



House of Commons
Education Committee

**Behaviour and
Discipline in Schools:
Government Response
to the Committee's
First Report of
Session 2010–12**

**Sixth Special Report of
Session 2010–12**

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The Education Committee

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Contacts

All correspondence should be addressed to the Clerk of the Education Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6181; the Committee's e-mail address is educom@parliament.uk

Sixth Special Report

On 3 February 2011 we published our First Report of Session 2010–12, *Behaviour and Discipline in Schools*.¹ The Government's response to the Report was received on 14 June 2011 and is published as an Appendix to this Report.

Appendix

The Education Committee published the report of its inquiry into Behaviour and Discipline in Schools on 3 February 2011. The report focused on Government policies to improve behaviour and discipline in schools which were announced in the Schools White Paper *The Importance of Teaching*.

This document sets out the Government's response to the 33 recommendations made in the Committee's report. In some cases these responses are brief as the Government is continuing to develop policy in these areas and some measures are subject to the successful passage of the Education Bill currently going through Parliament.

Conclusions and Recommendations

In the response below, the Select Committee's conclusions and recommendations are in **bold text** and the Government's responses are in plain text.

1. Current data does not fully represent the nature of behaviour in schools and the impact this has on staff, pupils, parents and carers. It is very difficult therefore to form an accurate judgment either of the reality of the situation in schools or whether there has been an improvement over time. Data should be collected and published annually by the Department from a representative sample of schools, on the number of serious incidents in schools, including those which do not result in a fixed-term or permanent exclusion. In order that a school's individual interpretation of 'challenging behaviour' is not taken as the only measure in establishing a picture of behaviour, this data should be complemented by survey data from teachers, pupils, parents and carers, on their own experience of bad and disruptive behaviour and its effect on pupils and teachers. The data and questions should remain consistent over time. (Paragraph 28)

The Government knows that the majority of pupils are well-behaved and serious incidents of violence in schools are rare. We already collect detailed statistics on permanent and fixed period exclusions; collecting new data would put inappropriate extra burdens on teachers and schools. As part of their inspections, Ofsted make judgements on how a school deals with bad behaviour and under the new streamlined school inspection system which will be trialled this summer, behaviour and safety will be one of the four core areas that they will examine. This stronger focus on core areas will enable Ofsted inspectors to hold schools to account more effectively for their pupils' behaviour.

¹ Education Committee, First Report of Session 2010–12, *Behaviour and Discipline in Schools*, HC 516-I

2. The proposal in the Schools White Paper for Ofsted inspections to focus more on behaviour is welcome. There are risks in reducing the frequency of inspections for good and outstanding schools, but we support moves to release schools from unnecessary central inspection. The new regime will place increased responsibility on school leaders, teachers and governors to ensure that a culture of self-evaluation and self-improvement is put in place. We are particularly pleased that there will be opportunities for a wider range of views to be covered in inspections: from pupils and parents to classroom teachers. This will help to combat any perceptions that schools leaders might seek to misrepresent the true nature and level of challenging behaviour in their schools. We also welcome the powers being given to parents to call the school to account and the requirement for schools to show that standards of behaviour are maintained at all times. These measures will help to provide a consistent level of challenge to schools in pursuit of constantly high standards. (Paragraph 31)

The Government welcomes the Committee's support for plans to increase the focus on behaviour within school inspection. Whilst outstanding schools will be exempt from routine inspection, these schools will continue to be risk assessed by Ofsted and can still be visited as part of Ofsted's survey programme. They will also need to show that they have the confidence of parents. If the Chief Inspector has concerns about a school's performance, she will have the discretion to inspect. Good schools will continue to be inspected within five years of their last inspection.

3. The National Strategies have had beneficial effects; but a new, less prescriptive approach may succeed in giving a new stimulus to teachers in preparing and applying the curriculum in ways which engage children more and which reduce the risk of poor behaviour. Ministers should bear in mind, when developing proposals for the new National Curriculum, that if the future curriculum is to have a beneficial effect on standards of behaviour in the classroom, it will need to meet the needs of all pupils and contain a mix of academic and vocational subjects, while being differentiated and enjoyable. We heard in evidence that pupils who are positively engaged in learning are less likely to have behaviour problems. Therefore we encourage the Government to revisit the issue of vocational and practical learning to ensure a balanced approach. We view this as a matter of considerable importance and plan to address it in future inquiries. (Paragraph 35)

The Government recognises the importance of giving teachers greater space and time to enable them to prepare and deliver a curriculum which engages their pupils and reduces the risk of poor behaviour. We want all pupils to receive the best possible education which enables them to develop their potential. We recognise that this may involve schools offering a mix of academic and vocational subjects to some pupils. The Government will be publishing a formal response to the Wolf review of vocational education which will set out how it intends to take forward its recommendations.

It is important however to make the distinction between the National Curriculum, which schools are legally required to teach, and the wider school curriculum, which tends to be developed on an individual school basis. The review of the National Curriculum will aim to deliver a new slimmed down National Curriculum, which will give teachers the flexibility to use their professional expertise to design a wider school curriculum which meets the needs of their pupils and supports improved behaviour in the classroom.

4. Where pupils moving on from primary or first school are still experiencing difficulty, adequate and appropriate support must be provided. Indeed, throughout the school years, schools need to be obsessed with ensuring that children have the reading, communication and comprehension skills they need to get the most out of their education, and providing additional support as needed. (Paragraph 37)

5. Therefore, we encourage the Government to promote language comprehension as well as word recognition and phonics skills throughout the infant curriculum. Appropriate support and interventions should be made available to pupils who do not do well in the six year old assessment. Clear accountability frameworks which require head teachers and senior school leaders to demonstrate how schools respond to any problems picked up in the six year old assessment should be put in place. (Paragraph 39)

The Government welcomes recommendations 4 and 5. The White Paper made clear the importance we attach to reading. Systematic synthetic phonics is the focus of our attention in terms of early reading because, without fluent decoding skills, children cannot gain confidence in wider reading, including comprehension. It is also true that the teaching of phonics is most effective when combined with a language-rich curriculum to develop children's positive attitudes towards literacy. Whereas phonics and word recognition are essential to get started with reading, comprehension and understanding are essential parts of reading and teachers will use their professional skills to teach these alongside the key decoding skills which children need. We agree also that communication skills at all levels are important, particularly the acquisition of strong writing skills. The National Curriculum review is considering the place of language comprehension, alongside word recognition and phonic skills, within the primary English curriculum.

Schools are well equipped to make decisions regarding support for their pupils in these areas, taking into account individual needs. But, as promised in the White Paper, we will be providing funding for high-quality phonics-based training and classroom teaching resources for all schools with Key Stage 1 pupils. We will also provide modest funding to help the move to open procurement of the Every Child a Reader programme. This will make it possible for those schools that want to use this approach to do so by making sure that training is available.

Those pupils who do not reach the expected level in the Year 1 phonics check will have their progress assessed again in Year 2. The intention is that Ofsted will discuss the results of the repeat assessment with head teachers to determine the quality and effectiveness of the interventions which schools have put in place for pupils who need support to catch up.

6. We acknowledge the new reading assessment for 6 year olds, and we understand the concerns of witnesses representing children with speech, communication and language needs that these pupils' needs may not be identified by this assessment. We recommend therefore that the Government broadens the six year old assessment to include an assessment of speaking and listening ability. (Paragraph 41)

The Government wants to make sure that children learn to read early in their education, so that they can read to learn, and access the rest of the curriculum. The essential foundations for this learning begin in the early years and it is important that the needs of children are

identified and supported during this early phase. That is why we asked Dame Clare Tickell to carry out an independent review of the Early Years Foundation Stage (EYFS) framework. The Government has welcomed the report and intends to respond to it in full in the summer, and consult on improvements to the EYFS.

Fluent decoding is the fundamental skill which children need to become efficient readers, and so we think it is right that this simple, light-touch check is focused on the use of phonics. The Year 1 phonics screening check has been designed to confirm whether children are able to decode using phonics, and identify those pupils who need extra support.

The Year 1 phonics screening check is not diagnostic in itself, but the check may indicate that some children have undiagnosed speech, communication and language needs (SCLN). We are working with SCLN specialists to develop some signposting to support teachers if they think one of their pupils may have additional needs, or requires a diagnostic assessment. Assessing children's speaking and listening skills is very important, and this already forms part of statutory teacher assessment at age 7. Alongside phonics, teachers should continue to assess their pupils' speaking and listening ability on an on-going basis.

7. Simple approaches to managing behaviour, such as those outlined in Sir Alan Steer's "What Works in Schools", should be incorporated in all initial teacher training and continuing professional development on behaviour, especially for secondary schools where basic issues of classroom management are sometimes overlooked. (Paragraph 45)

The Government has set out its intention to reform Initial Teacher Training (ITT) in the White Paper so that it focuses on what is important. Rather than the Government specifying exactly how an ITT course must be delivered, initial teacher training providers have discretion over the courses they deliver, so long as they equip trainees to achieve Qualified Teacher Status (QTS). As set out in the White Paper, the QTS Standards will be reviewed to ensure that a new set of standards has a stronger focus on key elements of teaching, including how to manage the classroom and tackle poor behaviour.

Sharing the skills of the best practitioners is key to our drive for school improvement. Outstanding leaders and teachers are the best placed to pass on the simple tried and trusted techniques for improvement and to set these in the context of whole school approaches to improving behaviour. That is why we plan to double the number of National and Local Leaders of Education and are introducing the new designation of Specialist Leader of Education (SLE). These will be serving middle and senior school leaders who are outstanding at what they do and who are willing and able to play a role beyond their school in supporting others to improve. We envisage that around 5,000 SLEs will be designated by 2014. SLEs might be subject specialists, behaviour experts or business managers.

8. We welcome the White Paper's proposals for schools to take on greater responsibility for organising training and sharing best practice on managing behaviour. However, in areas where the majority of schools are not performing well, it may be more difficult for best practice to be shared effectively. In these circumstances, it is critical that the local authority has the capacity to challenge and support those schools which are causing

concern, looking outside the local authority for expert support where necessary. (Paragraph 48)

The Government will work with all local authorities to tackle areas where school performance could be improved. Local authorities have been asked by the Secretary of State for Education to develop a clear plan about how best to tackle school improvement issues within their area. They will work in partnership with the Department for Education and others to ensure every underperforming school has access to the support it needs through school-to-school collaborations, use of National and Local Leaders of Education, Teaching Schools and leading teachers.

Revised statutory guidance on Schools Causing Concern will set out the role of local authorities in tackling underperformance and the types of intervention they can use. The Secretary of State's Ministerial Advisory Group on the role of the local authority has convened a sub-group on educational excellence. This sub-group will be considering the role of the local authority in relation to school improvement, including how authorities can broker good practice and collaboration, share services, and prevent failure in schools.

9. A good school behaviour policy, agreed and communicated to all staff, governors, pupils, parents and carers, consistently applied, is the basis of an effective approach to managing behaviour. (Paragraph 53)

The Government agrees with the Committee's views on school behaviour policies. Every school must have a behaviour policy, including disciplinary measures, determined by the head teacher in the light of principles set by the governing body. In determining these principles, the governing body must consult school staff, pupils and parents. The policy must be designed to promote good behaviour and deter unacceptable behaviour, including all forms of bullying. The policy must be publicised to school staff, pupils and parents.

10. Schools should see it as part of their core work to engage with parents and carers, particularly those who are hard to reach. Schools must be proactive in establishing these relationships upfront with all parents and carers, rather than waiting for problems to occur. (Paragraph 53)

The Government is committed to creating the flexibility for schools to work effectively with parents in a way that best suits the needs of their children rather than prescribing standards of engagement with parents and carers. School inspection data highlights that the best schools work closely with parents to create an environment that helps children to learn.

Children living in chaotic households are more likely to be badly behaved in the classroom, so schools should consider the benefits of working closely with a Parent Support Adviser or helping parents onto a parenting programme. Schools could also work with their local intensive family intervention service, normally located in the local authority children's services department. Evaluation has shown that this form of intervention is helping to improve the behaviour of children in school, by working with parents who might otherwise be deemed hard to reach.

11. The inquiry notes written evidence from Ofsted and the Children's Rights Alliance for England on the importance of pupil involvement in creating and maintaining order

in schools and recommends that the Government encourages such involvement through its policies and guidance. (Paragraph 54)

Governing bodies are already required to consult pupils in determining the principles that will underpin the school behaviour policy. Over 95% of schools have a school council and many involve their pupils in different ways to improve pupil engagement. The Government believes that schools should consider the views of pupils, but it should be up to schools to decide the most effective way to do this.

12. We support proposals in the White Paper for reforms to the National Professional Qualification for Headship, which should have a clearer emphasis on leading and supporting staff in maintaining and improving standards of behaviour in schools. (Paragraph 57)

The Government has engaged the National College for School Leadership and Children's Services to review the National Professional Qualification for Headship. They have formed a group of 20 outstanding head teachers from all phases and a range of settings to ensure that the revised qualification is firmly based on the demands of headship and what it means to be a good head teacher. The review will cover all aspects of headship and we aim to introduce a revised qualification in early 2012.

13. We welcome training for chairs of governors, which is to be provided by the National College, and hope to see the highest possible take-up. It is vital that governors are able to challenge and support head teachers effectively to ensure that behaviour policies are applied consistently. (Paragraph 62)

The Government will be working with the National College to develop the required training. The National College will be creating modules of training for chairs of governors covering the role of the chair, leading and managing the governing body, and developing the strategic role. This will include themed modules which will cover challenge and support. These modules could be delivered locally by National College approved providers such as local governor associations or local authorities, or could form part of bespoke training in local clusters.

14. We support proposals in the Schools White Paper to extend powers relating to search and to clarify powers of restraint, in the interests of supporting teachers' authority in managing behaviour. Guidance on use of powers to restrain should include specific advice on restraining pupils with Special Educational Needs or disabilities in the interests of protecting both pupils' and teachers' safety. School staff will only feel confident in using their powers if they are regularly trained and if they sense that they have the full support of school leaders in their use. (Paragraph 68)

The Government will shortly publish revised guidance on the use of force which sets out clearly what the law allows. The purpose of the guidance is to help teachers understand their powers and improve their confidence in using them. The Government believes that decisions about what training is offered to teachers and other school staff are best made by individual schools in light of their particular needs and circumstances. The revised guidance also makes clear that employers should support their staff when they use these powers and not automatically suspend a teacher who is accused of using excessive force.

The revised guidance does not include specific advice on restraining pupils with Special Educational Needs or disabilities. Separate detailed guidance already exists on the use of force in respect of children with learning difficulties and severe behavioural problems (*Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders* (2002); and *Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties* (2003)) and this guidance will be cross-referenced with the revised guidance on what the law allows.

15. We believe that the requirement to inform parents of incidents when powers of restraint have been used on their children is in the interests of building trusting relationships between schools and parents. (Paragraph 69)

The Government agrees that trusting relationships between schools and parents are of critical importance and that it is good practice for schools to speak to parents about serious incidents involving the use of force.

16. We acknowledge proposals in the Schools White Paper to legislate to abolish the requirement for schools to give parents 24 hours' notice of detentions outside school hours, and trust that schools will make sensible and appropriate use of these powers. Schools must be particularly sensitive to the needs of young carers and those with transport difficulties. (Paragraph 72)

The Government trusts teachers to act sensibly and appropriately when using the power to issue after-school detentions and teachers will still be legally required to act reasonably when issuing disciplinary penalties such as detention. They will need to consider pupil transport issues as well as the needs of young carers in doing so. The work that the Government is doing with the voluntary sector to produce the Carers Strategy will help schools to improve the identification of and address the needs of young carers.

17. We support the retention of Independent Appeal Panels for exclusions. The new proposals for their functioning as outlined in the Schools White Paper will need to be monitored and evaluated to assess whether they strike the right balance in the interests of schools, pupils and their parents and carers when exclusion occurs. We do not believe that schools should be able to abdicate all responsibility for disruptive children. However, it is important that school governing bodies are equipped with the right knowledge and expertise in order to arrive at fair judgments. While the focus should be on justice and reasonableness, governing bodies do also need to be familiar with training on exclusions protocols, which should form part of the training for governors that we endorse in paragraph 62 of our Report. (Paragraph 76)

The Government believes that an orderly and safe environment is essential if effective teaching is to take place and the authority of the head teacher is central to this. The possible reinstatement of an excluded pupil—however rarely this happens—can seriously undermine a head teacher's authority. This may then create a deterrent to other head teachers which could stop them from excluding a child when it is right and necessary to do so. That is why we have included in the Education Bill a clause that will abolish independent appeal panels, and replace them with review panels. These review panels will not be able to require a school to reinstate a pupil, but will be able to direct the governing

body to reconsider a case. Subject to the passage of the Education Bill, review panels will be in operation from September 2012. We will set out in regulations, on which we will consult, the timescales that will apply to different parts of the process—for example, how soon a panel must meet, and how quickly a governing body must reconsider a case—to ensure that the system operates effectively.

The Government will test a new approach to permanent exclusions under which schools will have a duty to arrange alternative provision for excluded pupils and be given additional funding to do so. They will also be able to use that funding for early intervention. This approach will give head teachers an incentive to intervene earlier with vulnerable pupils and avoid exclusion.

In the SEN and Disability Green Paper, *Support and aspiration*, the Government set out proposals on how misbehaviour and fixed-term exclusions should lead schools to consider the need for full multi-assessment of a child's needs. The Green Paper stated:

“In order to offer routinely more effective early support, we will recommend in exclusion guidance that children are assessed through an effective multi-agency assessment for any underlying causal factors. We will suggest that schools trigger this assessment in instances in which a pupil displays poor behaviour that does not improve despite effective behaviour management by the school.”

Where SEN contribute to behaviour prompting exclusion, those needs should be addressed, wherever possible, before problems arise. Head teachers should try every practicable means to maintain the pupil in school, seeking local authority and other professional advice as appropriate. Current exclusions guidance makes this clear, and we intend to continue to emphasise this when exclusions guidance is revised.

All Governors, when considering an exclusion, must have regard to Department for Education exclusion guidance which clearly sets out the role of the governing body in the exclusion process. This guidance states the expectation that local authorities organise training sessions for governors on exclusion issues, which governors should make every effort to attend. Many governors do take advantage of such training. A wide range of support materials is available to governors when they take up their posts. Training and advice is available from a variety of sources, including local authorities, diocesan education offices, and governor associations.

18. We welcome the increased focus on the importance of initial teacher training and continuing professional development on behaviour contained in the Schools White Paper and we support the shift towards more school-centred and employment-based training and development—including the introduction of ‘Teaching Schools’ and University Training Schools. We have noted Jackie Nunn’s comment that all ITT courses are now very much school-based, whether school or university led, and we have seen that Ofsted has recognised outstanding teacher training in both types of course. However, as trainees on school-led courses are more satisfied with their training in relation to behaviour, there are good grounds for optimism about the impact on behaviour of the proposals in the Schools White Paper. It is also essential that all routes develop strong links with higher education to ensure that teachers maintain up-to-date subject knowledge, access to—and understand of—research, and a solid grounding in

theories of child development, particularly for children with special educational needs. (Paragraph 84)

The Government is pleased that the Education Committee welcomes the focus on the importance of initial teacher training and continuing professional development on behaviour management. The White Paper sets out a shift towards greater school involvement in training and development. We believe that with more schools as providers of ITT, and schools involved to a greater extent in all aspects of ITT, we will see newly qualified teachers who are more confident in their ability to manage the behaviour of their students. As we are developing proposals for University Training Schools, we envisage that they will provide ITT and continuing professional development for teachers and combine access to the latest research with experience of school based practice.

19. The Green Paper on special educational needs and disability should include a clear expectation that schools should invest in training their staff on identification of special educational needs and on links between special educational needs and behaviour. The Department should be able to demonstrate that high quality initial teacher training and continuing professional development is available to equip all teachers with the skills to identify special educational needs, particularly speech, language and communication needs; and it should refresh and disseminate further the Inclusion Development Programme (IDP). (Paragraph 88)

The Government is committed to improving the initial training of, and continued professional development opportunities for, teachers to make sure that the right focus is given to developing their knowledge of special educational needs and behaviour. We have already set out our intention to strengthen the focus on SEN within both the framework for qualified teacher status and the New Professional Qualification for Headship.

In the Green Paper, *Support and aspiration: A new approach to special educational needs and disability*, we outlined more detailed plans to support teachers to develop their knowledge and skills in supporting disabled children and children with SEN. In particular we set out plans to provide funding so that more teachers will be able to undertake training placements in special schools.

We have also commissioned the development of a range of materials on specific SEN impairments, including profound and multiple learning disabilities, severe learning disabilities and profound and multiple learning difficulties. In addition we will make available free training materials focused on autism, dyslexia, behavioural, emotional and social difficulties and speech, language and communications needs. These will be nationally recognised and flexible so that they can be used by teachers for accredited professional development. We will fund a competitive national scholarship scheme to allow teachers to develop their practice in supporting disabled pupils and pupils with SEN, through higher-level professional development including post graduate qualifications.

The Green Paper also considers how best to support the early and appropriate identification of SEN. The four month consultation will seek views on whether the current category of 'behavioural, emotional and social difficulties' helps teachers and professionals to identify underlying emotional and social difficulties'. We want to ensure that the assessment of SEN and any assessment of children displaying challenging behaviour

identify the root causes of the behaviour rather than focusing on the symptoms, and so lead to the right support.

20. The Government should actively pick up the work begun by National Strategies in encouraging schools to track the effectiveness of interventions to manage behaviour. (Paragraph 98)

One effective method used to manage behaviour is to encourage schools with outstanding behaviour to work with schools that need help with their behaviour strategies. The Government will continue to encourage schools to learn from one another. We expect every school that acquires Academy freedoms to partner at least one other school to help drive improvement across the board. To help schools, we will publish regional ‘families of schools’ data which will allow schools to identify similar schools in their region that are performing differently which they can collaborate with and learn from.

21. We welcome Government plans to extend free nursery care to disadvantaged 2-year-olds, and we urge the Government to improve its efforts to look for the most effective, evidence-based forms of early intervention, taking into account the work of the Rt Hon Frank Field MP and Graham Allen MP in their reports. (Paragraph 100)

The Government is pleased that the Education Committee welcomes the plans to extend free nursery care to disadvantaged two year old children. The Department for Education and the Department of Health will be publishing a policy statement on the early years in the spring, setting out our vision for early years reform. We are also considering Graham Allen and Frank Field’s reports and recommendations carefully, including on evidence based programmes.

22. The Government should clarify how the proposed 4,200 new health visitors will be funded and whether this initiative is also expected to be funded from the Early Intervention Grant. (Paragraph 101)

The Department of Health’s Spending Review settlement includes funding to deliver 4,200 extra health visitors by 2015. A four-year programme of work will look to maximise capacity within the NHS to deliver the Government’s commitment to increase the workforce by 4,200. This means developing innovative and flexible approaches that support retention, attract health visitors back to practice and drive recruitment.

23. We believe that the value of education welfare services—which prevent the need for later, more expensive interventions—may be under-estimated. The Government should bear in mind, in a climate of increased devolution of responsibility to schools for managing behaviour, evidence which suggests that responsibility for the central co-ordination of education welfare services should rest with local authorities rather than with schools, if the services are to function well. (Paragraph 106)

Whilst primary responsibility for managing behaviour rests with schools, the Government fully recognises that local authorities also have a vital role to play as poor behaviour is often linked to problems in the family or in the wider community. Local authorities have huge expertise in addressing these wider issues and the Government wants them to continue to have a strong, strategic role to play as champions of vulnerable children. We are working with schools and with local authorities through the Ministerial Advisory Group to look at

the steps that will need to be taken for this role to be as effective as possible. It will be for local authorities to maintain those strong relationships with schools to ensure that all children are able to achieve their very best.

24. The measures outlined in the Schools White Paper to allow greater freedom for pupil referral units to innovate, and proposals to facilitate access to the alternative provision market to a more diverse range of providers, are welcome in principle. However, in the current economic climate, the alternative provider market may come under pressure from cuts in local authority budgets—particularly in Youth Services. The Government may be being optimistic in expecting that significant numbers of new providers will enter the market for alternative provision. A situation cannot be allowed to arise where any pupil is left without good quality provision. (Paragraph 114)

Pupils in alternative provision are some of the most vulnerable in education. They need, and deserve, a good education just as much as pupils in mainstream schools. To achieve this we plan to allow new providers—including those in the private and voluntary sector—to play a key role in delivering high quality alternative provision.

It is our intention that encouraging more providers into the alternative provision sector will help to drive up the quality of provision. Clauses in the Education Bill allow the creation of alternative provision Academies. Local authorities have a legal duty to provide alternative education to those pupils of school age who have been permanently excluded. A similar duty applies to schools for pupils subject to a fixed term exclusion.

We are not setting a target for the number of alternative provision Academies and Free Schools. However, we have already received some applications for alternative provision Free Schools. Even a relatively small number of alternative provision Free Schools and Academies will act as beacons within the sector to stimulate more high quality provision. It is clear that the Academies reforms are already energising the mainstream education sector and it is important that pupil referral units (PRUs) and other alternative provision providers are not left behind.

A more diverse range of alternative provision will mean that local authorities are not dependent on one provider. However, to ensure there are enough places, local authorities will continue to be able to commission new provision, from independent or voluntary providers, by setting up a PRU, or by encouraging the creation of an alternative provision Free School or Academy.

25. We recommend that there should be a ‘trigger’ for an assessment of need, which may include special educational need, based on exclusion, for example a number of fixed period exclusions or a permanent exclusion. Not only would this ensure that children with undiagnosed special educational needs do not ‘fall through the net’: it would provide information of use to a future provider in meeting the needs of the excluded child. (Paragraph 119)

As the Committee heard, there is a group of children with SEN who are currently excluded on multiple occasions on a fixed-term basis, and there may be other excluded pupils whose needs have not yet been identified. The Government is committed to promoting early intervention to ensure that children and young people’s needs are identified and met, preventing problems from escalating.

Incidents which prompt multiple exclusions will often be an indication that a pupil has underlying difficulties that may not have been correctly identified or met. There could be a range of underlying factors for behavioural problems, including potential mental health or family problems.

As the Government outlined in the Green Paper, in order to offer more effective early support, we will recommend in exclusion guidance that children are assessed through an effective multi-agency assessment for any underlying factors. We will suggest that schools trigger this assessment in instances in which a pupil displays poor behaviour that does not improve despite effective behaviour management by the school.

We will also use the trial of the new exclusions system to test out the effects of this type of early assessment of need.

26. The proposed pilot to pass responsibility to schools for securing alternative education for permanently excluded pupils may act as a disincentive to exclude; and it may also provide an incentive for schools to work in partnerships to address the behaviour which leads to exclusion and provide alternative education for excluded pupils. We support greater freedoms for schools to commission their own alternative provision and decide how best to spend money to support good behaviour, as long as they are accompanied by robust quality assurance. However, the Government should clarify how schools will be funded to meet the total costs of providing full time provision for permanently excluded pupils, whether through the Pupil Premium or other funding streams. (Paragraph 120)

The Government will be trialling a new approach to exclusions where schools have new responsibilities for the education of excluded children. It is important that we take the time to consider the challenges that this new policy might create and find effective ways to resolve them before this policy is implemented. We are planning to carry out trials of this policy with local areas from September 2011.

As part of the trial, the Government will explore the option of devolving the money for alternative provision from local authorities to schools to enable schools to decide the appropriate education for excluded pupils. As the school would retain responsibility for the pupil, it would also retain any pupil premium linked to the pupil.

27. The Government has decided to remove the requirement for schools to be part of a Behaviour and Attendance Partnership (BAP). However, the Government should monitor areas where voluntary partnerships do not exist or are not operating effectively. The Government should be prepared to reverse its decision on BAPs if voluntary partnership working fails to deliver behavioural improvements. (Paragraph 121)

Partnerships between schools can be an effective approach to managing behaviour. To date all Behaviour and Attendance Partnerships have been formed on a voluntary basis. We have decided not to implement compulsion but this does not abolish existing partnerships or stop new partnerships from forming. BAPs have flourished without ever being made mandatory.

The Government believes that the best way to achieve improvements in behaviour is to give schools as much freedom as possible to make their own decisions, including the freedom to choose the partnerships they form. We will hold schools accountable for the outcomes they achieve for their pupils.

28. We await with interest the outcome of the ministerial advisory group’s study of the future role of local authorities, in particular their role in co-ordinating support to schools for managing behaviour. There is a risk that, as schools go through the transition from being dependent on local authority-provided services to having greater autonomy in purchasing their own support and services, some local authority services may be decommissioned, leaving schools, and more importantly pupils, without access to critical support. We therefore recommend that local authorities should be required to maintain and resource a basic core of provision—particularly that which is targeted at responding to urgent or critical need—until schools’ practice in commissioning and procuring their own support is well established. (Paragraph 125)

The Government believes that local authorities must shape and adapt their own local strategic role, develop their strategic plans, work in partnership with others, and prioritise activities to target schools that need support. Revised statutory guidance will set out the statutory duties and powers of local authorities with regard to under-performing schools.

Local authorities are responsible for alternative provision for children who are out of school, whether because of exclusion or for other reasons. Much of this is provided through Pupil Referral Units (PRUs) with further provision being commissioned from the voluntary sector or independent providers.

The Department for Education is looking for the alternative provision sector to become more diverse, with a wider range of providers meeting the needs of vulnerable young people. There are provisions in the Education Bill currently before Parliament to establish a new category of alternative provision Academy. These provisions will mean that PRUs will be able to seek Academy status and allow for the creation of alternative provision Free Schools. In addition, local authorities will continue to be able to commission new provision, either from the independent and voluntary sector or by setting up a PRU.

The Ministerial Advisory Group on the role of the local authority has convened two sub-groups, considering issues linked to vulnerable children, and the role of the local authority as a champion for parents and families. Both sub-groups will consider what might need to change over the next few years in the light of the White Paper, and also what action needs to be taken, by whom and when, to put the changes into place.

29. Educational psychologists provide critical support and training to school staff on a wide range of educational issues including child development, curriculum development and special educational needs. Any diminution of their ability to help schools to maintain and improve standards of behaviour could have far-reaching consequences. The voluntary funding mechanism has proved to be unsustainable. The Government must find a way forward, and one option might be for local authorities to continue to be responsible for educational psychology services, funded through a compulsory levy on schools. (Paragraph 130)

We are taking advantage of the opportunity presented by the Green Paper to consider options for placing the training of educational psychologists on a more secure footing.

30. Many young people with behavioural issues or SEN also have mental health problems. Schools face major challenges in securing specialist and therapeutic services in order to make accurate assessments of need and to implement appropriate interventions. Particular difficulties in accessing Child and Adolescent Mental Health Services were raised by a large number of our witnesses. Sir Alan Steer suggested that a national scandal “hovers around” children’s mental health: we are in no doubt that the CAMHS situation is scandalous and that there are very serious shortcomings in access. The Department for Education and the Department of Health must co-operate in order to find a way of allowing schools to have easier and speedier access to Child and Adolescent Mental Health Services. The Department of Health and the Department for Education should pilot with a number of Behaviour and Attendance Partnerships a mechanism by which they can commission CAMHS services accountable to them locally. (Paragraph 133)

The Government’s Mental Health Strategy and Green Paper both highlight the critical importance of early support in schools for children and young people with mental health needs. The Department for Education and the Department of Health will be working together to take this commitment forward in the Mental Health Strategy implementation and in the context of the health reforms. Shortly, the Department will be taking forward a programme of work to build the capacity of Civil Society Organisations to support early intervention in mental health.

31. There is a lack of agreement and understanding between schools, local authorities and health services as to how referrals to CAMHS should work and who should be referred. Having commonly agreed referral mechanisms would go some way to addressing this. Where Behaviour and Attendance Partnerships are in place, they should be directly involved in developing and agreeing these mechanisms. (Paragraph 136)

The Mental Health Strategy makes clear that the local Joint Strategic Needs Assessment (JSNA) is at the heart of effective coordinated commissioning of the spectrum of mental health support for children and young people, and that the JSNA will include assessment of mental health needs across all age groups. It will be for local areas to decide how best to engage partners to ensure the right services are commissioned and appropriate referrals made.

32. The Government should review the Targeted Mental Health in Schools programme and the SEN Green Paper should set out how it should be taken forward in future. (Paragraph 138)

Through the Mental Health Strategy the Department of Health set out the Government’s intention to secure better outcomes from high quality mental health services for children, young people and their families across the spectrum from universal to specialist provision. The Early Intervention Grant for local authorities includes resources which can be used to commission and provide the kind of support delivered through Targeted Mental Health in Schools Programme. Over the next four years the Department for Education will be

providing support to build the capacity of the voluntary and community sector, including in the delivery of targeted mental health support.

33. We support the suggestion by I CAN and other children’s representative bodies that the Government consider passing the responsibility for budgets and commissioning of all children’s community health services (including CAMHS and Speech Language and Communication specialist services) to local authorities in order to provide a more streamlined service to young people and their families, bridging the gap between ‘specialist’ and ‘non-specialist’ interventions. (Paragraph 141)

Subject to Parliamentary approval, the Health and Social Care Bill sets out a framework offering freedom and flexibility for front-line professionals, providers and local authorities to enable them to join up services around children young people and families.

Within this framework the responsibility for commissioning most child health services will sit with GP commissioning consortia. Health and wellbeing boards will be responsible for developing an enhanced Joint Strategic Needs Assessment and leading on the strategic coordination of commissioning across NHS, social care, and public health services.

Beyond core functions, and core membership requirements, local authorities will have the freedom to delegate additional functions to the health and wellbeing boards in whatever way they think appropriate. For example, local authorities may well wish to use health and wellbeing boards to consider wider health determinants such as housing and leisure, or co-ordinating commissioning of wider children’s services. The boards will also be able to make use of the existing flexibilities between the NHS and local authorities and where GP consortia feel it may improve commissioning they will have the freedom to enter into voluntary arrangements with a local authority to perform functions on its behalf.