



Briefing

Falling through the Gaps in Education

November 2017

Foreword

Measuring and assessing the scale of vulnerability among children in England in order to reduce those vulnerabilities is one of my key priorities. In July 2017, I published a report called 'Vulnerability in Children' which brought together a range of information held by government departments, agencies and others to reveal shocking statistics about the number of children living in vulnerable situations. It estimated that half a million children – a number equivalent to the entire population of the city of Manchester – need direct intervention or care from the state because they are living vulnerable lives.

The report was the first stage in a long programme of work my office is carrying out on vulnerability – the beginning of an attempt to tackle the bewildering confusion about what we actually mean by vulnerability. It looked at how we can fill the existing data gaps that can frustrate attempts to identify vulnerable children and tackle the problems they face. Because if government departments and agencies can't agree on how many children are affected, or even how to define them, how can we identify vulnerable children and improve their lives?

Today I am publishing a briefing for MPs that continues this work on vulnerability. It is an overview which builds on one group of children we identified as vulnerable in our July report: children excluded from school. In this report we focus on the broader group of children who are not attending mainstream or special schools. That includes children who are excluded, but also includes children educated in other non-mainstream settings, as well as children not being educated at all. I am particularly concerned about children that are effectively 'invisible', in the sense that they can't be found or seen in official statistics.

This briefing contains our best estimates of the current numbers of children who might be involved. It pulls together information and sets out what we do know from the data available to us, as well as being clear that there is much we don't know and much more we need to know.

I see this briefing as a starting point for discussion and further work. By shining a light on some of the groups we are focussing our work on, we hope to simplify some of the complex terminology around vulnerability and to improve the data we have about children – in this case children outside mainstream education.

Last July's report identified 121,000 16-18 year olds not in education, employment or training (NEET), 154,060 pupils who received a fixed period exclusion from school in 2014/15, and 5,800 pupils who were permanently excluded in 2014/15. In today's briefing, we show that tens of thousands of children are not attending mainstream or special schools, and in too many cases we simply don't know enough about the kind of education they are getting.

The briefing looks into the settings these children are being educated in – whether that is in alternative provision (AP), at home or, in the worst cases, illegal schools. It looks at the numbers of children who are unofficially or illegally excluded from mainstream schools; others who are being moved off-site while they continue to be recorded as attending school; those children who are not receiving any education at all because they are absent or excluded, unwilling or unable to attend formal education; and those whose whereabouts are simply unknown. Some of the issues, like home-schooling and 'off-rolling' will be the subject of more detailed work we will do in the future.

Many parents who choose to home educate their children do so because of philosophical reasons, where they believe education at home will provide the best education for their child. This report does not question that approach. I am much more concerned about cases where children are falling out of mainstream schools into home education, sometimes under pressure and when it is not in their best interests.

All of us know that missing out on a good education is bad for a child's development and life chances. The long term financial costs of allowing children to get to the point of exclusion are huge and the social costs considerable. We know that children excluded from mainstream education are more likely to be vulnerable, and that for many children excluded from school it is one step along a journey that ends with adult social exclusion and troubled lives.

So it's essential that we are clear about identifying those children who are falling through the gaps in the schools' system, both to prevent this and to provide better protection when needed for those to whom it happens. That will require better data and insight than we have at the moment. I hope that this briefing will be a useful starting point for setting out what we know now and what we need to find out to make progress in future.

A handwritten signature in black ink, appearing to read 'Anne Longfield', with a horizontal line underneath.

Anne Longfield OBE

Children's Commissioner for England

Key findings

1. Tens of thousands of children are educated outside mainstream or special schools. Many are effectively 'hidden' away in settings where little is known about how well their needs are being met.

- > Around 38,000 child and young people are exclusively or primarily enrolled in alternative provision (AP), a hugely diverse sector that is not always monitored and regulated by Ofsted. A further 10,000 are enrolled at an alternative setting in addition to being enrolled elsewhere.
- > Over 50,000 children aged 5-to-17 years old could be home-educated in total across England, with little known about the environment, the quality of teaching and assessment, and the values being taught to them. The true number of home-educated children is unknown and likely to be higher.
- > Ofsted has identified nearly 300 establishments, involving thousands of children, that could be illegal schools. Its inspections have uncovered that hundreds of children were attending establishments found to be illegal. The true number of illegal schools, and the number of children attending them, are both unknown.
- > The issues across these setting are diverse, ranging from the quality of teaching, to poor academic outcomes in some settings, to issues around child safety. Sometimes the key issue is that these settings are a 'black box' that aren't monitored, so we just don't know what kind of education children in them are receiving.

2. Many of these children are also vulnerable and in need of extra help.

- > Children with special educational needs (SEN) account for half of all permanent exclusions despite being only 14% of the school population.
- > Over three quarters of children in pupil referral units (PRUs) have SEN.
- > In hundreds of mainstream schools, children with special educational needs are being illegally excluded because the school does not feel able to cope. Ofsted is concerned about this and the full extent of it remains unknown.

3. Official exclusions are rising, but many children are also being excluded by the back door through 'hidden' or unofficial exclusions.

- > The number of permanent exclusions has increased by 44% since 2012/13. But the number of children who leave mainstream schools for other types of provision is significantly higher.
- > Only 1 in 5 children in alternative provision has previously been permanently excluded. There are 29,000 children in AP – including 9,000 in PRUs – who have not been permanently excluded before. While there are other valid reasons why children might be in AP, unofficial exclusions will still play a role.
- > Every year 1,600 children sit their final exams in pupil referral units despite not having been permanently excluded from a mainstream school.

- > Hundreds if not thousands of schools could be engaged in activities that amount to unofficial or illegal exclusion. This evidence comes from surveys of teachers, which probably understates the true extent of these practices.

4. In some cases, children could be moved out of mainstream schools for reasons that are more in the school's interest than the child's.

- > Most of the children who move from mainstream to alternative provision do so in Year 10 or 11, and only 1% of them go on to achieve five A*-C GCSE passes including English and Maths. Thousands more children leave state education altogether, of which only 6% achieve five GCSE passes.
- > Nine out of ten mainstream schools are benefiting from these pupils leaving, in the sense that their GCSE pass rates are higher than they would be if these children had stayed with them until the end of secondary school.

5. Some children, including highly vulnerable ones, are not in education at all.

- > Between 10,000 and 15,000 children are estimated to miss education at one point in time. The number estimated to miss education at any point in the year could plausibly be over 50,000, of which over 6,000 might not be traceable.

6. In many cases, existing statistics are unable to tell the full story.

- > Only state place funded AP settings have Ofsted ratings. Many children are in non-maintained AP where the quality of provision is largely unknown.
- > There are no official figures on the extent of unofficial and illegal exclusions – only surveys, which could severely underestimate the scale of the issue.
- > Schools might send a child home and record it as an authorised absence, when they should instead record it as an exclusion. Or schools might encourage a child to consider AP or home education, under the threat of permanent exclusion otherwise. This may not be recorded as a permanent exclusion even though it amounts to one.
- > Some children may be spending significant amounts of time in AP while being officially enrolled at a mainstream school. The true number of children – and amount of time they spend in AP – are both unknown.
- > The true numbers of children educated at home, in unregistered schools or not at all, are higher than the reported figures – which only capture known cases.

1. Background: The Children's Commissioner's work on vulnerable children

In July the Children's Commissioner's Office published a major review of childhood vulnerability, which provided a first attempt to define, map out and classify the numbers of vulnerable children in England.¹ The report created an initial framework of 32 vulnerable groups – each one capturing some type of vulnerability commonly used or acknowledged in policy and practice – along with estimates of the number of children in each group.² It revealed that around half a million children had vulnerabilities so severe that the state was formally involved, while 670,000 children were growing up in high-risk family situations. The framework of 32 groups is neither exhaustive nor final and does not capture some important vulnerabilities (for example children living with domestic violence or children who have a parent that is in jail), so it is likely to grow over time as new groups are added.

Our aim is that in time the quality of measurement for each group will improve, adding information on views, experiences and outcomes for each vulnerable group. We also hope that linking and matching different data sets will shine a light on to the interactions between different vulnerable groups, so we can estimate the number of children with multiple vulnerabilities.

It is important to note that some vulnerable children may not be identified by services, or be counted in official statistics. They may have needs that are not seen or assessed by services, or those needs may not be monitored and reported back to government properly. These children can remain 'invisible' to the state, which makes them potentially highly vulnerable as less is known about them and they are unlikely to access and receive adequate support. The Children's Commissioner is determined to shine a light on these 'invisible' children with hidden vulnerabilities. There are challenges though. By definition, data on these groups of vulnerable children will not be available, meaning that the scale of these issues cannot be assessed reliably.

The Children's Commissioner's report on vulnerable children identified 121,000 16-18 year olds not in education, employment or training (NEET), 154,060 pupils who received a fixed period exclusion from school in 2014/15, and 5,800 pupils who were permanently excluded in 2014/15. This report builds on these groups by adding what is known about some of the more 'invisible' vulnerable groups who end up not participating in, or being removed from, mainstream education and potentially education altogether – even if they are not formally recorded as such. It aims to build up a broader picture of children whose educational needs are unlikely to be met – not receiving the right quality, regularity or structure of education – because they are not spending enough time in environments where these are prioritised and monitored; or of children whose needs may be well met but where this is impossible to verify because of a lack of information.

While we focus on children not in mainstream or special schools, we do not include in the scope children who are in custody. Our scope does include children who are illegally or informally excluded from mainstream schools, others who are being sent off-site while they continue to be recorded as attending school, those children who are not receiving any education at all because they are excluded, unwilling or unable to attend formal education, and those whose whereabouts are simply unknown to their local authority. The settings we focus on are alternative provision, home education and unregistered schools.

¹ <https://www.childrenscommissioner.gov.uk/publication/childrens-commissioners-report-on-vulnerability/>

² Some examples: children excluded from school (160,000); children with mental health difficulties (800,000); children who are homeless or in temporary accommodation (119,000); children involved in gangs (46,000).

In this report we highlight the available quantitative evidence, in order to attempt to assess the numbers of children involved. But for some issues, figures are hard to come by precisely because the issue is largely hidden from view or one that official statistics do not cover.

Where figures do exist, combining them into a headline total is often not possible because data is usually recorded differently for each case or group. Moreover, many of the issues we focus can involve the same child. Some of the children who are home-educated – and many of the children in alternative provision – will have been excluded or off-rolled, or encouraged or even coerced to leave the school. Children who are home-educated might also be attending unregistered schools for supplementary education. It is not currently possible to identify the scale of these overlaps. Moreover, in some cases distinctions are blurred: moves out of mainstream schools may or may not be unofficial exclusions, while some independent alternative providers may or may not be unregistered schools.

This definitional challenge, along with the known but unquantified double-counting, means that it is not yet possible to provide an accurate single number of children who are falling through the gaps as defined in the terms of this report. Instead, we identify and quantify disparate groups, acknowledging that some will overlap and that the numbers should not be naively added together.

This briefing is structured along the following three questions:

- What we know about where children are educated outside mainstream schools
- What we know about how children are leaving mainstream schools
- > What we know about children not being educated at all

In each case, our focus is on what is known from data currently available. In many cases we don't know enough because too many children are hidden and too much provision is unregulated.

This is an initial review. Our future work will focus in greater depth on specific issues, using additional methods and information gathering to generate new evidence and make policy recommendations.

2. What we know about where children are educated outside mainstream schools

2.1 Alternative provision (AP)

Key points:

- > Alternative provision is a very diverse and complex sector, with a range of providers from state place funded PRUs (including AP free schools and AP academies) to clinical, independent or vocational settings. Some AP providers are neither registered nor inspected.
- > Children in AP settings are very likely to have complex additional needs. Over three quarters of pupils in PRUs have some form of special educational need (SEN).
- > The alternative provision sector is growing. Around 38,000 child and young people are exclusively or primarily enrolled at an AP setting, and a further 10,000 are enrolled at an AP setting in addition to being enrolled elsewhere. However, this may still underestimate the extent to which AP is used and the amount of time pupils spend there. Some pupils could be sent to off-site AP for extended periods of time without this being recorded officially.
- > The quality of provision and staff in AP is variable. While some settings offer good provision delivered by high-quality staff, there is a higher use of temporary or unqualified staff than in mainstream schools. There are 11 local areas with no pupil referral unit (PRU) places rated as 'Good' by Ofsted, and four local areas where all PRU places are in settings rated as 'Inadequate'. In other parts of the AP sector that are rarely regulated and inspected, little if anything is known about the quality of provision and quality of staffing in place for thousands of children.

Local authorities are responsible for arranging suitable education for permanently excluded pupils, and for other pupils who for other reasons – such as attendance or medical issues – would not receive suitable education in a mainstream environment. Where a child has received a fixed-term exclusion, schools or their governing bodies are responsible for arranging suitable alternative full-time education from the sixth day of a fixed period exclusion.

The alternative provision (AP) sector is growing: in 2016/17, nearly 38,000 children and young people were exclusively or primarily enrolled in an AP setting,³ an increase of 14% compared to 2013/14. The 38,000 consists of:

- > Around 16,000 children and young people in state place funded AP such as PRUs, AP free schools and AP academies;⁴
- > Around 22,000 children and young people enrolled in other types of AP, which can include further education colleges, hospital schools, independent schools (including independent special schools and independent AP), vocational establishments (e.g. garages or farms), and other providers that may not constitute a school (such as tutoring services).⁵

A further 10,000 children had a subsidiary registration at an AP setting and a main registration at another establishment (such as a mainstream school). This brings the total number of children and young people officially recorded as receiving some form of AP to 48,000. However, some pupils in mainstream schools can spend time at AP, especially non-maintained AP, without it being recorded officially. While sending pupils to off-site AP is often a short-term measure, a fifth of secondary school

³ Department for Education (2017), *Schools, pupils and their characteristics: January 2017*, SFR28/2017.

⁴ Includes boarding pupils and pupils registered in other providers and further education colleges.

⁵ Disaggregated figures of the numbers of pupils in these specific types of AP are not available.

senior leaders reported that they may send pupils off-site for more than a term, while nearly a quarter (23%) reported doing so for more than a year.⁶ Cases may exist of children effectively attending alternative provision full-time, even though their registration is not at the alternative provider.⁷ The result is that official statistics on AP enrolments may not give a true sense of the extent of the use of AP, and of the proportion of time that pupils spend in AP.

Concerns have also been raised that AP may be used as a 'dumping ground' for children who may be deemed by their current school to be challenging or low-achieving.⁸ Schools may feel unable to fully support such pupils, and may feel that both the school and the pupil would be better off if the pupil were educated elsewhere. Over three quarters (77%) of pupils registered at PRUs⁹ have an identified SEN, and 1 in 10 has a SEN statement or EHC plan.¹⁰ Some of these children may be in alternative provision because it is easier to place them there, rather than because that is the setting which provides the best support for their needs.

AP can be beneficial to some. There are areas of good practice which can allow children to thrive in ways they may not have done in a mainstream setting. However, some children may not receive an education and experience that meets their needs – for example the quality of teaching or the environment where they are being taught could be poor.¹¹

Ofsted has reported that only 43% of the schools it visited for its three-year survey 'systematically tracked the impact of AP on the pupil's personal development and well-being. This included evaluation of the pupil's behaviour and attitudes to learning'.¹² Such oversights, coupled with low expectations for re-integration into mainstream schooling, may lead to pupils being 'written off' academically.

While the majority of PRUs have been assessed as 'Good' or 'Outstanding' by Ofsted, 18% of places (almost 1 in 5) in PRUs, including AP free schools and AP academies, were rated as 'Requires Improvement' or 'Inadequate' as at March 2017. Furthermore, in 11 local areas there were no PRU places rated as 'Good', and in four local areas all the PRU places were in settings rated as 'Inadequate'. These are listed below.

⁶ Smith et al. (2017), *Teacher voice omnibus: November 2016 survey – DfE questions*, National Foundation for Educational Research.

⁷ Ofsted (2016), *Alternative provision: The findings from Ofsted's three-year survey of schools' use of off-site alternative provision*, No. 160011.

⁸ Taylor, C. (2012), *Improving Alternative Provision*, Department for Education.

⁹ Includes pupils registered with other providers, in alternative provision academies, including free schools and in further education colleges. Includes pupils registered with other providers, in alternative provision academies, including free schools and in further education colleges.

¹⁰ Department for Education (2017), *Special educational needs in England: January 2017*, SFR37/2017.

¹¹ Children's Commissioner's Office (2017), *Children's Voices: A review of evidence on the subjective wellbeing of children excluded from school and in alternative provision in England*.

¹² Ofsted (2016), *Alternative provision: The findings from Ofsted's three-year survey of schools' use of off-site alternative provision*, No. 160011.

Table 1. Local areas where quality of AP is an issue (as at March 2017)¹³

| Local areas with no PRU places in settings rated as 'Good' | Local areas with all PRU places in settings rated as 'Inadequate' |
|--|---|
| Barking and Dagenham | Dudley |
| Cheshire East | Gateshead |
| Dudley | Newcastle |
| Gateshead | Thurrock |
| Lincolnshire | |
| Newcastle-upon-Tyne | |
| Norfolk | |
| Reading | |
| Sheffield | |
| Stockton-on-Tees | |
| Thurrock | |

There are also personnel issues: in the state place funded AP sector the use of temporary or unqualified staff and the proportion of unfilled senior leadership roles are all higher than in mainstream schools, and continuing to grow over time.¹⁴ While these are all causes for concern, this relates to the state place funded part of the AP sector where there is at least some information about provision. In the non-maintained AP sector that is rarely regulated and inspected, little if anything is known about the quality of provision and quality of staffing in place for thousands of children.

The academic outcomes of children placed in AP tend to be very poor:

- In 2016/17, only 4.4% of pupils in AP achieved 9-4 passes (equivalent to the old C grade or above) in English and Maths GCSEs, compared to 64.5% of pupils in all state-funded mainstream schools.¹⁵
- Over a third of pupils in who were in AP at the end of Key Stage 4 did not sustain a destination post-16 destination or were recorded as NEET. This compares with 1 in 20 state-funded mainstream school pupils.¹⁶

2.2 Home Education

Key points:

- > The true number of home-educated children in England is not known. The most recent estimate of the scale of this practice found that nearly 30,000 children were reported to be home-educated across 86 LAs, which could mean that over 50,000 children are home-educated in total across England. However, this may still be an under-estimate because it is possible for parents to educate their child at home without reporting it to the LA.
- > Around 2,600 children (across 44 LAs) returned to school in 2016/17 having previously been home-educated, many of whom may not have received an education while at home. As many as 8,900 children could be doing this across England as a whole.

¹³ Source: Gill K. (2017), *Making The Difference: Breaking the link between school exclusion and social exclusion*, IPPR.

¹⁴ Gill K. (2017), *Making The Difference: Breaking the link between school exclusion and social exclusion*, IPPR.

¹⁵ Department for Education (2017), *GCSE and equivalent results: 2016 to 2017 (provisional)*, SFR57/2017.

¹⁶ Department for Education (2017), *Destinations of key stage 4 and key stage 5 students, England, 2015/16*, SFR56/2017.

- > The reasons behind home education vary. While philosophical reasons are a major factor, anecdotal evidence suggests that a growing number could reflect pressure being asserted by the child's former school or cases where the child has additional needs that the parents believe are not being met.
- > Parents that home-educate are not obliged to allow the LA to carry out an inspection. There is variation across local areas in the degree of collaboration between parents and the LA. In a small number of LAs the majority of parents who are known to be home-educating their child refuse such visits.
- > As a result, little if anything is known about the environment, the quality of teaching and assessment, and the values that are instilled for potentially thousands of children who are home-educated. The views of the children themselves are not known either.

Attendance at a school is not a legal obligation in England if the child is not enrolled at one. It is an established principle of English education that parents have the right and the option to home-school their child. Parents who have chosen to home-educate their children do not have to follow the national curriculum but must still ensure that their child receives a full-time education appropriate for their age, ability, and any special educational needs.

This could happen for a number of reasons, including:

- > cultural and religious reasons;
- > philosophical reasons (e.g. belief in a different educational approach)
- > concerns that a child's needs (especially SEN) have not been properly identified and assessed by the child's school;
- > the lack of suitable school places locally;
- > concern over the child's safety if the child has been a victim of bullying;
- > short-term assistance for children experiencing anxiety, phobias, or other emotional/behavioural difficulties;
- > the threat of prosecution for the child's poor attendance in school;
- > the risk of the child being excluded from school.

It is important to clarify that many parents who home educate their children do so because they believe it provides the best possible education and environment for their child. For many children, home education may be the optimal approach, and in such cases is to welcomed. This briefing does nothing to challenge it, and only seeks to set out what is and isn't known about the sector on the basis of existing evidence.

While home education is usually seen as an active choice that is made by parents, it can also be the result of decisions made by the child's school. If a school deems a child to be challenging or low-achieving, then it might threaten to exclude the child unless the parents take the child out of school to educate them at home. Just under 2% of schools surveyed admitted to encouraging parents to take their children out of school and educate them at home.¹⁷ However, there is no reliable data available at the moment that would enable us to assess the true extent of this behaviour.

¹⁷ Source: Office of the Children's Commissioner (2013), "Always Someone Else's Problem": Office of the Children's Commissioner's Report on illegal exclusion, (London, Office of the Children's Commissioner).

Some figures suggest that the estimated number of home-educated children has doubled over a five-year period (from 2011-12 to 2016-17),¹⁸ with individual local authorities reporting a sharp rise in the number of pupils they know or believe to be home-educated.¹⁹ A rise as notable as this leads to the possibility that the mix of reasons why children are being home educated is also changing. Anecdotal evidence suggests that pressure and potential coercion by the school or perceived unmet additional needs are playing an increasing role, compared to the more traditional philosophical reasons.²⁰

Attempts to estimate the number of home-educated children involve asking local authorities (LAs) via a survey or Freedom of Information request. It has been estimated that there are 37,500 children who are home-educated across England, based on a reported total of 18,042 across 73 responding LAs (out of 152) in January 2016.²¹ A more recent analysis arrived at a reported total of 29,805 across 86 responding LAs in 2016/17,²² which if grossed up in the same way would imply a national estimate of around 52,700 home-educated children. That analysis also found 2,575 children had returned to state education in 2016/17 having previously been home-educated, with claims that in some cases the children had not been receiving an education at home and their new school had to “pick up the pieces”. This figure is based on responses from 44 LAs; if replicated across England it could mean as many as 8,900 children going through this process.

The true number of home-educated children is unknown and most likely higher, because LAs may not know about every home-educated child in their area. Parents do not need to state that they intend to home-educate their child when they ask the school to remove their child from its roll. Furthermore, parents are only legally obliged to notify the LA of this if the child is at a special school. If the child moves to another LA or has never attended school, then they may not be known to that LA and the parents can educate the child at home without the LA being aware. Hence some home-educated children will not be known to LAs, and are effectively ‘invisible’ unless they are identified for another reason (e.g. a safeguarding issue). Concerns have been raised that the number of unregistered home educated children could be “several multiples” of the registered number.²³

There may be variation across local areas in the degree of collaboration between the authority and parents that home-educate, but local authorities do not automatically have “the ability to see and question children subject to elective home education in order to establish whether they are receiving a suitable education”.²⁴ Parents that electively home-educate are not obliged to allow the LA to visit them at home, and in around 1 in 10 local areas the majority of parents refuse to do so.²⁵ This creates challenges for LAs, given their other duties (under the Education Act 1996) to:

- > make arrangements to enable them to identify, as far as is possible, children in their area who are not receiving a suitable education; and
- > to intervene if it appears that a child is not receiving a suitable education.

The key issue with home education is that little is known about this form of provision, precisely because it is not registered, inspected or regulated. Even very basic matters such as the number of home-education settings and home-educated children are not known with certainty. Instances of poor practice and provision, however rare, can remain undisclosed and unaddressed. It also means that the standards of provision more generally cannot be

¹⁸ <https://schoolsweek.co.uk/home-education-doubles-with-schools-left-to-pick-up-pieces-when-it-fails/>

¹⁹ <http://www.bbc.co.uk/news/education-35133119>

²⁰ <https://www.theguardian.com/education/2016/apr/12/home-schooling-parents-education-children-england>

²¹ ADCS (2016), *Elective Home Education Survey Summary*.

²² <https://schoolsweek.co.uk/home-education-doubles-with-schools-left-to-pick-up-pieces-when-it-fails/>

²³ Casey, L. (2016), *The Casey Review A review into opportunity and integration*.

²⁴ Department for Children, Schools and Families (2007). *Elective Home Education Guidelines for Local Authorities*. London: Department for Children, Schools and Families.

²⁵ ADCS (2016), *Elective Home Education Survey Summary*.

monitored or driven up, and the attainment of home-educated pupils as a whole remains unknown. The views, experiences and outcomes of children who are home-educated are not recorded systematically either.

The lack of oversight and monitoring introduces other potential concerns in relation to safeguarding. There is no suggestion or evidence that home-educated children are more likely to be at risk of abuse or neglect than other children. However, it is possible that where abuse or neglect is already taking place, it can be easier to hide if the child is home-educated – as they are effectively invisible to the authorities unless they are identified for some other reason.²⁶ Questions have also been raised in the past about whether rising levels of home education complicates efforts to foster community cohesion and British values in education,²⁷ since there are currently no requirements for home education to do so. Again this does not indicate that home education is itself risky or problematic, but highlights that little not enough is known about the current experiences of children in this important and growing sector.

²⁶ NSPCC Information Service (2014). *Home education: learning from case reviews*. London: National Society for the Prevention of Cruelty to Children.

²⁷ Casey, L. (2016), *The Casey Review A review into opportunity and integration*.

2.3 Unregistered schools

Key points:

- > Not all educational settings must be registered, but there are some which meet the definition of a school and are breaking the law by failing to register with DfE. Ofsted has identified nearly 300 establishments that are potentially illegal school, and we estimate that thousands of children could have been attending them – although the actual number is unknown.
- > Not all unregistered schools have a religious aspect. The 125 settings that have been inspected have often been unregistered AP settings, out-of-school settings providing supplementary education, or faith-based settings.
- > Around 3 in 10 of the settings that have been inspected (38 schools) have been served a warning notice for operating as a suspected illegal school. Hundreds (and potentially thousands) of children may have been attending these schools, but the actual number is unknown.
- > Unregistered schools are not regulated or inspected. As well as being potentially illegal, this means that the educational experience and wellbeing of children who attend them are largely unknown. Concerns have been raised that the children attending them are potentially being placed in environments that are unsafe, taught by staff that have not been appropriately vetted, and receiving an education that may not be appropriate in terms of content, breadth and quality.

A non-maintained school must register with the Department for Education if it:

- > has at least five pupils of compulsory school age enrolled (or one such pupil who is looked after, or who has an EHC plan); and
- > is operating on a full-time basis. While the term “full-time” is not defined in legislation, DfE guidance states that an institution providing education for more than 18 hours per week is considered to be providing full-time education.²⁸

It is a criminal offence to run a school defined as above which is not registered.

Much of the press and policy attention on this subject focuses on illegal religious schools.²⁹ However, unregistered settings can take on many different forms and Ofsted’s inspections have uncovered a broad range. Three common types are:

- > **Alternative providers that have not registered with DfE.** These may or may not meet the definition of a school (as above) depending on their size and timetable. Where they are found to have been operating illegally, it may simply be because of a lack of awareness of legislation or an administrative oversight.
- > **Out-of-school settings that provide supplementary education for home-educated children.** These settings may include tuition centres or weekend or evening classes that aim to supplement other forms of education (usually home education). If operating on a part-time basis, these settings would not meet the definition of a school – in which case they are not operating illegally and no further action would be taken.
- > **Religious settings.** Examples of these would include Orthodox Jewish schools, Madrassas and Sunday schools. These would be deemed illegal if they are found to meet the definition

²⁸ Registration of independent schools: Departmental advice for proprietors and prospective proprietors of independent schools in England link: <https://www.gov.uk/government/publications/independent-school-registration>

²⁹ E.g. <https://www.independent.co.uk/voices/editorials/illegal-faith-schools-education-ofsted-a7587621.html>

of school as above. However, the evidence that would prove whether this is the case can be difficult to gather, particularly if such settings do not keep systematic records of their pupil roll, timetable and attendance.

Ofsted does not have figures on the exact number of inspected establishments or illegal schools that falls into each of these groups.

These settings are hidden by definition, which means the true number of establishments – and children attending them – cannot be known with certainty. Our estimates in this briefing are based on previous investigations carried out by Ofsted. Although Ofsted no longer provides estimates of the number of children involved, it previously estimated that 3,000 children were attending 170 potentially illegal schools.³⁰ More recent figures that we have obtained from Ofsted indicate that since January 2016 it has identified 291 potentially illegal schools. So it would seem that thousands of children have been attending potentially illegal schools, although the true number is unknown even to Ofsted.³¹

As of September 2017, Ofsted has inspected 125 of these schools and around 30% (38 schools) have had been issued with a warning notice for operating as a suspected illegal school. Ofsted has not provided an estimate of the number of children attending potentially illegal or suspected illegal schools, but has stated before that 350 children were found to be attending the seven suspected illegal schools issued with warning notices in April 2016.³² Hundreds, and potentially thousands, of children may have been attending the 38 schools served with a warning notice – although the true number is unknown, even to Ofsted.

There may be link between home education and the use of unregistered schools: parents who send their children to unregistered schools may also home-educate the child. Nearly 1 in 5 LAs has reported that they were aware of home-educated children attending unregistered or 'illegal' schools in their own or neighbouring authority areas.³³ It may be the case that increases in home-educated pupils are linked to or even driving increases in the number of unregistered education providers.³⁴

Because these schools are unregistered, they are covert in nature; they are almost always hidden, unregulated and uninspected. As such, it is impossible to assess the quality of the child's education and their wellbeing within these settings.

Teachers within these settings may have insufficient training and may not have had appropriate vetting. The premises and equipment used may not be safe or well-maintained.³⁵ In more extreme cases, former pupils and whistle-blowers have alleged that corporal punishment takes places at some schools.³⁶ Concerns have also been raised about potential religious extremism within the settings that are faith-based,³⁷ or that such settings undermine "the government's efforts to ensure that all schools are promoting British values, including tolerance and respect for others".³⁸

³⁰ <https://www.independent.co.uk/news/uk/home-news/the-full-extent-of-unregistered-schools-in-england-revealed-a7586101.html>

³¹ This could be double-counting children who move from one potentially illegal school to another.

³² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf

³³ ADCS (2016), *Elective Home Education Survey Summary*.

³⁴ Foster, D. (2017), *Home education in England*, Briefing Paper Number 5108. London: House of Commons Library.

³⁵

³⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf

³⁷ <https://www.thejc.com/news/uk-news/charity-claims-unregistered-orthodox-schools-are-using-corporal-punishment-1.57398>

³⁸ <http://www.independent.co.uk/news/education/education-news/hundreds-of-children-being-taught-in-squalid-unregistered-schools-at-significant-risk-of-harm-says-a6728941.html>

³⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/523694/Unregistered_schools_advice_note_16_May_2016.pdf

3. What we know about how children are leaving mainstream schools

Key points:

- > Only formal exclusions – permanent or fixed-period – are recorded in official exclusion statistics. These types of exclusion are known to be increasing: the number of permanent exclusions rose by 44% from 2012/13 to 2015/16.
- > The most common reasons for permanent exclusion are persistent disruptive behavior and physical violence. However, 1 in 6 permanent exclusions occurs for some unspecified reason that does not fall into any of the other recorded categories.
- > Children with special educational needs account for half of all permanent exclusions despite only representing 14% of the overall school population.
- > Some children may effectively be permanently excluded from a mainstream school without it being recorded as such. They might have a managed move to an AP setting and then complete their education there. Around 1,600 children sit their final exams in PRUs despite not having been permanently excluded before.
- > The majority of children enrolled in AP – some 29,000 children – have not been permanently excluded before. This includes 9,000 children in PRUs. While children can be in these settings for legitimate reasons that are not permanent exclusion, it does raise questions about the extent to which unofficial exclusions could be a factor.
- > Illegal exclusions often involve sending a child home, or asking the child not to come to school, without recording it an exclusion. Encouraging the child to leave the school permanently, without recording it as a permanent exclusion, is also illegal. Evidence on the prevalence of these activities is by definition rare and unreliable. Some survey evidence suggests that hundreds if not thousands of schools nationally have engaged in practices that amount to unofficial or illegal exclusion. The true prevalence of these activities would be higher than the numbers in this report suggest if school staff are reluctant to admit to it in a survey.
- > Children with SEND may be disproportionately affected by illegal exclusions.

3.1 Official exclusions

Many of the pupils who leave a mainstream school for alternative provision may have been permanently excluded. Schools can formally exclude pupils for disciplinary reasons only, and either for a defined fixed period or permanently. In either case, a formal exclusion is recorded in official data along with the reasons for it and the subsequent educational arrangements for the child.

Official figures show that permanent exclusions have been increasing since 2012/13, reaching 6,685 in 2015/16 – a 44% increase.³⁹ Four out of five permanent exclusions involved secondary school pupils. The most common reason reported for permanent exclusion is persistent disruptive behaviour, followed by physical assault against a child or adult. However, one in six permanent exclusions were for some other unnamed reason that did not fall into any specific category – that is, a reason that was not disruptive behaviour, physical assault, verbal abuse, bullying, racism, sexual misconduct, drugs or alcohol, damage or theft.

³⁹ Department for Education (2017), *Permanent and Fixed Period Exclusions in England: 2015 to 2016*, SFR35/2017.

Pupils with special educational needs (SEN) are significantly over-represented amongst excluded children. They accounted for half of all permanent exclusions in 2015/16 despite accounting for only 14% of the school population.⁴⁰ These children are potentially highly vulnerable, raising the question about why they are frequently excluded and what support is in place once that happens.

3.2 Other potential 'hidden exclusions'

It is important to note that data on exclusions only includes instances where an exclusion is officially recorded. It is also possible for a child to be removed from a mainstream school's roll and placed permanently in another setting – such as alternative provision – without it being recorded as an exclusion.

In some cases, this may be due to managed moves, which involves transferring a child from one school to another with the prior agreement of the head teachers of both schools and the parents of the child. Managed moves might commonly involve leaving a mainstream school for alternative provision, but will not be recorded as an exclusion. It may be a positive outcome that prevents the need for formal exclusion – particularly if it provides a 'fresh start' for the child, or some remedial benefit, or if it enables the child to return to mainstream provision at a later date.

However, transitions that might be framed as managed moves could also involve an element of coercion: the child leaves their current school, either for another school or to be educated at home, under the threat of permanent exclusion if they don't. The distinction between this and a managed move is blurred.⁴¹ In principle all managed moves should involve consultation and agreement with the parents of the child in question, but the extent to which that is achieved (or even sought) is not recorded in a systematic way.

In some cases, a child might have a managed move from a mainstream school to alternative provision and then proceed to spend the rest of their education there. Then the outcome is effectively a permanent exclusion – but it is not recorded as such in the data. It has recently been estimated that each year nearly 1,600 children sit their final exams in PRUs despite not being recorded as previously permanently excluded.⁴²

The true scale of this form of hidden exclusion is not known and cannot be accurately assessed because of a lack of central and systematic reporting on the number and duration of managed moves, the reasons given and the way in which they happen. However, there is a discrepancy between the number of children enrolled in alternative provision and the number of children who have been permanently excluded. Only around 1 in 5 children enrolled at some form of alternative provision has previously been permanently excluded. Even among pupil referral units (PRUs), the proportion of children that have been permanently excluded is still only 2 in 5. Overall, some 29,000 children currently enrolled in alternative provision have not been permanently excluded before, including 9,000 children in PRUs.⁴³ It is true that there are other legitimate reasons why children might be in AP – such as medical reasons – but nevertheless these statistics do raise questions about the extent to which unofficial exclusions could be a factor. Ultimately, as we do not always

⁴⁰ Department for Education (2016), *Special educational needs in England: January 2016*, SFR29/2016.

⁴¹ See, e.g. <https://www.theguardian.com/education/2012/nov/15/illegal-school-exclusions>

⁴² Gill K. (2017), *Making The Difference: Breaking the link between school exclusion and social exclusion*, IPPR.

⁴³ Source: <https://educationdatalab.org.uk/2017/10/who-are-the-pupils-in-alternative-provision/>

know why children are in AP and how long for, it is not currently possible to assess the true scale of this form of hidden exclusion.

Schools may also send a child to be educated at an off-site facility, such as AP, for some part of the week. This is perfectly legal and doesn't have to be recorded as an exclusion. We recognise that this can often be a positive outcome for the child by enabling their needs to be better met than if they were in a mainstream school all of the time. It might also allow the child to be successfully reintegrated into mainstream provision later on. However not enough is known about how this practice is actually used by schools, and whether it is something that schools can take advantage of.

While this is often a temporary measure, there is evidence that it is sometimes used for long periods of time. A fifth of secondary school senior leaders reported that they may send pupils off-site for more than a term, while nearly a quarter (23%) reported doing so for more than a year.⁴⁴ Cases may exist of children effectively attending alternative provision full-time, even though their registration is at a mainstream school.⁴⁵ Where this happens it raises a question about whether the child has effectively been excluded by the back door.

The nature of informal or illegal exclusions (the terms 'informal' and 'illegal' tend to be used interchangeably) varies. It most commonly involves asking parents to take their child home, or encouraging the parent not to bring the child to school, and recording it as something other than exclusion (e.g. authorised absence). These type of exclusions tend to be short-term, but where they are frequently repeated, they can have a significant impact on the child's education. Alternatively, a school might encourage parents to take their child out of the school permanently – perhaps to educate the child at home, at another school or at AP. If the school requests this and does not record it as a permanent exclusion, that is also a form of illegal exclusion.

Given that informal and illegal exclusions are characterised by the absence of formal recording and reporting – not to mention some blurred distinctions – there is a lack of quantitative evidence that enables the scale of this issue to be assessed. Much of what is known is qualitative or anecdotal. Some research has used a survey of teachers to attempt to quantify the scale of this issue (see table below).

⁴⁴ Smith et al. (2017), *Teacher voice omnibus: November 2016 survey – DfE questions*, National Foundation for Educational Research.

⁴⁵ Ofsted (2016), *Alternative provision: The findings from Ofsted's three-year survey of schools' use of off-site alternative provision*, No. 160011.

Table 2. Estimated prevalence of unofficial and illegal exclusions⁴⁶

| | Proportion of all teachers | Proportion of school leaders | Estimated number of schools ⁴⁷ |
|---|----------------------------|------------------------------|---|
| Have encouraged some pupils to move to a different school (without recording it as a permanent exclusion) | 22% | 15.8% | 3,790 |
| Have encouraged some parents to educate their child at home (without recording it as a permanent exclusion) | 3.4% | 1.8% | 192 |
| Have recorded pupils as 'authorised absent' or 'educated elsewhere' when pupil was encouraged not to come into school | 6.3% | 2.1% | 540 |
| Have sent children home without recording it is a fixed-term exclusion | 7.3% | 6.7% | 1,600 |

As these figures are based on self-reports from teachers and head teachers, they could be subject to significant under-reporting bias (although the survey was anonymous) in which case the true prevalence of these activities may be higher. Moreover, these figures have limited usability as they were obtained in a survey carried out five years ago with around 1,000 teachers.⁴⁸ That these are the most informative statistics of which we are aware underlines the lack of reliable evidence in this area.

There is some evidence to suggest that unofficial and illegal exclusions may often involve children with special education needs and disability (SEND). The same survey found that 2.7% of school leaders (equivalent to around 650 schools) reported having previously sent a child with SEND home when their carer or teaching assistant was unavailable, because the school was otherwise unable to meet the child's needs. Ofsted has recently reported, based on inspections of local areas, that "school leaders had used unofficial exclusions too readily to cope with children and young people who have SEND".⁴⁹ Parents of children with SEND who believe that their child has been illegally excluded have reported the following as common types of illegal exclusion affecting their child:

- > being sent home 'for their own good' or because he/she is 'having a bad day';
- > being sent home from school to 'cool off' following an incident;
- > being placed on a part-time timetable;
- > being excluded because the school 'does not have enough staff to support the disabled child'.⁵⁰

⁴⁶ Source: Office of the Children's Commissioner (2013), *"Always Someone Else's Problem": Office of the Children's Commissioner's Report on illegal exclusion*. London: Office of the Children's Commissioner.

⁴⁷ Figures based on an estimate of 24,000 schools in total across England.

⁴⁸ This was the 2012 'Teacher Voice' survey carried out by the National Foundation for Educational Research.

⁴⁹ Ofsted (2017), *Local area SEND inspections: one year on*, No. 170041.

⁵⁰ Contact a Family (2013), *Falling through the net: Illegal exclusions, the experiences of families with*

While the occurrence of illegal exclusions may be troubling, there are factors that could give schools an incentive to engage in the practice, instead of formal exclusions, such as:

- > **Requirements to report on formal exclusions.** Information on formal exclusions must be provided to the Department for Education, and can be made publicly available. Schools may be concerned about potential reputational risks or interventions from Ofsted as a result of this information.
- > **Loss of funding as a result of formal exclusions.** Once a child is formally excluded and taken off the school roll, the school will lose any funding that is attached to the child. Illegal exclusions, where the child is kept on the school roll (despite not being at school), avoid this risk.
- > **Lack of effective consequences for the school.** Due to the largely hidden nature of illegal exclusions, and the fact that parents may have limited knowledge of legislation and their rights, these incidents may be difficult to identify, prove and prosecute. Even where a school is identified as having acted illegally, financial penalties will not arise until a case goes to court and compensation is ordered.
- > **Reduction in availability of specialist support services.** Pressure on local authority budgets, as well as budget cuts across the public sector, may lead to a number of specialist support services – particularly for pupils with SEND – being reduced. In 2016, nearly 15,000 assessments for an education, health and care (EHC) plan were refused – a 35% increase from 2015. A further 1,660 children were refused an EHC plan after assessment. If insufficient specialist support means that schools no longer feel able to support such pupils, it may create an incentive for schools to resort to unofficial or illegal exclusions instead.

3.4 'Off-rolling'

Key points:

- > Among the cohort of children who would have completed mainstream secondary education in 2014/15, there were 7,500 moves into alternative provision, mostly occurring in Year 10 or 11. Only 1% of these children go on to achieve five A*- C GCSEs including English and Maths.
- > Among the same cohort, there were a further 20,000 moves where of pupils left state education altogether. Only around 6% of these children achieve five A*- C GCSEs or equivalents (including English and Maths).
- > Almost 9 out of 10 mainstream schools benefit – in terms of their overall GCSE pass rates – from these pupil moves. In some schools, GCSE pass rates would have been least 5 percentage points lower if these pupils stayed on the school roll for GCSEs.
- > This raises questions about the motivations and incentives that might contribute to these moves taking place, and the extent to which these moves are genuinely in the best interests of the child.

'Off-rolling' is a practice whereby schools remove a pupil's name from the school's admission register (or roll). This may happen because a child's family relocates, in which case the child will move from one school to another. However, there may be other cases where children are removed from the roll of a mainstream school and then appear at a non-mainstream setting or outside the state school sector altogether.

This issue is likely to involve thousands of children, all of whom leave a mainstream school and end up somewhere else in the education system – or perhaps even outside it. Among the pupils in state-funded mainstream schools expected to sit their GCSEs in 2014/15, there were 7,500 moves that involved a pupil leaving a mainstream school for alternative provision. Nearly three quarters of these moves – around 5,400 – occurred when the pupil was in Year 10 or 11. By contrast, only one in seven moves to other mainstream schools occurred when the pupil was in Year 10 or 11. A further 20,000 school moves involved a child leaving a mainstream school and no longer being registered at any other state-funded establishment. As the destination is not known in such cases, these children could have ended up at a range of settings including independent schools, independent alternative provision, unregistered settings or home education. They could also have migrated.

Just under 40% of these moves occurred while the child was in Year 10 or 11. Altogether, there were nearly 27,500 moves where a pupil left a mainstream school and either went to alternative provision or outside the state education system. Nearly half of these moves (48%) took place when the child was in Year 10 or 11.⁵¹

The data on which these figures are based does not reveal the reason or motivation behind these moves. However, the fact that these moves are disproportionately more likely to occur during Year 10 or 11 does raise important questions about whether the pupils involved have been deemed low-achieving by the schools they attend and whether schools have made a deliberate decision to ‘off-roll’ them.

We know that educational outcomes for pupils off-rolled into non-mainstream settings are very poor. Only 1% of children who move from a mainstream school to alternative provision achieved five A*- C GCSEs or equivalents (including English and Maths) in 2014/15. Among children who moved from a mainstream school to another destination outside state education, the figure was 6%.⁵²

It needs to be established whether some schools are off-rolling pupils to protect the school’s average GCSE results. We know that mainstream schools do tend to benefit from these instances of pupils leaving. Some recent analysis created an alternative GCSE pass rate for each mainstream school based on *all* the pupils who attended it between Years 7 and 11, so that pupils off-rolled by a school would still contribute to that school’s GCSE results (with their contribution weighted by the proportion of years spent at that school). The analysis found that 89% of mainstream secondary schools would have a worse GCSE pass rate under this alternative measure, and in some cases the difference would be substantial. In 125 secondary schools the GCSE pass rate would have been at least 5 percentage points lower under this alternative attainment measure.⁵³

Further analysis by school type found that the effect was strongest for sponsor academies compared to other schools. Among sponsored academies the average GCSE pass rate would be 2.1 percentage points lower under this alternative measure. Among converter academies or community schools, GCSE pass rates would be 1.5 percentage points lower under the alternative measure.

Given that removing pupils from mainstream school rolls tends to have a positive effect on measured GCSE results, and that thousands of children leave mainstream schools for alternative provision or other non-mainstream settings, this raises questions about how these non-mainstream settings are being used and the circumstances through which children arrive there.

⁵¹ <https://educationdatalab.org.uk/2017/01/whos-left-an-introduction-to-our-work/>

⁵² <https://educationdatalab.org.uk/2017/01/whos-left-the-main-findings/>

⁵³

4. What we know about children not being educated at all

Key points:

- > Some children might be not receiving an education at all, either temporarily or for an extended period. They might be unwilling or unable to go to school, or have may have left school or been excluded without enrolling somewhere else.
- > The types of children who tend to be recorded as missing education are usually highly vulnerable groups.
- > Across England, between 10,000 and 15,000 children are estimated to have been recorded as missing education at any one point in time. The number of children estimated to have been recorded as missing education at some point in the year could plausibly be over 50,000, of which over 6,000 might not be traceable.
- > The estimates that exist are all based on recorded cases known to local authorities. There could be other cases of which local authorities are not aware.

The government defines children missing education as “children of compulsory school age who are not registered pupils at a school and are not receiving suitable education otherwise than at a school”.⁵⁴ They might be unwilling or unable to go to school, or have may have left school or been excluded without enrolling somewhere else. Children might miss education temporarily – because of going missing or relocation, for example – or for extended periods or even indefinitely, because of exclusion, detention in a secure setting or family or health circumstances.

The following groups of children have been identified by DfE⁵⁵ and other research⁵⁶ as groups that are more likely than the rest of the population to being missing from education, either temporarily or for an extended period:

- > Excluded children
- > Children with SEND
- > Children with health issues
- > Migrant, unaccompanied asylum seeking and refugee children
- > Pregnant children or young mothers
- > Children who are homeless or insecurely housed
- > Children supervised by the youth justice system
- > Missing children
- > Looked after children
- > Young carers
- > Children at risk of abuse and other harm

⁵⁴ Department for Education (2016). *Children missing education: Statutory guidance for local authorities*. London: Department for Education.

⁵⁵ Department for Education (2016). *Children missing education: Statutory guidance for local authorities*. London: Department for Education.

⁵⁶ Ryder, R. et al. (2017), *Children Missing Education: Families' Experiences*. London: National Children's Bureau.

- > Gypsy, Roma, or Traveller children
- > Other unsettled children⁵⁷

Not all of the children in these groups will miss education. However, the risk that they will do so is higher than amongst the general population of children and young people.

Attempts have been made to quantify the number of children recorded as missing education through inspections or freedom of information requests to LAs. Ofsted's inspections of 15 LAs found that 1,400 children were recorded as missing education, which would equate to over 10,000 children across England.⁵⁸ Using freedom of information requests to LAs, others have arrived at national estimates of 12,000⁵⁹ in 2011 and 14,800 in 2014.⁶⁰ These are all snapshot estimates at a single point in time and could therefore fluctuate depending on the day of the week or the time of year. Estimates that smooth daily fluctuations indicate that 33,262 school-aged children were recorded as missing from education at some point in the 2014/15 academic year, of which 4,000 children could not be located.⁶¹ This was based on data from 90 LAs, so the corresponding national figure would be considerably higher – over 50,000 children missing from education throughout the year, of which over 6,000 could not be located.

It should be noted that as these figures are based on data provided by LAs, they are limited to the recorded cases of which LAs are aware. There may be variation across local areas in the reporting practices (such as the point at which a child is registered as missing education) and the amount of information that is recorded for each (such as categories or reasons why).

⁵⁷ These are children who may relocate frequently within a short span of time. Examples include: children who temporarily in refuges for victims of domestic violence; children who are unsettled due to the nature of their parent's profession/circumstances (such as service personnel or circus families); or children who are returning from custody and have not yet found a suitable school place.

⁵⁸ Ofsted, (2013). *Pupils missing out on education: low aspirations, little access, limited achievement*, No. 130048. Manchester: Ofsted.

⁵⁹ <https://www.tes.com/news/tes-archive/tes-publication/mystery-englands-12000-vanishing-pupils>

⁶⁰ National Children's Bureau, (2014). *Not present, what future? Children missing education in England*. London: NCB.

⁶¹ <http://www.bbc.co.uk/news/education-38145058>

5. Conclusions

This briefing is designed to shine a light on children who are known to be, or at higher risk of, falling through the gaps in the education system and becoming hidden or forgotten about. It sets out what we know, and what we don't know, taking stock of the existing evidence on the numbers of children being moved out of mainstream schools, the 'black box' settings where they might end up, and the issue of children not being in education at all. It is preliminary work which we will continue to build on in the coming months.

It's clear there are many reasons and factors why children might end up falling through the gaps in education and missing out. Broadly, we can categorise types of reasons as follows:

- > **Family circumstances and demographics.** For example, the child has caring responsibilities; the family has experienced domestic abuse and is living in a refuge; the child's family are from an ethnic group (e.g. traveller communities) less engaged with education.
- > **Child actions.** Children may be absent or refusing to attend, or recorded as missing. The school may also exclude them as a result of their behaviour.
- > **Parental actions.** For example, parents may have preferences about certain types of education or settings. This could reflect cultural factors but it could also arise if they feel that a particular type of education is not meeting their child's needs.
- > **School actions.** For example, schools remove particular pupils from the school roll or reduce the amount of time that pupil spends at school, with the effect of benefitting the school more than the child.

So how many children do we estimate could be falling through the gaps?

Table 3 below sets out what we know. These are the key quantitative estimates we have identified that enable the size of a particular group or issue to be pinned down – to whatever extent that is possible. These numbers are kept separately rather than combined because they are measuring different things for different groups. In some cases different groups will overlap, and in other cases the figures are not consistently and comparable measured. For those two reasons, these numbers cannot be added together to form one headline estimate.

While the table shows that substantial numbers of children are potentially falling through the gaps – and we know that in some instances the numbers are rising – the scale of the issue is not our only concern. The question of *who* these children are, which is not shown in the table, is also important. For example, this briefing has shown that vulnerable children, especially those with SEN, are more likely to be excluded – officially and/or illegally – and are heavily over-represented in alternative provision. They may also be attending unregistered AP settings. This is an area where more data is required and further work is needed.

Table 3. Estimates in relation to key groups identified in this report

| Group | Estimated number of children |
|---|------------------------------|
| Children leaving mainstream education between Year 7 and Year 11, of which: | 27,500 |
| - Children moving to alternative provision | 7,500 |
| - Children leaving state education | 20,000 |
| Permanent exclusions in 2015/16 | 6,685 |
| Children in alternative provision who have not been permanently excluded from school | 29,000 |
| Children sitting final exams in PRUs despite not having been permanently excluded from school | 1,600 |
| Children who are home-educated | |
| - Number reported across 86 LAs (corresponding national estimate) | 29,800 (52,700) |
| - Number subsequently returning to school across 44 LAs (corresponding national estimate) | 2,575 (8,900) |
| Children recorded as missing education throughout 2014/15 | |
| - Number reported across 90 LAs (corresponding national estimate) | 33,262 (56,000) |
| - Those of which were untraceable (corresponding national estimate) | 3,897 (6,600) |

From the data we have gathered, what we can say is that some children, many of whom are vulnerable, may experience settings where their needs are not met and their learning and development are insufficiently supported. We can also say that where this does happen, it tends to be because of one or more of the following reasons: incentives faced by schools, a lack of clear guidance/frameworks, and insufficient oversight or consequences when guidance is not adhered to.

We can also say that in many cases, the data and figures that exist do not tell the full story. Official figures on fixed period or permanent exclusions will not capture illegal and unofficial exclusions – these will be recorded as something as else. Enrolment and census data will not give a true sense of the amount of time children are spending in non-mainstream settings. And in many other cases, the statistics we have only cover the cases that come to light. The upshot of all these limitations is that thousands of children remain hidden, continuing to fall through the gaps.

This report is a first piece of work to bring a range of issues, many of them often hidden, into the spotlight. It identifies specific groups of children who can't always be identified in the statistics, but whose needs and challenges are no less real. Where these children are missing out on an education that is high-quality, safe and appropriate for their needs, we must be concerned about the kind of outcomes that will result in. Over the coming months, the Children's Commissioner's Office will be doing more focussed pieces of work on specific groups identified in this briefing, in order to see how we and others can fill some of the data gaps, how these issues can be better identified, and how we can be more confident that children's needs are being met.



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