

# Education Otherwise Than At School

## Research Briefing

November 2019



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National Assembly for Wales  
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## What is Education Otherwise Than At School?

For some learners, education at a mainstream school may not be appropriate, for many different reasons. Therefore, section 19(1) of the **Education Act 1996** (the 1996 Act) gives local authorities the power to make:

arrangements for the provision of suitable education at school or otherwise than at school [EOTAS] for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

There are currently 2,286 pupils who are in EOTAS. This represents 3.8 per 1,000 pupils. Section 2 of this paper provides some further statistics.

The 1996 Act defines ‘suitable education’ as ‘efficient’ education suitable to the age, ability, aptitude, and to any special educational needs (SEN) the child (or young person) may have. The Act does not state that this must be full-time education.

The Welsh Government’s guidance, **Inclusion and Pupil Support** published in March 2016, sets out duties on local authorities and schools. It states that:

Local authorities must decide, in consultation with parents/carers, what may be regarded as a suitable education outside of school for a particular child, in accordance with the local authority’s policies, the efficient use of resources and having regard to this guidance.

The guidance also says that the type of provision offered to pupils should be based on their individual needs. An individual plan should be established for every pupil following full consultation between all parties including pupils, their parents or carers, the maintained school, the local authority and those providing the out of school provision.

EOTAS provision exists, in part, as a response to pupils’ exclusion from school. This might include placement in EOTAS as a result of formal disciplinary exclusion or a placement as an alternative to exclusion. EOTAS may also be used where a school is not considered to be a suitable environment for some groups of learners, such as pupils who are pregnant or learners with medical needs.

## Types of EOTAS

Provision for learners who are EOTAS can take place in a number of different settings, such as Pupil Referral Units (PRUs), further education colleges, individual tuition or in an independent school.

Section 19 (2) of the Education Act 1996 states that any school established which is specially organised to provide education for children who for reasons of exclusion or illness may not receive education and is not a county school or a special school, shall be known as a PRU. **PRUs were the most commonly used type of EOTAS education** in 2018/19.

PRUs are legally both a type of school and EOTAS. They can provide short or medium-term placements with learners reintegrating pupils to a primary, secondary or special school, or to prepare learners for further education, training or employment. Local authorities operate different models of PRU provision, developed to meet their own local circumstances and local policies. Models of provision which may be included in the term 'PRU' include:

- Provision on a single site or provision on several sites under a single management structure;
- Peripatetic ('visiting' teachers who may work in more than one place) pupil referral service, particularly in rural areas;
- 'E-learning' provision using ICT and web-based resources;
- Some hospital provision;
- Separate provision for young mothers/pregnant pupils; and
- Provision to register pupils who follow individual programmes.

In October 2019, there were 22 registered PRUs in Wales.

As well as PRUs local authorities may provide EOTAS through:

- Further Education colleges;
- Individual tuition and tuition at pupils' homes or at hospital;
- Work-related education;
- Training providers;
- Third sector organisations; and
- Tailor-made packages.

**Table 1 below shows the education provision for pupils who were EOTAS in 2018/19.**

Pupil referral unit (a)	820	43.5
Further education college	209	11.1
Maintained school	92	4.9
Non-maintained special school	68	3.6
Individual tuition	265	14.0
Youth Gateway	0	0.0
Work related education	15	0.8
Training provider	38	2.0
Voluntary organisation	0	0.0
Bought in private sector provision	18	1.0
Independent school	270	14.3
Provision not maintained by, or is outside of	17	0.9
Awaiting provision or not currently in provision	28	1.5
Other	47	2.5
<b>Total</b>	<b>1,887</b>	<b>100.0</b>

Source: Welsh Government, **Pupils educated other than at school, 2018/19**

(a) The pupils who are enrolled at a PRU but have zero hours of provision are excluded from this table.

As pupils may attend more than one educational provision in a week, some pupils may be counted against more than one provision. That is why the number of enrolments is higher than the number of pupils whose main education is other than at school.

The term EOTAS **does not apply to pupils who receive elective home education**, which is where parents decide to educate their child at home rather than at school.

## Statistics on EOTAS

The Welsh Government publishes an **annual statistical release on pupils educated otherwise than at school**. The most recent data was published on 1 August 2019 and provides data for 2018/19. Some of the key points are set out below.

### Pupil numbers

In 2018/19, there were **2,286 EOTAS pupils**. Of these:

- 1,027 EOTAS pupils were not on roll at a maintained school in the January 2019 Pupil Level Annual School Census. 757 EOTAS pupils had 'subsidiary' enrolment status in maintained schools; and
- 502 EOTAS pupils had their main or current enrolment status in maintained schools.

The rate of EOTAS pupils increased in 2018/19 over the year to **3.8 per 1,000 pupils**. This is the highest rate since 2009/10, when it was 2.6 per 1,000.

Pupils who receive their education other than at school can be single registered with the EOTAS provider and not registered at any school, or dual registered with both the EOTAS provider and the school.

Where pupils are dual registered with two providers, one of the providers will register the pupil as dual-main registration and the other will register the pupil as dual-subsidiary. Dual-main is the provision at which a pupil spends the majority of their time. Any Key Stage 4 outcomes at the end of Year 11 for a pupil who has dual-main registration will count towards this provider's performance data. Dual-subsidiary registration is the other education provider when a pupil has dual registration. Any Key Stage 4 outcomes at the end of Year 11 for a pupil who has dual-subsidiary registration will not count towards this provider's performance data.

## Pupil characteristics

In 2018/19, for pupils whose main education is other than at school:

- 7 in every 10 pupils were boys;
- 6 in every 10 were aged 14 or 15;
- Pupils aged 15 had the highest rate of EOTAS pupils of all pupils of compulsory school age;
- 88 per cent of pupils whose main education is other than at school had special educational needs (that is, with a statement, school action and school action plus);
- 36 per cent of EOTAS pupils were entitled to free school meals; and
- 4.5 out of 1,000 pupils with 'white' ethnic background were receiving their main education other than at school. This is the highest rate of all the groups of background ethnicity.

### Attainment

Table 2 below shows the attainment of Key Stage 4 learners in PRUs. Table 3 shows the attainment of learners in mainstream schools.

It is important to note the **difficulties associated with comparing EOTAS learners with mainstream learners in a 'like for like' basis. The majority of EOTAS learners do not start from the same baseline as learners in mainstream school**, and performance indicators, such as Level 2 Inclusive, do not reflect the 'distance travelled' for vulnerable learners, in particular those in EOTAS provision, and the important work EOTAS staff undertake to address the often complex wellbeing needs faced by a vulnerable cohort of learners.

The Welsh Government publishes data for pupils at PRUs at Key Stage 4, but there is no national data available for EOTAS pupils in other Key Stages and in other types of provision.

**Table 2: Key Stage 4 indicators for pupils whose main education is at a PRU**

	Number of pupils aged 15/in Year 11 <sup>(1)</sup>	Percentage who achieved Level 2 incl. English/Welsh and maths <sup>(2)</sup>
2014	297	0.7
2015	256	2.3
2016	368	2.4
2017	246	3.3
2018	367	2.2

Source: **StatsWales**

(1) From 2015/16, cohort based in pupils in Year 11. Up to 2014/15, cohort based on pupils aged 15 at the start of the academic year.

(2) Level 2 inclusion: a volume of qualifications at Level 2 (equivalent to the volume of 5 GCSEs at grade A\*-C) including an A\*-C GCSE pass in English or Welsh first language and mathematics.

(3) Note there have been changes in how the level 2 inclusive threshold is measured from 2016/17 onwards.

For comparative purposes, Table 3 below shows the attainment of **all pupils** in Year 11. This data includes those pupils who attend PRUs.

**Table 3: Key Stage 4 indicators for pupils in Year 11/aged 15 by year**

	Number of pupils aged 15/in Year 11 <sup>(1)</sup>	Percentage who achieved Level 2 incl. English/Welsh and maths <sup>(2)</sup>
2014	35,168	55.4
2015	34,004	57.9
2016	32,248	60.3
2017	31,379	54.6
2018	30,371	55.1

Source: **StatsWales**

(1) From 2015/16, cohort based on pupils in Year 11. Up to 2014/15, cohort based on pupils aged 15 at the start of the academic year.

(2) Level 2 Inclusive: a volume of qualifications at Level 2 (equivalent to the volume of 5 GCSEs at grade A\*-C) Including an A\*-C GCSE pass in English or Welsh first language and Mathematics.

## Reviews OF EOTAS

There have been a number of reviews and research into EOTAS provision in Wales. These have included the Welsh Government's **National Behaviour and Attendance Review (NBAR)** (2008), the **Review of Education Other Than At School** (2011) and **Estyn annual reports**. The Children, Young People and Education Committee also considered EOTAS as part of their **Behaviour and Attendance** inquiry in 2013. The reports identified a range of issues including:

- Variation
  - ◆ Between local authorities in implementing guidance on school exclusion;
  - ◆ Between schools in managing actual and potential exclusions;
  - ◆ Between authorities in the quality of the curriculum and behaviour management;
- Unlawful exclusion from school;
- Educational provision not properly monitored;
- Some pupils not receiving an appropriate education; and
- Lack of reintegration back into schools after exclusion and from education outside the school setting.

### University of Edinburgh Research

In light of the concerns identified in these reports, in 2011, the Welsh Government commissioned **research from the University of Edinburgh to examine** the process of exclusion from school in Wales and the delivery, planning and commissioning of EOTAS provision. Some of the key findings of the 'Edinburgh report' were, variability in:

- The number of EOTAS places available, the nature and purpose of the provision, referral criteria and the ways in which education provision in different areas identified its aims and purposes;
- The numbers of hours of education provided ranged across local authorities from two hours per day through to a full 25 hours per week, although most authorities were moving to offering 25 hours per week; and
- Approaches to registration, raising a fundamental issue about the ownership of responsibility for young people in EOTAS provision.

The report also identified:

- Concerns about the quality of the curriculum in some EOTAS provision, although many research participants acknowledged the difficulties associated with providing a full curriculum for children educated outside the school setting;
- Poor quality and unsuitable accommodation was a significant issue in relation to the delivery of the curriculum in some EOTAS provision;
- Some concerns about excessively punitive use of restraint and restrictive isolation;
- Reintegration to mainstream school from EOTAS had been uncommon;
- Some EOTAS settings had constant positive communication with parents about their child's progress;
- Young people valued the respect shown to them in some EOTAS settings but did not always feel fully involved in decision making and planning about their lives;
- Some staff working in EOTAS noted issues of concern with leadership, scrutiny and support in PRUs; and
- There was evidence that, in some authorities, some PRUs were still very isolated, although in other authorities they were becoming involved in local initiatives on curriculum and behaviour.

The research found many of the concerns expressed in the NBAR, Estyn reports and the Welsh Government Review to be well-founded. However, it also found evidence that some authorities were responding very positively to these concerns with substantial change and attention to improving the quality of EOTAS.

### Children's Commissioner for Wales Report

In May 2014, the Children's Commissioner published a report, **the Right to Learn**. This report found that:

- Timely support and intervention for learners earlier in their school career was lacking;
- In some areas, inter-agency working in support of pupils was weak;
- Securing appropriate training for staff in PRUs could be difficult;
- Challenges in delivering the curriculum existed; and
- PRUs are cut off from the information networks that support innovation and development in education.

## Estyn Review

In October 2014, Estyn undertook a review to map EOTAS provision across Wales and review the effectiveness of local authorities' management of provision. Its report, **Education other than at school** published in June 2015, found that overall, EOTAS provision does not give pupils the same access to their education entitlements as their peers. Other findings included:

- Lack of access to a broad and balanced curriculum that enables learners to gain qualifications that meet their needs and potential;
- Pupils who have previously been attending Welsh-medium schools have extremely limited opportunities to continue their learning in Welsh when they start EOTAS;
- Pupils with additional learning needs do not often receive the specialist support they need;
- Nearly all pupils who receive EOTAS in Years 10 and 11 remain in EOTAS for the rest of their schooling;
- Nearly all local authorities experience difficulties ensuring that pupils receiving EOTAS access the expertise of Child and Adolescent Mental Health Services (CAMHS);
- Across Wales, there is a lack of understanding about the registration requirements for pupils receiving EOTAS;
- Most local authorities do not monitor or oversee EOTAS or alternative provision robustly enough;
- Very few teachers of EOTAS, especially those employed by independent providers, have access to training and support; and
- A minority of local authorities commission full-time EOTAS for large groups of pupils from providers that are not registered as independent schools.

## EOTAS Framework for Action

In response to the concerns identified in these reports, in September 2015, the Welsh Government established an EOTAS Task and Finish Group, chaired by former Estyn Chief Inspector, Ann Keane. The group was asked to develop practical solutions to the problems faced by PRUs and wider EOTAS providers to improve outcomes for EOTAS learners.

The **new EOTAS Framework for Action** was published in December 2017. An EOTAS Delivery Group was also established to facilitate and implement the final agreed actions. The Minister for Education, Kirsty Williams AM, said that the publication '**marks the start of the biggest reform of Pupil Referral Units and EOTAS provision in Wales**'.

The Framework is a long-term plan with a phased approach to the proposals with the aim of ensuring that they are implemented in a considered and timely manner.

The key provisions of the Framework are:

- The **establishment of EOTAS panels**, (such as those that currently operate in some local authorities) which would ensure that referral of learners is robust and consistent. The Welsh Government will introduce guidance following further research on existing EOTAS panels. This **research was subsequently published in October 2018**.
- **Training for management committees.** Regulations relating to management committees came into force in February 2015 and the Welsh Government has committed to review the effectiveness of management committees once the formal requirements have had the opportunity to bed in. **Estyn was remitted to review the effectiveness of PRU management committees during 2018/19.**
- **EOTAS commissioning frameworks.** Estyn suggested that local authorities may be commissioning EOTAS services from private, potentially unregistered, illegal provision. The Welsh Government proposed a requirement for local authorities to establish commissioning frameworks for EOTAS services that will have a set of guidelines for providers to have approved status. Research into commissioning approaches is being undertaken and a report of the findings is expected to be published in Autumn 2019.
- **Data information and sharing.** EOTAS attainment data has been published since 2016. Comparing data for this group of learners with mainstream school learners has difficulties as they are not 'like for like' and data does not take account of 'distance travelled' by EOTAS learners.



- **Curriculum reform.** Through the reforms to the curriculum there should be flexibility to disapply the curriculum in PRUs and other settings, with the potential for the decisions to rest with access panels. In **evidence to the Children, Young People and Education Committee on 18 September 2019**, the Minister for Education explained that the intention was to set a minimum of what the Welsh Government would expect a learner to receive. This would be around the **four purposes of the curriculum**, the cross-cutting themes of literacy, numeracy and digital competency and Health and Well-being Areas of Learning and Experience (AoLEs). Alongside this, there would be a discussion and a focus on what is in the best interests of individual pupils.
- **Collaboration and partnership working.** In order to fulfil the requirements of the new curriculum there will be a need for PRUs and EOTAS providers to work with schools and further education. PRUs should have access to regional consortia, but other EOTAS providers may not. This will be explored by the EOTAS Delivery Group and the Welsh Government.

The Framework identified a number of actions based on recommendations of the Task and Finish Group, Estyn and the Edinburgh Review. The Minister for Education **wrote** to the Children, Young People and Education Committee in June 2019 to provide an update on progress with the actions.

### Children, Young People and Education Committee

The Children, Young People and Education Committee launched an inquiry into EOTAS in June 2019. The Committee are considering:

- The reasons for and the support available for children and young people at risk of EOTAS, including through their exclusion from mainstream provision;
- How effectively parents are engaged and supported throughout the EOTAS process;
- 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;
- 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;
- Responsibility and accountability for the education of pupils who become EOTAS;

- Attainment of children and young people EOTAS ;
- Outcomes and wellbeing of children and young people EOTAS;
- The quality of support provided to children and young people in the range of EOTAS provision;
- Professional development support for PRU staff, including those who provide home tuition;
- 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'; and
- Other issues linked to EOTAS, for example managed moves, and the 'off-rolling' of pupils.

The Committee will be taking evidence at the end of 2019 and early 2020 before publishing a report setting out their conclusions and making recommendations to the Welsh Government.

## Other relevant issues

### Exclusions

As stated previously, EOTAS provision exists partly in response to exclusion from school. The Welsh Government **publishes an annual statistical release on permanent and fixed term exclusions from maintained primary, middle, secondary and special schools and PRUs in Wales.**

Exclusion from schools may either be for a fixed term, or five days or less or over five days, or permanent. The rate of permanent exclusions was 0.4 per 1,000 pupils in both 2016/17 and 2017/18, but this was double the rate in the previous four years (2012/13 to 2015/16). Table 4 below shows the number and rate of exclusions over the last four years.

**Table 4: Number and rate of exclusions from maintained schools and pupil referral units in Wales, 2014/15 to 2017/18 (a) (b)**

	2014/15		2015/16		2016/17		2017/18	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Permanent	89	0.2	109	0.2	165	0.4	174	0.4
Five days or less	13,014	29.9	14,424	30.9	16,044	34.4	17,146	36.7
Six days or more	780	1.7	654	1.4	863	1.9	806	1.7

Source: **Permanent and fixed-term exclusions from schools: September 2017 to August 2018**

(a) Exclusions from pupil referral units are only included for 2015/16 onwards.

(b) Rate is per 1,000 pupils

Some other key points arising from the data are:

- Special schools had the highest rate of fixed-term exclusions of 5 days or less, and also the highest rate of fixed-term exclusions over 5 days, whereas primary schools had the lowest;
- Secondary schools had the highest rate of permanent exclusions;
- The rate of exclusions is consistently (at least 3 times) **higher for those entitled to FSM** than not entitled to FSM for fixed exclusions (5 days or less), fixed exclusions (over 5 days) and permanent exclusions in the period 2012/13 to 2017/18.
- Pupils with **special educational needs have higher rates of exclusion** than those without. Pupils with School Action Plus had the highest rate of exclusions out of those pupils with SEN for every year and every type of exclusion; and
- The most common reason for all exclusions in 2017/18 was '**persistent disruptive behaviour**'. The most common reasons for permanent exclusions were 'physical assault against a pupil' (20.7 per cent) and 'physical assault against an adult' (20.1 per cent).

### Managed moves

A managed move is a planned, voluntary move from one school to a new school. It may be considered to be a suitable alternative where a pupil is at risk of a permanent exclusion, poses a risk to the welfare of others or refuses to attend school. Unlike a permanent exclusion, a managed move requires the consent of all involved, and currently has no legal status.

Estyn published **Managed moves: Effective use of managed moves by local authorities and schools** in March 2018 following on from its 2016 EOTAS review. Findings included:

- A managed move does not provide pupils with the same legal protection as those permanently excluded from schools, such as interim education provision and the right of appeal;
- There is no nationally agreed protocol for managed moves so there are notable differences in how local authorities and schools implement and monitor managed moves across Wales;

- While there is no reliable information available nationally about the numbers of pupils undergoing managed moves, data collected from local authorities for Estyn's report demonstrates that pupils who are eligible for free school meals and those on the special educational needs register are more likely to be undergoing a managed move; and
- A minority of pupils at key stage 4 transfer onto placements in a PRU or EOTAS provision - nearly all these pupils complete their compulsory education outside of mainstream.

### Off-rolling

'Off-rolling' is the process by which pupils are removed from a school's register by moving them to alternative provision, to home education or other schools. The suggestion is that some schools remove problematic, badly behaved or academically poor pupils from their rolls so they are not then counted in the school's GCSE results. There have been a few concerns raised about this issue in Wales and England:

- Robin Hughes, former secretary for the Association of School and College Leaders (ASCL) in Wales published a blog article, **Rolling off the school register** on 18 September 2018; and
- On **17 September 2018, in an article on the BBC Wales website**, Tim Pratt (Cymru Director of ASCL) said that he believed there are some examples of pupils being removed from registers so their grades would not count towards school performance data.

Looking at data on the Welsh Government's **StatsWales website**, following the cohort of pupils who were in Year 8 in the academic year 2015/16:

- The Year 8 cohort was 31,630 pupils;
- In 2016/17, the Year 9 cohort was 31,570 pupils;
- In 2017/18, the Year 10 cohort was 31,640 pupils; and
- In 2018/19, the Year 11 cohort was 30,535 pupils.

There are 1,105 fewer pupils in the same cohort between Year 10 and Year 11, a decrease of 3.4 per cent. It should be noted that there may be a number of reasons for the decrease, such as pupils leaving their school for a different maintained school not in Wales, or for a non-maintained school.

In October 2019, Estyn published a report, **Pupil Registration Practices**. This examined registration practices and in particular schools taking a pupil off roll without the use of permanent exclusion (off-rolling) and schools changing the registration status of a pupil between January in Year 10 and January in Year 11 (the time of the Pupil Level Annual School Census) so that their data is not included in the school's Key Stage 4 performance data.

The report states that in the past 20 years, there has been an increase in the availability of school performance data and, in the past 10 years, an increase in the use of such data for school accountability purposes. It suggests that there may have been unintended consequences of accountability measures, including the use of off-rolling or inappropriate registration practices. The report found that:

- The percentage of pupils who are on roll at Year 10 who do not progress directly to Year 11 has nearly doubled in the past six years (780 pupils, 2.3 percent of the previous Year 10 cohort in 2013-14 to 1,298 pupils, 4.2 percent in 2018-19);
- In 2017-18, the percentage of pupils who repeated Year 10 (0.5 percent or 168 pupils) was six times greater than the rate in 2013-14 (0.09 percent or 31 pupils). In 2018-19, this fell to 91 pupils (0.29 of the previous Year 10 cohort). In many instances, pupils who repeat Year 10, do not progress to Year 11 to complete Key Stage 4 but leave school after two years at Year 10;
- The data suggests that a few schools may be enrolling pupils to repeat Year 10 or other school year as a way of ensuring that these pupils' data is not included in the school's Key Stage 4 performance data;
- Pupils who are eligible for free school meals and those who have a statement or access to school action plus are far more likely not to progress from Year 10 to Year 11 than their peers; and
- For the cohort of pupils who were in Year 10 in 2017-18, those eligible for free school meals were over three times more likely than those not eligible to not progress directly to Year 11 at a mainstream school.

## Further reading

### National Assembly for Wales

Children, Young People and Education Committee - **Attendance and Behaviour** (2013). While not the focus of the Committee's inquiry, this report considered exclusion and EOTAS.

The Children, Young People and Education Committee's current **Inquiry into Education Otherwise Than at School**.

### Welsh Government

**Inclusion and pupil support** (2016)

**Exclusion from schools and pupil referral units** (April 2015)

**An analysis of local authority Pupil Registration Practices for learners accessing PRU and EOTAS provision** (October 2018)

**An analysis of local authority Referral Panels and/or practices for learners accessing EOTAS provision** (October 2018)

### Estyn

**Education other than at school: a good practice survey** (June 2015)

### Publications relating to England

The Timpson **Review of School Exclusions** (May 2019)

**Off-rolling: exploring the issue** (Ofsted, May 2019)

**Who's Left 2018** (Education Datalab, June 2018)

**Unexplained pupil exits from schools: A growing problem?** (Education Policy Institute, 2019)

