

RULED OUT

Why are children with autism
missing out on education?

CAMPAIGN REPORT 2014



#ruledout



Ambitious
about Autism

About autism

Autism is a lifelong developmental disability which affects 1 in 100 people in the UK. It affects the way a person communicates and how they experience the world around them.

Early intervention, education and support are critical in enabling children and young people with autism to lead fulfilling lives.

Ambitious about Autism

Ambitious about Autism is the national charity for children and young people with autism. We provide services, raise awareness and understanding, and influence policy. We exist to enable children and young people with autism to learn, thrive and achieve.

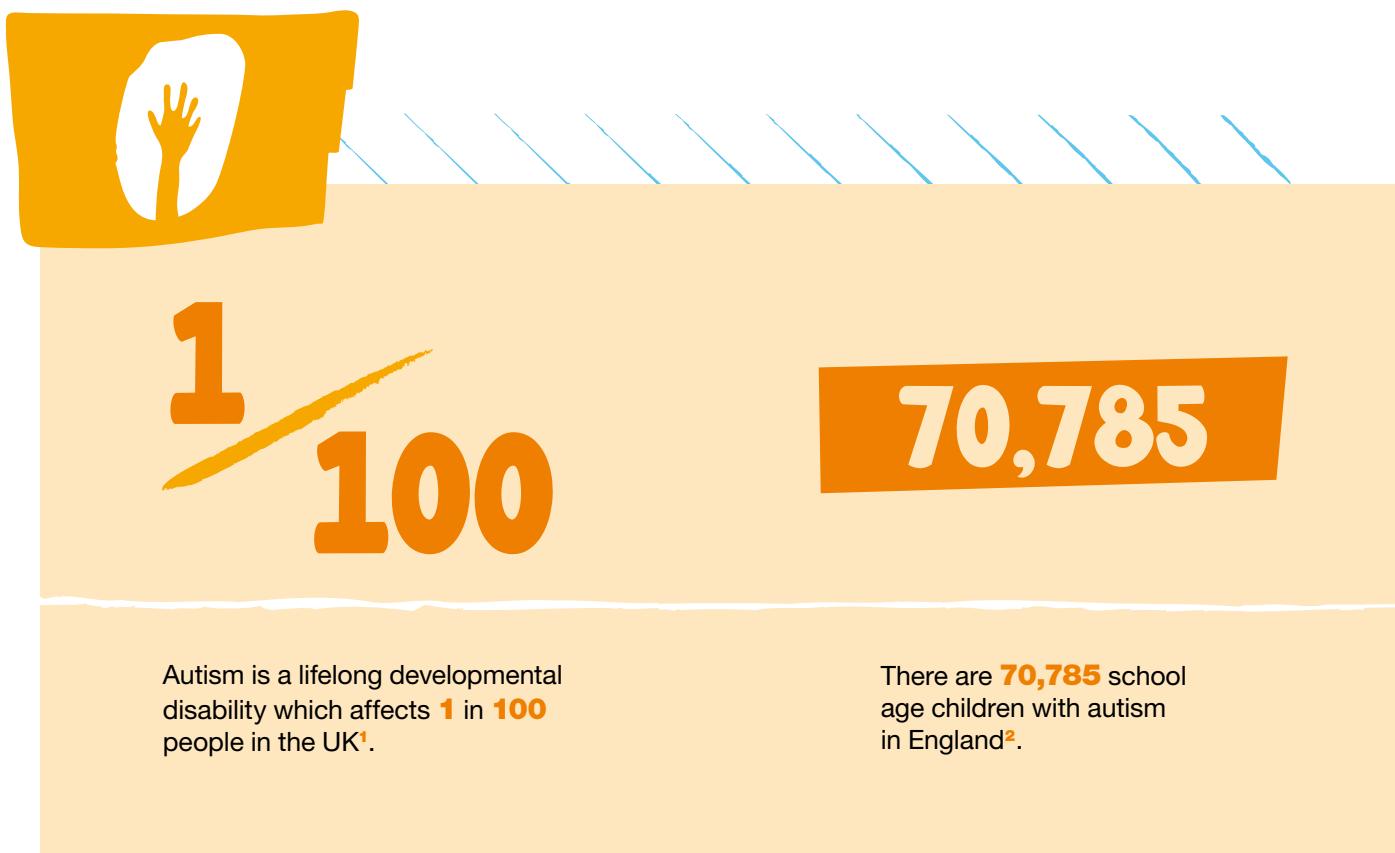
AmbitiousAboutAutism.org.uk

Thanks

We would like to thank all the young people, parents, professionals and policy-makers we spoke to in the development of this report. Their insights have been invaluable.

Glossary

There is a glossary at the back of this report explaining some words that may be unfamiliar. The words in the glossary are highlighted in green the first time they appear in the report.



¹ Office of National Statistics (2005) Mental health of children and young people in Great Britain, London: Palgrave Macmillan

² Department for Education (2013) Special educational needs in England

FOREWORD



No child should ever be left behind.

"The core values of British society are that we are free, fair and just. As long as children with autism are excluded from our education system and society in general then these values which we hold so dear are something that we can never aspire to. Autism is an invisible disability that is very easily misunderstood often with disastrous consequences for the people who are affected."

As a young person with autism I was lucky in that I was given fantastic support and opportunities from my secondary school and local youth service. That support enabled me to pass my GCSEs and discover my passion for politics.

You can judge a society based on how it treats those who do not fit the social norm. It's time that we start bringing out the full potential of autistic children and allow them an education that gives them what we all take for granted: a happy fulfilling life."

Dami Benbow
Youth Patron
Ambitious about Autism

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EXECUTIVE SUMMARY

Too many children and young people with autism are missing out on their education.

Ruled Out is a campaign that aims to raise awareness of this issue, and help families, schools and local authorities make sure that all children with autism access good quality, full-time education. We want every child with autism to get the quality education they need to learn, thrive and achieve.



We call on families, schools and local authorities across England to support our campaign and commit to making sure children with autism stop missing out on school.

Missing out on education leads to poor life outcomes for young people with autism, difficulty for their parents to stay in work, and long-term costs to society:

50% of parents of disabled children said that they were unable to work or had to give up working as a result of their child's regular exclusions.

32% of parents who did work reported having to take substantial time off³.

Just **15%** of adults with autism are in full-time paid employment⁴.

The Ruled Out campaign aims to ensure that:

1. Every **family** of a child with autism knows their rights, and has the resources to help their child get the support they are entitled to at school.
2. Every **school** has access to a specialist autism teacher, to build capacity among schools staff and to support children with autism to learn and achieve.
3. Every **local authority** sets out in their **local offer** the support available in their area to ensure children with autism have access to quality full-time education.

³ Contact a Family (2013) Falling through the net: illegal exclusions, the experience of families with disabled children in England and Wales

⁴ The National Autistic Society (2012) The way we are: autism

INTRODUCTION

This report uncovers the reasons why so many children with autism spend time out of school and what can be done to address this.

Missing school costs children dearly in terms of their educational outcomes and wellbeing, and has wider implications for family life and on-going costs to society.

2014 marks 70 years since the 1944 Education Act, which required free education to be available for all pupils for the first time. Yet 70 years on, our research reveals that children with autism are still missing out on this basic right.

The 1944 Act categorised many children with **special educational needs (SEN)** or disabilities as ‘uneducable’ and pupils were labelled as ‘maladjusted’ or ‘educationally sub-normal’. Thankfully these views are a thing of the past. We know that children with autism can achieve at school with the right support. But the statistics in this report show that **over half of children with autism are still not getting the right support.**

Articles 28 and 29 of The UN Convention on the Rights of the Child state that every child has the right to an education, that discipline in schools must respect children’s human dignity and that children’s education must develop each child’s personality, talents and abilities to the fullest⁵. Yet, there is a large body of evidence which suggests that children with special educational needs are at risk of school exclusion, both formal and informal⁶. Children with autism can struggle to cope at school without the right support and our research shows that when challenging situations occur, children are often asked to spend time out of the classroom. We know that this is preventable where families, schools and local authorities work constructively together and have the right tools and skills.

This report sets out case studies which illustrate the variety of reasons why children with autism end up out of education. It contains recommendations to support families, schools and government to ensure children with autism access excellent education, achieve their potential and do not miss out on school.

We are developing resources to support families, schools and local authorities to ensure all children with autism get the support they need to learn, thrive and achieve.

Visit AmbitiousAboutAutism.org.uk/RuledOut to find out more.



Methodology

To inform this report we surveyed over 500 families, 1,000 school staff, and gathered evidence from 92 local authorities through Freedom of Information requests. We carried out 30 in-depth interviews with young people with autism and parents about their experiences. A literature review was also undertaken.



THE CASE FOR CHANGE

A survey conducted by Ambitious about Autism demonstrates the huge proportion of children with autism who are missing out on their education, and facing illegal exclusions from school.⁷.



20% of parents say their child with autism has been formally excluded in the past 12 months.



4 in 10 children with autism have been excluded informally and therefore illegally during their time at school.



Over half of parents of children with autism say they have kept their child out of school for fear that the school is unable to provide appropriate support.

Government statistics show that pupils with a **Statement of Special Educational Needs (SEN)** are eight times more likely to receive a **permanent exclusion** than those pupils without SEN⁸. Pupils with SEN but no statement are 11 times more likely to be permanently excluded⁹.

“ I find making friends quite difficult and also some questions, I find quite confusing. I sometimes feel like I have to figure everything out on my own, and that can be quite hard. ”

Caleb, aged 13



⁷ Ambitious about Autism (2013) Understanding exclusion survey

⁸ Department for Education (2013) Permanent and fixed period exclusions from schools and exclusion appeals in England, 2011/12

⁹ Department for Education (2013) Permanent and fixed period exclusions from schools and exclusion appeals in England, 2011/12

For children with autism, spending time out of school hinders their ability to reach their potential and access a broad curriculum that will enable them to leave school with the skills they need to lead fulfilling and rewarding lives. Spending time out of school can add to the sense of isolation that children with autism and their families describe.

Children being out of school also impacts on parents and carers. A recent report by Working Families highlighted that frequent requests from a school to collect their child at an unscheduled point during the school day created a barrier to parents sustaining employment¹⁰. Our research backs this up.

One mum told us:

“My son being out of school has impacted us financially as a family in a really big way and things are a struggle at the moment.”

Clare

Another said:

“The receptionist of the school would ring at 8am to say my son couldn’t come in due to staff sickness. This was very unsettling for my son as he needed routine and structure and missed school. It was also very difficult for me as a single parent. I had to take a lot of time off work with no notice, which became challenging to manage.”

Jennifer

Many families of children with autism who experience **exclusion** from school tell us they are afraid to speak out, for fear that they will receive even less support if they are seen as ‘trouble-makers’.

As well as the financial and emotional cost to children with autism and their families, there is an on-going cost to the public purse. Good support at school is critical to children with autism fulfilling their potential, accessing work, and living as part of their local community. Evidence shows that the right support, at the right time, delivered through a child’s school, will maximise the chances of a child achieving positive outcomes and minimise the cost to the public purse¹¹.

Despite all this evidence children with autism continue to miss out on education.

The **Children and Families Bill** is a once in a generation opportunity to improve the support for children with SEN, including autism, in school. Our ambition is that the stories in this report will help schools and local authorities make the most of the SEN reforms, to ensure all pupils with autism, access quality full-time education.

We call on families, schools and local authorities across England to support our campaign and commit to making sure children with autism stop missing out on school.



Poor support at school

Failed school placements,
time spent out of school,
negative view of education
and poor qualifications

Poorly equipped for
adulthood, unable to work
or live independently, more
likely to be reliant on welfare
or in a residential setting

#ruledout

WHAT CAN I DO?

We need your support now.

3 steps to help:

1

Sign up to support Ruled Out

2

Write to your MP and local council about the campaign

3

Share your story

Please join the campaign today at
AmbitiousAboutAutism.org.uk/RuledOut

We want young people, families, professionals, politicians, and local authorities – everybody – to join our campaign to make sure children with autism get their chance to learn, thrive and achieve at school.



FAMILIES' STORIES



Each of these stories sets out a child's experience of missing out on school. The stories cover some of the different types of exclusion from education:

- Pg 10 **Formal exclusion**
- Pg 12 **Illegal or informal exclusion**
- Pg 14 **Lack of local schools that will support children with autism**
- Pg 16 **School refusal**
- Pg 18 **Alternative provision**
- Pg 20 **Small changes make a big difference**

Following each story we set out the legislation or guidance that covers each circumstance, and suggest recommendations to prevent children from missing out on school in this way in the future.

A number of families have asked not to be identified in the stories, for fear that they will receive reduced support as a result of speaking out about their experience. For this reason some names and photos have been changed.



FORMAL EXCLUSION

George is 13 years old and lives in the east of England with his family. He has a diagnosis of autism and a Statement of Special Educational Needs.

During break time another boy was winding George up. When George asked him to leave him alone the boy said 'make me' and so George, taking this literally due to his autism, pushed him away and a fight broke out. George received a **fixed-term exclusion** but the other boy involved did not.

George was given stamps on his record for poor behaviour in line with the school's behaviour policy. He did not understand why the stamps were being issued. George's mum had told his school that his autism and anxiety meant that behaviour stamps were not the best way of managing his challenging behaviour. The school decided that he should be treated the same way as the other children, regardless of his autism.

Six weeks after his fixed-term exclusion George had an anxiety attack in class. He tried to leave the classroom and knocked a table over in his rush to leave the room. This made the staff feel threatened; they did not have the skills or understanding to manage the situation. George was considered to have assaulted two teaching assistants and was permanently excluded. George was very upset when he understood that he had been excluded and would not be going back to school.

The local authority put George on a 'children missing from education' register and suggested that George attend a **pupil referral unit (PRU)**. The family did not feel this would be beneficial as it could not meet his needs. George missed a term of education following his exclusion, while his family searched for a school that could support him.



George is doing well at his new school and is looking forward to his GCSEs. His family have since won a tribunal case finding his former school guilty of disability discrimination on four counts by failure to make **reasonable adjustments** to prevent substantial disadvantage. George's mum feels that if teachers had accessed specialist advice they would have realised that they needed to make reasonable adjustments as required by law, and George would not have missed out on his education.



George's story demonstrates two things clearly:

1. The need for schools to make reasonable adjustments to their behaviour policies in order to comply with the law and have the best chance of supporting children with autism to thrive in school.
2. The need for all schools to have access to a specialist autism teacher, in order to work with parents to identify the underlying causes of behaviour, and develop positive and personalised ways to help young people with autism manage situations they find difficult.

What is the current guidance about formal exclusions?

The law around exclusions is clear. Statutory guidance states:

"As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with Statements of Special Educational Needs and looked after children. Head teachers should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a looked after child."

"Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs."

"Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review¹²."

Despite this guidance, children with Statements of SEN are eight times more likely to be excluded from school than their peers¹³. Some schools have great success in preventing exclusions for pupils with autism.

“A child with known SEN is never excluded from our school. All pupils with autism have a safe space which is staffed.”

Special Educational Needs Coordinator

“We see exclusion as an absolute last resort but it is important to recognise that it is sometimes necessary, for example to ensure the safety of staff, other pupils or the pupil his/herself. If we are considering excluding a pupil with autism we always make sure that there is a clear plan for the pupil’s return to school that is agreed by school staff in partnership with the pupil’s family.”

Head teacher



Formal exclusion: key facts

2,750

Official figures show that in 2011/12, **2,750 pupils** with autism received at least one fixed-term exclusion and 70 were excluded permanently¹⁴.



Children with Statements are **eight times more likely** to be permanently excluded than their peers; children with special educational needs but no Statement are 11 times more likely to be excluded¹⁵.

20%

Over 20% of parents who responded to our survey have a child with autism who has been formally excluded in the last 12 months¹⁶.

What needs to change to prevent formal exclusions for children with autism?

We know that the vast majority of schools want to provide the best quality education for all their pupils. Too often they simply do not have access to the specialist autism knowledge and skills they need to provide the best education for children with autism.

The **Autism Education Trust** has made great progress in rolling out autism training for thousands of school staff. We now need to ensure a national network of specialist autism teachers is in place so that every school in the country can benefit from specialist autism knowledge and skills.

We recommend: every school has access to a specialist autism teacher, to build capacity among school staff and support children with autism to learn and achieve.

¹² Department for Education (2012) Exclusion from maintained schools, Academies and pupil referral units in England: a guide for those with legal responsibilities in relation to exclusion

¹³ Department for Education (2013) Permanent and fixed period exclusions from schools and exclusion appeals in England, 2011/12

¹⁴ Department for Education (2013) Children with special educational needs: an analysis

¹⁵ Department for Education (2013) Permanent and fixed period exclusions from schools and exclusion appeals in England, 2011/12

¹⁶ Ambitious about Autism (2013) Understanding exclusion survey



ILLEGAL OR INFORMAL EXCLUSION

Clare's son is in Year 8. He was diagnosed with Asperger's Syndrome when he was in Year 5. He does not have a Statement of Special Educational Needs.

"I was called into school to collect my son for minor reasons; because he wouldn't stop tapping his ruler on a table or because he would not play outside at break time. This happened frequently, although it was never called exclusion. I negotiated a part-time timetable with the school as I thought this would help them plan my son's school attendance and avoid situations he found challenging. In reality there was no timetable and the school just told me the day before whether or not I was 'allowed' to bring my son into school. Sometimes they just said things like, "we have a special assembly tomorrow and we don't think he will cope so please don't bring him in" so I would have to keep him at home all day. For the last six weeks of Year 6, my son was attending school for just two hours a day.

This has continued through secondary school and now he is receiving multiple fixed-term exclusions. Despite the fact that he is obviously struggling at school, he still does not have a Statement of Special Educational Needs. I have decided to keep him out of school to avoid permanent exclusion while I try to get him statemented. My son being out of school so regularly has impacted us financially as a family in a really big way. Things are a struggle at the moment as I am not able to work."



Clare's story demonstrates the huge impact on children with autism and their families of being denied access to full-time education.

We would not accept reduced access to education for any other group of children; neither should we accept it for children with autism or other SEN. Children with SEN need — and have a right to — suitable full-time education. It is a national scandal that they are still being denied this 70 years after universal access to education was enshrined in law. It impacts upon their learning and development, their future life chances, and their parents' ability to hold down a job.

Many families told us about their experience of illegal exclusions, such as being regularly called at work and told they had to pick up their child from school in the middle of the day. Although in some cases temporary and planned use of 'part-time timetables' can be a positive way of helping pupils with autism transition into school after some time away, we are concerned that they are misused. Families we spoke to gave numerous examples of part-time timetables being used as a coping mechanism when schools fail to make reasonable adjustments and do not meet a child's needs. Parents we spoke to were also concerned that use of part-time timetables is unregulated and that there is a lack of clarity about how pupil's absence is recorded.

The number of children with autism that local authorities across England record as attending education part-time is 186. As this practice is illegal it is not surprising that the number of reported cases is low. The results of our parent survey, and existing evidence from the **Office of the Children's Commissioner, Ofsted** and Contact a Family¹⁷, suggest the actual number is significantly higher.

What is the current guidance about illegal or informal exclusion?

The Government's attendance guidance, updated in August 2013, is clear that schools must provide full-time access to education for all children:

"All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package."

A part-time timetable must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision. In agreeing to a part-time timetable a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence¹⁸."

Illegal and informal exclusions: key facts



40%

Our Freedom of Information request, sent to all local authorities in England, confirmed there are at least 186 children with a diagnosis of autism attending school part-time. **Almost half** of local authorities did not collect this data, so the actual number is likely to be considerably higher.

40% of parents of children with autism have been asked to collect their child from school at an unscheduled time, and **half** have kept their child out of school for fear that the school was not providing appropriate support.

What needs to change to prevent illegal or informal exclusions?

If local authorities do not know when children are missing out on school through illegal informal exclusions and part-time timetables, they will not be able to fulfil their legal duty to support children back into full-time education. We support the recommendation by Ofsted that schools should: 'Inform the local authority of any part-time education arrangements regardless of the type of school.' This will mean that local authorities have the opportunity to review the support a pupil receives and challenge schools where necessary¹⁹.

It is critical that local authority educational welfare services recognise the challenges some children with autism face at school and, while encouraging children back into school, are considerate of the anxieties a child may have, particularly if they have not been receiving the support they need or have been subject to bullying.

We recommend: Statutory attendance guidance should clarify that all schools must inform the local authority of any part-time schooling arrangements for children with SEN, and set out their plans to support the child back to full-time attendance within a time frame agreed with the family.

¹⁷ Contact a Family (2013) Falling through the net: illegal exclusions, the experiences of families with disabled children in England and Wales

¹⁸ Department for Education (2013) School attendance statutory guidance and departmental advice

¹⁹ Ofsted (2013) Pupils missing out on education: low aspirations, little access, limited achievement



LACK OF LOCAL SCHOOLS THAT WILL SUPPORT CHILDREN WITH AUTISM

Alice is 14 years old and has a diagnosis of autism.

Alice attended a mainstream primary school where her needs were not understood or met, leading to her feeling frustrated and displaying challenging behaviour towards other pupils and staff.

With no measures in place to prevent her anxiety and escalation of behaviour, or to ensure the safety of others around her, Alice's teachers resorted to physically restraining her despite advice that this would exacerbate her anger. In Year 5 this escalated and there were several incidents that resulted in Alice's mum being asked to collect her from school early.

After one of these incidents Alice's mum was told not to bring her in the following day, and given the option to have her daughter's absence recorded as sickness or exclusion. The absence was recorded as exclusion as Alice's mum hoped that the severity of this incident would be the catalyst for her daughter receiving more support at school. This did not happen. Alice's parents considered their options. They were not able to identify any other schools within the area that they felt would be better able to support Alice's learning.

Alice's parents anticipated that she would be the victim of frequent similar exclusions that, they felt, would be detrimental to her education in the long-term and so decided to take her out of school.

For almost five years, Alice has been home educated independent of the local authority and without support.

Alice's mum believes that there were measures that could have been taken when Alice was still attending school that could have made her experience more positive. "Proactive rather than reactive support, personalised for her own specific needs, rather than off-the-shelf, generic strategies, would have helped her," she said.

Reflecting on her daughter's experience at school, Alice's mum highlights the problems that go unnoticed:

“In my experience schools create the illusion of providing an education but actually if you dig a little deeper often the child is just being contained in school. They're spending time sat in corridors or quiet rooms and not really learning anything. Alice is much less stressed now and is well-adjusted, but I wish there was a school locally that wanted to support Alice as she has so much to bring to the classroom. **”**

 **Alice's story is one of many we heard from parents who were not able to find any schools in their local area that would appropriately support their child. In some cases children had spent years out of education as a consequence.**

All schools have legal duties to admit, teach and support children with SEN.

Some parents decided that the best option was to **deregister** their child and educate them at home. Thousands of families across England choose to educate their children at home and in many cases parents and children feel positive about this. However, it should never be the case that families are forced to educate their child at home as a result of inadequate local provision. Where home education is necessary as a short-term solution (perhaps while a child is waiting for an assessment) families must be able to access the specialist advice and support they need from professionals to make sure that their child does not fall behind.

What is the current guidance?

What the law says:

"Local authorities have a legal duty to ensure there is a school place for every child in their area. The school places must provide the pupil with appropriate education. When carrying out this duty local authorities must have particular regard to 'the need for securing that special educational provision is made for pupils who have special educational needs' (section 14(6)(b) Education Act 1996)."



Lack of local schools: key facts



It is illegal for schools to attempt to coerce parents to home educate as a means of avoiding their duty to provide education for a child. It is also illegal to use the threat of permanent exclusion as a way to persuade families to deregister their child and home educate²⁰.



According to our Freedom of Information request there are over **400 children** with autism recorded as being **educated at home across** England, of those, 308 have a Statement of SEN.



Statements of SEN are not legally enforceable for children who are home educated. **Parents can request** an assessment and a statement could help families understand their child's needs but children are not entitled to the provision listed unless they are on the school register.



Parents who choose to home educate assume financial responsibility for their child's education. This is set out in paragraphs 5.1–5.2 of Elective home education: guidelines for local authorities. Local authorities **can provide funding** but it is at their discretion and not usually available.

What needs to change to allow better access to local schools for children with autism?

Local authorities have a legal responsibility to ensure all children with SEN in their area are identified and receive the support they need to achieve at school. The Children and Families Bill will introduce a requirement on local authorities to publish a local offer setting out what support families of children with SEN can expect to receive. We suggest the local offer will be instrumental in ensuring every area demonstrates how its local schools are accessible to learners with SEN.

Local offers should include:

- The range of support that schools have for pupils at risk of exclusion.
- What support is available for pupils who are out of school to help them re-engage.
- Clear sanctions that local authorities will take against schools engaging in illegal or poor practice in this area.
- How schools are able to access specialist autism teachers.

We recommend: Every local authority sets out in their local offer the support available to ensure children with autism have access to quality full-time education.



HUGH'S STORY

SCHOOL REFUSAL

Hugh is 13 and was diagnosed with autism when he was 11. He is currently attending a mainstream secondary school, with an autism unit.

Hugh was badly bullied and did not receive any additional support at primary school. He was not able to access much of the work set by the class teacher. He was very anxious and it often took the physical efforts of his extended family to force him to go to school. Hugh's family tried to raise their concerns with the school and suggested that he might have special educational needs.

The teachers at Hugh's school offered to exclude Hugh 'for his own safety' as they were very concerned by the bullying he was facing on a daily basis. Hugh's mum refused the exclusion as she was determined that the school should support Hugh and recognise his autism rather than try to 'push him out of school'. Hugh got a diagnosis of autism in his final year of primary school but no additional support followed.

When Hugh started secondary school things became even more challenging. Classes were taught in large rooms with up to 90 pupils. The noise and movement of 90 other children was very difficult for him to manage. Although he was allowed to go to the autism unit for structured break times, there was no additional support during lessons.

Hugh began to refuse to go to school. He would become very violent when he was asked to go to school and would smash windows and doors as a way of expressing his anxiety. This absence was recorded by the school as unauthorised. Hugh's family came under enormous pressure from the education welfare team to force Hugh to attend school and were threatened with prosecution.



Hugh's mum continued to try to explain the toll that attending school was having on Hugh's mental health and that he needed more support.

Hugh has missed months of school and is now attending school for an average of four hours a day. His school have allowed him to focus on English, maths and science and he spends all his time at a dedicated workstation in the autism unit.

Hugh is going through the process of getting a Statement of SEN. His family are working to find a school that will work better for Hugh.

His mum says:

The combination of Hugh's very negative experiences at school, and his more general anxieties which relate to his autism, means that school is a very difficult place for Hugh. Academically Hugh is very able, but his autism means it is too easy to 'write him off' as someone who doesn't want to learn.

Hugh's story shows the far-reaching impact of negative experiences at school.

Many of the families we spoke to said their children with autism experienced serious anxiety about their education due to the distressing experiences they had at school.

This was sometimes a result of bullying, of not being able to participate in lessons, or of struggling to cope with break times and lunchtimes. As a result, some children no longer felt able to attend school and, despite their parents and teachers' best efforts, refused to attend.

The families cited a direct link between school refusal and a lack of support at school. Some families described long and unsuccessful struggles to access the mental health services their children needed to help address their extreme anxiety towards school.

What is the current guidance on school refusal?

There is little guidance or information about school refusal.

Parents who do not ensure their child's attendance at school face prosecution by local authority educational welfare services. It is therefore critical that professionals are able to access guidance about how best to support children with autism who refuse school, and that their families are constructively engaged in conversations about how to tackle the underlying causes of school refusal.

Local authorities have a legal duty to identify and carry out a statutory assessment of the needs (s.323 Education Act 1996) of those children within their area who have special educational needs and are likely to require their authority to determine special educational provision to meet those needs²¹.



School refusal: key facts



Education welfare officers are employed by local authorities to work with schools, pupils and families to support **regular school attendance**.



Local authorities and schools can use various **legal powers** if a child is missing school without a good reason: Parenting Order, Education Supervision Order, School Attendance Order, penalty notice and prosecution. The local authority can issue one or more of these orders but it doesn't have to do this before prosecuting.



70% of individuals with autism also meet diagnostic criteria for at least one other (often unrecognised) psychiatric condition that impairs their psychosocial functioning²².



Parents of children with autism raised concerns about school play times and lunch breaks, with **over 70%** saying they were 'difficult' or 'frightening' periods in the school day²³.

What needs to change?

Schools and educational welfare officers must recognise that where pupils have special educational needs, such as autism, school refusal can be a result of anxiety. It is important that professionals work with parents to address the causes of this and ensure that pupils are accessing the support that they need at school.

We recommend: Head teachers should provide a regular update to the **SEN Governor** in each school on children who have special educational needs who are not attending school full-time.

²¹ Education Act 1996

²² National Institute for Health and Clinical Excellence (2011) Autism diagnosis in children and young people: recognition, referral and diagnosis of children and young people on the autism spectrum

²³ Anti Bullying Alliance (2013) Give us a Break



ALTERNATIVE PROVISION

**Joseph is 18 years old.
He was diagnosed with
Asperger's when he was 14.**

He has a Statement of SEN and is currently studying for his A levels at a mainstream college supported at a post-16 placement run by the Priory Group.

Joseph exhibited some challenging behaviour at primary school but his school didn't seem to think that this warranted any further assessment or investigation. It wasn't until Joseph was 14 and really starting to struggle at secondary school that his parents were able to get a diagnosis of Asperger's with support from the community paediatrician. From Year 7 Joseph found it difficult to go to school and would periodically refuse to go in. By Year 9 he would not go at all.

Joseph's dad was called into school and challenged for allowing Joseph to truant from school. Joseph was then referred to a pupil referral unit (PRU) over 12 miles away. A taxi would come and collect him but the taxi kept coming at different times throughout the day which was very unsettling for Joseph and eventually he refused to go to the PRU as well. Joseph and his family felt it was never clear what Joseph's school hoped he would achieve at the PRU. Staff at the centre told him he might achieve 1 GCSE. Joseph's parents knew that he could achieve more than this and that the unit was not the right setting for him.

Joseph's case went to Tribunal and the local authority agreed to fund Joseph's place at a residential school where he achieved 10 GCSEs. Joseph really enjoys his college and is set to do really well in his A levels and hopes to go on to university to study Astrophysics.



Joseph thinks that if his teachers had a better understanding of autism and been able to access more support they would have understood that the pupil referral unit was not the right place to provide the support he needed. He is hundreds of miles away from his family and this is something that Joseph's family find a real challenge.



Joseph's story shows how an unmet special educational need can result in challenging behaviour, poor mental health and wasted academic potential.

Joseph's behaviour and refusal to attend school was not a symptom of his unwillingness to learn. It was a symptom of the lack of support he received. It was only as a result of the challenge his family made to his local authority that it was recognised that without the tailored package of support Joseph would not reach his academic potential.

What is the current guidance?

Alternative Provision – Statutory guidance for local authorities 2013.

“Governing bodies of maintained schools must ensure that parents (and the local authority where the pupil has a statement of special educational needs) are given clear information about any placement in alternative provision: why, when, where, and how it will be reviewed and involve them in the review. It is recommended that Academies follow this as good practice.”



Alternative provision: key facts

1%

79% of children in pupil referral units (PRU's) have SEN²⁴. In 2006 only 1% of 15-year olds in PRU's received five GCSEs at grades A*-C or equivalent²⁵.



Local authorities are responsible for arranging suitable education for permanently excluded pupils, and for other pupils who — because of illness or other reasons — would not receive suitable education without such arrangements being made.



Governing bodies of schools are responsible for arranging suitable full-time education from the sixth day of a fixed-period exclusion.



The Government is currently running a trial in which schools retain responsibility for the attainment of pupils who they send to alternative provision. They are also expected to pay for pupils on their register to attend this provision from their school budget.

£15,000

A place at a pupil referral unit costs £15,000 a year. A place in a mainstream school — £4,000²⁶.

What needs to change?

Given the proportion of pupils with special educational needs who are attending alternative provision, it is important that schools share information about a pupil's needs and any additional support the pupil has accessed to date. It is important that providers of alternative provision make an accurate assessment of any special educational needs to ensure that these needs are met.

Children in alternative provision should have clear targets for progress and achievement, so their education does not suffer whilst they are out of school.

We recommend: A referral to alternative provision should trigger a Statement review or an initial assessment to ensure that a pupil's needs are identified and are able to be met by the proposed setting.

²⁴ Department for Education (2011) Children with special educational needs: an analysis
²⁵ Centre for Policy Studies (2010) Children behaving better
²⁶ Department for Children, Schools and Families (2008) Back on track



SMALL CHANGES MAKE A BIG DIFFERENCE

Naomi is 9 years old and has a diagnosis of autism and severe communicative and receptive language difficulties.

Naomi has a Statement of Special Educational Needs and goes to a local mainstream primary school. Naomi's mum told us about her experience.

"Thanks to an early diagnosis and an excellent early support service Naomi had a Statement when she started school. During the first two years of school Naomi struggled. She became frustrated and her behaviour started to deteriorate. She ended up spending the majority of her time outside of the classroom. Naomi's school noticed that she was not making as much progress as she should be and made a number of changes that have made a big difference.

Naomi's class teacher understands the need to be flexible. Naomi has her own work station in the classroom so she is able to choose to work with a group or on her own. This means that she is able to stay in the classroom much more and manages group work much better. Naomi struggles with writing at times so she has the opportunity to choose whether she writes, uses a laptop or has her teaching assistant scribe for each activity during lessons.

The school built a sensory room which Naomi is able to access throughout the school day. This has dramatically improved her ability to concentrate and had a very positive impact on her behaviour at school.



The school understand the importance of routine and support Naomi with this by supplying her with a visual timetable and allowing her to have lunch at the same time each day, with a friend, rather than on a changeable weekly rota.

With the correct support Naomi is bright and able to achieve. Knowing that both the class teacher and school leadership are responsive when I raise concerns with them is critical. Without a flexible approach and the willingness to listen to expert advice Naomi would not be the confident and enthusiastic learner she is."



Naomi's story demonstrates that small changes can make a big difference in enabling children with autism to access learning.

A reasonable adjustment under the Equality Act 2010 means making a change to the way that something is routinely done to ensure that disabled people are not put at a substantial disadvantage compared to others. An example of a reasonable adjustment would be for a school to allow a pupil with autism and sensory sensitivities to leave the classroom slightly earlier than other children so they can avoid busy, noisy halls when going from one lesson to another.

Failure to make reasonable adjustments can mean that pupils find school a challenging and isolating environment and fail to reach their academic potential. In 2011/12 just **23.5%** of pupils with autism **achieved five A*-C GCSEs** compared with **58.8% of all pupils²⁷**.

What is the current guidance?

All schools must make reasonable adjustments for pupils with disabilities such as autism. The Equality Act 2010 sets out that:

"The duty to make reasonable adjustments requires a school to take positive steps to ensure that disabled pupils can fully participate in the education provided by the school, and that they can enjoy the other benefits, facilities and services which the school provides for pupils. Many reasonable adjustments are inexpensive and will often involve a change in practice rather than the provision of expensive pieces of equipment or additional staff."

Good practice example

Suffolk County Council have an outreach service, dedicated to supporting pupils with autism in mainstream schools. If a mainstream placement is appropriate the service ensures the effective inclusion and education of the pupil. Staff work in partnership with schools and pupils, modelling strategies, supporting transition and providing training.

“A child in our school is building up to becoming full-time. I do not feel the pupil would have been able to do this successfully without the help and advice we have had from the council. Without the strategies we have been given this child would not cope in a mainstream environment. ”
Head teacher



Small changes make a big difference: key facts



Schools are responsible for delivering the contents of a pupil's Statement of Special Educational Needs or Education, Health and Care Plan. This should make clear to schools what a child needs in order to access lessons.



If a pupil is at **School Action Plus** (or additional SEN Support from September 2014) **schools should seek external advice** from the local authority or health service. This might, for example, include input from a speech and language therapist or the Child and Adolescent Mental Health Service.

60%

71% of children with autism are in mainstream school yet **60% of teachers** in England do not feel they have had adequate training to teach children with autism²⁸.



35% of teachers think it has become harder in the last 12 months to access specialist support for children with autism²⁹.

What needs to change to enable children with autism to access learning?

All schools must be reminded of their legal duty to make reasonable adjustments to ensure that pupils with special educational needs can fully participate in the school. School staff must know where they can get advice and support on how best to meet the needs of pupils with autism.

We recommend: The Autism Education Trust should deliver training in all schools to support them in including pupils with autism in school life, differentiating the curriculum and making reasonable adjustments to meet additional needs.

²⁷ Department for Education (2013) GCSE and equivalent attainment by pupil characteristics in England, 2011/12

²⁸ NASUWT (2013) Support for children and young people with special educational needs

²⁹ NASUWT (2013) Support for children and young people with special educational needs

CONCLUSION

Our research confirms that there are thousands of pupils with autism across England who are missing out on education.

Although the ways in which they miss out are varied and complex there are clear themes that link all of their stories.

We need to make sure:



1

Every family of a child with autism knows their rights, and has the resources to help their child get the support they are entitled to at school.

2

Every school has access to a specialist autism teacher, to build capacity among school staff and to support children with autism to learn and achieve.

3

Every local authority sets out in their local offer the support available in their area to ensure children with autism have access to quality full-time education.

We believe that if the changes we recommend are adopted thousands more children and young people with autism will access good quality, full-time education in their communities. With the right support children and young people with autism can, and do, succeed at school.



GLOSSARY

Alternative provision

Education provided by local authorities for pupils who are unable to attend mainstream education due to exclusion, illness or other reasons; education supplied by schools during a period of fixed-term exclusion; or education provided off-site by schools to improve a student's behaviour.

Autism Education Trust (AET)

The Autism Education Trust (AET) is funded by the Department of Education (DfE) and was founded by Ambitious about Autism, The Council for Disabled Children and The National Autistic Society (NAS). The AET is a partnership of organisations with an interest in autism and works to improve education for children with autism.

Children and Families Bill

A Bill to reform legislation relating to adoption and children in care; aspects of the family justice system; children and young people with Special Educational Needs; the Office of the Children's Commissioner for England; statutory rights to leave and pay for parents and adopters; time off work for antenatal care; the right to request flexible working.

Deregistration

Deregistration is the process whereby parents can elect to take their child off the school roll and educate them at home. To deregister a child from a mainstream school, parents must write a letter to the head teacher of the school who will in turn inform the local authority. To deregister a child from a special school, parents must seek permission from their local authority, which should not be unreasonably refused.

Equality Act 2010

Legally protects people against discrimination in society, including in schools and the workplace. It replaces previous anti-discrimination legislation with a single Act to strengthen protection. It sets out the ways in which it is unlawful to treat someone.

Exclusion

An exclusion, either permanent or fixed-term, is an exclusion that has been recorded by the school. There is no minimum time period stated for a formal exclusion; if a child is removed from school for any period of time it must be recorded formally as an exclusion.

Fixed-term exclusion

Fixed-term exclusion is when a child is excluded from school for a specified period of time. The child must remain at home for the duration of the exclusion and the school is required to provide the child with work for the first five days of exclusion. If the period lasts over five days, it is the school's responsibility to find alternative full-time education for an excluded pupil. A child can only be removed from school for a total of forty five days in one school year.

Freedom of Information request

The Freedom of Information Act gives the right to make a Freedom of Information request to any public sector organisation for any recorded information on any subject. Anyone can make a request for information — there are no restrictions on your age, nationality or where you live.

Informal exclusion

If a school asks parents to take their child home in the middle of the school day or to keep their child at home without recording the absence as an exclusion, this is informal exclusion; a practice that is illegal.

Local authority

The local body responsible for maintained schools in England and ensuring there are sufficient school places available. They are responsible for identifying children with special educational needs and providing the provision to meet the needs of those children, whatever type of school they are in.

Local offer

A new requirement set out in the Children and Families Act. It is the obligation of every local authority to detail services available in its area to children and young people between the ages of 0 and 25 who have special educational needs and/or disabilities (SEND). This should also include services outside its area that it expects children and young people from the area will use. Information about education, health and care services, leisure activities and support groups will all be published in one place. The SEN Code of Practice will provide guidance on the local offer.

Office of the Children's Commissioner

The Office of the Children's Commissioner promotes the rights, views and interests of children in policies or decisions affecting their lives. They particularly represent children who are vulnerable or who find it hard to make their views known. The Office of the Children's Commissioner is an executive non-departmental public body of the Department for Education.

Ofsted

The Office for Standards in Education, Children's Services and Skills. Ofsted reports to Parliament and is responsible for inspecting services which provide care for children and young people and educate learners of all ages.

Permanent exclusion

If a child is permanently excluded the head teacher has decided that the child cannot continue to receive their education in their school. Their name will be removed from the school's roll. It is the local authority's responsibility to find the excluded child full-time education after the sixth day of them being excluded.

Pupil Referral Unit (PRU)

Pupil referral units are a type of school for children who are not attending school. LA's have a duty under section 19 of the Education Act 1996 to provide suitable education for children of compulsory school age who cannot attend school. Placing pupils in PRU's is just one of the ways in which LA's can ensure that they can comply with this duty.

Reasonable Adjustments

A reasonable adjustment (under the Equality Act 2010) is a legal duty on all public bodies, including schools, to change the way that something is routinely done to ensure that disabled people, including children and young people, are not put at a substantial disadvantage compared to others.

School Action Plus

School Action Plus is used when there is evidence that a child is not making progress at school, there is a need for action to be taken to meet the child's needs and School Action has not helped the child to make sufficient progress. This level will usually involve outside services and advice, for example from the LEA's support services, health or social work.

SEN Governor

It is good practice for governing bodies to appoint an SEN governor. Their role is to make sure that the governing body and the school staff keep in mind the needs of pupils with special educational needs. They also help review the school's policy on provision for pupils with SEN and ensure that parents have confidence in this provision.

Special Educational Needs (SEN)

The definition of Special Educational Needs is set out in the Education Act 1996. It says 'a child has special educational needs for the purposes of this Act if he has a learning difficulty which calls for special educational provision to be made for him'.

Special Educational Needs Coordinator (SENCo)

Responsible for a school's special educational needs provision. All mainstream schools must appoint a qualified teacher to be their SENCo.

Statement of Special Educational Needs

A legal document that includes all the provision a child is legally entitled to support him/her at school. From September 2014, they will be replaced with Education, Health and Care Plans as part of the Children and Families Bill.



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Charity number 1063184

Registered company 3375255

Published: February 2014

Design: **Minx Creative**