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| <b>REPORT TO:</b>  | Scrutiny Children and Young People Sub-Committee<br>2 November 2021  |
| <b>SUBJECT:</b>  | <b>PART ONE OF FINAL REPORT – MANAGED MOVES<br/>IN THE LONDON BOROUGH OF CROYDON</b><br><br><b>Task and Finish Group (TFG) of the Scrutiny Children<br/>and Young People Sub-Committee on Removal from<br/>Roll and Off Rolling of Pupils in Croydon Schools</b> |
| <b>LEAD AUTHOR:</b>  | <b>Councillor Jerry Fitzpatrick</b>  |
| <b>CABINET MEMBER:</b>                                       | <b>Councillor Alisa Flemming, Cabinet Member for<br/>Children</b>  |
| <b>PERSON LEADING AT<br/>SCRUTINY COMMITTEE<br/>MEETING:</b> | <b>Councillor Jerry Fitzpatrick- Chair of the Task and<br/>Finish Group</b>  |
| <b>PUBLIC/EXEMPT:</b>  | Yes  |

#### **COUNCIL PRIORITIES 2020-2024**

- *We will live within our means, balance the books and provide value for money for our residents.*
- *We will focus on tackling ingrained inequality and poverty in the borough. We will follow the evidence to tackle the underlying causes of inequality and hardship, like structural racism, environmental injustice and economic injustice.*
- *We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand.*

[Council's priorities](#)

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| <b>ORIGIN OF ITEM:</b>              | <b>This was included in the Sub-Committee's work<br/>programme following the recommendation made at<br/>the meeting of 27 November 2018.</b>                         |
| <b>BRIEF FOR THE<br/>COMMITTEE:</b> | <b>To receive Part 1 of the final report- Managed Moves<br/>in the London Borough of Croydon.<br/>To consider the recommendations as directed by the<br/>report.</b> |

## **1. MANAGED MOVES IN THE LONDON BOROUGH OF CROYDON**

- 1.1. On 27 November 2018, the Scrutiny Children and Young People Sub Committee of Croydon Council set up a Task Group to investigate and collate data on children coming off the school roll and the mechanisms involved, with a view of reporting back at the Sub Committee meeting on 19 March 2019. At its first meeting, the Task Group redesignated itself as a Task and Finish Group (“TFG”)
- 1.2. We presented an interim report to the Sub Committee on 19 March 2019. We highlighted six themes upon which we might focus. This report recommended to the committee that the TFG should seek the views – both verbal and in writing – of stakeholders in the borough education system. The committee accepted this recommendation.
- 1.3. The Sub Committee has encouraged us to focus in depth on a few specific themes. As our work evolved, we pared down the focus of our work to issues within the broad framework of our remit where we believed that we could best shed light, having regard to the evidence we have read and received.
- 1.4. The work of the TFG became, unfortunately, very protracted. The instigation of the process of consultation of stakeholders was delayed for reasons beyond our control, and apparently arose because of uncertainty whether the Council communications team served members’ scrutiny as well as executive function. This was not resolved until December 2019. The TFG was still having meetings with stakeholders at the start of the first Covid lockdown in March 2020. We then needed to suspend our work for seven months. Our work recommenced in October 2020, and continued through the early months of 2021. By that stage, the country was in second lockdown. This did not seem the most opportune period during which to seek to present our final report. Hence, we took the decision to present the report in the Autumn term of the 2021-22 academic year.
- 1.5. As members of a Scrutiny Committee, we have sought to be as non-partisan as possible in our values. We respect the right and responsibility of schools to use exclusions, managed moves and other lawful disciplinary sanctions that they deem necessary, taking into account the needs of individual pupils and the school community as a whole. We believe that the promotion of inclusion is important. Coming off the roll of their preferred school is likely to create instability for the child, and stability is generally what a child needs. Where an involuntary change of school occurs it needs to be justified by reference to the need to protect the safety of the child affected and/or the wider school community or specific people in it.
- 1.6. We have held in mind the following principles:
  - Disciplinary sanctions should not be used in a potentially discriminatory way

- Information about the application of significant disciplinary sanctions should be publicly available
  - The development of ways of working which may reduce the use of exclusions and managed moves without jeopardising the school community as a whole is in the public interest
- 1.7. Our conclusions and recommendations are mainly directed to the local authority. In making recommendations, we take into account that schools enjoy a great amount of autonomy. There are many aspects of school life which local authorities can at best influence, but certainly not direct or control. This is particularly true of academies, free schools and - albeit to a lesser extent - voluntary aided schools. It is all the more important in such a fragmented system that the Local Authority should continue to work on the basis that the sharing of values can be positive, and be prepared to persuade school leaders of the desirability of those values
- 1.8. We are very clear that our officers conscientiously seek to improve practices and to prioritise the safety of pupils. There are occasional issues of bad practice, however, which we believe should be brought to the attention of the Scrutiny and Overview Children and Young People Sub Committee in the annual Standards report. We shall identify such issues within the body of our reports.

## **2. THE MAIN THEMES OF OUR WORK**

- 2.1. Our choice of themes was led by the nature and extent of the evidence we received. These were our main themes:
- Managed Moves, and in particular managed moves from mainstream secondary school to alternative provision
  - Systems and structures which need to be in place to maximise inclusion and minimise exclusion, such as good primary-secondary transition, and the implementation of effective methods of teaching and learning which enhance emotional wellbeing
  - The use of internal exclusion
  - The growing number of children in elective home education
  - The challenge of providing appropriate support for autistic children in mainstream schools

Of these five themes, we received the most evidence about the first two listed above.

- 2.2. Some explanation is required about areas upon which we have not placed a major focus. We do not minimise the importance of these areas; however, we were tasked to address a small number of issues in reasonable depth. We have left alone issues which we could at best have covered only in a relatively superficial way.

- 2.3. We had originally hoped to set out some findings about offrolling in Croydon schools. In November 2018, offrolling was a subject of national concern, and was highlighted as such by Her Majesty's Chief Inspector of Schools in her 2017-18 annual report dated 4 December 2018. Offrolling is, essentially, the unlawful removal of children from a school's roll. Of particular concern was that children were being offrolled in Years 10 and 11 in order that a school could show better results in public examinations.
- 2.4. Given that offrolling is not a lawful manner of removing a child from a school roll, it is not openly evidenced. We were made aware that the Council officers knew of some instances of offrolling, and had taken what they considered appropriate action. The number of instances of offrolling of which officers were aware was very low. Given the very great difficulty of marshalling evidence about offrolling, it was not a theme that we felt that we could usefully pursue.
- 2.5. We do feel justified in making the observation that given the high likelihood that there is more offrolling below the radar than that of which the Local Authority is aware, consideration should be given to putting a stronger spotlight on its occurrences when they are uncovered than currently happens. It is unlawful. Naming and shaming will have a deterrent effect.
- 2.6. On the evidence which we received, we felt that there was not a great deal we could add to the store of public knowledge about permanent exclusion. It is already well-known through the Director of Education's annual reports to the Council that Croydon schools permanently exclude a slightly lower percentage of pupils than comparable authorities. The low number of permanent exclusions needs to be set against the higher number of managed moves, and we considered that it would be more fruitful to focus on the less well-documented area of managed moves. The statistics for both permanent exclusions and managed moves show that pupils in the various categories of black ethnicity and mixed ethnicity (particularly mixed white and black Caribbean) feature disproportionately. There is also some evidence which suggests that children of white working-class background feature disproportionately.
- 2.7. In the evidence which we received, we did pick up a feeling on the part of some headteachers that there were cases which went to a managed move where a permanent exclusion would have been a more honest and appropriate response. This is not a matter on which we were able to form a judgement.
- 2.8. The use of fixed term exclusion is also an important area which we did not explore in detail. The numbers involved are very high. A detailed consideration of how fixed term exclusions are used probably deserves the attention of the Sub Committee, perhaps starting with a report from officers which provides some analysis about the ways the sanction is used, the relative effectiveness and appropriateness of the way it is used in Croydon schools, and containing consideration of whether or not it might be useful to provide specific guidance.

2.9. The main sources of our evidence were as follows:

- Data provided by the local authority
- Interviews with stakeholders

2.10. In addition, we read or at least made ourselves aware of several major reports published about school exclusion in between 2017 and 2019:

- “They never give up on you” - report from the Office of the Children’s Commissioner (Maggie Atkinson) - 27 July 2017
- “Forgotten Children: alternative provision and the scandal of ever-increasing exclusions” - report of the House of Commons Education Committee (Chair, Robert Halfon M.P.) - 25 July 2018
- “Investigative research into alternative provision” - IFF Research Ltd, authors Professor Morton Mills (University College London) and Professor Patricia Thomson (University of Nottingham) - October 2018
- “Vulnerable Adolescents Thematic Review” – Croydon Safeguarding Children Board, authors Charlie Spencer, Bridget Griffin & Maureen Floyd – February 2019
- “Safeguarding Children and Young People in education from knife crime” - OFSTED report - March 2019
- “Unexplained pupil absences from school: a growing problem?” - report of the Education Policy Institute (Jo Hutchinson and Whitney Crenna-Jennings) - April 2019
- “Review of School Exclusions Policy” - a report commissioned by the government and led by Edward Timpson C.B.E., and presented to Parliament by the Secretary of State for Education – May 2019
- “Unexplained pupil exits from schools: further analysis and data by multi-academy trust and local authority - Education Policy Institute (Jo Hutchinson and Whitney Crenna-Jennings) - October 2019

### **3. Important sources of data**

3.1. We received a significant amount of data from the Council about the areas which we were exploring. The data which we received on managed moves provided greater detail than anything previously presented to non-executive councillors.

3.2. We also considered data presented by the Educational Policy Institute in their report of October 2019 referred to at paragraph 18 above. Managed moves had been the subject of significant focus in their report. The EPI researchers looked at permanent exclusions and managed moves together under the heading of “Unexplained Exits from Schools.

3.3. We also found useful the data presented in the Vulnerable Adolescents Thematic Review (see paragraph 2.9 above), and particularly the correlation which the study identified between school exclusion (among several other factors) and a general negative life trajectory for the young people concerned.

#### **4. Stakeholder Interviews**

- 4.1. We had 43 interviews with stakeholders. 12 of those meetings were with Council officers, and some officers attended one or more of those meetings. 31 meetings were with other stakeholders, each of whom had a connection with Croydon. Some of those 31 meetings were attended by more than one person. In all, we spoke to a total of 50 people at these 43 meetings.
- 4.2. Six of those to whom we spoke are or had been senior managers in Croydon secondary schools, and four are or had been senior managers in Croydon primary schools. We had eight meetings with parents and one with a young person who had recently finished his tertiary education. We had meetings with counsellors, therapists, mentors, advocates for trauma-informed schooling, alternative providers, the Chief Executive of the CVA, a retired advisory teacher, a current classroom teacher, and professionals who provided in-school support.
- 4.3. The oral evidence was asked for on the basis that the giver could provide it confidentially. Rough contemporaneous notes of the evidence were taken and kept by the Chair.
- 4.4. Our evidence base inevitably has its limitations and we are aware of our own limitations. That said, we are an experienced and knowledgeable group of individuals and we received a significant amount of evidence, including considerable and wide-ranging professional evidence.
- 4.5. We have done our best to present evidence-based conclusions and recommendations. We have given weight to evidence which we considered particularly cogent.
- 4.6. Most of our focus has been on the secondary phase of education, and the transition into this phase. Few children in the primary phase of education come off school roll for a reason other than a change of address. A significant majority of children who come off school roll in the secondary phase of education do so as part of a managed move.

#### **5. SECONDARY SCHOOL MANAGED MOVES**

- 5.1. Background Information – Managed Moves and Permanent Exclusions
- 5.2. A managed move is described on the website of the Child Law advice website as “a voluntary agreement between schools, parents/carers and a pupil, for that pupil to change school or educational programme under controlled circumstances”.
- 5.3. A managed move can only come about with parental consent. A headteacher is not required to report managed moves to the governing body and the local

authority. A local authority is not required to publish the number of managed moves or to provide data to government.

- 5.4. Local government and central government alike have not established public processes for the oversight of managed moves. Ofsted does not yet refer to managed moves in its school inspection reports. Successive Chief Inspectors have not referred to managed moves in their annual reports to government. It follows from the absence of a formal reporting process that there can be no reliable local authority benchmarking data on managed moves.
- 5.5. A permanent exclusion is a decision made by the school. There is an appeals process which has two layers. The headteacher must report the decision to the governing body and to the local authority. The local authority publishes the number of permanent exclusions in Council reports and has to provide a return of data to the government. The following characteristics are recorded: age, gender, free school meal eligibility, national curriculum year, SEND, ethnic group and level of deprivation. Ofsted will consider such data when undertaking school visits and inspections.
- 5.6. Many children who are permanently excluded have characteristics which correlate with the likelihood of adverse outcomes in life. The same is true of many children who undergo managed moves. The pathway for a permanently excluded child is often to alternative provision and a managed move can take a child on the same path.
- 5.7. It is probable that permanent exclusion carries a greater stigma and feels more punitive than a managed move. Hence, if a parent fears that their child may be close to permanent exclusion, they may welcome an alternative which carries less stigma.
- 5.8. The number of permanent exclusions made within a local authority area, and indeed the number made by individual schools may be a matter of sharp and sometimes critical focus. There is not the same focus on managed moves. We note that one of categories of case going to FAP is “Alternative to Permanent Exclusion”. For child, parent, school and local authority, the managed move has a clear advantage over a permanent exclusion.

## **6. Background Information – Fair Access Panels and Fair Access Protocols**

- 6.1. The Council’s Fair Access Panel (FAP) is the mechanism through which most secondary phase managed moves are brokered. Since 2013, its main purpose has been to support secondary schools to prevent the need for permanent exclusion. Before a case can come before FAP, the child’s parent must provide consent, and the child’s headteacher must declare in writing that they would otherwise permanently exclude the child.
- 6.2. The FAP currently categorises the cases before it under the following headings:

- Children who are hard to place within the terms of the Fair Access Protocol (please see paragraph 6.7 below )
  - alternative to exclusion
  - prevention
  - placement breakdown (category introduced in 2017)
- 6.3. In Croydon, the large majority of managed moves are engineered under the auspices of the Fair Access Panel. However, headteachers are also able to broker managed moves on a headteacher to headteacher basis. There is no obligation to report such managed moves to the local authority. The local authority is aware that such managed moves occur, but do not know the number.
- 6.4. Most secondary schools are represented at the FAP, either by the headteacher or another member of a school’s senior management team. Professionals from a wide range of other teams also generally attend, for example the police, the Youth Offending Service, Children’s Social Care and the virtual school. The objective is to provide a holistic consideration of a child’s needs.
- 6.5. Pupils who are referred to the FAP are generally offered a place at either a mainstream secondary school or alternative provision, which includes the Pupil Referral Unit. The FAP is effectively the gate keeper to the secondary phase PRU, which is run by Saffron Valley Collegiate.
- 6.6. In September 2018, the Council published “Guidance on the use of the Secondary Fair Access Panel” (“the 2018 Guidance”). In the fourth paragraph, the following reference is made to managed moves: “Croydon’s secondary Fair Access Panel (FAP) has been used for several years as a mechanism through which schools, with parental consent, can broker managed moves to other mainstream schools or access alternative provision without the need to permanently exclude a child.

“Managed moves cannot be made once the permanent exclusion process has been triggered.

“The Fair Access Panel will not consider exclusion cases for the following:

- Pupils with an Educational Health and Care Plan
- Pupils in the Autumn and Spring Term of Year 7 (except one off serious cases)
- Pupils after Christmas in Year 11

“It is expected that schools should follow the SEND review process for pupils with an EHCP who are at risk of permanent exclusion.”

- 6.7. Every local authority which is a schools admission authority has to have a Fair Access Protocol. This is also abbreviated to FAP, but to avoid confusion, not in this report. Croydon’s most recent Fair Access Protocol has been in place since September 2021. The main objective of Fair Access Protocols is to ensure that school admissions authorities allocate a school place as quickly as possible to

“unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year”.

- 6.8. Young people who are the subject of managed moves do not fall into the above category as they do have a school.
- 6.9. The Croydon FAP oversees the placement of these unplaced and vulnerable children as well as overseeing managed moves brokered within the FAP framework. It also oversees reintegration of children from alternative provision to mainstream.
- 6.10. We think it relevant to point out that paragraph 3.16 of the statutory guidance for school admission authorities states:

“No school – including those with places available – should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, or who are placed via the Protocol. Fair Access Protocols must also set out how the needs of children who have been permanently excluded, and children for whom mainstream evidence is not yet possible, will be met.”

The above paragraph applies to unplaced and vulnerable children going through FAP, but not to children undergoing a managed move. We think consideration should be given to enlarging its application to encompass managed moves.

## **7. The Croydon FAP**

- 7.1. The Croydon FAP enjoys a high level of regard both inside and outside the borough. Val Burrell-Walker M.B.E. has managed the FAP even before its inception in its current form in 2013, and is highly-respected both for her efficiency and for her keen attention to the needs of the young people who are going through FAP. She and her colleagues have often been invited to share good practice with other local authorities who are keen to introduce FAPs or improve their FAPs. Croydon’s use of the FAP to make and oversee arrangements for managed moves has been pioneering. Other local authorities have drawn on Croydon’s work in this area, and used the Croydon model for their own managed moves process.
- 7.2. Croydon officers seek to ensure the FAP provides “scrutiny, transparency and accountability”, attributes which are not characteristics of managed moves brokered on a more personal basis between headteachers. Officers are continually seeking to improve the managed move process. The pre-FAP process has become more rigorous since 2018. This process seeks to ensure that the factors which have led to a child being referred for a managed move meet an appropriate threshold before a managed move can be taken forward. Children undergoing a managed move to a mainstream school are now registered at both the presenting and the receiving school for the duration of their probationary period.

- 7.3. We note as an aside that the process for primary school children is very different. Very few children undergo a managed move or permanent exclusion. The process has been remodelled in the last two to three years. We have heard only positive accounts about it.
- 7.4. The Task and Finish Group met on several occasions with officers engaged in the managed moves process. We express respectful credit to Val Burrell-Walker and all in her small but remarkable team (including the senior line managers) for their skilful professional management of that process and for their obvious care for the young people and the families of the young people who are at the heart of their work.

## **8. Preliminary Discussion**

- 8.1. When the Scrutiny and Overview (Children and Young People Sub-Committee) set up the TFG on 27 November 2018, it was on the basis that managed moves was one of the areas about which it would like to receive further and more detailed information. While permanent exclusions and offrolling were foci of public concern, managed moves were scarcely on the public radar.
- 8.2. Yet there are many more managed moves than there are permanent exclusions. In 2018-19, there were 43 secondary permanent exclusions and 171 managed moves.
- 8.3. A significant proportion of children who leave their school on a managed move immediately enter a Pupil Referral Unit or other alternative provision. Others are embarking on a pathway which may quickly lead to their leaving mainstream school provision and entering a Pupil Referral Unit or other form of alternative provision.
- 8.4. Many of the children who enter alternative provision never return to mainstream education. For these children, a managed move is little different in effect from a permanent exclusion.
- 8.5. The sheer number of managed moves and the uncertainty of a good outcome necessitate that they require close public oversight. Managed moves receive too little attention. The shortfall in oversight needs to be rectified.
- 8.6. During the currency of the TFG's life, the issue of secondary school managed moves has been one which has acquired increasing national significance. In April 2019 The Education Policy Institute ("EPI") published two detailed reports in 2019. The first – published in April 2019 – was "Unexplained pupil exits from schools: A growing problem?" The second report - "Unexplained exits from schools: Further analysis and data by multi-academy trust and local authority" was published in October 2019.
- 8.7. It was this second report which categorised managed moves as unexplained pupil exits. The following is extracted from page 18 of the report:

**Many children move schools or enter alternative provision without having been officially excluded, via a process which varies locally, but is known generically**

as ‘managed moves.’ These are defined as ‘voluntary agreements between schools, parents/carers and a pupil, for that pupil to change school or educational programme under controlled circumstances.’ These are less transparent than official exclusions as they are only recorded locally and are unlikely to face any effective challenge from parents because they purport to take place with their consent.

The line between a managed move by parental consent and an illegal exclusion by coercion is difficult to distinguish due to a paucity of case law. Partial data systems and incomplete regulation mean that complete information on this cannot be extracted from administrative data.

Taking into account feedback received during the consultation, we are firmly of the view that managed moves should not be exempted from the unexplained exits count, even if we were able to identify them perfectly in the data.

This view was reinforced by feedback received from parents who said they were coerced with the threat of permanent exclusion if they did not sign a managed move agreement. This is not to assume that all managed moves are bad – which would be no more realistic than assuming they are all in the best interests of the child concerned.

Nevertheless we believe it is most appropriate to continue to treat identifiable managed moves as ‘unexplained’ due to the weakness of the relevant regulation and the lack of any genuinely independent and compulsory review of decisions taken by local fair access panels. These panels are typically made up of local headteachers and LA officials - professionals who (through no fault of their own) face conflicts of interest created by school accountability and funding policies.

8.8. The main characteristics which a managed move and a permanent exclusion have in common are:

- each is initiated by the school rather than the parent or child
- both varieties of exit can take the child immediately or subsequently into alternative provision

8.9. We think it is realistic to take into account that many parents will feel under significant pressure (which may have accumulated over a considerable period) to agree to a managed move, and that the offer is one which is difficult to refuse, especially if the parent perceives the alternative to be permanent exclusion. We note that that in some instances the managed move will be from a school which was the parent’s first preference to a school which the parent may hold in lower esteem.

8.10. Public interest in managed moves was augmented in January 2020 when the “Evening Standard” ran a series of articles over several days about school exclusion. The following extracts set out some points from an article which was published on 7 January 2020:

**The number of children banished from mainstream schools to pupil referral units for bad behaviour could be more than twice the official permanent exclusion figure.**

**In contrast to the Department for Education’s figure of 7,900 permanent exclusions, our investigation reveals that about 16,000 children were sent to PRUs or alternative provision (AP) in England in 2017-18.**

**This figure is supported as a “best estimate” by the Centre for Social Justice, which analysed the data and found that the official number understates the true position.**

**The Standard first observed a discrepancy between the official record and reality when we visited several PRUs and APs in London and found that in some cases just 10 per cent of students on the roll of PRUs had been permanently excluded, with 90 per cent sent there on a “managed move”.**

**Cath Murray, AP lead at the Centre for Social Justice, said: “Managed moves to AP are basically permanent exclusions by another name. This is why the CSJ is calling on the Government to change how it publishes exclusions data. In addition to a permanent exclusion rate, it should publish a combined rate that includes all moves into AP.”**

- 8.11. We have no difficulty in seeing the advantage to a young person of having the opportunity of making a fresh start in a new school or in alternative provision. We therefore agree that managed moves are a valuable tool. They may be essential for safeguarding reasons. They may be desirable for other pressing reasons. Some are certainly successful. Even when a managed move has not had a good outcome, it may still have been worth trying.
- 8.12. However, evidence is not available in Croydon (and probably elsewhere) of the kind which would enable effective evaluation of the success of the managed moves process. Given that far more young people experience managed moves than get permanently excluded, and that a managed move is a potentially destabilising life event for a young person, evidence is much needed.
- 8.13. Generally – this is not a specifically Croydon issue - the managed moves process is too far below the radar of elected representatives in local government, central government and indeed of Ofsted. Without in any way wanting to detract from the positives of the Croydon FAP, which are immensely to the credit of the officers involved, we have come to the clear view that the managed moves process should receive more regular and close attention than has happened in the eight years that the current process has been in operation.

## **9. Discussion of conversations with stakeholders on Managed Moves**

- 9.1. We interviewed five senior managers of secondary schools who frequently attended the Croydon FAP, and one retired senior manager who had had

experience of FAPs in other boroughs, and we also interviewed professionals who had obtained knowledge of the FAP through work with young people inside and outside the classroom, or through work with parents.

- 9.2. Two of us attended a meeting of the FAP in June 2019.
- 9.3. We have also received data relating to the FAP. Please see paragraphs 94-102 below.
- 9.4. It was absolutely clear from the evidence we received that senior school managers regard a managed move as at least an important and possibly a momentous life event for a child.
- 9.5. The focus of most interviews quickly turned to things which caused the interviewee concern. It is important to state, therefore, that almost every interviewee had some or many positive things to say about the FAP and the good outcomes for individual pupils.
- 9.6. We identified some recurring themes, and we set out below points which we heard about those themes which we perceived to be particularly weighty. The first theme is that of the strengths of the FAP:
  - The key strength of the process is “partners round the table”.
  - The practice of gaming the system had ceased as a result of effective challenge at the FAP. [“Gaming the system” generally connotes the practice of seeking to shed pupils who are likely to perform badly in public examinations.]
  - Schools are increasingly holding each other to account
- 9.7. We heard persuasive evidence about factors which conduced to the success or failure of managed moves (our second theme), the ones being mentioned on several occasions being the following:
  - 9.8. There is a need to establish the root cause or causes of a child’s difficulties before the child is presented at FAP. Then the focus can be on provision of appropriate support.
  - 9.9. It is the job of the presenting school to set out the child’s needs at FAP, and these should be minuted clearly.
  - 9.10. The attitude of a school which is receiving a child on a managed move is important. Pupils are likely to come with an expectation of failure. A child who perceives a negative expectation on the part of the receiving school is unlikely to respond positively. Managed moves work best if staff are open-minded.
  - 9.11. The process of starting a managed move should require a meeting between the presenting and the receiving schools attended by relevant senior staff members and others. A lengthy and detailed conversation is needed between the person who knows the child best (at the presenting school) and key staff at the

receiving school. The receiving school and the giving school need to work closely in order to make transition successful.

- 9.12. It assists if the presenting school has a good relationship with the parents, as positive involvement of parents is a significant factor in the success of a managed move.
- 9.13. It is helpful for the Headteacher of the presenting school to visit the receiving school with the family. It is a sign that the presenting school has not given up on the child. An absence of active involvement on the part of the presenting school reinforces the damage to the child: they perceive that the presenting school not only does not want them but does not even care enough about them to take them to the new school. If children come to the receiving school without sufficient scaffolding and support, there is a negative effect on their self-esteem and sense of wellbeing.
- 9.14. Success for managed moves depends on the sharing of honest information: this is our third theme, and one which inter-relates with the second theme set out above.
- 9.15. One senior manager stated that their school does not rely on the information they are given. They do their own assessments. The manager stated that there needs to be an improvement in the quality of the paperwork which is provided when a child is presented at a FAP. Sometimes the relevant information is not there. The receiving school needs to be informed if a child has a social worker and of relevant family issues. They need to know if a child has been a child missing in education or has arrived from outside the jurisdiction. There needs to be a more effective assessment process of children who have been out of education. In one instance, the receiving school complained, and were told them they had received everything which the Council had. The manager doubted whether the Council had asked the necessary questions on this occasion.
- 9.16. One headteacher told us of a managed move where the receiving school had been told there were no issues. However, there had been!
- 9.17. Another headteacher told us of a receiving school which had needed to end a managed move after four days because of insufficient information from the presenting school. Managed moves rely for success on mutual openness and honesty. The child's case had to be re-tabled – they could not return to the presenting school. Re-tabling is undesirable, unless there is a need for specialist provision. Re-tabling creates more instability.
- 9.18. Collegiality is diminished when receiving schools cannot rely on the sufficiency or accuracy of information from presenting schools.
- 9.19. Our fourth theme is that of the collegiality of the FAP, as to which there was scope for improvement.

- 9.20. We were told that fewer schools were participating in the FAP (but still – immediately before the lockdown of March 2020 - 15 out of 20), and that some senior managers sometimes were not showing sufficient pastoral care in the period of preparation for the move and during the twelve weeks probationary period of the managed move.
- 9.21. One headteacher referred to a need for those participating in the FAP to have shared values, willingness to take on board good practice, to be even-handed and open in providing information. (The TFG take the view that it is inevitable that school leaders will have different values, and indeed it is not necessarily undesirable that values differ. However, the establishment of greater commonality of values between the participants would increase the collegiality and effectiveness of the FAP process.)
- 9.22. There are some schools which seem to give rather more than they take. Probably, those which are full are less willing to accept pupils coming through FAP.
- 9.23. Vulnerable pupils move on to a small group of schools; some schools have a disproportionate number of “highly vulnerable pupils”.
- 9.24. Individual children need to be reintegrated on a fair basis. There are concerns about schools which are disproportionately suffering and schools becoming the dumping ground. Heads need shared views and trust. Place planning should be more equitable. All schools including those with full rolls should take their fair share of pupils at FAP. Some schools already have more than their fair share of pupils with higher needs.
- 9.25. Doing our best to summarise the factors which conduce to maximise the success of a managed move, we identify them as follows:
- The presenting school acts in a caring and quasi-parental way
  - The presenting school is completely honest: the root issues which have led to the breakdown of the placement are identified to the receiving school or alternative provider
  - There are meetings to set up the move which involve senior members of staff on both sides, the family and the child
  - The receiving school or alternative provider takes the child with positive expectations
  - The receiving school or alternative provider has in place a comprehensive support plan

## **10. Some analysis of data received on Managed Moves**

- 10.1. We were provided with anonymised spreadsheets for managed moves for 2018-19, 2019-20 and 2020-21. The spreadsheet sets out a great deal of information, including granular information which identifies potential vulnerabilities of the child, such as gang involvement. We were not provided with any breakdown or analysis of the data, so we have made the best of it as we could.

- 10.2. Many children undergoing managed moves receive free school meals and/or special educational needs or disability. This is identified on the spreadsheet, but we have provided no specific analysis of this information, nor of any breakdown by year group. The FAP does not consider cases where a child has an EHCP.
- In the time that we have had available since the data was provided, we have been able to focus on the following aspects: Gender
  - Ethnicity
  - The number of managed moves from a mainstream school to alternative provision
- 10.3. We have focused on 2018-19 and 2019-20. At least in 2019-20, there were almost two terms prior to lockdown (the Spring Term slightly truncated), and so it can be viewed as representative. The most recent full year (2020-2021) was significantly disrupted by Covid lockdown, and as such an unrepresentative year.
- 10.4. Not all children before the FAP are presented by schools. Some children without a school are hard to place, and these children are covered by the provision of the Fair Access Protocol (see paragraph 45 above), and come before FAP for consideration. Some of these children will have recently moved to Croydon, or have been receiving elective home education and possibly seeking to return to mainstream. Some children move from one provider of alternative provision to another, or from alternative provision back to mainstream.
- 10.5. Comparative Data FAP 2018/19 and 2019/20

|                                    | 2018/19 | 2019/20          |
|------------------------------------|---------|------------------|
| FAP meetings held                  | 10      | 6 (pre lockdown) |
| Children presented in total        | 278     | 194              |
| Boys presented                     | 200     | 100              |
| Girls presented                    | 78      | 94               |
|                                    |         |                  |
| Categories of Presentation         |         |                  |
| Case/Out of school/Unclear         | 107     | 45               |
| Prevention                         | 81      | 68               |
| Alternative to Permanent Exclusion | 73      | 57               |
| Breakdown                          | 17      | 24               |
|                                    |         |                  |

|  |           |          |
|--|-----------|----------|
| Placement Outcomes                       |           |          |
| Mainstream school                        | 173       | 70       |
| Return to original school                | 20        | 4        |
| Alternative Provision (AP)               | 66        | 51       |
| Other                                    | 18        | 69       |
|  |           |          |
| Presented by mainstream schools          | 171       | 147      |
| Boys presented                           | 124 (73%) | 81 (55%) |
| Girls presented                          | 47 (27%)  | 66 (45%) |
|  |           |          |
| Managed Moves (MM) from Mainstream to AP | 42 (25%)  | 36 (24%) |
| Boys to AP via MM                        | 28 (67%)  | 23 (64%) |
| Girls to AP via MM                       | 14 (33%)  | 13 (36%) |
|  |           |          |
| Ethnic Data available in total           | 164       | 139      |
| Black Caribbean                          | 40 (24%)  | 38 (27%) |
| White British                            | 39 (24%)  | 35 (25%) |
| Black African                            | 27 (16%)  | 19 (13%) |
| White & Black Caribbean                  | 14 (9%)   | 13 (9%)  |
| Any Other Mixed Background               | 14 (9%)   | 11 (8%)  |
| Any Other Ethnic Group                   | 8 (5%)    | 4 (3%)   |
| White & Black African                    | 6 (4%)    | 4 (3%)   |
| Any Other Black Ethnic Group             | 4 (2%)    | 7 (5%)   |
| Any Other White Ethnic Group             | 4 (2%)    | 2 (1%)   |
| Any Other Asian Background               | 3 (2%)    | 0        |
| Asian Pakistani                          | 3 (2%)    | 1 (1%)   |

|                               |          |          |
|-------------------------------|----------|----------|
| White and Asian               | 2 (1%)   | 2 (1%)   |
| Asian Indian                  | 0        | 1 (1%)   |
| Asian Other                   | 0        | 1 (1%)   |
| White Roma                    | 0        | 1 (1%)   |
|                               |          |          |
| Ethnic Data available - Boys  | 118      | 75       |
| Black Caribbean               | 31 (26%) | 22 (29%) |
| White British                 | 23 (19%) | 20 (27%) |
| Black African                 | 19 (16%) | 11 (15%) |
| White & Black Caribbean       | 12 (10%) | 7 (9%)   |
| Any Other Mixed Background    | 9 (8%)   | 3 (4%)   |
| Any Other Ethnic Group        | 7 (6%)   | 2 (3%)   |
| White & Black African         | 4 (3%)   | 1 (1%)   |
| Any Other Black Ethnic Group  | 3 (3%)   | 4 (5%)   |
| Any Other White Ethnic Group  | 3 (3%)   | 0        |
| Any Other Asian Background    | 3 (3%)   | 1 (1%)   |
| Asian Pakistani               | 2 (2%)   | 0        |
| White and Asian               | 2 (2%)   | 2 (3%)   |
| Asia Indian                   | 0        | 1 (1%)   |
| White Roma                    | 0        | 1 (1%)   |
|                               |          |          |
| Ethnic Data available - Girls | 46       | 64       |
| Black Caribbean               | 9 (20%)  | 16 (25%) |
| White British                 | 16 (35%) | 15 (23%) |
| Black African                 | 8 (17%)  | 8 (13%)  |
| White & Black Caribbean       | 2 (4%)   | 6 (9%)   |
| Any Other Mixed Background    | 5 (11%)  | 8 (13%)  |

|                              |        |        |
|------------------------------|--------|--------|
| Any Other Ethnic Group       | 1 (2%) | 2 (3%) |
| White & Black African        | 2 (4%) | 3 (4%) |
| Any Other Black Ethnic Group | 1 (2%) | 3 (4%) |
| Any Other White Ethnic Group | 1 (2%) | 2 (3%) |
| Any Other Asian Background   | 0      | 0      |
| Asian Pakistani              | 1 (2%) | 1 (2%) |
| White and Asian              | 0      | 0      |
|                              |        |        |

- 10.6. The final FAP before the 2020 lockdown was held on 28 February 2020. By the end of that meeting, 194 children had gone through the six meetings which had taken place. The four remaining scheduled sessions did not take place. It is worth noting that in the first six sessions of 2018-19 127 children were presented by mainstream schools (147 in 2019-20), of whom 20 went to alternative provision (36 in 2019-20).
- 10.7. In the final four meetings of FAP in 2018-2019, we note that 95 children were presented by mainstream schools. So, by working on the basis of analogy between 2019-20 and the preceding year, had the academic year 2019-20 proceeded to a normal conclusion, one would reasonably anticipate that about 240 children would have been presented by mainstream schools (171 in 2018-19), and about 60 children might have been expected to undergo a managed move from a mainstream placement to alternative provision, a 43% increase from 2018-19 when 42 children made the corresponding journey.
- 10.8. Set out below is the information from the Croydon school census ("School pupils by gender and ethnicity") undertaken in the Spring Term of 2021:

| <b>Ethnicity Group</b>     | <b>F</b> | <b>M</b> | <b>Grand Total</b> |
|----------------------------|----------|----------|--------------------|
| Any Other Asian Background | 1350     | 1568     | 2918               |
| Any Other Black Background | 870      | 916      | 1786               |
| Any Other Ethnic Group     | 715      | 716      | 1431               |
| Any Other Mixed Background | 1708     | 1773     | 3481               |
| Any Other White Background | 2596     | 2715     | 5311               |
| Bangladeshi                | 323      | 296      | 619                |
| Black - African            | 4331     | 4381     | 8712               |
| Black Caribbean            | 2707     | 2753     | 5460               |
| Chinese                    | 139      | 149      | 288                |
| Gypsy / Roma               | 50       | 46       | 96                 |

|                              |              |              |              |
|------------------------------|--------------|--------------|--------------|
| Indian                       | 1478         | 1549         | 3027         |
| Information Not Yet Obtained | 301          | 266          | 567          |
| Pakistani                    | 1323         | 1369         | 2692         |
| Refused                      | 376          | 439          | 815          |
| Traveller of Irish Heritage  | 14           | 15           | 29           |
| White - British              | 6807         | 7191         | 13998        |
| White - Irish                | 87           | 72           | 159          |
| White and Asian              | 621          | 609          | 1230         |
| White and Black African      | 610          | 575          | 1185         |
| White and Black Caribbean    | 1454         | 1397         | 2851         |
| <b>Grand Total</b>           | <b>27860</b> | <b>28795</b> | <b>56655</b> |

10.9 The number of those who provided the ethnic information requested was 55,273. The percentage breakdown is as follows:

|                             |      |
|-----------------------------|------|
| Any Other Asian Background  | 5.3  |
| Any Other Black Background  | 3.2  |
| Any Other Ethnic Background | 2.6  |
| Any Other Mixed Background  | 6.3  |
| Any Other White Background  | 9.6  |
| Bangladeshi                 | 1.1  |
| Black – African             | 15.8 |
| Black Caribbean             | 9.9  |
| Chinese                     | 0.5  |
| Gypsy/Roma                  | 0.2  |
| Indian                      | 5.5  |
| Pakistani                   | 4.9  |
| Traveller of Irish Heritage | 0.05 |
| White British               | 25.3 |
| White Irish                 | 0.3  |
| White and Asian             | 2.2  |
| White and Black African     | 2.1  |
| White and Black Caribbean   | 5.2  |

10.10 What stands out from the statistics is the highly disproportionate representation of children the ethnic identity of whom is Black Caribbean or dual heritage White and Black Caribbean. The school census of 2021 shows that 10% of children in Croydon schools are identified as of Black Caribbean ethnicity. In 2018-19, 24% of children subject to managed moves were of this ethnicity, rising to 27% in 2019-20. Broken down by gender, the disproportion for boys was even greater than for girls in each year. The census shows that 5% of children in Croydon schools are identified as of White and Black Caribbean ethnicity. In both 2018-19 and 2019-20, 9% of children subject to managed moves were of this ethnicity.

10.11 It is notable that in 2018-19 there was a much higher proportion of boys than girls subject to managed moves, but the gap narrowed significantly in 2019-20.

10.12 Statistics of any kind need to be interpreted with care, and subject to statistical health warnings. But they do need to be interpreted. That task is outside the scope of the TFG.

## **11. RECOMMENDATIONS**

### **11.1 Recommendations One to Six (to the Director of Education)**

#### **Recommendation One**

That the Scrutiny and Overview Children and Young People Sub Committee seek from the Director of Education an annual report on Exclusions and Managed Moves, such report to be presented at an Autumn meeting and separate from the Standards report, the report to include the following areas at least in relation to managed moves:

The number of managed moves agreed by the Fair Access Panel in the preceding academic year, including the provision of data as to the following characteristics of the children concerned: age, gender, free school meal eligibility, national curriculum year, SEND provision, ethnic group and level of deprivation - these are the characteristics which must be reported in respect of permanent exclusion

- the number of managed moves from a mainstream school to a PRU or other alternative provision
- the number of managed moves from a mainstream school to another mainstream school
- the number of managed moves which broke down during the 12 weeks probationary period
- an analysis of the reasons for the breakdown during the probationary period and information about the subsequent pathways of the children concerned

- the number of children reintegrated from alternative provision into mainstream, broken down into the number reintegrated who immediately prior to admission to AP had undergone permanent exclusion and the number reintegrated who immediately prior to admission to AP had undergone a managed move
- in respect of managed moves to mainstream schools the number from each presenting school, and the number to each receiving school
- such information as the local authority may possess about the number of managed moves not passing through the FAP process, including the characteristics set out in the first bullet point above
- the chart of givers and takers (that is, for each school, the number of children each school successfully presents to FAP, and the number each school accepts)
- the destinations of children who have been permanently excluded

### **Recommendation Two**

The Director prepares a paper on managed moves for the consideration of key stakeholders in FAP which sets out factors perceived to conduce to both good and bad outcomes, and including some objective case studies

### **Recommendation Three**

- The Director instigates an independent evaluation of how participants perceive the collegiality of the managed moves process, and what might be done to enhance it.

### **Recommendation Four**

- The Director requests headteachers who are invited to the FAP to include information about the number of managed moves to and from their school in their termly report to their governing body, such as data to include all managed moves whether brokered through the FAP or in some other way.

### **Recommendation Five**

- The Governor Supports Team briefs secondary school governors on managed moves and provides guidance as to how they might scrutinise the issue.

### **Recommendation Six**

- The Director requests that the headteachers notify the Local Authority of a managed move they have arranged other than through FAP, such notification to be provided by the headteacher of the presenting school immediately after a starting date for the move has been agreed by all relevant parties.

## **11.2 Recommendations Seven and Eight (to the Secretary of State for Education)**

### **Recommendation Seven**

- There should be statutory or at least non-statutory guidance to school admissions authorities on the subject of managed moves.

### **Recommendation Eight**

- There should be consideration of whether paragraph 3.16 of the statutory guidance for school admission authorities should be extended to refer to managed moves so that (the suggested inserted words are highlighted) the relevant part reads as follows:” no school should be asked to take a disproportionate number of children who have been permanently excluded from other schools, who display challenging behaviour, who are placed via the Protocol, **or who have been admitted as the result of a managed move**”

## **11.3 Recommendations Nine and Ten (to Her Majesty’s Chief Inspector of Schools)**

### **Recommendation Nine**

- The secondary school inspection framework should encompass managed moves

### **Recommendation 10**

- Consideration should be given in the HMCI’s Annual Report to the provision of an overview of how schools are using managed moves

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**APPENDICES TO THIS REPORT:** Appendix 1, The Members of the TFG

**BACKGROUND DOCUMENTS:** None