



## BRIEFING PAPER

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# Off-rolling in English schools

By Robert Long  
Shadi Danechi

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## Summary

There are many reasons why children might be removed from the school roll, from moving home to permanent exclusion following disciplinary action. In recent years, however, concerns have been raised about children leaving the school roll for other reasons, for example to 'game' the school performance system, or to relieve financial pressure on schools. Children who are removed from school for these reasons, perhaps through exclusions or parents withdrawing them from school for home education, are commonly said to be 'off-rolled'.

Off-rolling of this kind is difficult to measure, as it takes place through legitimate channels – pupils may be excluded according to the law, and parents have the right to home educate their child if they wish to do so. Rising exclusion numbers, particularly towards the end of schooling, as well as concerns raised from within the school system, have alerted Ofsted, the Office of the School Adjudicator, and the Children's Commissioner for England, as well as the Government, to off-rolling as a problem.

The suggested reasons behind a potential rise in off-rolling include:

- Unintended incentives through school performance measures such as Progress 8 to remove lower-performing pupils from a school's score
- Financial pressures on schools, incentivising the removal of some children from the school roll

The Government has made clear that it considers off-rolling unacceptable and that exclusion for non-disciplinary reasons is unlawful. It has not ruled out legislation to provide more accountability for schools that permanently exclude children and place them in alternative provision, and is taking steps to limit the extent to which a pupil's poor results can affect the school average for Progress 8 and primary-level progress measures.

[The Timpson review of school exclusions](#), published in May 2019, prompted the Government to commit to review its school exclusions guidance by summer 2020, and to announce a consultation on how to hold schools accountable for their excluded children, due to be opened in autumn 2019.

A consultation on home education that considers related measures is also in progress.

Off-rolling, however, remains a consistent concern for leaders in education and has received a good deal of press attention. Ofsted's chief inspector, Amanda Spielman, recently stated in an [interview](#) that off-rolling "absolutely could get worse." [The revised Ofsted Inspection Framework](#) for September 2019, the subject of a recent consultation, includes a focus on off-rolling and that schools found to be off-rolling would likely have their leadership and management judged to be inadequate in the subsequent report.

# 1. Off-rolling: what it is and extent

## What is 'off-rolling' and why are concerns being raised?

There are many reasons that children may be removed from the school roll. For example, children may legitimately be excluded from schools, move to another school that is more suitable for them, or simply move home. Parents also have the right to educate their child at home if they wish.

Recent years, however, have seen concerns being raised that children are leaving school rolls in rising numbers, in particular as they approach GCSE level, because of pressures within the school system.

It has been suggested that increased 'off-rolling' is taking place because of the impact of pupils who are likely to perform relatively poorly in their examinations on school performance measures, and because schools may be struggling to support children who need high levels of support, for example pupils with special educational needs. Off-rolling of this kind might involve children being excluded for reasons that are not legitimate, or parents being encouraged to home educate a child where they would not otherwise have chosen to do so.

Excluding children from school for non-disciplinary reasons is unlawful. Children who are off-rolled may move to another school, into alternative provision, or into home education.

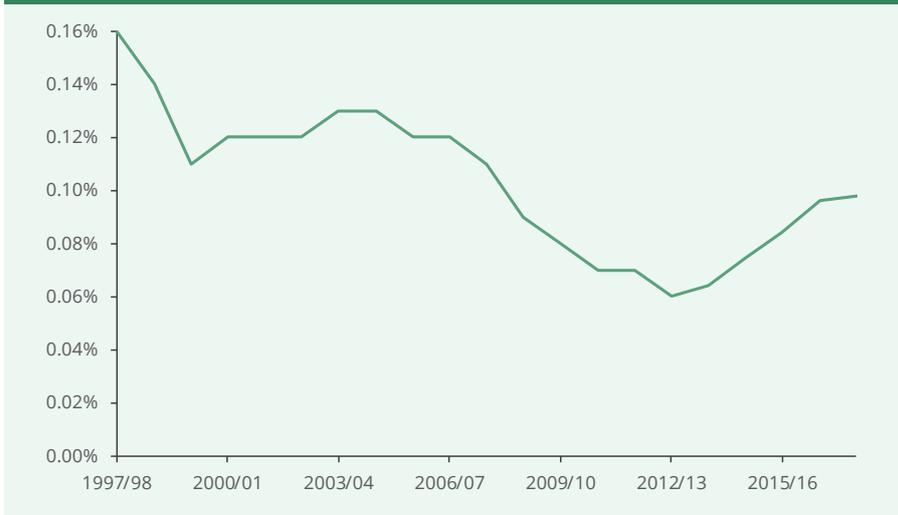
## Permanent Exclusions Statistics

There are no official statistics that measure off-rolling. However, the [Department for Education](#) publishes annual statistics on permanent and fixed term exclusions from state-funded schools in England.

In general, between 1997/98 and 2012/13 the rate of permanent exclusions<sup>1</sup> followed a downward trend. However, since then the rate has been increasing, and has reached similar levels to those from ten years ago. For further detail please see the chart below.

### The rate of permanent exclusions has increased in recent years

England, state-funded schools, %



Source: [Exclusions: Various Years, DfE](#)

<sup>1</sup> The rate of permanent exclusions is the number of permanent exclusions expressed as a proportion of the number of sole and dual registered pupils on roll (as of January census day of a given year).

The rate of permanent exclusions has increased in recent years, from a low of 0.06% (or 6 exclusions per 10,000 pupils) in 2012/13 to 0.10% (or 10 exclusions per 10,000 pupils) in 2017/18. However, the increase has not impacted year groups equally.

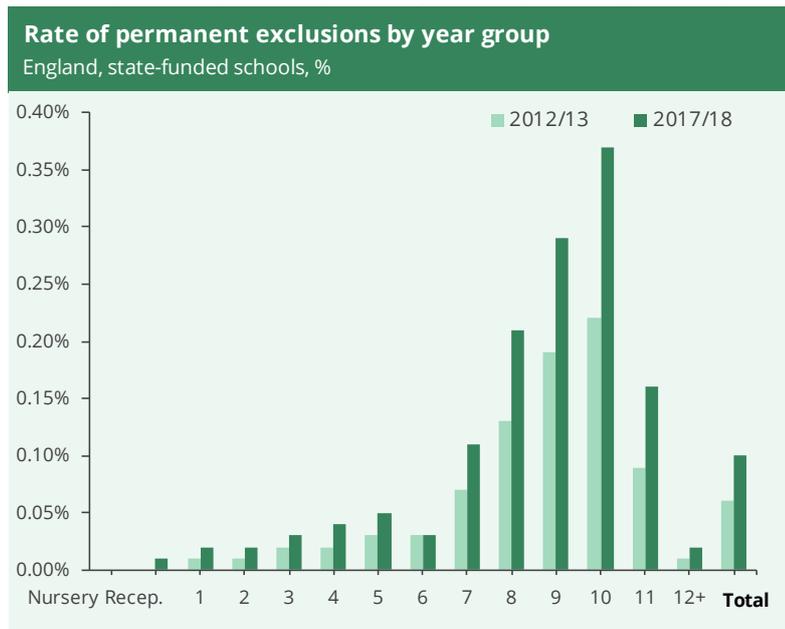
The bar chart below shows the rate of permanent exclusions by national curriculum year in 2012/13 compared to 2017/18. The chart shows that Year 10 experienced the largest absolute increase in the rate of permanent exclusions (from 0.22% to 0.37%), followed by Year 9 (from 0.19% to 0.29%).

For detail about the rate of permanent exclusions by year group in the years between 2012/13 and 2017/18, please see the appendix.

Permanent exclusion rates vary between regions and local authorities. In 2017/18 the region with the highest rate across all state-funded schools was the North East (0.14% or 14 exclusions per 10,000 pupils) which was over double the rate in the South East (0.06% or 6 exclusions per 10,000 pupils).

The local authorities with the joint highest rates were Redcar and Cleveland, and Tameside (both 0.27% or 27 exclusions per 10,000 pupils). Leeds had the lowest rate (0.00% or only 6 exclusions during the year). For further details please see the table opposite.

Parents (and pupils if aged over 18) can request a review of a permanent exclusion. An independent review panel can decide to uphold the exclusion, recommend reconsideration, or direct reconsideration. The proportion of review panel decisions that recommended or directed reconsideration of an exclusion increased from around 28% of decisions in 2012/13 to 39% in 2017/18.<sup>2</sup>



Source: [Exclusions: 2017/18 and 2012/13, DfE](#)

Rate of permanent exclusion by local authority	
England, 2017/18, %	
<b>Highest rates:</b>	
Redcar and Cleveland	0.27
Tameside	0.27
Torbay	0.25
Wolverhampton	0.23
Blackpool	0.22
<b>Lowest rates:</b>	
Leeds	0.00
Cambridgeshire	0.01
Tower Hamlets	0.02
Kent	0.02
York	0.02

Notes: all state-funded schools; City of London and Isles of Scilly excluded  
 Source: [Exclusions: 2017/18, DfE](#) (Local Authority Tables, Table 17)

## Teachers' Survey 2018

A YouGov poll carried out for Ofsted, as part of its [annual teachers' survey](#), published in July 2018, found that more than fifth of teachers in England have witnessed off-rolling at a current or previous school, with nearly half having heard of it happening:

<sup>2</sup> Department for Education, [Exclusions: Various Years](#) (National Tables, Table 13)

## 6 Off-rolling in English schools

- 66% of teachers are aware of off-rolling
- 45% have heard of it happening
- 11% have seen it happen at their school
- 10% have seen it happen in a previous school they taught at
- Those who said 'no, it is not a practice I have experienced' are more likely to work in a primary school (42%) compared to 22% of those at a secondary school.
- Those with less teaching experience are also less likely to have heard of this practice, with 48% of teachers with 1-3 years experience have not heard of off-rolling, compared to teachers with 16+ years, 31%.<sup>3</sup>

### Ofsted/YouGov research (May 2019)

In May 2019, Ofsted published the [results of a survey](#) it had commissioned, carried out by YouGov, on teachers' experiences of off-rolling.

The survey found that "there is mixed understanding among teachers of what off-rolling is, but many teachers are aware that it is happening and believe that it is on the increase," that teachers agree that it usually happens in the years leading up to GCSEs, and that children with SEN or other needs are particularly vulnerable. Surveyed teachers further believed parents with low understanding of the education system are most at risk of being pressured into removing their children from a school.<sup>4</sup>

### Education Datalab research

[Research by Education Datalab](#) published in January 2017 stated that "in some cases, pupils are being 'managed out' of mainstream schools before this point with the effect of boosting the league table performance of the school which the pupil leaves."

The key findings of the research were:

1. outcomes for all groups of pupils who leave the roll of a mainstream school are poor, with only around 1% of children who leave to state alternative provision or a special school, and 29% of those who leave to a university technical college (UTC) or studio school, achieving five good GCSEs;
2. there exists a previously unidentified group of nearly 20,000 children who leave the rolls of mainstream secondary schools to a range of other destinations for whom outcomes are also very poor, with only 6% recorded as achieving five good GCSEs;
3. there is wide variation in leaver numbers observed from mainstream schools – in some schools, the number of pupils who have been on-roll but leave at some point between Year 7 and Year 11 is more than 50% of the

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<sup>3</sup> Ofsted, [Annual teachers survey 2018: teachers' awareness and perceptions of Ofsted](#), p37

<sup>4</sup> Ofsted, [Teachers say parents need help to resist off-rolling pressure](#), 10 May 2019. Full research findings at Ofsted, [Off-rolling: exploring the issue](#), 10 May 2019.

- number of pupils who complete their secondary education at the school;
4. pupils leaving can have a very flattering impact on the league table results of a school – with GCSE pass rates up to 17 percentage points lower in some cases if league tables are reweighted to include all pupils who received some of their education there, in proportion to how much time they spent there;
  5. sponsored academies tend to lose more pupils after becoming an academy. No such trend is true of converter academies.<sup>5</sup>

An [earlier blog](#) by Professor Becky Allen, the then head of Education Datalab, published in January 2016, proposed weighted accountability metrics for children who leave schools, to reflect the amount of time that schools had taught pupils.

[Further research](#) by Education Datalab has highlighted that pupils who move out of state education tend to be at the lower end of the attainment scale,<sup>6</sup> and has [investigated](#) the link between particular pupil characteristics and leaving the school roll, highlighting the difficulties in attempting to predict which pupils might be affected.<sup>7</sup>

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<sup>5</sup> Education Datalab, [Who's left: the main findings](#), 31 January 2017

<sup>6</sup> Education Datalab, [Who's Left 2018, part one: The main findings](#), 21 June 2018

<sup>7</sup> Education Datalab, [The link between exclusions, alternative provision and off-rolling](#), 9 November 2018

## 2. Ofsted, Office of the School Adjudicator, and Children's Commissioner concerns

### Ofsted concerns

Ofsted have been active in looking into off-rolling. Sean Harford, Ofsted's National Director of Education, stated in a [letter to inspectors](#) in March 2017 that they should be assessing whether schools are 'off-rolling' pupils as they get close to their GCSE grades – that is, moving pupils who are not likely to perform strongly at GCSE to another school, sometimes in alternative provision, in order to improve the school's GCSE results:

In addition, there is evidence nationally that large numbers of pupils leave mainstream secondary education before year 11 through schools moving them out into alternative provision or on to other schools whose rolls are not full. This is known as 'off-rolling'. Inspectors should consider the number on roll by year group and whether this has decreased significantly by year 11, which is shown in the basic characteristics by year group table in RAISEonline.

A [further letter](#) from Mr Harford in September 2017 stated that off-rolling was still an issue:

If there are potential gaming issues within a school, including off-rolling, lead inspectors of secondary school inspections will be alerted to this either via the [inspection data summary report] or through discussions with our analyst support team. If inspectors have any concerns about a school's curriculum, qualification entries or any patterns of 'off-rolling', they must discuss them with the school leaders during the inspection. This should inform the evaluation of evidence for the effectiveness of leadership and management and outcomes for pupils.

In June 2018, Ofsted [published a blog](#) highlighting that 300 schools were 'above expectation' in the numbers of children leaving the school roll, and this data would focus attention during school inspections. The blog also highlighted that disadvantaged children were more likely to leave their school:

Unsurprisingly not all children are equally likely to be affected. Children with special educational needs, children eligible for free school meals, children looked after, and some minority ethnic groups are all more likely to leave their school.

For example, around 30% of pupils who leave their school between years 10 and 11 have special educational needs, against 13% of all pupils. Where these pupils go to is unclear for half of these pupils, which could be a sign that a large proportion are being home-schooled. More than a quarter of all the pupils that leave their school go to state-funded alternative provision/pupil referral units, but only a small proportion move to a state-funded special school.

The incidence of this possible 'off-rolling' is not evenly spread across the sector. A higher proportion of schools in London are seeing movement of pupils compared to other areas of the

country. Academies, particularly those in some multi-academy trusts, appear to be losing proportionately more pupils than local authority schools. Conversely, local authority schools seem to be taking on proportionately more pupils.<sup>8</sup>

Ofsted published a [further blog](#) in September 2019, updating their analysis. Ofsted noted that comparing January 2017 and January 2018, their statistical model identified around 340 schools that had exceptional levels of pupil movements for two years running, compared with around 300 in the previous year.

On average, 13 pupils left each of these 340 schools between years 10 and 11: a critical stage in their education. Of the 20,000 pupils who left their school, 22% were in one of these 340 schools, despite these schools making up only 11% of all secondary schools.

Sixty per cent of the schools on the previous list of 300 schools are also in the new list of 340. Of those that dropped out, two thirds no longer meet the criteria of losing at least 5 pupils and 5% of their pupils, but many of these schools still lost some pupils.<sup>9</sup>

Ofsted also stated that between 1 September 2018 and 30 June 2019, it had inspected around 100 schools with high levels of pupil movement. Five published inspection reports from this period directly referred to 'off-rolling'.<sup>10</sup>

## Office of the School Adjudicator (OSA) annual reports

The Office of the School Adjudicator's [annual report](#) for 2016/17, published in February 2018, also raised concerns about schools encouraging home education among pupils:

four local authorities reported significant increases in the number of children being educated at home and, in particular, concerns that this was not always in the children's interests. There were disturbing references to children being removed from schools to be educated at home with the encouragement of the school as an alternative to exclusion. One local authority described it thus: "schools off rolling learners to [elective home education] when the families have no means to educate in order to protect their results records and school performance." One local authority with nearly 2,000 children registered to be home educated said, "the majority have had some form of local authority intervention with a large proportion known to social services."<sup>11</sup>

The [OSA's annual report for 2017/18](#), published in January 2019, stated that "several local authorities [reported] increases of between 40 to 70 per cent in recent years in the numbers of children electively home educated."<sup>12</sup> Local authorities stated that parents had cited several reasons for electing to home educate their children, including concerns

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<sup>8</sup> Ofsted, [Off-rolling: using data to see a fuller picture](#), 26 June 2018

<sup>9</sup> Ofsted, [Off-rolling: an update on recent analysis](#), 6 September 2019

<sup>10</sup> Ibid.

<sup>11</sup> Office of the Schools Adjudicator, [Annual Report: September 2016 to August 2017](#), February 2018, p36

<sup>12</sup> Office of the Schools Adjudicator, [Annual Report: September 2017 to August 2018](#), January 2019, p35

about the standard of education on offer or a failure to secure a place at their preferred school. Also listed were concerns about a child's special educational needs not being met, and also that parents were aiming to avoid a potential exclusion of their child and/or prosecution for poor attendance – some parents told authorities that they were advised by the school to take this step to avoid their child being permanently excluded.<sup>13</sup>

### Ofsted Annual Report 2017/18

Ofsted's most recent [annual report](#), published in December 2018, included further emphasis on off-rolling. The report stated that in the latest school census around 19,000 pupils did not progress from Year 10 to Year 11 in the same state-funded secondary school, around 4% of the total.

The report stated that, of those 19,000 pupils:

- the destination of 9,700 pupils is unclear, because they do not reappear in another state-funded school
- 25% of pupils move to other secondary schools and 20% move to alternative provision in the state-funded sector
- 30% of pupils who move have SEND compared with 13% of all pupils
- 54% of pupils who move are eligible for free school meals compared with 28% of all pupils.

The report noted that some of the unaccounted-for pupils may have moved to an independent school (including special schools and alternative provision), or may have become home-educated, but "some may have ended up in an unregistered school or dropped out of education entirely. Unfortunately, it is not possible to know the full story of where pupils went to, and why, from the data alone."<sup>14</sup>

### Ofsted: School inspection handbook

In January 2019, Ofsted published a [revised inspection framework](#) for implementation from September 2019, and with an attached consultation. The [announcement](#) stated that one of Ofsted's aims under the revised framework would be ensuring that "schools do not remove, or lose, pupils from their roll for reasons other than those in the best educational interests of those pupils."<sup>15</sup>

Following the consultation, the Ofsted published a revised [School Inspection Handbook](#), effective from September 2019, which stated that off-rolling would likely lead to a school's leadership and management being judged as inadequate after an inspection (emphasis added):

257. There is no legal definition of 'off-rolling'. However, we define 'off-rolling' as:

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<sup>13</sup> As above, p35

<sup>14</sup> Ofsted, [The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2017/18](#), p50

<sup>15</sup> Ofsted, [Education inspection framework 2019: inspecting the substance of education](#), 16 January 2019

The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil. Off-rolling in these circumstances is a form of 'gaming'.

258. When an inspection finds evidence of off-rolling taking place by our definition, inspectors should always address this in the inspection report. They may, depending on the scale and impact, need to consider it when reaching the judgement. If the off-rolling is lawful, inspectors must be careful to consider the context of the off-rolling and be clear about what impact the off-rolling has had on pupils involved and on the school. There are many different activities that can constitute off-rolling, so there can be no hard and fast rules as to how it should be addressed.

**However, if inspectors determine the school to be off-rolling according to our definition, then the leadership and management of the school are likely to be judged inadequate.**<sup>16</sup>

The [Education Inspection Handbook: overview of research](#) published by Ofsted alongside the consultation gave further information on Ofsted's related research:

Off-rolling is more likely to occur in London and is more prevalent in academies than local authority schools. Conversely, local authority schools seem to be taking on proportionately more pupils. We developed a statistical model that used pupil characteristics to predict 'typical' levels of off-rolling. This allowed us to then identify those schools that have significantly higher levels of off-rolling than would be statistically expected. We identified 300 schools with significantly higher than predicted rates of off-rolling over the past two years, which suggests that the problem is highly concentrated in a small number of schools.<sup>17</sup>

## Children's Commissioner report on 'invisible children'

In March 2019, the Children's Commissioner for England published [Skipping School: Invisible Children](#), a report that looked at rising numbers of children not being educated in school, whether through increasing home education, exclusions, or off-rolling.

The report raised concerns about parents being pressurised into home educating their children:

Some parents report that they opted for home education after the school threatened to exclude their child or fine them for non-attendance, believing that this would help their children by avoiding a formal record of exclusion. The Children's Commissioner has heard of schools, anecdotally, where pro forma letters declaring a decision to home educate are kept at reception, ready for parents to sign when things at school get tough. She has met distraught parents who have signed up to home-educating their child without even realising that was what they were doing.<sup>18</sup>

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<sup>16</sup> Ofsted, [School inspection handbook](#), September 2019, p69

<sup>17</sup> Ofsted, [Education Inspection Handbook: overview of research](#), January 2019, p37

<sup>18</sup> Children's Commissioner for England, [Skipping School: Invisible Children](#), March 2019, p9

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The Commissioner's report gathered data from eleven local authority areas<sup>19</sup> with a high number of fixed term exclusions, and which previous qualitative research had suggested might be associated with off-rolling. It found that in these areas – which might by their nature not be representative of the whole country – home education referrals had risen significantly at both primary and secondary level.<sup>20</sup>

The report stated that “a very small number of schools have very high levels of [elective home education] referrals,” and that:

In 2017-18, half of elective home education referrals in these 11 LAs were from only 10% of schools, while 80% of the referrals came from a quarter of the schools. However there is evidence that the practice is spreading: between 2015-16 and 2017-18, the proportion of schools making no referrals at all to home education fell from 59% to 49%.<sup>21</sup>

The report also set out that elective home education referrals were more common at academies than local authority schools, although they were becoming more prevalent at the latter:

According to the data from all 11 LAs, academies do see children move into home education at a higher rate than LA schools: in 2017-18, academies had a rate of 2.8 [elective home education] referrals for every 1,000 children, compared with 2.4 per 1,000 children for LA-run schools. However, LA schools are catching up. Overall, between 2015-16 and 2017-18, the numbers of children moving from academies into home education increased by 43%, but from LA schools it grew by 58% (across the nine areas which provided data for the whole period).

Our data also indicates among pupil referral units (PRUs), the rates of EHE referral are much higher – 36 per 1,000 children in 2017-18. This has also grown much more since 2015-16, when it stood at 8.1 per 1,000 children. However these figures relate to a much smaller cohort of pupils, so it may be difficult to extrapolate more widely.<sup>22</sup>

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<sup>19</sup> Birmingham, Bristol, Doncaster, Hackney, Leeds, Middlesbrough, Newham, North Yorkshire, Nottingham, Stoke-on-Trent, Wakefield

<sup>20</sup> Children's Commissioner for England, [Skipping School: Invisible Children](#), March 2019, p10-11

<sup>21</sup> As above, p11-12

<sup>22</sup> As above, p13

### 3. Why might off-rolling be rising?

#### DfE research: Financial incentives and school performance measures

[Investigative research into alternative provision](#), commissioned by the Department for Education and published in October 2018, suggested that the existing system financially incentivised schools to permanently exclude pupils, because fixed-term exclusions had to be funded by schools, while permanent exclusions were not:

There was a strong view among some [Alternative Provision] AP providers that schools were incentivised to permanently exclude children at the expense of fixed-term exclusions because local authorities funded placements for permanently excluded pupils, whereas schools funded those for fixed-term exclusions. AP providers described this as short sighted, as permanent exclusion would cost the LA more in the longer term and they deemed short-term placements to be highly effective in reducing permanent exclusions (although this was based on perception rather than hard evidence).<sup>23</sup>

The report also highlighted difficulties in reintegration, with mainstream schools sometimes reluctant to admit pupils who have been in alternative provision, particularly later in schooling when their results would impact on a school's Progress 8 scores:

There were mixed views from AP on the ease of finding suitable placements in mainstream provision. AP providers reported some mainstream schools being reluctant to take pupils from AP (typically because of concerns about their behaviour, feeling that they would not be able meet the child's needs, and/or concerns about their likely academic performance). Difficulty finding mainstream schools willing or able to take on pupils from AP was a particular challenge for pupils that had been permanently excluded, and in rural areas with fewer local mainstream schools.<sup>24</sup>

[...]

A key factor was the willingness of mainstream schools to accommodate pupils back from AP, particularly in Key Stage 4. AP providers often felt that schools were reluctant to take back Key Stage 4 pupils as they were concerned about the negative impact this could have on the school's Progress 8 performance. AP providers also mentioned that they sometimes struggle to find mainstream schools who are willing to take children who have been excluded previously.<sup>25</sup>

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<sup>23</sup> Department for Education, IFF Research Ltd, Professor Martin Mills (University College London) and Professor Patricia Thomson (University of Nottingham), [Investigative research into alternative provision](#), October 2018, p10-11

<sup>24</sup> As above, p13

<sup>25</sup> As above, p158-159

## Education Committee report: Impact of Progress 8

### Progress 8

Progress 8 is a measure of school performance in England that aims to capture the progress a pupil makes from the end of primary school to the end of secondary school. The measure aims to assess the impact a school has had on all pupils and take into account the relatively stronger or more challenging intakes that different schools have.

The Library briefing [Changes to school accountability and 'league tables' in England in 2016](#) provides an introduction to Progress 8 and also the measure Attainment 8 – see section 3.2.

The DfE has published more [detailed guidance](#) on Progress 8 and Attainment 8.

The Education Committee report on Alternative Provision, [Forgotten children: alternative provision and the scandal of ever increasing exclusions](#), published in July 2018, drew attention to off-rolling and the impact of the Progress 8 performance measures for schools, stating that school accountability had been raised repeatedly as a cause of off-rolling during their inquiry. The Committee recommended reform of accountability measures to disincentivise off-rolling (emphasis in original):

29. Pupils count towards the Progress 8 scores of schools if they are registered on the school's census in the January in which they are in Year 11. While Progress 8 tracks the academic 'distance' travelled by a student and takes into account prior attainment, pupils who fall behind in secondary school, for example for medical reasons or because a pupil's additional needs which were met in their smaller primary school but then become unmet in larger secondary settings, can negatively affect a school's results. Off-rolling—the process by which pupils are removed from the school's register by moving them to alternative provision, to home education or other schools—was raised by many witnesses, and we were told that the accountability system and Progress 8 was a major factor. [...]

**36. An unfortunate and unintended consequence of the Government's strong focus on school standards has led to school environments and practices that have resulted in disadvantaged children being disproportionately excluded, which includes a curriculum with a lack of focus on developing pupils' social and economic capital. There appears to be a lack of moral accountability on the part of many schools and no incentive to, or deterrent to not, retain pupils who could be classed as difficult or challenging.**

**37. We recommend that the Government should change the weighting of Progress 8 and other accountability measures to take account of every pupil who had spent time at a school, in proportion to the amount of time they spent there. This should be done alongside reform of Progress 8 measures to take account of outliers and to incentivise inclusivity.**

## Government response

The [Government response](#) to the Committee's report was published in October 2018.

The [response](#) stated that the Government had taken measures to improve Progress 8 in an attempt to reduce the impact of individual performance on a school's scores, and also that a consultation would be forthcoming on the measures taken to support floor and 'coasting' standards for schools:

Following feedback received about the disproportionate effect that a small number of extremely negative scores can have on a school's average progress score, from 2018, we are introducing a limit on how negative a pupil's progress score can be when calculating the school average for Progress 8 and for primary progress measures.

[...]

In a speech on 4 May 2018, the Secretary of State recognised the pressures inherent in the accountability system and consequently he set out some principles for a clear and simple accountability system. He announced that there will be a public consultation in the autumn on proposals to replace the current floor and coasting standards with a single, transparent trigger to identify schools that would benefit from an offer of support. He also confirmed that where a school is below the floor or coasting standards, but is not judged inadequate by Ofsted, the RSC will not use the Secretary of State's powers to issue a warning notice. This should help with concerns around 'high stakes' accountability and more broadly reduce incentives for schools to exclude pupils.<sup>26</sup>

The Education Secretary, Damian Hinds, has [further stated](#) that he "would not rule out legislation to ensure more accountability for schools that permanently exclude children and place them in alternative provision" once the current review of school exclusions (see section 4 of this briefing) was concluded.<sup>27</sup>

## Special Educational Needs and Disability (SEND) pressures

The Parliamentary Under-Secretary of State for Children and Families, Nadhim Zahawi, [told the Education Committee](#) in July 2018 that in some areas particular schools can act as a 'magnet' for children with SEND:

**Q1370 Nadhim Zahawi:** In some areas, what we are seeing happening is you get what is called a magnet school, which does really well for, let's say, SEND children, and you get perverse behaviours, where the other schools—whether by design or otherwise—just brush away those kids and push them towards that particular school. I want to be able to intervene to stop that sort of behaviour.

**Q1371 Lucy Powell:** How do you intend to do that?

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<sup>26</sup> Department for Education, [Government response to the Education Select Committee's fifth report of Session 2017-19 on alternative provision](#), October 2018, Cm 9709, p9-10

<sup>27</sup> Department for Education, [Education Secretary vows to take action on school exclusions](#), 17 October 2018

**Nadhim Zahawi:** I think it is a combination. I am talking to Ofsted, because I think we need to make sure that the inspection regime does help in this area. I am talking to the virtual school heads when it comes to looked-after children, and of course the schools themselves. The message from the Secretary of State at the ADCS conference was crystal-clear in this area. It is important that head teachers and teachers hear that message. Much of this can also be driven by leadership and the narrative that we deliver that it is unacceptable.

I want the message to go out from this hearing that it is unacceptable for schools to off-roll. It is illegal to unofficially exclude. Even if parents somehow are cajoled into accepting it, it is illegal and must not happen. In terms of exclusions, schools should work together in an area to determine that there are no exclusions.<sup>28</sup>

During an [evidence session](#) with the Education Committee in October 2018, Justin Cooke, Policy and Public Affairs Manager at Ambitious about Autism, stated that mainstream schools have a financial incentive to off-roll children with SEND, particularly those whose needs are the greatest, as they would retain funding that has already been received to support that pupil:

If you have a resourced unit where you get place funding at £10,000, you get that funding no matter what. If you off-roll a pupil halfway through the year you carry on getting that £10,000. If you have a school budget that is so tight you simply cannot pay teachers, there is an incentive to off-roll or exclude.<sup>29</sup>

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<sup>28</sup> Education Committee, [Accountability Hearings](#), HC 341, 18 July 2018. Q1368-1380 discuss exclusions more broadly.

<sup>29</sup> Education Committee, [Special Educational Needs and Disabilities](#), HC 968, 23 October 2018. Q46

## 4. Policy developments

### 4.1 Exclusions policy and Timpson review

#### School exclusions

Statutory guidance is in place on [School exclusion](#). The guidance makes clear that it is unlawful to exclude a pupil for a non-disciplinary reason.<sup>30</sup>

#### Timpson review and Government response

In March 2018 the Government established a [review of school exclusions practice](#), led by the former Children's Minister Edward Timpson.<sup>31</sup>

The Schools Minister Nick Gibb stated that the review "will consider how schools use exclusion overall and how this impacts their pupils, and in particular, why some groups of pupils are more likely to be excluded from school. It will also consider practice in relation to behaviour management and alternative interventions schools take in place of exclusion."<sup>32</sup>

#### Review

[The Timpson review](#), as well as a Government response, was published in May 2019.<sup>33</sup> The review set out 30 recommendations for Government on exclusions, including measures relating to off-rolling. Some of the key recommendations were that:

- The DfE should make schools responsible for the children they exclude and accountable for their educational outcomes, and consult on how to do this
- The DfE should update its statutory guidance on exclusion to provide more clarity on the use of exclusion
- Ofsted should recognise schools who use exclusion appropriately and effectively
- Where Ofsted finds off-rolling, this should always be reflected in inspections reports and in all but exceptional cases should result in a judgement that the school's leadership and management is inadequate
- The DfE should ensure that accessible, meaningful and substantive training on behaviour is a mandatory part of initial teacher training and is embedded in the Early Career Framework
- The DfE should look carefully at the timing and amounts of any adjustments to schools' funding following exclusion, to make sure they neither act as an incentive for schools to permanently exclude, nor discourage a school from admitting a child who has been permanently excluded from elsewhere

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<sup>30</sup> Department for Education, [Exclusion from maintained schools, academies and pupil referral units in England](#), July 2017, p9

<sup>31</sup> [PO 179103, 19 October 2018](#)

<sup>32</sup> [PO 163072, 20 July 2018](#)

<sup>33</sup> Department for Education, [Edward Timpson publishes landmark exclusions review](#), 7 May 2019

- The DfE should consult on options to address children with multiple exclusions being left without access to education, including considering a revised limit on the total number of days a pupil can be excluded for, or revisiting the requirements to arrange Alternative Provision in these periods
- Pupil moves should be systematically tracked, to increase transparency on when children move out of schools, where they move to and why
- In making changes that strengthen accountability around the use of exclusion, DfE should consider any possible unintended consequences and mitigate the risk that schools seek to remove children from their roll in other ways. This should include:
  - reviewing a 'right to return' period where children could return from home education to their previous school, and other approaches that will ensure that this decision is always made in the child's best interests
  - considering new safeguards and scrutiny that mitigate the risk of schools avoiding admitting children where they do not have the grounds to do so.<sup>34</sup>

### Government response

The [Government responded](#) positively to the review, and set out that a consultation on how to make schools accountable for the outcomes of permanently excluded children would be opened in autumn 2019. The response also stated that the Government would rewrite its guidance on exclusions, and behaviour and discipline in schools by summer 2020.<sup>35</sup>

The response further stated that the Department for Education would work with Ofsted to define and tackle off-rolling. Ofsted would respond to the review's relevant recommendations separately.<sup>36</sup>

## 4.2 Home education consultation

Updated guidance on home education was published in April 2019, following a consultation launched in April 2018. Two guidance documents were published, [one for local authorities](#) and [one for parents](#).

Following an earlier [call for evidence](#), on 2 April 2019 the Government published a [consultation on proposed legislation](#) concerning children not in school. The consultation closed on 24 June 2019. The Government has not yet responded.

The response to the [call for evidence](#) did not cover off-rolling directly, stating that action on this issue "is being taken forward separately."<sup>37</sup>

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<sup>34</sup> Department for Education, [Timpson Review of School Exclusion](#), CP 92, May 2019. Full list of recommendations pages 12-15

<sup>35</sup> Department for Education, [The Timpson Review of School Exclusion: Government Response](#), CP 95, May 2019, p5-6

<sup>36</sup> As above, p6-7

<sup>37</sup> Department for Education, [Elective Home Education: Call for Evidence 2018](#), April 2019, p5

The consultation however notes that increasing numbers of children are receiving their principal education outside of mainstream schools. Some of these, it said, are being educated very well at home by parents, but others are receiving “such education as they get...mainly or entirely through attendance at unsuitable settings such as unregistered independent schools or multiple part-time settings”. There are also likely to be a number of children, it added, who are receiving an unsuitable education because their parents cannot educate them effectively at home. The consultation stated that it is “mainly in the interest of such vulnerable children that the proposals” are being brought forward.<sup>38</sup>

The [consultation](#) sought views on proposals to create four new duties in primary legislation:

- 1 A duty on local authorities to maintain a register of children of compulsory school age who are not registered at a state-funded or registered independent school.
- 2 A duty on parents to provide information to their local authority if their child is within scope of the register.
- 3 A duty on education settings attended by children on the register to respond to enquiries from local authorities about the education provided to individual children.
- 4 A duty on local authorities to provide support to home educated families if requested by such families.

### 4.3 Government White Paper proposals on school accountability and Alternative Provision since 2010

The Government’s 2016 White Paper on the schools system [Educational Excellence Everywhere](#), proposed to “reform the alternative provision (AP) system so that mainstream schools remain accountable for the education of pupils in AP and are responsible for commissioning high quality provision”<sup>39</sup>

The 2010 White Paper, [The Importance of Teaching](#), had made similar proposals:

3.38 [...] Schools will be free to exclude pupils, but they will then be responsible for finding and funding alternative provision themselves. [...]

3.39 In order to ensure the decision to exclude is never abused, schools will be held accountable for the pupils they exclude. The academic performance of excluded children would count in the school performance tables. This would create a strong incentive for schools to avoid exclusion where possible, and ensure that where it does happen it is appropriate and pupils receive good alternative provision.<sup>40</sup>

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<sup>38</sup> Department for Education, [Children not in school: proposed legislation Government consultation](#), April 2019, pp8-9.

<sup>39</sup> Department for Education, [Educational Excellence Everywhere](#), March 2016, p102

<sup>40</sup> Department for Education, [The Importance of Teaching: the schools white paper 2010](#), November 2010, p39

However, these proposals have not been taken forward.

## 5. Comment

In August 2018, a [Times article](#) stated that almost 13,000 teenagers did not have results recorded in league tables in the previous year, despite appearing on their schools' rolls a year earlier, a rise from just over 9,000 in each of the previous two years. The Conservative MP and chair of the Education Committee, Robert Halfon, was quoted in the piece as stating that:

Off-rolling is a huge problem. Not only are schools gaming the system but as a result thousands of vulnerable children are not getting the education they deserve. They are the victims of schools that manipulate statistics.<sup>41</sup>

Responding to the *Times* article, Labour's Shadow Education Secretary, Angela Rayner, [said](#):

The link between expulsions and league tables is a serious and a growing concern. Off-rolling is a worrying situation, the education of our most vulnerable children is being put at risk.<sup>42</sup>

The *Times* piece also included comment from the DfE:

The Department for Education said that although there had been an increase in the number of exclusions, the issue was worse ten years ago. A spokeswoman said: "Informal or unofficial exclusions are unlawful and we wrote to schools last year to remind them of the rules. Permanent exclusion should only ever be used as a last resort."<sup>43</sup>

Ofsted's chief inspector, Amanda Spielman, stated in an [interview](#) on the piece that off-rolling "absolutely could get worse."<sup>44</sup> A [further Times article](#) in September 2018 raised concerns about the alternative provision excluded children often attend, in particular in relation to gang crime exploiting pupils in those institutions.<sup>45</sup>

In March 2019, the *Times* published a [further piece](#), based on a survey of PRU admissions stating that pupils are most likely to be excluded during the autumn term of their GCSE year, "the last chance that schools have to remove them before their results count towards league table rankings."<sup>46</sup>

Geoff Barton, the General Secretary of the Association of School and College Leaders, [raised concerns](#) in November 2017 about "unethical practice" in off-rolling, and also relayed reports that some schools were telling parents they could not accommodate children with SEN at admissions stage.<sup>47</sup>

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<sup>41</sup> Times, [Weak pupils expelled as heads 'game' exam tables](#), 28 August 2018

<sup>42</sup> Tweeted 29 August 2018  
<https://twitter.com/AngelaRayner/status/1034787485073788929>

<sup>43</sup> Times, [Weak pupils expelled as heads 'game' exam tables](#), 28 August 2018

<sup>44</sup> Schools Week, [Spielman warns off-rolling 'could get worse' after sharp rise in pupils leaving school before GCSEs](#), 28 August 2018

<sup>45</sup> Times, [Exclusions from school drive rising gang crime](#), 29 September 2018

<sup>46</sup> Times, [Weaker pupils removed before exams](#), 11 March 2019

<sup>47</sup> TES, ['Off-rolling is unethical, inappropriate and beyond repugnant – the consequences are devastating'](#), 8 November 2017

## 22 Off-rolling in English schools

In a [Guardian article](#) in November 2017, Adam Boddison, the chief executive of the charity the National Association for Special Educational Needs, was cited as saying that schools are finding it difficult to be inclusive in part because of pressures on their budgets.<sup>48</sup>

The education writer Laura McInerney [has suggested](#) that while gaming of the performance system may be an issue, restricted school funding means that schools cannot afford pastoral support for their children, and this is the main driver for increased exclusions.<sup>49</sup>

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<sup>48</sup> Guardian, [The UK is turning back the clock on the education of disabled children](#), 30 November 2017

<sup>49</sup> Guardian, [Blame cuts – not headteachers – for school exclusions](#), 18 September 2018

## 6. Appendix

<b>Rate of permanent exclusions by year group</b>									
England, state-funded schools, %									
	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Change (in pp.)
Nursery	0.00	x	0.00	0.00	0.00	x	0.00	0.00	<b>+0.00</b>
Reception	0.00	0.00	0.00	0.00	0.00	0.01	0.01	0.01	<b>+0.01</b>
1	0.01	0.01	0.01	0.01	0.01	0.01	0.02	0.02	<b>+0.01</b>
2	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.02	<b>+0.01</b>
3	0.02	0.02	0.02	0.03	0.03	0.03	0.03	0.03	<b>+0.01</b>
4	0.02	0.02	0.02	0.02	0.03	0.03	0.04	0.04	<b>+0.02</b>
5	0.02	0.03	0.03	0.04	0.03	0.04	0.04	0.05	<b>+0.02</b>
6	0.03	0.03	0.03	0.03	0.03	0.04	0.04	0.03	<b>+0.00</b>
7	0.07	0.08	0.07	0.07	0.09	0.11	0.11	0.11	<b>+0.04</b>
8	0.14	0.13	0.13	0.13	0.15	0.18	0.21	0.21	<b>+0.08</b>
9	0.22	0.21	0.19	0.19	0.22	0.26	0.29	0.29	<b>+0.10</b>
10	0.25	0.25	0.22	0.23	0.27	0.31	0.35	0.37	<b>+0.15</b>
11	0.09	0.10	0.09	0.09	0.11	0.12	0.16	0.16	<b>+0.07</b>
12+	0.00	0.01	0.01	0.01	0.01	0.01	0.01	0.02	<b>+0.01</b>
<b>Total</b>	<b>0.07</b>	<b>0.07</b>	<b>0.06</b>	<b>0.06</b>	<b>0.07</b>	<b>0.08</b>	<b>0.10</b>	<b>0.10</b>	

Note: "x" indicates 2 or fewer pupils were permanently excluded

Source: [Exclusions: Various Years, DfE](#)

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