

## Background information about Estyn

Estyn is the Office of Her Majesty's Inspectorate for Education and Training in Wales. As a Crown body, Estyn is independent of the Welsh Government.

Estyn's principal aim is to raise the standards and quality education and training in Wales. This is primarily set out in the Learning and Skills Act 2000 and the Education Act 2005. In exercising its functions, Estyn must give regard to the:

- Quality of education and training in Wales;
- Extent to which education and training meets the needs of learners;
- Educational standards achieved by education and training providers in Wales;
- Quality of leadership and management of those education and training providers;
- Spiritual, moral, social and cultural development of learners; and,
- Contribution made to the well-being of learners.

Estyn's remit includes (but is not exclusive to) nurseries and non-maintained settings, primary schools, secondary schools, independent schools, pupil referrals units, further education, adult community learning, local government education services, work-based learning, and teacher education and training.

Estyn may give advice to the Assembly on any matter connected to education and training in Wales. To achieve excellence for learners, Estyn has set three strategic objectives:

- Provide accountability to service users on the quality and standards of education and training in Wales;
- Inform the development of national policy by the Welsh Government;
- Build capacity for improvement of the education and training system in Wales.

This response is not confidential.

## Introduction

Every child's right to education<sup>1</sup> should be designed to provide them with the learning and life skills that enable them to develop their personality, talent and abilities to the fullest<sup>2</sup>, regardless of their context. Most pupils attend school regularly, and behave and achieve well<sup>3</sup>. However, for a range of reasons, a very few pupils in Wales receive their education other than at school (EOTAS).

In January 2019<sup>4</sup>, there were 2,286 pupils in Wales receiving their education through EOTAS provision. About two-in-ten of these pupils had main or current enrolment status at their maintained 'home' school and about three-in-ten had subsidiary enrolment. The other half of these pupils were not on roll at a maintained school and they received their education solely through EOTAS provision. Almost 44% of pupils whose main education is other than at school were enrolled at pupil referral units, 14% in independent schools and 11% in further education. About 14% were in receipt of individual tuition and almost 2% were awaiting provision or not currently in provision.

Many of the pupils who attend EOTAS have either been excluded from mainstream education or are at risk of exclusion. The latest figures available<sup>5</sup> show that, in 2016-2017, there was a significant increase in the number of permanent exclusions in Wales compared with the previous year, up from 109 in 2015-2016 to 165 in 2016-2017. Of particular concern is the number of permanent exclusions for primary age pupils which has doubled over the last five years, up from 9 in 2012-2013 to 20 in 2016-2017<sup>6</sup>. This figure reflects the similar increase in the number of pupils ages 6 to 11 years receiving their main education through EOTAS provision during the same period, up from 137 in 2012-2013 to 212 in 2016-2017<sup>7</sup>), and up again in 2019 to 253.

In 2015<sup>8</sup> and 2016<sup>9</sup>, Estyn published two thematic reports on education other than at school. Both reports confirm that pupils who receive their education through EOTAS provision are mostly either excluded or in danger of permanent exclusion largely because of challenging behaviour associated with social and emotional behavioural difficulties. A smaller number of pupils receive EOTAS provision because they are disengaged and/or are persistent non-attenders at their maintained school often because of mental health issues that typically centre on anxiety or bullying<sup>10</sup>. Overall, pupils in receipt of EOTAS

<sup>1</sup> Article 28 – United Nations (1989) *Convention on the Rights of the Child*. [pdf] Available online at: <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> Accessed on: 17 June 2019

<sup>2</sup> Article 29 – United Nations (1989) *Convention on the Rights of the Child*. [pdf] Available online at: <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> Accessed on: 17 June 2019

<sup>3</sup> Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. Cardiff: Estyn [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

<sup>4</sup> Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

<sup>5</sup> Welsh Government (2018b) *Permanent and fixed-term exclusions from schools: September 2016 to August 2017*. Cardiff: Welsh Government. Available online at: <https://gov.wales/permanent-and-fixed-term-exclusions-schools-september-2016-august-2017> Accessed on: 18 June 2019

<sup>6</sup> Ibid

<sup>7</sup> Welsh Government (2019b) *Pupils educated other than at school*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

<sup>8</sup> Estyn (2015) *Education other than at school: a good practice survey*. [pdf] Cardiff: Estyn. Available online at: [https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Education\\_other\\_than\\_at\\_school\\_a\\_good\\_practice\\_survey\\_-\\_June\\_2015.pdf](https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Education_other_than_at_school_a_good_practice_survey_-_June_2015.pdf) Accessed on: 10 June 2019

<sup>9</sup> Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

<sup>10</sup> Children's Commissioner for Wales (2014) *The Right to Learn*. [pdf] Available online at: [https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right\\_to\\_learn\\_eng-F.pdf](https://www.childcomwales.org.uk/wp-content/uploads/2016/04/Right_to_learn_eng-F.pdf) Accessed on: 18 June 2019

provision often miss extended periods of education and have gaps in their learning. These pupils typically have low self-esteem and lack confidence. Many have low aspirations for their future. They are vulnerable learners, who often have multiple needs and require bespoke support to enable them to achieve their potential. The main findings from these two thematic reports include that:

- provision for pupils at risk of exclusion or disengagement is most effective where local authorities, schools and PRUs work together to meet the needs of these pupils and to ensure that they remain in full-time education
- the EOTAS provision for many pupils gives them a second chance to succeed and they improve their attendance over time and are motivated to learn, usually in a smaller more nurturing environment
- pupils develop good relationships with EOTAS staff and appreciate the depth of understanding staff have about the difficulties they experience, which supports them to improve their behaviour
- overall, EOTAS provision does not give pupils the same access to their education entitlements as their peers and they do not all meet their potential largely because of the restricted curriculum and unchallenging courses they follow
- only a minority of local authorities monitor and evaluate the progress of pupils receiving EOTAS to ensure that they all meet their potential, and to judge if the provision is effective and gives value for money

Since 2016, we extended our series of thematic reports related to EOTAS with the publication of a report on the effective use of managed moves by local authorities and schools<sup>11</sup>. This report complements Welsh Government's <sup>12</sup> guidance on inclusion and support for pupils to ensure they receive suitable education and avoid becoming disengaged from education.

Estyn is fully committed to Welsh Government's education reform programme to provide high-quality and inclusive education for all Welsh citizens<sup>13</sup>. This position is reflected in our thematic work and the new Common Inspection Framework. Through our inspection programme, thematic reviews and wider activities such as attendance at the EOTAS Delivery Group meetings, Estyn is resolute in supporting Welsh Government to fulfil its proposals outlined in the EOTAS Framework for Action<sup>14</sup>. Given the span of the proposals, Estyn welcomes the Welsh Government's current inquiry into the range of EOTAS provision. In particular, we would welcome further discussion about:

- collaborative approaches to EOTAS provision
- the importance of ensuring that EOTAS provision is included in all aspects of the education reform journey
- establishing a consistent approach to recording, monitoring and reporting on EOTAS outcomes and provision at individual school, local authority, region and national levels

<sup>11</sup> Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. Cardiff: Estyn [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

<sup>12</sup> Welsh Government (2018a) *Inclusion and pupil support*. [pdf]. Cardiff: Welsh Government. Available online at: [https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support\\_0.pdf](https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf) Accessed on: 19 June 2019

<sup>13</sup> OECD (2017) *The Education Reform Journey*. [pdf]. Available online at: <http://www.oecd.org/education/The-Welsh-Education-Reform-Journey.pdf> Accessed on: 19 June 2019

<sup>14</sup> Welsh Government (2017) *Education otherwise than at school (EOTAS) Framework for Action*. [pdf] Cardiff: Welsh Government. Available online at: <https://gov.wales/sites/default/files/publications/2018-03/education-otherwise-than-at-school-framework-for-action.pdf> Accessed on: 20 June 2019

## Consultation Questions

### 1. **Reasons for and support available for children and young people at risk of EOTAS, including through their exclusion from mainstream provision**

Estyn's series of three thematic reviews about pupils at risk or in receipt of EOTAS confirm that many pupils who find it difficult to remain in mainstream schools have a range of difficulties, including challenging family situations and personal issues. Others have underdeveloped literacy and numeracy skills or further additional learning needs. Pupils with social, emotional and behavioural difficulties, those at risk of exclusion and those who persistently refuse to attend school, often because of mental health issues, are at greater risk of being educated through EOTAS provision<sup>15</sup>.

Where there are difficult family situations, there is strong research evidence that shows the impact of early trauma and adverse childhood experiences (ACE) on children's social and emotional wellbeing. This may include, for example, an increased likelihood to engage in self-negation, anti-social or destructive behaviour, which in turn may place pupils at greater risk of EOTAS. In mainstream schools, the recent interest in approaches to education that support pupils with adverse childhood experiences has seen the emergence of trauma informed and attachment approaches. Our inspection evidence shows that these approaches are more established in PRUs and special schools, particularly independent special schools. Evidence for Estyn's forthcoming thematic report on the support provided for pupils with adverse childhood experiences shows that, generally, the quality and impact of support is better in primary schools than secondary schools. However, overall, there is relatively little robust research into what works well to support the educational outcomes for pupils with adverse childhood experiences. Further, there is a broad lack of professional knowledge in mainstream schools, particularly secondary schools, about the impact of early trauma and ACEs on pupils' social and emotional development, the relevance of this to pupils' education and appropriate ways to address the issues

Our thematic review and inspection evidence shows that, in the best practice, provision for pupils at risk of exclusion or disengagement is particularly effective where local authorities, have a clear strategy for support and reintegration and a continuum of provision to meet these pupils' needs. This continuum of provision includes the use of graduated approaches for supporting pupils who struggle to stay in mainstream education. The first stage of the continuum is likely to involve whole-school strategies such as mentoring, use of inclusion rooms or restorative approaches. It also includes individual or group support for pupils who are beginning to display difficulties such as challenging behaviour or anxiety. With appropriate support, many pupils will overcome their difficulties without need for further intervention.

Where pupils continue to experience difficulties, they may require external support, for example from a behaviour specialist, educational psychologist or the child and mental health service. It is only when these strategies do not succeed that a pupil should be considered for the next stage of the continuum that is placement at an out-of-school setting, such as a PRU or other form of EOTAS provision. Where there is strong practice in supporting pupils at risk, these settings have well-established referral processes and clear entry and exit criteria. The pupils, their parents and carers, and staff have a clear understanding that placement at an EOTAS setting such as a PRU is a short-term targeted intervention.

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<sup>15</sup> Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Welsh Government. Available online at: <https://www.estyn.gov.wales/thematic-reports/education-other-school> Accessed on: 10 June 2019

However, for many pupils at key stage 4, a return to mainstream education is not an appropriate option.

Managed moves also play an important part in the continuum of provision. The main findings from Estyn's thematic report<sup>16</sup> about the use of managed moves by local authorities and schools confirm that, in most cases, managed moves offer pupils at risk of disengagement or exclusion a fresh start in a new school. Where there is the most effective practice, the needs and best interests of the pupil are at the heart of all discussions around managed moves and the decisions made. However, a managed move does not provide pupils with the same legal protection as those permanently excluded from schools. For example, pupils who are undergoing managed moves are not automatically entitled to interim education provision, the right of appeal or support with practical arrangements such as transport.

All local authorities provide arrangements to ensure that a child or young person can access support for their voice to be heard in relation to their education, care or health plans. However, eligibility for this service differs greatly across Wales. For example, in many local authorities, the availability of these services is promoted suitably and nearly all local authorities make an effort to obtain the services of an independent advocate to speak on behalf of a pupil subject to a formal exclusion. This is not the case for pupils undergoing managed moves.

For the most part, local authorities meet with pupils and their parents or carers to discuss any options available to them before they attend EOTAS provision. These options are often very limited. As a consequence, although pupils are consulted about their future placement, the options from which they choose are not broad and balanced. These options may not be suitable to their needs and interests. In particular, older pupils have limited vocational options.

## **2. How effectively parents are engaged and supported throughout the EOTAS process**

Evidence from inspection and our thematic reviews shows that all local authorities provide parents or carers with useful information about the options for a suitable education for their child, including education outside of school. This information helps parents or carers to understand the EOTAS or managed move process and often resolves any concerns they may have.

All local authorities have a responsibility to provide an independent and impartial parent partnership service. This service supports parents and carers to understand the procedures relating to their child's special educational needs, which helps them make informed decisions. Our thematic and inspection evidence shows that in many local authorities, there are well-established links with the parent partnership service. Officers and volunteers from the service often represent parental perspectives on a range of support panels such as the behaviour and additional learning needs resource panels. This helps them understand the local authority's approach to promoting inclusion and makes sure that they provide parents and carers with up-to-date information about options and support available.

Generally, mainstream schools provide parents and carers with useful information about the range of options available to them when a pupil is at risk of exclusion or disengagement. In effective schools, early communication of concerns ensures that relevant information is available to parents and carers continuously. In these schools, they receive a great deal of

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<sup>16</sup> Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

information about their child's progress through weekly meetings at school, text messages and daily phone calls. This strong communication helps parents and carers to understand well how to support their child and plan for the next step in their education.

Although most schools provide parents and carers with daily updates about their child's behaviour, leaders do not always communicate difficult messages well enough in a timely manner. This means that parents and carers do not always have sufficient time to plan the next steps or secure alternatives for their child.

Our inspection and thematic review evidence suggests that the parents and carers of pupils who may be educated outside mainstream school settings have an important role to play if EOTAS placements are to be successful. For example, recent inspection reports for EOTAS provision at PRUs, show that where provision is excellent, this includes exceptional flexible working and communication with parents and carers. In addition to daily diaries and regular phone calls, staff work with other agencies to provide highly effective parenting programmes to help parents to understand and manage their children's needs better. In the very best practice, these partnerships, together with successful strategies for working with mainstream schools, have been instrumental in supporting pupils' reintegration to mainstream education.

### **3. The variation in rates of EOTAS for children and young people with particular characteristics (such as learners with special educational needs or who are eligible for free school meals) and the consequences of this**

National data confirms that the number of pupils in receipt of EOTAS provision increases with each age group from age 8 up to 15 years, and about seven-in-ten of these pupils are boys<sup>17</sup>. In January 2019, almost six-in-ten pupils whose main education is other than at school were aged 14 or 15. For many pupils, EOTAS is intended as short-term provision with a view to reintegrating pupils back to mainstream schooling. However, it is widely recognised that nearly all pupils at key stage 4 may need to attend for a longer term as they come to the end of compulsory school-age.

Over the last five years, almost nine-in-ten of all pupils whose main education is other than at school have special educational needs (SEN)<sup>18</sup>. Almost four-in-ten of these pupils have a statement of SEN and just over half are school action plus. The findings in our 2016 thematic report<sup>19</sup> affirm that pupils with additional learning needs do not always receive the specialist support they need, even when this is set out in a statement of special educational needs. In several cases, this is because only a very few providers employ staff who are qualified and experienced in supporting pupils with special educational needs. As a result, staff do not all have the skills to support pupils' needs appropriately, including needs identified on a statement of special educational needs. Where this happens, local authorities fail to meet their statutory obligations to ensure that the provision specified in a pupil's statement of special educational needs is met.

Currently, information of SEN by type of need for all pupils in Wales whose main education is other than at school, and the level of support provided, is not available in published reports. Estyn acknowledges that it may not be appropriate to provide published reports about type of need and level of support for individual local authorities because the number of pupils, particularly for type of need, may be too few to report on without identifying individual pupils. However, because there is no reliable data about national EOTAS figures about type and level of SEN support for these pupils, it is not possible to make comparisons over time

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<sup>17</sup> Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

<sup>18</sup> Ibid

<sup>19</sup> Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

with a view to informing policy or practice if required. Similarly, although Welsh Government match data collected through the Children Receiving Care and Support Census<sup>20</sup>, the national education data sets on SEN, exclusions and EOTAS do not provide enough information about looked after children as a ‘characteristic’.

In January 2019, 36.4% of pupils whose main education is other than at school were entitled to free school meals<sup>21</sup>. This figure is almost double the national average of 16.8% of pupils for all maintained schools in Wales. Our inspection and thematic evidence confirms that almost all pupils in receipt of EOTAS provision at pupil referral units are considered vulnerable because of one or a combination of characteristics such as living in poverty, their behaviour, additional learning needs and known to at least one statutory agency. Welsh Government guidance on inclusion and support for pupils<sup>22</sup> outlines clearly how ‘significantly fewer’ pupils from low-income households achieve expected attainment levels ‘compared with their better-off peers’, and that this difference in attainment grows as they progress through their school career. The guidance also recognises that other risk factors such as poor attendance, poor behaviour and exclusion, which are all associated with needing extra support, are compounded by poverty.

There are no great differences between the ethnic background distribution of pupils’ age five and over whose main education is other than at school compared with the figures for mainstream schools<sup>23 24</sup>.

Our 2016 thematic report<sup>25</sup> confirmed that nearly all pupils receiving EOTAS have English as their first language. Generally, local authorities report that the proportion of pupils requiring EOTAS through the medium of Welsh is too low to be feasible to set up or commission group support. As a result, nearly all of these pupils attend EOTAS provision delivered through the medium of English. Their local authorities often fail to ensure that they are able to continue with their education in their language of choice.

#### **4. The levels of financial support available to support EOTAS and children and young people at risk of becoming EOTAS and whether this represents value for money**

Our 2015 thematic survey about EOTAS best practice<sup>26</sup> provides several case studies from mainstream schools where there has been effective practice in the use of the pupil development grant (PDG) to support pupils at risk of receiving their education through EOTAS provision. For example, the employment of ‘nurture mentors’ who are trained in specific interventions to address pupils’ social and emotional difficulties, and the

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<sup>20</sup> Welsh Government (2019d) *Wales Children Receiving Care and Support Census, 2018* [pdf] Cardiff: Welsh Government. Available online at: [https://gov.wales/sites/default/files/statistics-and-research/2019-02/wales-children-receiving-care-and-support-census-2018-experimental-statistics\\_1.pdf](https://gov.wales/sites/default/files/statistics-and-research/2019-02/wales-children-receiving-care-and-support-census-2018-experimental-statistics_1.pdf) Accessed on: 20 June 2019

<sup>21</sup> Welsh Government (2019c) *Schools’ Census Results 2019* [pdf] Available online at: <https://gov.wales/sites/default/files/statistics-and-research/2019-07/school-census-results-2019-764.pdf> Accessed on: 24 June 2019

<sup>22</sup> Welsh Government (2018a) *Inclusion and pupil support*. Cardiff: Welsh Government. Available online at: [https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support\\_0.pdf](https://gov.wales/sites/default/files/publications/2018-05/guidance-inclusion-and-pupil-support_0.pdf) Accessed on: 19 June 2019

<sup>23</sup> Welsh Government (2019b) *Pupils educated other than at school, 2018/19*. Cardiff: Welsh Government. Available online at: <https://gov.wales/docs/statistics/2018/180725-pupils-educated-other-than-at-school-2017-18-en.pdf> Accessed on: 18 June 2019

<sup>24</sup> Welsh Government (2019c) *Schools’ Census Results 2019* [pdf] Available online at: <https://gov.wales/sites/default/files/statistics-and-research/2019-07/school-census-results-2019-764.pdf> Accessed on: 24 June 2019

<sup>25</sup> Estyn (2016) *Education Other Than at School*. [pdf] Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

<sup>26</sup> Estyn (2015) *Education other than at school: a good practice survey*. [pdf] Cardiff: Estyn. Available online at: [https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/education\\_other\\_than\\_at\\_school\\_a\\_good\\_practice\\_survey\\_-\\_june\\_2015.pdf](https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/education_other_than_at_school_a_good_practice_survey_-_june_2015.pdf) Accessed on: 10 June 2019

development of support programmes for parents who were struggling to manage the behaviour of their children. More generally, several secondary schools use the PDG funding well to enhance curriculum opportunities for individual pupils at risk of becoming disengaged such as through college-link courses or commissioning alternative provision.

However, as the 2018 National Assembly for Wales Children, Young People and Education Committee Report<sup>27</sup> on the use of the PDG confirms, there needs to be improved monitoring of schools' use of the PDG, in order to ensure maximum impact and value for money. The report also recommends that greater emphasis should be placed on how the PDG is used to improve the engagement of pupils eligible for free school meals in order to reduce the number of cases where they receive fixed-term exclusions.

Where pupils are in receipt of EOTAS, in addition to PRUs, individual tuition and further education, many local authorities commission independent providers through a procurement exercise. This exercise enables them to set out clear specifications and expectations such as having a local base, offering particular qualifications and having specific staff expertise. However, these arrangements do not guarantee that pupils have equal access to their entitlement as their peers.

Following the publication of our thematic report about EOTAS in 2016, Welsh Government wrote to all directors of education in Wales to request that they reviewed providers from which EOTAS provision was commissioned to ensure that settings are appropriately registered. Since this time, our inspection evidence shows that, whilst improvements have been made in using registered provision, commissioning these arrangements and monitoring and evaluating the quality of this provision remains a priority issue. A few local authorities have started to commission provision for large numbers of pupils in independent special day schools, but it is too early to evaluate the impact of this provision on improving outcomes and providing value for money. More generally, many of the 35 independent special schools in Wales are small and pupils often live in children's homes attached to the schools. Our work with the Care Inspectorate Wales, and evidence from our core and regular monitoring inspections of these schools, shows that frequently consideration for meeting the educational needs of a child or young person is secondary to commissioning a care placement.

## **5. Responsibility and accountability for the education of pupils who become EOTAS**

As outlined earlier, Estyn's thematic reports on EOTAS and managed moves highlight that in the most effective practice the inclusion services of local authorities have a clear vision for supporting vulnerable pupils. This vision includes placing pupils at risk of exclusion or disengagement at the centre of the decision-making process to better meet their needs. This means having rigorous processes for early identification, a continuum of provision to support and meet these pupils' needs, and an effective strategy for reintegration.

However, local authorities do not all have a clear picture of their EOTAS provision. In most cases, they know how many pupils are receiving the provision they put in place or commission from independent providers. But they do not all know how many pupils receive education off the school site organized by schools or through 14 – 19 Networks. Also, they do not all monitor and evaluate the progress of pupils receiving EOTAS effectively and do not have secure enough processes to ensure all pupils meet their potential.

While all local authorities monitor the attendance and behaviour of pupils for whom they organize EOTAS, they do not all keep records of pupils' learning needs and their progress

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<sup>27</sup> National Assembly for Wales, Children, Young People and Education Committee (2018) *On the Money? Targeted funding to improve educational outcomes*. [pdf] Cardiff: National Assembly for Wales. Available online at: <http://www.cynulliad.cymru/laid%20documents/cr-ld11615/cr-ld11615-e.pdf> Accessed on: 25 June 2019

against set learning targets. Further, elected members are not always aware about all aspects of EOTAS provision for which they have responsibility. When this is the case, they are unsure how well pupils receiving EOTAS progress and how much the local authority spends on EOTAS. This means they cannot make an informed judgement about whether EOTAS provision provides value for money.

Where a pupil's main education is at a PRU or other EOTAS provision, but they retain subsidiary registration in their 'home' mainstream school, only a very few schools regularly follow up on the progress of these pupils once they are in receipt of full-time EOTAS provision. Providers are usually required to forward weekly reports on pupils, but the focus is on attendance and behaviour rather than academic performance.

## **6. Attainment of children and young people EOTAS**

In the EOTAS Framework for Action<sup>28</sup>, Welsh Government recognises the difficulties associated with comparing EOTAS learners with mainstream learners on a 'like for like' basis. This is because the majority of EOTAS learners do not start from the same baseline as most of their mainstream peers. The Welsh Government acknowledges that key performance indicators, such as Level 2 inclusive of English/Welsh and mathematics, do not reflect the 'distance travelled' for vulnerable learners, in particular those in EOTAS provision. Within this context, since 2016, Welsh Government has released key stage 4 attainment data for those pupils whose main education is in a pupil referral unit. There is no national data available for pupils in receipt of EOTAS provision in other key stages and settings.

In each Estyn core inspection report for PRUs, mainstream special schools and independent special schools, we state clearly that it is not appropriate to compare the standards that pupils achieve in these sectors with national averages. We emphasise that we do not analyse the performance trends of groups of pupils over time because of the nature of the pupils' social, emotional and special educational needs. Yet our inspectors do form a view about how far pupils fulfil their potentials as learners by considering a range of evidence including attainment against baseline data, outcomes of lesson observations, scrutiny of pupils' work and discussions with pupils.

Our inspection evidence and EOTAS thematic reports confirm that nearly all pupils in receipt of EOTAS provision study a restricted range of subjects. As a result, only a very few pupils attain as well across a similar range of subjects as their peers in mainstream schools. For example, in PRUs, in each of the last three years, at key stage 4, a very few pupils gained A\*-C grades in GCSEs in the core subjects of English or Welsh and mathematics and science<sup>29</sup>. This is because most pupils only study a small range of credit-based qualifications or Entry level GCSEs. They do not always have opportunities to study higher level courses, even when these better suit their abilities. This is a major shortcoming, and, as a result, pupils, especially the more able, do not consistently achieve their potential. Overall, they achieve the targets set for them by providers and attain accreditation for their learning, but these targets are often too low. These low levels of attainment often have adverse implications for post-16 progression. We welcome the work to improve the data sets available to track post-16 destinations in a more systematic way, which may be a better measure of the appropriateness of the provision and outcomes for pupils who are in EOTAS.

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<sup>28</sup> Welsh Government (2017) *Education otherwise than at school (EOTAS) Framework for Action*. [pdf] Cardiff: Welsh Government. Available online at: <https://gov.wales/sites/default/files/publications/2018-03/education-otherwise-than-at-school-framework-for-action.pdf> Accessed on: 20 June 2019

<sup>29</sup> Welsh Government (2019a) *Key stage 4 indicators for pupils whose main education is at a pupil referral unit*. Cardiff: Welsh Government. Available online at <https://stats.wales.gov.wales/Catalogue/Education-and-Skills/Schools-and-Teachers/Examinations-and-Assessments/Key-Stage-4/ks4indicators-year-pru> Accessed on: 25 June 2019

In PRUs, generally, pupils studying vocational courses gain the relevant qualifications. Usually, these are credit-based qualifications level 1 and 2 at certificate, extended certificate or diploma level. However, because of the complexity of their needs, a few pupils in key stage 4 achieve less well in their off-site placements. In most PRUs, at the end of key stage 4, many pupils progress to further education or apprenticeships.

Recent inspections and monitoring visits in independent special schools confirm that many pupils make at least good progress in their learning in relation to their starting points and abilities. By the time that they leave their school, many pupils achieve a worthwhile range of nationally recognised qualifications at entry level. A few achieve GCSE qualifications in subjects such as English, mathematics and science. Overall, the progress pupils make in developing their skills supports them well in making successful transitions to appropriate destinations that are relevant to their needs and abilities. However, in a few schools, there are not enough opportunities for pupils to achieve qualifications that support their vocational progression or future learning pathways.

## **7. Outcomes and wellbeing of children and young people EOTAS**

Estyn's evidence for this inquiry area is informed from the inspection reports of two sectors: PRUs and independent special schools, outlined in separate sections below.

### **Pupil Referral Units**

In recent inspections, the outcomes for pupils' wellbeing and attitudes to learning have been notably stronger when compared with all PRUs inspected during this inspection cycle so far. Although most pupils have experienced considerable disruption in their education, over time they acquire strong and trusting working relationships with staff and develop important skills in tolerance, resilience and respect. They feel safe and benefit from opportunities to be themselves and develop successfully. For example, they respond very well to the sensitive and supportive approach of staff and come to understand the reasons for their challenging behaviour and how to manage it effectively so that they can concentrate on their learning.

Many pupils, improve their attendance significantly and acquire positive attitudes to their learning. They settle to structured activities quickly, sustain high levels of concentration and complete tasks successfully. Most pupils engage enthusiastically in a beneficial range of community, creative and sporting activities. For example, when maintaining dedicated flower beds in the local area, making pinch pots to fund raise for charity or participating in the daily mile challenge. These activities have an extremely positive impact on pupil's physical, social and emotional wellbeing and enhance their life skills considerably.

Overall, there is too much variation in attendance, particularly for older pupils in key stage 4. Due to the complexity of their needs, a few pupils in key stage 4 struggle to attend off-site placements that form part of their weekly timetabled provision. This has a detrimental impact on their individual progress and wellbeing, as well as overall attendance.

### **Independent special schools**

In recent core and monitoring inspections, in most schools pupils make at least good progress in improving their standards of well-being and attitudes to learning. Many of these pupils have experienced significant disruption to their formal learning before joining the school. However, over time, most pupils develop productive working relationships with staff who support them very effectively to develop their self-esteem and resilience when faced with challenges in learning.

Over time, because of the co-ordinated support they receive from staff, many pupils learn to manage their anxieties successfully and improve their behaviour in relation to their individual needs. This helps them to engage constructively in lessons and build their social skills and self-confidence. Many pupils attend school regularly and are punctual for lessons. These pupils work effectively independently and together with their peers. They take pride in their work and are eager to share their achievements and the progress they have made in their learning with visitors.

However, the attendance of a few pupils is too low. These pupils make slow progress in managing their behaviour and do not engage well in learning. For example, they do not respond well to staff support and leave lessons early without completing tasks.

## **8. The quality of support provided to children and young people in the range of EOTAS provision**

Our inspection and thematic evidence shows that pupils in receipt of EOTAS provision are generally very appreciative of the nurturing and supportive working relationships they develop with EOTAS staff. Over time, they develop the trust and confidence to talk to staff about their emotions and life experiences. They know that they will be listened to, that their needs are understood and staff will help them to manage their emotions and behaviour. Gradually, this approach helps most pupils to learn how to control their emotions and improve their behaviour.

Many PRUs deliver comprehensive programmes of personal and social education to support and encourage pupils effectively to develop healthy lifestyles and behaviours. In these settings, staff take every opportunity to support pupils in learning how to stay safe and take responsibility for themselves and their actions. This approach builds pupils' confidence and helps them to develop secure values.

A strength of many PRUs is their effective partnership working with social services and health professionals. The most effective PRUs have well-established arrangements for identifying pupils' additional learning and emotional needs. In these settings, staff use this information skilfully to plan targeted support to address gaps in pupils' learning and improve their behaviour. Most PRUs make effective use of beneficial partnerships with a range of multi-agency professionals to meet the needs of pupils in a holistic way. These partnerships include specialist services such as mental health, advisory teachers, educational psychologists and agencies such as the NSPCC and Barnardo's. In addition to providing valuable support for pupils, these partnerships often provide beneficial training for staff to help them better support pupils' needs.

For all types of EOTAS provision, local authorities often experience difficulties ensuring that pupils in receipt of EOTAS access the expertise of the Child and Adolescent Mental Health Service. As a result, pupils do not always receive therapeutic support to meet their needs and staff do not get the specialist advice and guidance they need to support pupils' needs.

Estyn's EOTAS thematic reports confirm that older pupils mostly receive good support from EOTAS staff and additional professionals, such as youth workers and staff at Careers Wales, to plan their transition to the next stage in their life. Although Careers Wales and learning coaches provide ongoing support and guidance to nearly all pupils receiving EOTAS, they have extremely limited influence on the curriculum opportunities offered by providers. As a result, pupils' choices are restricted to those offered by providers, rather than part of a planned pathway. For example, our 2016 EOTAS report<sup>30</sup> highlighted how

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<sup>30</sup> Estyn (2016) *Education other than at school*. Cardiff: Estyn. Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/EOTAS%20remit%20report.pdf> Accessed on: 10 June 2019

most pupils receiving home tuition are educated for a maximum of ten hours each week and follow an extremely limited curriculum because there is not enough time for tutors to provide for all subjects. One pupil cited in the report wanted to go on to study art at a further education college and in higher education. However, he knew that this was unlikely because he is not studying art as one of his four GCSEs. Many pupils felt frustrated that they could not access a full curriculum and understood that, because of this, their future life, further study and employment chances are limited. Currently, there is no data collected on the number of pupils receiving EOTAS who go on to become NEET.

## **9. Professional development support for Pupil Referral Unit staff, including those who provide home tuition**

The evidence from our inspection and EOTAS thematic reports shows that almost all EOTAS providers employ experienced staff to meet pupils' emotional and behavioural needs. Many of these staff have specific training, for example, in youth work, counselling and as life coaches. However, with the exception of PRUs, very few teachers of EOTAS have access to training and support that keeps them up-to-date with the latest practice and curriculum requirements. These staff do not usually know where to go to get the best advice or to see good practice. Further, local authorities do not generally encourage their specialist teachers and educational psychologists to share their expertise with independent providers of EOTAS.

In PRUs, where there is effective practice, both teaching and support staff have received beneficial and often high level training to support vulnerable pupils. This is similar to the effective practice findings that will be highlighted in our forthcoming remit on mainstream school support for pupils with adverse childhood experiences. As a result, staff across these settings have developed a strong understanding of issues around attachment and also the impact of trauma on children and young people's development.

Throughout Wales, staff in PRUs have many opportunities to extend their professional learning and improve their practice. For example, they participate in a range of activities from in-house CPD programmes through to courses and events organised in collaboration with their local cluster, regional consortia or national events. In a few cases, arrangements for staff professional learning are a significant strength. For example, staff have the opportunity to make valuable use of video-based professional learning platforms to share and discuss their ideas about aspects of effective practice internally and with other schools - mainstream, special and PRUs, both locally and nationally. In one case, a PRU's comprehensive provision for professional learning, and the positive impact that it has had on improving practice and pupil outcomes, is beneficial to its role as a Professional Learning Pioneer School. Overall, PRUs' access to professional learning and support provided through the regional consortia has improved over the last two years. In addition, the creation of the national PRU network has helped leaders to share practice and learn from each other.

More generally, with the relatively small number of staff at a PRU, there is often a capacity issue for staff being able to make an effective contribution to the professional learning activities surrounding the national education reform agenda. This includes activities such as events organised for the Additional Learning Needs and Education Tribunal (Wales) Act 2018, a Curriculum for Wales, and the focus on health and wellbeing, and ACE. The multiple roles PRU staff often undertake, and the trusting working relationships that they develop with their pupils premised on stability, can make it difficult for leaders and staff to plan for and participate in external events.

Currently, we have a very limited evidence base around the quality of home-tuition services in Wales, as we do not routinely visit this provision in children and young people's homes as part of our inspections of PRUs or local government education services. Often, this is

because pupils who are home educated through EOTAS provision are not registered as part of a PRU. Further, in inspections of local government education services, there is insufficient scope within current resources to scrutinise this provision at individual pupil level. Our thematic evidence does confirm that, in many cases, the staff employed are not full-time employees of the local authority and do not have access to the range of professional learning that may be available to other staff within PRUs or schools.

#### **10. The potential risks for children and young people EOTAS such as increased barriers to accessing mental health support, increased risk of involvement with crime and the criminal justice system such as ‘county lines’.**

Estyn’s response to the focus areas above, highlights how pupils with special educational needs, poor mental health and/or living in poverty are much more at risk of being excluded, in receipt of EOTAS and having lower educational outcomes. Our thematic reports emphasise particular concerns about pupils receiving EOTAS provision not always having access to a broad and balanced curriculum that enables them to gain recognised qualifications in line with their needs and ability.

We are mindful that there are additional risks for particular groups of pupils. For example, pupils who have been attending Welsh medium schools have extremely limited opportunities of continuing their learning in Welsh when they attend EOTAS. For pupils’ with a statement of SEN, only a few EOTAS providers employ staff who are qualified and experienced in supporting these pupils special educational needs. Further, the main findings for our thematic report<sup>31</sup> on the quality of education and training for young people engaged with youth offending teams (YOTs) show that, in many YOTs, the amount of time that young people are offered in EOTAS provision is low. The time does not meet the Youth Justice Board’s recommended hours, and many local authorities take too long to find this provision, for young people working with the YOT who have been excluded from mainstream school. A minority of these young people have to wait for more than 15 days to access provision. Where there are lengthy gaps in the young person’s attendance in education, this increases the risk of them engaging in reoffending behaviour. It also results in a significant reduction in the amount of time that these young people attend education during their involvement with YOTs, impacting adversely on their ability to engage and make progress.

From a wellbeing perspective, our thematic report about managed moves<sup>32</sup> confirms that only a very few local authorities have a sound understanding of how many pupils have part-time EOTAS timetables and for how long. Generally, local authorities do not monitor these pupils well enough to ensure that they are safe and that they return to full-time suitable education as soon as possible. This is a significant shortcoming in the work of the local authority. On a national level, varying practice in attendance coding for part-time timetables means that the reporting of school attendance is inconsistent across Wales.

If the chances of improving these vulnerable pupils’ education and life prospects are to be improved, the barriers to learning and succeeding outlined above need to be removed.

#### **11. Other issues closely linked to EOTAS, for example managed moves, and the ‘off-rolling’ of pupils**

In addition to the comments above, and the evidence highlighted from our published thematic report on managed moves in section 1, we have noted that over time the definition

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<sup>31</sup> Estyn (2018b) *The quality of education and training for young people engaged with youth offending teams*. [pdf] Cardiff: Welsh Government. Available online at: <https://www.estyn.gov.wales/thematic-reports/quality-education-and-training-young-people-engaged-youth-offending-teams> Accessed on: 10 June 2019

<sup>32</sup> Estyn (2018a) *Managed Moves: Effective use of managed moves by local authorities and schools*. [pdf] Available online at: <https://www.estyn.gov.wales/sites/www.estyn.gov.wales/files/documents/Managed%20moves%20-%20how%20used%20by%20LAs%20and%20schools%20report%20%28003%29.pdf> Accessed on: 10 June 2019

of a managed move has been open to interpretation and change. The introduction of informal managed move arrangements, such as managed transfers or managed exits to a new school or specialist provision, allows local authorities and schools to move pupils at risk of disengagement or exclusion from their home school without a permanent exclusion or right to return.

In the sections above, reference has been made to several published Estyn thematic reports that focus either solely on EOTAS or are closely linked. In October 2019, Estyn will publish two more related thematic reports, one focusing on support for pupils with adverse childhood experiences and the other on pupil registration practices. The latter has a particular focus on a school taking a pupil off its roll completely without the use of a formal permanent exclusion ('off-rolling'). This report will also focus on how several schools change the registration status of a pupil between the January of Year 10 and the January of Year 11 so that the pupil's outcomes are not included in the school's key stage 4 performance data. For example, in Wales in 2017-2018, 1.6% of the pupils who were in Year 10 in 2016- 2017 had moved to EOTAS as their main provider by January of Year 11. There are large variations in this rate of movement for local authorities across Wales, with the highest rate of movement being 7.4%. Often these pupils are registered as dual-subsidary at their 'home' mainstream school. Given that these pupils' outcomes will not reflect on their mainstream school, the report concludes that there is little incentive for schools to ensure a smooth transfer to EOTAS or to work in partnership with the EOTAS provider in the best interests of individual pupils. The report will recommend that, at the end of key stage 4, consideration for the success of EOTAS to be measured by wider data such as destination data including the rates of pupils who are in sustained employment or training six months after completion of their studies, rather than mainstream school performance measures. The rationale behind this issue is that mainstream schooling has already 'failed' the majority of these pupils, and that one of the main purposes of any EOTAS provision should therefore be to secure a pathway for them into further training or employment.

In 2018-2019, two PRUs were awarded excellent for all five inspection areas. For more information about the two PRUs inspected, please read the inspection reports:

[Inspection Report Denbighshire PRU 2019](#)

[Inspection Report Tai PRU 2019](#)

**The Committee's inquiry will include individual home tuition but will not focus on the separate issue of elective home education.**

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