivised to happen. I do not believe our schools are incentivised to be inclusive.

Q425 **Emma Hardy:** I heard a little about Progress 8 and the impact that that is having on the number of schools that are off-rolling and excluding children. What do you think is the main cause of this extremely high



increase in the number of children entering alternative provision? Do you think it is because of Progress 8, or do you think it is because of the school culture that you alluded to earlier—zero tolerance behaviour policies and the lack of flex that some school systems have? Do you think it is the testing, or the curriculum, or the pressure? What do you think the cause is for this huge increase in children being off-rolled and excluded?

Kevin Courtney: It is all of those factors. I do think that the break-up of the system into academies, multi-academy trusts and local authority schools leads to atomisation. That sometimes leads to institutions thinking about themselves as an institution more than the education service as a whole. That underlies the Education Datalab findings by the Oxford Centre for High Performance. With Progress 8, and many other accountability measures, you know that it is more time invested to get the same result from a child in challenging circumstances. An easier thing to do is to remove the child if you are thinking about the institution instead of thinking about the child. I do think that matters.

There are also the wider factors that you touched on, and that I touched on earlier as well. If we only focus on academic results, EBacc results, then that is what you get as your focus. You cannot be surprised if schools concentrate on that if that is what everybody tells them to concentrate on. For some children who are not feeling happy in that system that can lead to mental health problems and to challenging behaviour. I think that is part of it as well.

The funding cuts are also there. If you can put a team around the child with skilled teachers, skilled education social workers, somebody who can work with a child to think about their future with, "There might not be an academic path for you, but there might be an apprenticeship path for you," and somebody who will talk with a child to re-engage them, then those things can be really successful.

Q426 **Emma Hardy:** Sue, what do you think is causing it?

Sue Morris-King: It is worth noting that there isn't an even picture with regard to exclusions.

Emma Hardy: Or off-rolling.

Sue Morris-King: The same for off-rolling, which is not an even picture either. Yes, exclusions have gone up but they have not gone up in every school. Some schools exclude at very high rates, and some schools, in very similar circumstances, do not exclude very much at all.

We do sometimes see the fragmentation in some areas within the system being a factor, where schools are not in a strong relationship with each other and do not necessarily have a strong relationship within the local authority. That can be a factor because then there isn't that mutual challenge or relationship to support each other.



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In some areas, we can see something of a vicious circle beginning to form with alternative provision: the PRUs are full and are not able to do any outreach and take any responsive placements to help support behaviour.

Stuart Gallimore: I am not going to repeat those educational reasons, but we cannot lose sight of the fact that children are entering the classroom with more stresses, strains and more weight on their shoulders than ever before in terms of the circumstances they find themselves in, with really difficult family situations and pressures that young people have. That is happening at a time when we know school budgets are pushed. Support staff—previously an important feature of schools—are starting to disappear. We know local authorities are not well placed to pick up that slack.

Q427 **Thelma Walker:** As a former head teacher I have been in that lonely and stressful place—fortunately, not too often—where I have had to exclude a child from my school. Do you feel that the guidance from the Department on exclusions puts too much power and responsibility on to head teachers to make that decision?

Kevin Courtney: It is important that schools can exclude. There are all sorts of circumstances in which exclusion is right and where it is right for the child as well, where having a clean break and a start in another school, or in another school after a period of AP, is the right thing for everybody concerned.

It is clearly important that parents have a voice in this process, but we should not be creating a situation where it is parents who are going to have to advocate for the right thing for their child. The system should be providing the right thing for their child.

It is a difficult place for a head teacher to be. As the lead professional they have to be really core to that decision-making.

Q428 **Thelma Walker:** Individual schools are seemingly ignoring the recommendations from the fair access panels.

Kevin Courtney: That is absolutely right. That comes back to the point Sue made about the atomisation of the system breaking the relationships between schools. You need an honest broker locally who is keeping all schools honest in these behaviours. That is the much vaunted middle tier. Everyone has their own opinion about who that middle tier should be, but there needs to be something that is robust that can challenge a head teacher. The head teacher has to make a professional decision but it should be a local authority or some other body that is in dialogue with them, rather than thinking it is parents that are going to be keeping that right.

Sue Morris-King: When we are talking to schools and to heads, we do hear sometimes what you have just said. That heads feel isolated and feel they have not had the support or the supportive conversations that



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they needed before getting to that point of exclusion, which was not a point that they wanted to get to. We do go back to that importance of partnership working and heads feeling they have that support around for them, for example, where a child is presenting with mental health difficulties and needing to access that. We commented on that recently in our SEN area review report, sometimes schools and families are finding they are not able to access the support they need for special needs or mental health difficulties in particular.

Q429 Ian Mearns: How well are fair access panels working? Is it possible to provide a consistent approach across the whole of the country for pupils accessing alternative provision?

Stuart Gallimore: I can only speak locally in terms of the pupil placement plans. In my own authority, since we have established those plans with schools at the heart and supported by the local authority, permanent exclusions have fallen. That is unquestionably in part due to the head teacher knowing that they are going to have to explain to their peers and to their colleagues in that immediate cluster of schools where those children will need to be integrated, why and how they have had to do the things they have done. Invariably, what that has meant has been fixed-term exclusion, so that conversation can take place in advance of a permanent exclusion and thereby reducing the need to do it. It can happen and it can be done.

Q430 Ian Mearns: Are schools uniformly abiding by the decisions of fair access panels or engaging with fair access panels?

Stuart Gallimore: I can only speak locally but, yes, absolutely they are. Where there are tensions, again, the collective will of the body of schools and the body of head teachers tends to be able to iron those out because it is not individual conversations being had with individual people.

Sue Morris-King: I do not have anything to add to what Stuart said there. Where they are challenging, are well set up and there are good protocols, they are highly effective.

Q431 Ian Mearns: That is where those things are happening. Are there places where all of those things are not prerequisites?

Sue Morris-King: There are areas where fair access panels are not working well or are not properly in place.

Q432 Ian Mearns: Would Ofsted be including that in an inspection of the local authority, or would it also be requiring local academy chains or free schools to be engaging with those to make sure that they work properly?

Sue Morris-King: It is not something that we inspect as an entity. It would most likely come up in a SEN area review, where we are asking about all those different kinds of ways schools work together, for example, to prevent exclusions.



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Stuart Gallimore: Certainly, having been on the receiving end of one of those inspections, I know that is absolutely what happens.

Kevin Courtney: I do not have much to add. I am pleased to hear Stuart say that in some areas they are working well. We have that experience as well. However, there are areas where they are not working well, so it does need to be considered. We need to look at education in a whole area, as well as at individual institutions. This is part of how education in the area is working.

Q433 **Ian Mearns:** Particularly to you, Kevin, in the first instance, how important is it that teachers are qualified in the skills and qualities that are required in alternative provision?

Kevin Courtney: That is vital. Teaching would not be the only skillset you need in alternative provision.

Q434 **Chair:** Does there need to be clearly defined training for the teacher, not just behavioural training?

Kevin Courtney: You need to be a skilled teacher of your subject, but you need to be an expert in behaviour. Good alternative provision would also have people who were more akin to educational social workers.

Q435 **Chair:** Is it your view that isn't the case at the moment?

Kevin Courtney: In lots of places we are starting to think what you need on the behavioural management side of it is somebody who is good with the kids. You need that but you also need the expertise of a teacher. You need qualified teachers at the heart of the system.

Sue Morris-King: In the best pupil referral units it is as Kevin has described: well-qualified teachers who know their subjects and know how to get pupils who have had a range of difficulties some good qualifications, so they can move on to the next step, combined with some really good skills of behaviour management.

Stuart Gallimore: It is about great teachers in every classroom. If you have engaging teachers who have their children and young people excited about what they are being taught, behaviour can often take care of itself.

Q436 **Chair:** Before I pass the final question to Lucy Allan, can I ask you about post-16 provision. Could it be improved, how would it be improved and what do you think of it at the moment?

Stuart Gallimore: Particularly in the FE sector, there is a need for post-16 to continue to focus on the academic offer alongside what often FE colleges have been good at, which is the more the vocational working offer as well. The offer to the most vulnerable has traditionally been a strength, and you see that in some of the Ofsted reports.

Q437 **Chair:** People who go into alternative provision often go to FE colleges.



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There should be a lot more support?

Stuart Gallimore: It should be about that continuum—how you wrap that support around all the providers.

Sue Morris-King: It is important, when we are thinking about post-16: for these young people, that the transition is often very, very difficult for them. If they are coming from an alternative provider—coming from a PRU or a small special school—into a huge college they can find that transition very difficult. Sometimes we find they get the college place but don't manage to stay once they lose the really good support from their PRU or alternative provision.

Secondly, it is important that they go on to courses that are academically at the right level. Having behavioural difficulties does not mean you are not academically able. It is important that they are placed on courses that are suitably challenging.

Kevin Courtney: I do not have much to add to what Sue has just said. The transition matters and you can lose a lot of ground. You have been in a small, well-supported institution and then go into a huge college. Looking after those children's interests really matters at that transition. Some of them will be able to follow the highly academic curriculum that we want, and some of them need help with finding a good apprenticeship to be on, finding something else that they can succeed at.

Q438 **Lucy Allan:** Do you think there should be greater oversight of what happens in alternative provision and, if so, who is best placed to deliver that?

Stuart Gallimore: The local authority has a role in being the broker and commissioner working alongside its schools. It can play a QA and safeguarding role for that provision that is not being inspected by Ofsted, taking account of the earlier comments.

Q439 **Lucy Allan:** Do you think it is insufficient at the moment in terms of oversight?

Stuart Gallimore: Do I think it is insufficient? I think it is variable. There are some good examples in some authorities where it is really tight and they have a real grasp of what is going on for each individual young person. In some other areas it is variable.

Q440 **Lucy Allan:** Sue, do you think the local authorities should be providing more oversight to AP?

Sue Morris-King: It is definitely variable from one place to another. Local authorities don't necessarily have that responsibility at the moment, because schools and academies can commission alternative provision for themselves. Some local authorities do it and help schools and academies to map out what is there and to map out how good it is. It is certainly a very variable picture. Obviously, as Ofsted, we do not have that oversight of the whole piece at the moment because so much of the provision, even



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if children are there for quite a large part of the week, is not registered and therefore not inspected.

Q441 **Lucy Allan:** Who is the best person to do this? Should it be the local authority or should it be you having more authority to do that? Who should provide the extra oversight?

Sue Morris-King: If we want a fuller picture and a greater emphasis on children's safety, outcomes and quality, a reconsideration of the threshold for registering providers would be worth thinking about.

Going back to local authorities, where partnership working works well—whatever that looks like, academies, schools and local authorities in partnership—gives a more secure oversight. It is easier to have that conversation with those areas about how well children are doing in the provision.

Q442 **Lucy Allan:** Kevin, more oversight, and who is best placed to deliver it?

Kevin Courtney: Not just oversight, but, before that, coherence in the system. The head of a PRU should not be a second-class citizen but a person on a par with the heads of the secondary schools, where they are in a dialogue about how they are looking after all of the children in the area. There is a challenge around that at the moment.

Whatever system we have inspecting our schools should be inspecting these areas as well. I don't want to say Ofsted because we have challenges about Ofsted. However, what system we do have for inspections should apply.

Q443 **Lucy Allan:** In the same way?

Kevin Courtney: Yes.

James Frith: Chair, can I declare my register of interest that I should have done at the beginning of my earlier comments. Thank you.

Chair: Can I thank you all for your invaluable evidence and, also, for making it concise for us? We have a very tough schedule today. It is appreciated, and we look forward to working with you over the coming weeks and as we publish our report in the next few months. Thank you.

Examination of witness

Witness: Rt Hon Nick Gibb MP.

Q444 **Chair:** Good morning, Minister. Thank you for coming and for attending the previous session as well. For the benefit of the tape, could I kindly ask you to introduce yourself, your position and your responsibilities?



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Nick Gibb: My name is Nick Gibb, Minister of State at the Department for Education. I am responsible for school standards.

Q445 **Chair:** Thank you. You have a passion for school standards and a passion for good GCSEs. Can I ask you: why it is that just 1.1% of pupils in AP at the end of Key Stage 4 achieve five Good GCSEs and just 4.4% of pupils in AP achieve Good passes in English and maths GCSEs? We know that 58% of young adults who are in prison were permanently excluded from school. We know you have a passion and you have done a lot in your role to try to improve GCSEs. Why is it that there seem to be forgotten children and they have been neglected in this way?

Nick Gibb: That is why we are conducting the review. That is why we are launching a formal AP Innovation Fund. We want to improve the quality of education in AP.

If I can also put those figures into perspective, we heard in the earlier session the imperative of reintegrating young people back into mainstream schools. You would expect an alternative provision setting to want to get children who are ready to take their GCSEs back into mainstream schools. Therefore, the children they retain are the children who are still struggling and who need more time in the PRU. Although we would like to see the figures you have cited improve significantly, you do have to put these things into perspective.

Q446 **Chair:** I understand that and it is good that there is a review. What I am not clear about is why this hasn't been a priority from the beginning and there is a review now. Why have we allowed a situation where just 4.4% of pupils in AP achieve good passes in English and maths, especially with your passion for making sure that everybody—including the most vulnerable—have the same chances, the level playing field, as everybody else? Are these forgotten children?

Nick Gibb: Certainly not. The most vulnerable children in our system are the ones we are most concerned about. That is why with figures like the phonics figures at 81%, it is the 19% who are not reaching that level of reading that I worry about the most.

This isn't the first review. We had a review with Charlie Taylor, which led to 28 recommendations from him. He was a behavioural expert who was head teacher of an outstanding AP school for children with behavioural problems. That then led to the 2013 statutory guidance, and a lot of those recommendations from Charlie Taylor's review are in that statutory guidance. This isn't the first time we have addressed these issues. It is an ongoing process. There have been improvements as a consequence of this new guidance, but there is clearly more to do to address the concerns that you have raised.

Q447 **Chair:** We have seen this report, "Making the Difference", which is very important in terms of the debate on alternative provision. You will know that they say there are 35 exclusions every day. Official permanent



exclusions have risen sharply by 44% since 2012-13, and there were just 6,685 in 2015-16. Why is that? What are you doing about it? Don't you think there is something very wrong if we are excluding that number of children every day?

Nick Gibb: That report is very important and what it focuses on is the importance of leadership. We are working with that charity and we are looking very carefully at what they are doing. We have a fund called the Teaching and Leadership Innovation Fund, which has a specific strand about alternative provision, so we do agree with that report that leadership is important.

On the issue of exclusions, I heard in the previous session talk about the significant increase in exclusions. Again, this needs to be put into perspective. Exclusions began to rise from about 2014-15 following a period of decline. Even today both fixed-term exclusions and permanent exclusions are nowhere near the high that they were 10 years ago. For example, at the height, 10 years ago, fixed-period exclusions were 5.65% of enrolments and today they are 4.29%. Permanent exclusions 10 years ago were 0.12% of enrolments. Today they are 0.08%.

Q448 **Chair:** I don't want to get into an argument about statistics but the figures I quoted you were that permanent exclusions had risen sharply by 44% since 2012-13, and there were just 6,685 in 2015-16. Whoever is right about the statistics, the fact is thousands of children are being excluded every year—roughly 35 a day. Why is that? Do you find that worrying? What are you going to do to make sure that is a much smaller figure?

Nick Gibb: We are conducting—it was launched today—an exclusions review.

Q449 **Chair:** Can I come in on that, sorry? Every time we have a Minister here—I mean this very politely—every single one of them says, "We can't answer the question because we have a review," and hides behind the review. The review is important and I really welcome that you have made this a priority, but what we want is some substance rather than hiding behind a review

Nick Gibb: As a Minister, what I want to know is what the facts are. Ed Timpson is a former Children's Minister and a former family law barrister. We have charged him with conducting that exclusions review. In addition to that, we are conducting research into AP to look at all these issues because we want to understand the reasons.

As I have said, we have not reached the 10-year high in exclusions or anywhere near that figure. Although there has been a rise in recent years that does not take us back to the height it was 10 years ago.

In the exclusions review and in all these reviews, we do not want to fetter the discretion of head teachers in maintaining good discipline in their schools. The head teachers that I meet do not take exclusions lightly.



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Fixed-period or permanent exclusions are a last resort for head teachers and they will only do so if they absolutely have to. You need to ensure that head teachers have that ultimate deterrent available to them in order to maintain discipline in their schools.

Q450 Chair: We know that children with special educational needs account for half of all permanent exclusions but just 14% of the overall population. Why is that pupils with special educational needs, some of the most vulnerable in our society, are disproportionately being excluded? Is it because schools are worried about Progress 8, is it because a lack of resources or other reasons?

Nick Gibb: Again, I hate to refer back to Ed Timpson's review but that is precisely what we want to determine. I do not accept the argument about Progress 8. We have to hold schools to account. Progress 8 is the fairest way to hold schools to account for their academic attainment. The alternative is an absolute level of attainment, which is the five or more GCSE figure we used to use. Progress 8 takes into account the starting point of young people as they leave primary school and measures the progress they make over that period. There are issues about the outliers in those numbers and we are looking at that mathematical issue, whether one or two children in a school can distort the figures and, therefore, not paint an accurate picture of the progress of that school. That is something we are looking at. However, you have to have strong accountability for schools.

Q451 Chair: Should schools be at least partially accountable for the future outcomes of the pupils they exclude?

Nick Gibb: There is a case for that, and it may well be something that Ed Timpson's review will look at. We conducted an exclusions review between 2012 and 2014. That did have some interesting results. What that review found was that there were fewer exclusions when you track back the results and the school was held accountable for those results. What you didn't see, as a consequence of that review, was any increase in attainment for those particular pupils.

Q452 Chair: You will know that there are a number of unofficial ways that schools can exclude pupils. There might be managed moves and they might refer pupils to AP for long periods of time, or even so-called home education. Unofficial exclusion is much more prevalent than official exclusion. Something like 48,000 pupils use AP in one way or another and only around one in five pupils enrolled in AP were permanently excluded. Is there evidence that some schools are using temporary exclusion, or some of the routes I have just described, as a means to make sure that they are not permanently excluded?

Nick Gibb: There is nothing wrong with a school using AP for fixed-term exclusion in order to address their issues.

Q453 Chair: Where they exclude pupils for legitimate reasons.



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Nick Gibb: Some of those things you mentioned are legitimate and some of the things you mentioned are not. A school using alternative provision for a fixed period to address a particular behavioural issue of a child or a particular problem that a child is encountering is a perfectly legitimate use of alternative provision. Schools do that and commission that provision.

Off-rolling is unlawful. There is only one reason a school can exclude a pupil permanently from a school, and that is due to behavioural issues. Off-rolling, to the extent that it occurs, is unlawful. Ofsted and the system as a whole will be vigilant in looking out for those practices.

Q454 **Chair:** Two final questions before I come to my colleagues. The number of pupils being home schooled has shot up. There is one estimate suggesting it might be around 45,000 and others think it could be even higher. What is the reason that there is this rise? Do you agree with it? Do you think that home schooling should be much better regulated?

Nick Gibb: Two points. First of all, there are a large number of pupils who are home educated for legitimate reasons. There are parents who have a very particular view about how their children should be educated. We should not denigrate or accuse those families of anything other than wanting to do the best for their children.

The issue with others, where home education might be used where families are unhappy with the special educational provision that their child needs, in those circumstances we would say to those parents, "Please, do work with the local authority to ensure the right provision is provided for your child." There may be other issues where parents who are not capable of educating their children at home are trying to. That is why we are conducting a call for evidence on home education, again so we can find out the facts of what is happening with home education. Local authorities have a duty to ensure that children have a suitable education, whether at school, otherwise or at home.

Q455 **Chair:** Should it be directly devolved to the schools to commission their alternative provision?

Nick Gibb: They are able to commission their own alternative provision at the moment and that is absolutely right. For those pupils that are permanently excluded that then becomes the responsibility of the local authority, which then use the high needs block of the DSG to fund that provision.

Q456 **Mr Wragg:** Good morning, Minister. I have a very general question followed by quite a specific one. You have recently taken on alternative provision as part of your ministerial portfolio. What is your broad vision for AP in this country?

Nick Gibb: It should be very high quality. I have seen some very high-quality alternative provision. For example, the Acorn multi-academy trust in Cornwall has a number of alternative provision settings that are very



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high quality. What they do is seek to ensure that those pupils have the same quality of education as is available in mainstream. Reintegrating those children back into mainstream is their objective and they are successful at doing so. That would be my vision: high-quality alternative provision that focuses on the academic attainment of young people, but also has a caring pastoral atmosphere that helps address the behavioural and other issues those young people have.

Q457 Mr Wragg: Its priority should always be reintegration with mainstream?

Nick Gibb: If that is possible, yes. The priority is to ensure the best interests of the children are paramount in what happens in alternative provision.

Q458 Mr Wragg: Specifically on fair access panels, it has come across in our evidence that there are perhaps some issues with them. To work properly they need all the schools in an area to be properly signed up to them, and they cannot rely solely on goodwill. Who is accountable for it where that is not the case in certain areas in the country?

Nick Gibb: It is about professionals co-operating together.

Q459 Mr Wragg: Sorry to interrupt you; if there are specific schools that do not join in, as it were, what happens?

Nick Gibb: They are entitled not to and that is an issue that Ed Timpson will be looking at in his exclusion review.

Q460 Mr Wragg: Not pre-empting the much-heralded review, would you suggest that is an area that needs to be addressed?

Nick Gibb: It is something that Ed Timpson should certainly be looking at in his review. I was pleased by what Stuart Gallimore had to say: that his view—certainly in his locality—is that it works very well and schools do all co-operate. My experience of dealing with head teachers is that they are all professionals and they all work together in their geography. Whether the schools are academies or maintained schools, they do tend to want to work together as professionals and to do the best for the young people in their area.

Mr Wragg: I look forward to reading the review. Thank you.

Q461 Ian Mearns: You have mentioned Ed Timpson's review on exclusions and alternative provision. Will you be asking Ed Timpson to be looking at off-rolling as part of that review? In the 2010 to 2015 Parliament, this Committee did a report on home education. Forgive me if I get the number wrong, but I think roughly at the time it was about 17,000 children who were being home educated across the country. We have recently heard evidence to this Committee that, in the last three years, in some areas home education has grown by something like 400% to 500%. That was the evidence given to us by one local authority in South Yorkshire. If the Chairman's figure is right—in that there is now something like 45,000, or a figure I have heard, 60,000 youngsters now



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being home-educated—why is that happening? Should Ed Timpson’s review include off-rolling as part of that, because it is about children’s futures? Ministers come to the despatch box in the Commons all the time and tell us how many more children are being educated in good or outstanding schools than in 2010. If that is the case, why is it that 30,000 to 45,000 parents more are now home educating their children?

Nick Gibb: The call for evidence is going to be addressing these issues, and we need to have the facts. We have asked for evidence on off-rolling in terms of the home education call for evidence. In terms of the exclusions review that Ed Timpson is conducting, we want him to be looking at lawful exclusions and why it is that certain groups of children are more likely to be excluded than other groups of children and why, in certain areas of the country, you are more likely to be excluded than in others. That is really going to be the focus of his review, but the Home education: call for evidence will address those issues.

Q462 **Chair:** Are you concerned about it? As I said to the previous evidence session, the high proportion of alternative provision rated “good” or “outstanding” is only for 16,000. We only have inspection data for that number of AP students when there are 48,000 students in total in alternation provision, so we only know about a third of them.

Nick Gibb: What we do know is that 80% of pupil referral units and alternative provision settings—academies, alternative provision free schools—are good or outstanding.

Q463 **Chair:** What about all the other ones?

Nick Gibb: Sure, but then you come into what is in this other section. That covers about 25,000 pupils. There are 22,000 pupils who are in non-maintained special schools or other out of school settings. Some of those are inspected; the private schools. For example, a pupil might want to spend a day a week in a garage with a mechanic. That is a kind of out-of-school setting that they might be attending in order to give them the kind of vocational training that will motivate them and is precisely what that young person needs. That is an important provision that we should not discourage.

Chair: That is a day a week; I am talking about significant alternative provision that is not regulated by Ofsted, and the data that you have seems to be very small. Let us move on.

Q464 **Lucy Powell:** A couple of follow-up points, and broadening it out. As a measure of how many children are not in mainstream schools, I do not think permanent exclusion should be your benchmark. Because of this explosion that we are seeing in either so-called elective home education or off-rolling, that slips a bit between the net. I would make that point to you.

A quick follow-up to William’s question before I come on to my main question: the fair access panels, they work well in Manchester and we



have heard other examples where they do work well and that is good. Is it not the role of Government to ensure there is a system in place for where they don't work well? If one or a number of schools in a locality opt out of that fair access process, it can disrupt the entire ecosystem and leave many children very vulnerable. Do you not think that is what you should be looking at?

Nick Gibb: That is an issue and we do need to address it. I hate to keep saying this, but that is why we have asked Ed Timpson to help us look at it and then we will form a policy based on the conclusions of his review. If we need to legislate or change practice or guidance, that is what we will do.

Q465 **Lucy Powell:** Good. My more substantive point follows on from what you will have heard me talk about in the previous panel. Kevin put it really well: is part of the growth in children not in the mainstream setting that they should be because we increasingly see that, rather than children fit the schools, the schools are not fitting the children. Is that a charge that you would accept? We have overwhelmingly heard evidence from young people who felt they were being continually failed by the mainstream system, they were not fitting the straitjacket that was expected of them and that AP has been a fantastic outlet for them. Would you accept that caricature of mainstream with the increasing straitjacket around expectations in terms of outcomes?

Nick Gibb: Not in the way that you have portrayed it because what we want to do as a Government—and have tried to do since 2010—is to improve the quality of mainstream education, academic standards, behaviour and pastoral care in mainstream schools. Look at some of the schools that you might consider to be very academic—for example, I went to Northampton School for Boys last week. It is a very good school. Parents want their children to go to that school and they have very good extracurricular activities, art and music, but 70% of pupils at that school are entered for the EBacc combination of GCSEs. It is a very academic school, but it is academic for all young people. Those children are happy and contented, and I do not contend that schools like that are straitjacketing pupils.

There are some children who need a smaller environment. Some secondary schools are very large and, for some children, that is something that is difficult to cope with. When I meet young people in alternative provision settings, you can see that they do enjoy the small classes, the small size of the school as a whole, and the very low pupil-teacher ratios they have in those schools. It is right for those children.

Q466 **Lucy Powell:** While I accept that, sometimes a large school gives you scale of curriculum breadth, so it is not the same. I say this as a parent and as an MP with a teenage son who would not necessarily—although he is very academic—thrive in an entirely academic curriculum; he needs that outlet of creativity and other things.



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Nick Gibb: No one is saying that schools are entirely academic. Most academic schools that I have been to have very strong arts provision, sport, extracurricular activities, pastoral care and behavioural policies. It is not the case that there is some straw man of this totally academic education that excludes everything else beyond that. I have never seen that in the schools that I have visited.

Q467 **Lucy Powell:** No, but we have seen a huge drop in the number of children taking design and technology, arts, drama and other GCSEs.

Nick Gibb: I will take those separately: design and technology was falling long before we introduced the EBacc. It was a consequence of the concerns about the quality of the curriculum. We have improved that. In the new GCSE, we worked with the Dyson Foundation to produce a much better GCSE. In terms of the arts, the proportion of young people taking at least one arts GCSE has remained pretty constant during the period where we have introduced the EBacc. To the extent there is a correlation between EBacc uptake and uptake of the arts, there is a small one, and it is the inverse of what you are indicating: that there is a small increase.

Q468 **Lucy Powell:** Maybe we can discuss that next time you come in. Finally, in this context, do you not accept that perhaps identikit schools everywhere do not fit every child, and that is perhaps why we are seeing this rise?

Nick Gibb: The whole thrust of our policy is more diversity in the system. That is what the free schools programme, the autonomy and the academies programme has been all about. We are delivering a more diverse system with more choice for parents in terms of the schools they go to.

The other thing that was touched on earlier is about the zero tolerance approach to behaviour in school, and is that leading to more pupils being excluded. I tend not to use the phrase "zero tolerance." I use the phrase "no excuses culture" in schools, where schools expect every pupil to work hard, to be industrious, to behave well and to do well in their academic attainment because they want the best opportunities for people. You can go to schools, like Reach Academy, Feltham and Michaela Community School, or Dixons Trinity free school, that have that philosophy. If you look at their permanent exclusions in 2014-15, they are zero because they want those children to stay in school.

Q469 **Ian Mearns:** Minister, when you talk about diversity in types of schools, are you talking also about the diversity in terms of the menu that the children receive when they get into those schools?

Nick Gibb: Yes, I am also talking about that, but what we want all young people to do is to have the best possible education so they can fulfil their potential. We know that children who get good GCSEs in those core academic subjects have the widest available opportunities for them going forward. If you believe in social mobility, you want every young person to be getting the same kind of education, or as high a quality of education



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as those who have the wealth to procure it for their own children. That is what we are trying to do: make sure that every young person is attending a good or outstanding school, with very high standards of behaviour and attainment, at least up to the age of 16.

Q470 **Chair:** Before I come to my colleagues, Emma and Thelma, you just mentioned a couple of very good schools that are not excluding pupils, or very few. Am I right?

Nick Gibb: I have the figures for Dixons here. I can give you the figures for Magna Carta Academy as well.

Q471 **Chair:** In my earlier questions I asked you why 35 children are being excluded every day. Surely, the examples you have just given should be right across the country, and the drive for the Government should be to stop this mass exclusion policy that is going on? The examples you have quoted mean that you do recognise there is a serious problem with the number of children being excluded every day, if you are praising the schools that are not excluding pupils.

Nick Gibb: First of all, we do not want to fetter the discretion of head teachers, who may have different circumstances from a free school, as has just been established. They may be trying to address a longstanding, historical behavioural problem in a school and they may well need to exclude. What I am saying is that there are good examples where taking a tough approach to discipline and behaviour in a school does not lead to exclusion. It leads to fewer exclusions because those schools are addressing the behavioural problems of young people from a very early stage. They identify it early. They address it and, therefore, that child does not then go into alternative provision. They stay in mainstream education and they can achieve very good academic qualifications as a consequence. That is the objective, of course, of everyone in this room and it is the objective of our education system.

Q472 **Emma Hardy:** Good morning, Minister. As I am sure you are aware, everyone on this Committee believes in and supports social mobility too, which is why—as my colleague has already mentioned—we are so concerned about the types of children who are ending up in alternative provision. My colleague mentioned that 55% of five to 10 year-olds in PRUs are eligible for free school meals. Children in care are twice as likely to be excluded; 77% of children in schools for excluded children have a recognised SEN. You have dismissed already, said you do not believe the cause of all these exclusions and off-rolling are because of zero tolerance behaviour policies or Progress 8. Minister, do you think it is because of funding? That came up on the panel before: they talked about wanting the support around the child and, as I am sure you are aware, support around the child outside of the school is no longer available, because of the cuts to children's services and not as much family support as there used to be. Is it that lack of money for support around the child within the school that might be leading to so many children from such disadvantaged backgrounds being excluded?



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Nick Gibb: What I don't have in front of me is the figures on a timeline. The figures you cite are absolutely right as a snapshot today, but it would be interesting to see what the figures look like going back 10 or 15 years. We will send those figures to the Committee, so that you can see whether anything has happened in recent years to indicate any veracity to the point that you are making.

We do need to make sure that the special educational needs provision is of a high quality. Since 2013 we have increased funding for the high needs block by £1 billion, in order to ensure that we are properly funding within the constraints of the overall economic policy. We need to make sure that both special schools and special units within mainstream education, and mainstream education itself, properly cater for children with special educational needs.

Q473 **Emma Hardy:** It was mentioned to you previously, Minister, from across the floor, that a group of head teachers from Hull have written to the DfE saying that mainstream schools are having to increasingly resort to fixed-term and permanent exclusions to deal with challenging pupils, because they do not have enough money to provide the SEN service that they want to in their schools. Do you not recognise that the cuts to schools are creating a problem, where schools cannot simply cope and cannot create that support around the child, or—as was so brilliantly illustrated earlier—make sure that schools fit the child not the child fit the school, because they simply do not have the resources to do it?

Nick Gibb: We can have a debate about school funding now, if you wish. We are spending record amounts on school funding—

Q474 **Emma Hardy:** Particularly on supporting SEN children within the school, do you not accept, Minister—and not going into the wider debate about school funding—that there needs to be more support for these children within schools, so they do not end up being excluded?

Nick Gibb: I agree with that. As I say, whether it is a special unit within a mainstream school or whether it is a child with SEN in a mainstream classroom, we need to make sure those children are properly catered for. Whether it is with a teaching assistant, or whether the special unit has the right expertise, we need to make sure that there are sufficient special schools in our system for those children with severe special needs. Later this year we will launch another wave of special free schools. I don't contradict anything that you are saying.

In terms of funding, as I said, we are spending record amounts of funding this year; £41 billion last year, rising to £43.5 billion by next year, including special needs. This has increased by £1 billion since 2013. We are spending record amounts of funding on our school system.

Q475 **Emma Hardy:** One thing we need to talk a bit about is alternative provision for children with mental health problems—just moving away from exclusions—because on our recent joint inquiry with the Health



Select Committee, we had written evidence from children. One child has told us that, "Education is the cause of my anxiety: exams, fear of failure." Another child told us that she felt, "There is no hope for the future" while she was sitting her exams at school. As you know, one in 10 young people have a mental health problem. Do you accept or recognise that the current exam, or testing system, is driving anxiety problems in our young children and contributing to many of them having to drop out of mainstream education altogether?

Nick Gibb: I do think there is a very serious mental health issue among young people and in our school system, which is why, together with the Department for Health; we launched the Transforming children and young people's mental health provision Green Paper. That will have £300 million of funding attached to it. It is about having a designated mental health lead in schools, having a mental health support unit advising a cluster of schools, and reducing the waiting times for those with severe mental health issues, in terms of appointments with medical specialists, at CANs and so on. Absolutely, the Government takes mental health issues extremely seriously.

In terms of exam pressure, we have reduced the number of exams young people are taking. There was a system with continual retakes, with bite-size units within the GCSE, which meant that the whole of essentially year 11 was taken up with repeated exams. We put a stop to that. Now young people are taking them at the end of a two-year course, so there is plenty of time to immerse themselves into a subject rather than having to face exams the whole time. That reduces rather than increases pressure.

Q476 **Emma Hardy:** It is also the culture of the schools, Minister, because children are not just suffering anxiety at the end of year 11, it is throughout their time in schools. Eleven year-olds are suffering anxiety because of Key Stage 2 SATs. The fact that schools think it is acceptable to have a target grade stuck on the front of a child's book, which they and their friends can see, and that they are expected, from 11 years old, "This is the grade you are going to get when you are 16." If you fall behind that, the pressure is on continually throughout that time. It is much wider than just an exam question when you walk in that room, we are talking about the whole pressure cooker of the entire school environment. With one in 10 children now having a mental health problem, surely, Minister, it is time to say, "Do we need to ease that pressure off?"

Nick Gibb: I accept the latter figure, but you are correlating it without evidence; it is an assertion. In terms of the things you have described happening in year 6 that does not come from Government policy. We have repeatedly said that children should not be put under pressure when it comes to their SATs. These are not qualifications for young people. They were introduced in 1990 to hold schools to account for the quality of education that they provide, and it is because of that test—that SAT that was introduced and has been around now for nearly 30 years—that we have seen improvements in primary educational outcomes.



Q477 Thelma Walker: Good morning, Minister. Just in support of some of the things Emma was saying about disadvantaged children and the frequency of exclusions for these different groups, especially SEN, which is four times the rate of exclusions, we visited a committee, an alternative provision setting. I spoke to a very intelligent young woman who had had a very unfortunate journey to alternative provision. She said to me, "When I came here it was not just about my five A to Cs. It was about me as a person, the teacher talking to me, giving me time, and listening to me." You mentioned earlier about good schools, including great pastoral care and support. Do you think there could be more appropriate outcomes measured for young people in alternative provision where they have gone through this terrible trauma very often, an emotional journey? Of course we want to get the five A to Cs, but this young woman talking to me will easily probably achieve those five A to Cs, but for her it was gaining more confidence and self esteem. Do you think we should be looking at other than five A to Cs; that whole-person approach?

Nick Gibb: I do agree with you. When we come to assess alternative provision, it needs to be more than just the A to C figure, the GCSE results. It does also need to be things like attendance, behaviour and so on; all those pastoral non-qualification-related issues. As part of this review, we are working with the sector to develop a framework of how we assess the quality of AP in the future.

Q478 Thelma Walker: What if, in mainstream, teachers were skilled up, or given the capacity and time to talk to their pupils, to give them that one-to-one? We heard from one head teacher at the AP we visited that the age of children excluded is becoming younger and younger. He was shocked at the frequency they were having referrals to AP from Key Stage 1-aged children. If we get that early intervention, the relationships and the ethos right in a school, if teachers feel they have that space to sit down with individual pupils, talk with and listen to them, could we prevent so many exclusions later along the journey?

Nick Gibb: I totally agree with what you are saying. When I visit schools, the best schools with the best atmosphere, ethos and results are the schools that do precisely that: they have a very strong pastoral care in those schools.

Q479 Thelma Walker: You need funding to do that. That is another discussion, but you need money to do that.

Nick Gibb: It is another discussion and, as I say, we are spending record amounts of money on schools this year and next year.

Q480 Thelma Walker: Is it going in the right areas? We will talk another time.

Nick Gibb: Yes, we will talk another time but everything you say I agree with. Most professionals and head teachers in the teaching profession would also agree with you.

Thelma Walker: They do.



Nick Gibb: That is what I do see up and down the country in good schools that I visit. In terms of the disproportionate numbers of SEN children in alternative provision that are being excluded, this is precisely what Ed Timpson will be looking at. We want to know why particular groups are disproportionately being excluded from our schools, whether it is SEN, particular backgrounds or parts of the country. We need to understand precisely why that is happening.

Q481 **Chair:** You are coming back to the Committee in a few weeks' time and we will be discussing these issues in much more detail. What Thelma and Emma are saying is: could it be that we are having enormous amounts of exclusions because, whatever the funding is, it is very resource-intensive, so therefore it makes it easier for the school, in terms of their resources, to exclude pupils? That could be one of the key reasons why so much of it is happening.

Nick Gibb: Just to keep these things in perspective, as I say, in terms of exclusions, they are lower now than they were 10 years ago. I accept that there has been a rise in the last few years but if you look at, for example, the number of children in AP—you, Chairman, cited 48,000, which is correct—in January 2011 it was 46,000. You have to put these things into perspective.

Q482 **Chair:** First of all, there are all kinds of exclusions: permanent, formal, informal, and it does not matter whether it has gone up or down. We touched on this earlier, 35 children are being excluded every day. That is a horrific figure. I am asking you: is part of the reason the huge amount that are special needs? 14% of the overall school population is special needs.

When Thelma asks you about funding—whatever the arguments are about whether there has been more or less funding—that is not the argument. The argument is: are these children being excluded because it is more resource-intensive and so, therefore, it is easier for the school to exclude the pupil, whether formally or informally?

Nick Gibb: I have to make policy according to what the evidence suggests. Everything you say is correct, but you need to look at a timeline to understand what the dynamics and the causes are. We have asked Ed Timpson to look at why certain groups are more disproportionately likely to be excluded. Given that the figures in January 2011 were 46,000 in AP and today it is 48,000, I suspect that the 46,000 will have broadly the same proportions that the 48,000 have. I do not know; I do not have those figures in front of me. We can inform you. Ed Timpson will inform all of us, but you need to know that to understand what the cause is. It is important to understand the time dynamic because, otherwise, people just assert things as the cause of the 48,000. Until you understand what the 46,000 is you cannot draw a conclusion about what the 48,000 is.



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Some of those 48,000 will be children who have particular medical issues and may be in alternative provision in a hospital setting, and so on. There are all kinds of reasons. What we are concerned about is why certain groups, like children with special educational needs, or those from certain backgrounds or certain parts of the country, are disproportionately more likely to be excluded from school. That is what we need to understand before we start to make policy.

Chair: James, you have been waiting very patiently. Thank you.

Q483 **James Frith:** Good morning, Minister. Last, but I hope not least. You talked earlier about the heads that you speak to. Sixty-seven head teachers in Bury signed a letter last week. I will not read the whole letter, just one line in it, "It is quite simple: there is less money in schools. From April 2018, we will have to bear more of the cost for supporting a child with special educational needs", from their own budget. These children will still require the same level of support. At the same time, the number of specialist places—both in Bury and nationally—for children with additional special educational needs, is not keeping up with demand. I put it to you that these are head teachers, accountable professionals, who, to be told simply that there is more money while also that any trend or increase in SEND is not worthy of a policy position beyond the review that you referred to, is hesitant, cautious. How would you put it?

Nick Gibb: We have to make policy on the basis of evidence, and—

Q484 **James Frith:** I am putting to you, sir, that, at the risk of ignoring the evidence, we have a near doubling of out-of-borough alternative provision in the last 18 months, with 250 children. As a school family, we are less than 8% academy. We have a local authority that has been decimated, and so head teachers are left thinking, "Where to turn?" You will appreciate that a high numerical number is not the same as more money to spend on resources and per pupil. Would you accept that?

Nick Gibb: We can have a debate now, if you want, about school funding. I am very happy to have that debate.

Chair: Can we save that debate for a few weeks' time?

Nick Gibb: The point is that there is a variation in exclusions from schools—I have cited some schools where there are no exclusions—and yet all schools are funded, not necessarily on the same formula, but these schools I have cited are from different parts of the country. If you look at schools, they are broadly funded in the same way. There is a variation in the propensity of particular schools to exclude or not. Schools like Dixons Trinity and Reach, Feltham, go out of their way to recruit pupils with disadvantage, so it is not as if they are not recruiting children who might have special educational needs.

Q485 **James Frith:** Is it the head's fault? Is it a failure of leadership when that happens?



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Nick Gibb: What I am saying is that there are schools, subject to the same constraints on their finances that are not excluding. What I am also saying is that there is a lot of advice, for example the Tom Bennett Review into behaviour, about how to instil a—

Q486 **Chair:** Although there are some schools that are not excluding, which is a good thing, the issue is more and more schools are excluding and more and more people are being excluded.

Nick Gibb: As I have said, since about 2013-14 we are not at the 10-year height that we have been. I have given you the figures for students in AP: it has gone from about 46,000 in January 2011 to 48,000 today.

Q487 **Chair:** That is formal exclusions, though. You are not talking about informal exclusions, are you?

Nick Gibb: I am talking about formal exclusions, yes.

Q488 **James Frith:** Chair, can I just continue that thread, if I may? On professionals working together, I think there is a real issue because there is no longer this local accountability, or a much-diminished local accountability. You are right that heads should be in a room agreeing, but there is evidence of not every head playing by the rules. You referred in an earlier answer to them having that right, and I accept that is where we are at. Do we need to design a system that rewards inclusivity? When you talk about concentration on mainstream education, very often what we are seeing as the spike in alternative provision is a failure of mainstream education. Not that alternative provision does not have a very valid place in our system, but that too often mainstream is failing to be responsive, patient, dynamic enough to the needs of that particular child at that particular time. What would you say to that?

Nick Gibb: There may be some truth in that. We share the concerns of this Committee about the increase in exclusions. The fact I have cited the figures is because I want our conclusions to be drawn on the evidence and the facts, but we are concerned about this increase in exclusions since about 2013-14. That is why we have asked Ed Timpson to look at exclusions. In addition to that, we are doing the review into AP. We are conducting significant research as well into AP. We are also looking into home education. This whole package of research, review and a call for evidence is part of addressing the issues that this Committee rightfully is also looking at, because we share that concern.

Q489 **James Frith:** Do you think that with the review—and would it be your hope—that a measure of inclusivity and rewarding schools that can demonstrate that practice, is something in the near future for our school system to embrace?

Nick Gibb: I don't want to fetter the ability of head teachers to do what they think they need to do to maintain discipline in their schools. They may well have taken over a school—



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Q490 James Frith: With respect, sir, it is not about discipline all the time. It is also about an ability to learn and a team round a child and a plan for all children, not just some. My concern is that the fragmentation or the atomisation of our school system allows for mainstream education to off-roll or to fail our SEN children, despite best efforts. To conclude, or to pivot from SEN into behaviour discipline issues, is about a school failing a child's ability to learn, and simply pushing into the next and often the newest schools, and you have cited some of the new schools that are available. I don't think we want, do we, just a series of different clusters of schools doing entirely different things? What happens to society as a result of that?

Nick Gibb: Off-rolling is unlawful. As a consequence of the call for evidence in home education, we have asked specifically to find out more about that so we can determine what further action we need to take. Of course, Ofsted will identify these issues when they are looking at the data but it is unlawful already. What we want to do with the research is to find out how mainstream schools commission alternative provision. We want to look at the children's and parents' experience of alternative provision, and we want to see what availability there is for high-quality alternative provision in particular areas. That is part of the research project. Then we have our review, the Home education: call for evidence, and Ed Timpson's review into exclusions, so we can find out what is going on.

In terms of the atomisation you were talking about, what we have seen in the last several years are 1.9 million more pupils in good or outstanding schools compared to 2010. We are raising standards of behaviour in our schools, of academics; we are rising up through the international PIRLS rankings of nine year-olds' reading ability. We believe very strongly that having good pastoral care, high quality education in all our schools is how you promote social mobility, and it is how you also deal with a strong economy. That has been the objective of the Government in the last year. That atomisation that you talk about, the academisation programme, the free school programme—500 new free schools—providing challenge and differentiation is why we have those higher standards.

Q491 Ian Mearns: The Minister is talking about illegal activity. What are the consequences for schools now of this illegal activity in terms of off-rolling pupils?

Nick Gibb: Where it is identified, it is unlawful and action can be taken against the school through the school complaints process.

Q492 Ian Mearns: What are the consequences?

Nick Gibb: They go through the school complaints process and so on, and Ofsted will put that school into special measures if it has engaged in unlawful activity, and very serious consequences follow from that. What we need to understand, from all the different strands of work that we are



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doing, is how extensive it is and what measures we can take to prevent it from happening in the future.

Chair: For time purposes, if we could just be more concise.

Q493 **James Frith:** My final point is: you draw no correlation between the increase in the number of pupils performing to the level that you have cited, with the increase then in numbers that are being failed also by a narrowing of mainstream school performance.

Nick Gibb: I do not accept that it has been narrowed. What I am seeing is an improvement in the quality of the core academic provision in schools.

Q494 **James Frith:** There has been a failure of dynamism, hasn't there? I thought Kevin put it very eloquently. While it does not need to be quite as binary, children who fail or do not fit that system are on the increase.

Nick Gibb: Who are those children who you do not think should learn to read? Who are they? This is what we have done. We have improved the quality—

James Frith: It was a rare moment of ill-discipline, with respect, sir.

Nick Gibb: Well, I don't understand who these children are.

Q495 **James Frith:** I think you should probably withdraw that.

Nick Gibb: That is what we have been delivering. We have not been delivering this other thing that you are talking about.

Q496 **Chair:** This goes back to the first question: you want all these high standards for everyone—which I want and we all want—everybody has a right to read properly, and yet, going back to the GCSE issue, we have a tiny 1% getting decent GCSEs in alternative provision.

Nick Gibb: That is a concern. We share that concern.

Q497 **Chair:** I want those children to have the same rights as everybody else.

Nick Gibb: Yes, and so do we.

Q498 **Chair:** Yet, they have been neglected because now we are having a review after six years.

Nick Gibb: It is not the first review. We have had the Charlie Taylor review and we have had the guidance in 2013.

Q499 **Chair:** Why has there been such a concentration on—rightly so—on everyone but neglecting the most vulnerable?

Nick Gibb: We have not neglected the most vulnerable. As I said, I am concerned about that very small proportion in AP who are getting their GCSEs, but you have to put that into perspective because we want a successful AP to be one that basically reintegrates pupils back into mainstream schools. In theory, they should be reintegrating all young



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people back into mainstream school if they are capable of getting their GCSEs. The children that they are still working with will be the ones who are still encountering problems, and that is why they are staying in alternative provision.

Q500 Trudy Harrison: Thank you. Do you feel that children and their parents, and especially foster carers—because twice as many children who are looked after are being excluded—have sufficient rights?

Nick Gibb: Looked-after children do have greater priority in the admissions system, so they have to be given priority when the school is oversubscribed. They are right at the top of the priority in terms of the schools that they can attend. They do have rights in that sense, in terms of getting into the school that they want to get their children into.

Q501 Trudy Harrison: Do you feel that parents and children are being involved effectively in the decisions round exclusion and that they have sufficient rights at the moment, or do you feel there is scope to improve those?

Nick Gibb: That is one of the things in our vision. We want to see increasing parental and pupil engagement in terms of decisions about going into alternative provision. We want those pupils and their parents to be more engaged in that process than they perhaps currently are.

Q502 Trudy Harrison: The fact that a child is only in school for around 17% of the year—the rest of the time they are under the influence of their friends and family—what changes do you anticipate may need to happen to ensure that the rights are correct and that parents have the time, ability and inclination to support their children?

Nick Gibb: Obviously, what we call the “home learning environment” is very important. It is an issue that is of concern to the Secretary of State and to me. The levers are more limited, of course, in terms of how you influence that environment. We need to make sure that, where the home environment is not as it should be, at least that could be compensated for in the school. That is why we believe in very strong pastoral care in schools. We want to make sure that children who do have problems are identified early in their school career, or as soon as problems start to manifest themselves. That is a very important part of what we are trying to achieve. We have introduced, as I may have mentioned, the £4 million AP Innovation Fund, which is designed to test out approaches to identify and tackle those particular issues, and particularly the engagement of parents and carers in their child’s placement.

Q503 Lucy Allan: I want to ask about destinations for AP students as compared to mainstream. Almost all of the mainstream will go on to sustained education and employment, and obviously AP students do not. Around about 45% will find themselves without sustained education or employment. Is there something more that your Department could be doing to focus on destination? It clearly entrenches the disadvantage that has already been experienced, that they then cannot sustain education or



employment after they have finished their AP.

Nick Gibb: Yes, I agree with you. The figures are very stark. My figures show that 37% of pupils in AP at the end of Key Stage 4 either have no destination measure or they are in the NEET statistics—not in education, employment or training—and that is very concerning. Again, part of our vision is to get that figure improved. We want children leaving PRU, or alternative provision, to be better equipped to go onto an apprenticeship, to go into employment, or to return to further education. We don't want these figures to continue.

Q504 **Lucy Allan:** What could your Department specifically do to ensure that does not happen?

Nick Gibb: It is about improving the quality of what happens in the alternative provision setting. Up and down the country there are very good examples of very high quality alternative provision. What our review is intended to do is collate that best practice, to see why is it that the Acorn alternative provision academies are of such high quality and others in another part of the country are not. We can accumulate that evidence and then spread that practice.

Q505 **Lucy Allan:** Will that form part of Edward Timpson's review destination?

Nick Gibb: That will be what he tries to do in terms of exclusions. Also our AP review, our vision for AP, is about collating that evidence and then spreading that best practice through the usual reporting and talking to the sector.

Chair: A quick one from you, Emma, before we go to Ian.

Q506 **Emma Hardy:** It is a very quick one. It was an idea that has come from some of the people giving evidence about alternative provision, about whether or not, now the leaving age has been increased to 18, could you explore the idea of alternative provision being increased to 18, so that they still have that support all the way through to the time when they leave school? Is that something the Department has considered?

Nick Gibb: It is a power local authorities have. It is not a duty. The duty is to provide alternative provision for those of compulsory school age to 16. There are 49 PRUs, alternative settings, that do have provision beyond the age of 16, but that is a very small number compared to total provision settings. I am sure this is something that we will look at, in terms of the alternative provision review.

Q507 **Emma Hardy:** That could increase the number of children not ending up as NEETs if they have that extra support. I would urge you to look into it quite deeply.

Nick Gibb: Yes.

Chair: That is a very important question.

Q508 **Ian Mearns:** We have been told that part of a successful alternative



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provision is the strength of collaboration and partnership between alternative provision schools, local colleges and mainstream schools. Is it enough for those links to be based on chance or on local circumstances, and how can the Department show greater leadership in setting expectations for the establishment of those collaborations and partnerships?

Nick Gibb: AP should be part of the whole education ecosystem. We do want it to be more integrated in terms of its involvement with mainstream schools and that is an objective. One of the things we allowed to happen a few years ago was that one of the placements of someone training to be a teacher can now be in an alternative provision setting. We encourage teachers to move into and out of alternative provision during their career, because we do want that cross-fertilisation between mainstream and alternative provision. I think the point you raise is a serious one and I agree with it.

Q509 **Ian Mearns:** But where the partnerships are most effective it is not just about staff movement, it is also about working in partnership around the individual child. As a Department, what more can we be doing in order to encourage that?

Nick Gibb: Again, this is something that will come out of the review. We do expect schools to take seriously where they are placing their young people. When an Ofsted inspection comes in they do look at the quality of where their pupils are being placed if they are being placed in an out of school setting. Ofsted will look at the quality of that placing and that will affect the judgment that they attach to that mainstream school. It is something that is already taken very seriously.

Q510 **Ian Mearns:** The number of vacancies in the alternative provision and special school workforce has trebled since 2011. I know that the Department is looking at recruitment and retention across the whole school system, but what particularly is going in to getting great teachers into alternative provision? You have just mentioned about training but, since the overall workforce has a problem with vacancies at the moment, what is going to be done there in terms of recruitment and retention for that particular part of the specialist sector?

Nick Gibb: It goes back to the overall numbers. We have record numbers of teachers in the profession now—457,000, which is 15,000 more than in 2010. We do have the challenge of a very strong economy. That is something that is not exclusive to this country. Other countries are facing the same issue about encouraging graduates to go into teaching. It is a worldwide problem. It is also a problem encountered by other industries and other professions. We have a strong economy. There is a great demand for the best graduates in all kinds of sectors. That is why we have these very generous tax free bursaries. That is why we have a very effective marketing campaign. That is why we have engaged in a whole raft of initiatives to try to ensure that we get closer to meeting the teacher supply model target that we need to meet.



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As I have said, the reason why we allowed teacher trainees to spend one of their placements in alternative provision is because we want to see an improvement and a closer link between alternative provision and mainstream education.

Q511 Ian Mearns: Given the fact that the vacancies have trebled since 2011 and given the vulnerability of the children in the sector, is there anything specific you think the Department can do to help recruitment and retention, specifically in those alternative provisions, for those very vulnerable children?

Nick Gibb: It is also about improving the quality of alternative provision. We know that 81% have been graded "good" and "outstanding." The review is about ensuring that we continue to improve that quality, and the higher the quality of AP, of course, the more attractive a professional career move it becomes.

Q512 Ian Mearns: The Department has considered incentives for particular specialisms in subjects. When it comes to looking after the interests and education of children who are some of the most vulnerable could you not look at similar incentives?

Nick Gibb: We have something called the Teaching and Leadership Innovation Fund that has a strand specifically covering alternative provision, and that is to fund innovative ways of improving the leadership of, in this case, alternative provision but the whole fund applies to all sections.

Q513 Chair: Our earlier witnesses mentioned a proposal for, not quite, almost a Teach First for alternative provision, where teachers move in between alternative provision and mainstream schools and have clear career progression rates. They are trying to start a similar thing to Teach First. Is that something that you think is a good idea that you could support?

Nick Gibb: Yes, we are very interested in what the Difference are doing, and particularly their emphasis on the importance of leadership. We support what they are doing. As I said, we have this fund, the Teaching and Leadership Innovation Fund that does have an alternative provision strand to fund precisely this kind of innovative approach to leadership.

Q514 Trudy Harrison: What role should unregistered provision play in the education system, do you feel?

Nick Gibb: You have to distinguish between unregistered school setting, which is unlawful, and an out of school setting, for example a garage where a pupil goes one day a week to learn about mechanics. They are very different things. We are devoting quite a bit of resource to prosecuting and closing down unregistered school settings where there are at least five pupils or one child with SEN and it is essentially full-time education. They do need to be registered and they do need to be inspected by Ofsted. If they are not, then it is unlawful and we prosecute. Ofsted has a pot of money in order to pursue those prosecutions. We



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take those things very seriously. I think it would be a pity to prevent a pupil that has a passion for a particular vocation spending a day a week acquiring those skills.

Q515 Chair: That is very different from where a school allegedly is trying to deal with a particular problem and says to the parent, "It would be much better if your child was home schooled", in order to get that child off the school's books, in essence, for the reasons that have been discussed today. That is very different from the school sending a child to a mechanic or another provider for a day or two a week.

Nick Gibb: Yes, very different. What you are describing is unlawful and it is something that we need to prevent.

Q516 Chair: Your review is investigating how prevalent it is, is that right?

Nick Gibb: Yes, the Home education: call for evidence is specifically asking for evidence from that particular issue.

Q517 Lucy Powell: Sorry, a quick follow up on that. You say on the one hand if a child wants to do a day a week with a mechanic, I would agree with you, but you are only measuring the school on them doing seven EBacc GCSEs that they couldn't possibly fit into a timetable if they are out of school for one day a week. Do you not see the contraction in terms of what your expectation is of the school and what you are now determining might be in the best interests of that child?

Nick Gibb: What we have said is we want 90% of students to be studying the EBacc combination and to start to study it by 2025, 75% by 2022. There will always be that percentage—whether it is 25% or 10%—of children for whom that sort of education may not be suitable. That is why we don't say 100%, we say 90%.

Q518 Lucy Powell: A lot of those children might attend the same school.

Nick Gibb: Correct.

Q519 Lucy Powell: I think that is the point that Mike Kane was raising with you last week, a school in Wythenshawe might have a large percentage of those children and the school that you were talking about earlier in the Home Counties that is highly academic might have none of those children, but you want them both to have 90% doing all the EBacc subjects.

Nick Gibb: The 90% is the overall national target. Of course, it will vary by school, so some schools we would expect 100% and other schools we would expect less than 90% depending on the cohort that they—

Lucy Powell: You are going to hit a lot of troubles with that target. Schools don't want it either, and you know that, but anyway we will come back to that next time.

Chair: We will come back to that in a few weeks' time.



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Q520 James Frith: Some of the schools that I speak to in Bury would love the chance to provide alternative provision within their building footprint. They have a view that alternative provision can include classroom activity en masse with all and that which is provided in a different room, different services. Do you think that that should be a chosen way forward for alternative provision? You will appreciate some of the social interactions are not pre-required. That some of the other performance measures that a school academically is—

Nick Gibb: I accept the point, and that is why the atomised system that you are critical of allows that. Some multi-academy trusts, for example, are having an alternative provision facility within their multi-academy trusts. That could be sited on the same site as a mainstream school or it could be at a distance from it but within the same multi-academy trust, so that all the schools in that trust use that particular alternative provision.

Q521 James Frith: The difference that I am referring is then when an inspection comes, whether there could be, in figures, an allowance for that approach where the school is judged as an inclusive school incorporating some alternative provision. There is essentially a judgment figure with maybe a bracketed figure as well that allows for that adjustment and inclusivity as opposed to—I think what you interpreted my point to be—they would essentially be two different organisations, albeit housed within the same place.

I am saying some flexibility within the mainstream system that then means, when they are judged, there is a reflection of that inclusivity in the judgment.

Nick Gibb: That is a different issue and we have to have high expectations for all pupils. The reason why we include in the denominator—in the accountability metrics—children with special needs in mainstream schools and why we would want to include those children also in the metrics, the accountability regime, is because we want the highest level of attainment for those children as well. What we do not want to seep into the system is any kind of lower expectation for certain groups of children. Of course, when Ofsted inspect a school they do take into account context. The reason why we brought in Progress 8—I know the Committee has been critical of some aspects of Progress 8—and we like Progress 8 is because it does take into account the starting point for young people and it measures the progress that they are making, so whether they are students who are unlikely to get more than a grade 3 in the new GCSEs, that progress can be measured. Maybe they should be getting a 4. The whole accountability system now is designed to ensure that every young person gets the best grade they can and can fulfil their potential, regardless of their starting point.

Q522 Trudy Harrison: Just coming back to the unregistered provision, I absolutely acknowledge the benefits of what I would call work experience. You mentioned a young person could go in and spend time



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with a mechanic in a garage. That is of course of huge benefit, but in a mainstream setting that would be closely monitored by the mainstream school. My concern is around alternative provision and the unregistered provisions. How are they monitored by the Department because I think that is what it comes down to, it is the monitoring of this?

Nick Gibb: Yes, to the extent that they are full-time, those settings, they should be registered and they should be inspected. We are clamping down on those organisations that are not doing that.

Q523 Trudy Harrison: How many do you feel there are of those organisations at the moment?

Nick Gibb: By definition, it is hard to know. There is also this in between where they are not quite, full-time but if you were to talk to Sue Morris-King she would say, "They are almost. They don't fulfil the definition of a full-time education setting and, therefore, they are not required to be registered." But they are unregistered and yet they are almost full-time because children are spending significant periods of time at those settings. Those are the kinds of issues that we will be looking at in our various reviews.

Q524 Trudy Harrison: How many hours could a young person spend in that setting a week before it has to be registered?

Nick Gibb: It will be the setting. Does that setting have pupils in it beyond a certain number of hours? I think the number of hours is something like—if it is full-time, but there is a definition of full-time. We will send you the number. I want to get it right.

Q525 Lucy Powell: Sixteen hours, I think.

Nick Gibb: I thought it was either 16 or 12 or something like that. You think it is 16.

Chair: We are rapidly nearing the end. We are going to have a final question from Thelma and I have a couple of end questions as well.

Q526 Thelma Walker: It is related to Trudy's question earlier about unregistered provision and the lack of monitoring from some schools of children when they are with alternative provision that is unregistered. Safeguarding alarm bells are ringing for me. Who takes responsibility for the care and well-being of those individual children and young people? They may be one day in unregistered provision and in schools other days. Who is responsible for the safeguarding of those individual children and young people?

Nick Gibb: The commissioner of that provision for that child has a duty to make sure that the children will be safe in that environment and that the quality of provision is of a suitable standard. The commissioner of the provision, the person that pays for that provision, has to take responsibility for ensuring that it is of the right quality.



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Q527 **Thelma Walker:** If they are not doing the necessary checks and they are not speaking to the right people, we could have children and young people falling through the safeguarding net. That is what I am suggesting. What can we do to improve that?

Nick Gibb: When Ofsted inspect a mainstream school or an alternative provision setting, this is one of the issues that they look at. If those children who are registered at that school are spending some of their time off the school site in these other settings, they will be asking questions about what steps the school has taken to ensure those children are safe and the quality is of the right standard. If the school has not taken those steps, that will be something that Ofsted will judge the school on.

Q528 **Thelma Walker:** It is a really important issue. These are some of our most vulnerable children and young people.

Nick Gibb: Yes. In addition to that, of course—to repeat myself—we have all these different reviews that we are doing: the AP vision, the research into AP, the Home education: call for evidence and the exclusions review conducted by Ed Timpson. These are the sorts of issues that will be swept up into those various pieces of work.

Q529 **Chair:** When will these reviews end and report, and when will we see policy?

Nick Gibb: Towards the end of this year. We can send you a timeline of all the different strands of it.

Q530 **Chair:** When will we see policy being developed by the Government?

Nick Gibb: Following the conclusion of all those pieces of work, we will then assess those pieces of work and take a view about what action to take, whether that is a revision to the statutory guidance or legislation.

Q531 **Chair:** That is a very “Sir Humphrey” answer, if I may. Just three final questions for you. The official stats for permanent exclusion include data on the reasons for exclusions in each case, but it is not possible to determine the reason for exclusion in one in six cases. They are simply not declared. Do you know why pupils are being excluded in these cases? Would you be able to share them publicly?

Nick Gibb: We have changed the census details.

Q532 **Chair:** Will you publish the AP census?

Nick Gibb: I will have to get back to you on what the rules are about publishing the census, but we are changing the census questions so that we can find out the reason why children are going into local authority-commissioned alternative provision, which is for children who are permanently excluded.

Q533 **Chair:** In essence, my point is that we need as much transparency as possible. Will you publish as much as possible and make it accessible? To



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get to the AP census is quite complicated, as I understand it, for members of the public. Why not just publish the AP census? If there is private data—names and so on—redact it. Why not publish it so that people can get a fuller picture of what is going on?

Nick Gibb: That I will write to you about, just so that I am 100% right. There is always sensitivity about publishing data about children but I will write to you, Chairman, about that issue.

Q534 **Chair:** At the heart of this seems to be an incentive/accountability/regulatory system. I asked you at the beginning about making schools more accountable, in terms of the pupils they exclude, for the results. That could be the accountability. The incentive could be to look again at Progress 8 and see if it is producing advantage in certain areas, and maybe weighting it slightly more than you are already. I accept that you said there had been some changes. Going back to the other incentive in terms of devolving the funding: not giving funding to local authorities but directly devolving it to the schools. Those have been some of the questions that people have raised with us. In essence, it is creating an incentive-based and accountability-based system to help AP. What do you think of that?

Nick Gibb: Rather than sounding like a boring Sir Humphrey, these are exactly the issues that the review will be looking at.

Q535 **Chair:** What is your view? You got in there and took over AP at the beginning of the year. What is your passion? What do you desire to change? Give us something substantive that we can take away, that you would really like to change to make things better.

Nick Gibb: I want to see the quality of what happens inside alternative provisions settings, inside a PRU, to be of a much higher quality consistently across the country.

Q536 **Chair:** Everyone would agree with that. I am asking what you would do substantively.

Nick Gibb: That is quite a change.

Q537 **Chair:** That is saying, “Motherhood and apple pie.” We all want that.

Nick Gibb: It is not just motherhood and apple pie. It is about spreading best practice, about identifying what it is that happens in the Acorn Multi-Academy Trust that is not happening in a particular PRU in another part of the country, because there are some good PRUs as well. It is about identifying that evidence—“What is it?”—and spreading it. That has been the essence behind all our reforms. It is about finding out what works where and ensuring that it happens universally.

Q538 **Chair:** Your focus is on the PRUs, not the exclusions? It is on the official alternative provision, not the exclusions?

Nick Gibb: No, it is also on the exclusions. What we are concerned about in terms of exclusions is that there certain groups who have a higher



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propensity to be excluded than other groups. That cannot be right. We need to understand the extent of that and the reasons for it. That is why we have asked Ed Timpson to conduct that piece of work for us. When we understand what those reasons are, then we can introduce policy prescriptions to tackle it.

Q539 Ian Mearns: Minister, a couple of times today you have referred to the fact that off-rolling is illegal. It is happening. Do you think it is time that the DfE issued a circular to schools reminding them that it is illegal and it should stop?

Nick Gibb: It is very clear in all the guidance we send. There is nothing to stop us reissuing that guidance and writing to schools to reiterate that point. My preference would be just to wait until we have conducted the review, so we have some more concrete evidence to cite when we send those messages but I have no in-principle objection to your suggestion.

Q540 Emma Hardy: Minister, I support your vision to improve education in alternative provision but can I implore you also to look at stopping the pipeline, looking at the causes for why children end up in alternative provision? It would have been very good to hear that your vision is also to end the pipeline or to decrease the number of children that are ending up in alternative provision as well.

Nick Gibb: Yes, but for some children it is the right provision for them.

Q541 Emma Hardy: Not for many, for the SEN and for the looked-after children.

Nick Gibb: Maybe not, no. As I say, it is not just behavioural issues that lead to a child attending alternative provision. Alternative provision should not be poor-quality. There is always the assumption that lies behind that question that somehow the alternative provision is something that you need to avoid at all costs. If it is of a high quality, it can be right for some children. That is what the review is trying to identify. We want the right children in the right places.

Q542 Emma Hardy: I am asking you, Minister. Would you also share the vision that we should look at decreasing the pipeline and decreasing the number of children that are ending up in alternative provision?

Nick Gibb: Possibly, yes.

Q543 Chair: In other words, do you think it should be rare, not a way of life?

Nick Gibb: It is rare. The number you have cited, 48,000, is a tiny proportion of the overall school population. Is it the right proportion? I don't know. Hopefully the various reviews will identify that. The right pupils need to be in the right provision.

Also, alternative provision should not be uniform in its type. There are hospitals that provide education for children with long-term chronic conditions, and that is termed "alternative provision." There are various



types of alternative provision. The key is that it is of a high quality, that we maintain high expectations and we address the pupils' needs. That is what these settings need to do.

Q544 **Chair:** If I could end—and you don't need to respond to this—but I think our Committee wants the same drive towards what you are doing, or trying to do, in terms of education in general and a level playing field in terms of the most vulnerable in our society. These are the forgotten children in many instances, given what is happening.

Lucy Powell: The same outcomes, yes. I am not sure we agree with the same means.

Q545 **Chair:** Positive outcomes, yes. I should qualify that, maybe different means. You have a drive for standards. Let's not neglect those at the very bottom. That is what I am trying to say to you. Let's address social injustice in our education system.

Nick Gibb: I don't think you will find any of the Ministers in the Department for Education disagree with a word of that.

Chair: Thank you very much indeed. I appreciate it. We look forward to the reviews.