

Timpson review on school exclusions - the essential guide for schools

Edward Timpson's review on exclusions presents an opportunity for schools to reflect on current practices and consider whether there are any operational risks to address.

24 May 2019

Edward Timpson's review on exclusions presents an opportunity for schools to reflect on current practices and consider whether there are any operational risks to address. The Timpson Review has been a catalyst for a heightened publicity and scrutiny of schools' approach to exclusions and against that background it is a good time for schools to make sure they are fully trained with the existing statutory requirements.

Reflecting on the review

The Department for Education (DfE) have welcomed the review's findings and agreed in principle to all 30 recommendations. Whilst the report strikes a measured but urgent tone, its impact will be almost entirely dependent on new policy and increased funding. The recommendations are wide-ranging, cover many aspects of school behaviour and exclusion and if they are all implemented, will have a significant impact on pupils, parents, schools and local authorities (LAs). Key trends throughout the report include:

- 1. Increased and targeted funding:** Timpson states that "[s]ystemic improvement is required" and this requires funding. One of his recommendations is for the government to establish "a *Practice Improvement Fund of sufficient value, longevity and reach*" to facilitate the sharing of expertise between Alternative Provision (AP) and the wider school system and deliver interventions for children in need of support. Timpson wants to see the government invest in approaches that build multi-disciplinary teams around schools and provide capital investment to improve and expand AP buildings and facilities. It is clear that Timpson expects the government to inject some serious cash to see his recommendations bear fruit.
- 2. Alternative provision as a 'first resort':** One of the pivotal problems identified within the review is the lack of available, high quality AP settings for pupils to go to for advice, outreach and short-term placements before being reintegrated back into mainstream provision. Timpson states: "*I would urge the government to take further, stronger and more ambitious steps, to recognise the importance of AP as an integral part of the education system and drive up standards in AP... it is essential that this reform is accelerated and taken forward with the conviction and commitment it deserves... it is telling that of the 816 schools recognised as teaching schools, only 7 are AP schools.*" Numerous recommendations relate to improving the quality and accessibility of AP as well as better oversight and monitoring of schools' use of AP.
- 3. Schools to be held accountable:** Timpson notes that the current performance and funding system does not reward schools for taking responsibility for the needs of all children and using permanent exclusion when nothing else will do. Timpson recommends that the DfE make schools responsible for the children they exclude both in terms of educational outcomes and funding AP. This proposal is not new – it was described in the 2016 White Paper "*Educational Excellence Everywhere*" but is clearly not simple to implement. Timpson acknowledges that it would require a significant shift in the system and that the duty and funding of AP would need to be transferred from LAs to schools to incentivise schools to intervene earlier. Clearly any changes would be subject to consultation and any such funding would need to be routed appropriately.

4. **Ofsted to focus on use of exclusion:** Any schools found to have engaged in 'off-rolling' will be judged inadequate unless there are exceptional circumstances. Off-rolling is defined by Ofsted as the practice of removing a learner from the provider's roll without a formal, permanent exclusion or by encouraging a parent to remove their child, when the removal is primarily in the interests of the provider rather than in the best interests of the learner. In addition, Timpson recommends that Ofsted recognises schools that use exclusion appropriately and effectively, who permanently exclude in the most serious cases or where strategies to avoid exclusion have failed and comment on this in the leadership and management element of their judgment.
5. **Focus on collaboration:** References to multi-agency working and closer collaboration between all schools is woven throughout the report. Timpson wants to see local forums established between LAs and schools whose purpose is to plan and fund AP. He wants to see better joint working and schools and LAs taking collective responsibility for all children in their area.
6. **New guidance on managed moves:** At present there is huge variety in how managed moves are used in one area to the next. Some schools within multi academy trusts manage pupils moving to another school within their trust, others have more formal arrangements with local clusters in their area and others do not use managed moves at all. There is no legal process for a managed move; they have developed over time by school leaders collaborating with each other to try and give pupils a fresh start without a permanent exclusion being on their record. Yet as Timpson identifies, they are not always appropriate and are not always successful. Guidance on the process has been sorely lacking for some time.

What action should schools take now to prepare for the changes

1. Self-assess school operations around behaviour and exclusions. Schools should ask themselves:

- is our behaviour policy meeting the needs of all our pupils?
- do we exclude too readily?
- are we too slow to exclude and is this impacting on our other learners?
- do we make full use of fixed term exclusions to properly review and implement behavioural support?
- do we know and make use of alternatives to exclusion?
- do we engage in off-rolling and unofficially exclude?
- do we engage with outside agencies and the LA at early stages to access behavioural support and seek advice for pupils at risk of exclusion?
- It may be that the results of such an audit lead to positive changes in culture, policy and practice or at the very least identify areas where training for leaders and governors is required.

2. Ensure governing boards have received appropriate training –Timpson identifies that governors and trustees do not have the knowledge to assess exclusion decisions and do not receive quality training or guidance to support them in conducting meaningful reviews. He expects governing boards to have a greater role in supporting and challenging senior leaders over exclusions and reviewing information on children excluded from their schools; quality training is pivotal to their role. See our service guides at the bottom of this briefing for more information on our training package.

3. Engage with other schools and the LA– the review presents an opportunity for early dialogue with other schools and the LA in their area in anticipation of a number of changes referred to above. Better communication and links with the LA and external agencies could improve multi-agency working and help schools get better access to behavioural support. Teaching schools, school-to-school collaboration and sharing ideas and best practice on managing behaviour as part of a self-improving school system could yield results at limited cost. This is where multi academy trusts and school federations can pave the way, particularly those that operate mainstream, special and AP provision.

4. Review the school's current approach to AP and the AP available to them. The report gives schools the opportunity to engage in early dialogue with other schools, trusts and their LA to explore what may need to be done in their area to implement the report's AP ambitions.

5. Anticipate the radical changes to statutory and non-statutory guidance so they will not come as a huge surprise. We expect significant changes to the statutory guidance on exclusions, behaviour guidance and the SEND Code of Practice by summer 2020.

Schools should therefore ready themselves to obtain training and update their policies and template letters. Other changes in addition to those described above include:

- a reduction on the total number of days a pupil can be excluded;
- revisiting requirements to arrange AP during fixed term exclusions;
- guidance on the Equality Act and a school's duty to make reasonable adjustments following the 2018 Tribunal decision which held that disabled children have protections if their violent behaviour is in consequence of a disability;
- clearer guidance on what 'last resort means' and what assessment should be undertaken by the school in light of budgetary constraints, availability of external support and the duty to provide a safe environment;
- greater clarity on when it may not be appropriate to consider alternatives to exclusion;
- the right for a pupil to return to their previous school following a period of home education;
- a greater emphasis on the strategic leadership role of the SENCO; and
- new guidance on in-school units, transition programmes and nurture groups.

Conclusion

The review makes all the right noises but will not yield any change in its own right. At present, there is not enough funding or resource and schools have been left to do the best they can taking into account the education, safety and welfare of all pupils within their care. It is an unenviable and difficult task that Timpson appears to appreciate. He notes that rising numbers of children need support from other services; schools are waiting too long to access external services and support; there is too much pressure on high needs budgets and a lack of special school places resulting in pupils being placed in mainstream schools without the right support. The overriding feeling from the review is a familiar tale - better support and greater funding is crucial for meaningful change to follow.

More information

Our previous article, [Are you ready for any admission's appeals that come your way? >](#)

Contact

Hayley O'Sullivan

Principal Associate

hayley.o'sullivan@brownejacobson.com

+44 (0)121 237 3994

Related expertise

Governance of schools and colleges

Pupil behaviour and school exclusions
