Conflicts in Professional Concern and the exclusion of pupils with SEMH in England.

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Abstract

Pupils with Social Emotional and Mental Health (SEMH) needs are disproportionately excluded from schools in England. Drawing on data collected from interviews with Local Authority Education Officers in 2017/18 in a project that looked at disparities in rates of permanent exclusion across the UK, the aim of this paper is to explore how the influence of perverse incentives in the system, as well as the potentially different primary concerns of actors involved in inter-professional work, may undermine practices of inclusion in schools and lead to the exclusion of pupils with SEMH. The review of existing literature and current analysis presented in this paper highlights a number of potential factors which may be leading to the exclusion of pupils with SEMH in England. The data analysis and proposed theoretical frameworks presented in this article contribute to the knowledge on ways in which the fragmentation of the English school system has failed many SEMH learners. Our argument here is that professional communication to support pupils with SEMH requires inter-professional understanding and respect for the primary concerns of different agencies. It is this reciprocal support for mutual understanding that underpins effective inclusive practice for pupils with SEMH. Inclusion in schools is a complex process that involves both meeting individual needs and the collective needs of the school community. It involves effective communication with other agencies and professionals who may have very different primary concerns. However, in circumstances of challenge and limited resources there is a heightened risk that pupils with SEMH can become collateral casualties of policy change who find themselves locked in a process in which they are evacuated to the social margins of schooling

Keywords: School exclusion, pupils with SEMH, inter-professional work

Introduction

Pupils with Social Emotional and Mental Health (SEMH) needs are disproportionately excluded from schools in England (Graham et al. 2019). Drawing on data collected from interviews with Local Authority (LA) Education Officers in 2017/18 as part of the *Disparities in rates of permanent exclusion from school across the UK* project (John Fell Fund162/092),

the aim of this paper is to explore how the influence of perverse incentives in the system, as well as the potentially different primary concerns of actors involved in inter-professional work, may undermine practices of inclusion of pupils with SEMH in schools. In extreme cases this can lead to the exclusion from school of pupils with SEMH. Our argument here is that professional communication to support pupils with SEMH requires inter-professional understanding and respect for the primary concerns of different agencies. It is this reciprocal support for mutual understanding that underpins effective inclusive practice. Slee (2018, 2) has argued that inclusive education 'seeks to identify and dismantle barriers to education for all children so that they have access to, are present and participate in and achieve optimal academic and social outcomes from school.' However, inclusion in schools is a complex process that involves both meeting individual needs and the collective needs of the school community. It also involves effective communication with other agencies and professionals. There may be considerable differences between the motives that drive the work, for example, of professionals in child and adolescent mental health services, social workers involved in child protection, and those that work as teachers in schools. Professionals working with particular families and young people may not share a common professional background, values or perception of what matters most for the child concerned. They often do not share a common physical location and may meet quite fleetingly in a variety of configurations. Whilst these patterns may differ considerably between institutional settings and their networks, the response to the complexities and contradictions involved in inter-agency working in England has, we suggest, been influenced by the perverse incentives in the system.

Exclusion of pupils with SEMH

Despite the wide recognition in international human rights law of the right of all pupils to education, increasing numbers of young people in England are being removed from school through legal (permanent/expulsion and fixed period/suspension[1]) and illegal forms of exclusion. This is alarming given the well documented negative short- and long-term consequences of being excluded from school, including various forms of social exclusion, few school qualifications, sexual exploitation and exposure to violent crime and grooming by drug gangs, disengagement from the labour market, long-term psychiatric illness, and being more likely to go to prison (see Barnardos 2018; Graham et al. 2019; Hudek 2018; HMCI, 2017; IPPR 2017).

Reporting in 2020, the RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) found that there had been a 60 percent increase in the number

[1] Fixed period exclusion refers to when a pupil is temporarily removed from school. Permanent exclusion refers to when a pupil is prohibited from returning and they are removed from the school register (DfE 2017).

of pupils who had been permanently excluded over the last five years; with 7,905 pupils permanently excluded in 2017/18, and 410,753 receiving a fixed period exclusion (Partridge, Landreth Strong, Lobley and Mason 2020; Department for Education (DfE) 2020a). In the same year (2017/18), children with identified special educational needs (SEN) accounted for 46.7 percent or all permanent exclusions and 44.9 precent of fixed period exclusions (Timpson 2019, 36). Turning to the latest available figures, pupils of SEN are seen to constitute a significant minority of school pupils in England with 12.1% of school pupils in 2019-20 receiving SEN support and 3.3% with an Education, Health and Care Plan (EHCP)[2] (DfE 2020b). Figures also show that the permanent exclusion rate for pupils with an EHCP is 0.15 of the school population and rises to 0.32 for pupils receiving SEN support. This compares to a permanent exclusion rate of 0.06 for those pupils without SEN (DfE 2020a). While the permanent exclusion rate of pupils with EHCPs is around half that of pupils receiving SEN support, the fixed period exclusion rates for both groups are similar (15.59 for pupils receiving SEN support and 16.11 for pupils with an EHCP) and much higher than pupils without identified SEN (3.75; DfE 2020a). In his review of school exclusions, published in 2019, former Children's Minister Edward Timpson suggested that the lower rate of permanent exclusions of pupils with EHCPs may be due, in part, to the 'strength of the statutory guidance, which sets out that head teachers should "as far as possible" avoid permanently excluding a child with an EHC Plan' (Timpson 2019, 36). However, with evidence to suggest that 'children who have been excluded are more likely to go on to be identified as having SEN, or those with SEN support being issued with a EHC Plan after their exclusion' (Timpson 2019,38) this statement is debatable and warrants further exploration.

Returning to the official figures for formal exclusion, the Timpson Review and other reports have also shown that exclusion rates vary by type of special educational need or disability (SEND), with the highest rate of exclusion found for children with SEMH difficulties without EHCPs (see Social Finance, 2020; Timpson, 2020). A systematic review published in the Emotional and Behavioural Difficulties (EBD) Journal in 2014 showed that '[c]hildren with impairing psychopathology had greater odds of exclusion compared to the rest of the school-age population: odds ratios range from 1.13 (95% CI: 0.55–2.33) to 45.6 (95% CI: 3.8–21.3)' (Parker et al. 2014, 22; see also: Achilles, Mclaughlin, and Croninger 2007; Bowman-Perrott et al. 2011; Whear et al. 2013) and a secondary analysis of the 2004 and 2007 British Child and Adolescent Mental Health surveys identified a bi-directional association between psychological distress and exclusion (Ford et al. 2017). In other words, mental health difficulties are both the cause and result of exclusion and not meeting this need undermines the inclusion of pupils with SEMH.

[2] 'SEN support' outlines the help given to individuals with SEN in a school. An EHCP is a plan of care for children and young people aged up to 25 who have more complex needs.

Alongside formal exclusions, a study conducted in Cheshire West and Chester found that pupils with SEMH needs also had significantly higher rates of persistent absence, managed moves, early exits, and school changes (moving from one mainstream school to another between school censuses) (Social Finance 2020). Other commentators have also raised fears about 'hidden' or illegal forms of exclusion of children with SEN such as off-rolling and forced moves (see House of Commons Education Committee, 2018; Hutchinson and Crenna-Jennings 2019; IPPR 2017; Ofsted 2018; Timpson 2019). An analysis by the Education Data Lab found that large numbers of pupils with SEN have left the state sector from both mainstream and special schools, with the highest proportion of those pupils leaving having behavioural, social and emotional difficulties (Thomson 2020). Inclusion, in this sense, is reduced to parental choice within a system of selective segregation (Done and Andrews 2020). What is less well documented are the pressures that have led to these 'choices.'

Increasing need and decreasing capacity

A number of possible explanations for the higher rates of legal and illegal exclusion amongst pupils with SEN, and SEMH specifically, have been proposed. Parsons (2018) has argued that systemic pressures on schools has resulted in many of the most vulnerable children missing out on mainstream education. In 2017, the then Children's Commissioner for England, Anne Longfield, stated that '[i]n hundreds of mainstream schools, children with special educational needs are being illegally excluded because the school does not feel able to cope' (Children's Commissioner 2017, 4). In their government funded literature review, Graham et al. (2019) also noted that the higher exclusion rates of pupils with SEMH and additional needs appears to reflect challenges faced by schools and staff in identifying and meeting these needs. Reduced school funding has resulted in limited scope, and decisions not, to buy in specialist support (Marsh 2015; Davies, Diamond and Perry 2021). Since 2017, the proportion of pupils within mainstream schools with EHCPs has grown, alongside a general increase in SEN amongst the school population. Against a backdrop of austerity and stretched budgets, Partridge et al. (2020) argue that schools and local authorities have been unable to keep up with demand.

Turning to look at mental health support, an investigation by the Education Policy Institute (Crenna-Jennings and Hutchinson 2018) found that referrals to specialist Child and Adolescent Mental Health Services (CAMHS) in England increased by 26 per cent from 2012 to 2018. However, between one fifth and one quarter of all referrals were rejected, mainly on the grounds that the young person's condition was not deemed serious enough and they therefore did not meet eligibility criteria. The report also found that those who were accepted for treatment faced long delays, leaving schools to meet both the low- and high-level needs of their pupils without specialist support (Crenna-Jennings and Hutchinson 2018). Relatedly,

Timpson (2019, 26) found that special school staff were concerned over the lack of places in specialist settings for pupils with SEMH, which has put 'pressure on mainstream and other special schools to meet the needs of children when it may be outside their area of expertise.' Parents and carers who took part in the research presented in the Timpson Review 'spoke about exclusion of children with SEN being the result of a failure to understand and properly identify children's needs, or using this information to put in place the right support to help them overcome barriers and engage with the curriculum offer' (Timpson 2020, 38). The government's mental health trailblazer programme (NHS 2021), which has introduced Mental Health Support Teams trained to provide early intervention for low level mental health and emotional wellbeing issues into 82 sites in England since 2018, has been acknowledged as providing a positive step towards reducing exclusions (IntegratED 2020). However, some have argued that the programme has not gone far enough, quickly enough (Adams 2018). In their study of school exclusion in Cheshire West and Chester, Social Finance found that the lack of support available for pupils with multiple lower-level needs is putting a strain on school budgets. They claim that financially 'there is a perverse incentive to exclude pupils with additional needs, particularly if they do not meet high thresholds for support, as the Local Authority takes over responsibility for supporting the pupil in these cases, thereby stopping school overspend on their allocated budget for that child' (Social Finance 2020, 4). An alternative incentive was highlighted by Timpson (2019, 39) who suggested that some schools may be using permanent exclusion as 'a deliberate tool' to ensure a proper assessment of a child's needs is made, and as a way to fast track moves to alternative settings.

In addition to highlighting perverse financial incentives, Social Finance (2020) also found that notional SEN budgets which are not ringfenced are often used for other purposes by schools, which raises questions around how budgets are being prioritised. Similarly, through Freedom of Information requests, the children and young people's mental health charity, Young Minds (2018), found that 43 percent of NHS Clinical Commissioning Groups had redirected additional funding that they had been allocated for children's mental health to other priorities possibly because of overall LA budget cuts. Britton, Farquharson and Sibieta (2019) also found that local authorities had reduced their spending per pupil on services including SEN support and assessment and educational psychology by 57 percent.

Alongside increased need, stretched budgets, and reduced capacity, other direct and indirect consequences of national policy have been identified as factors that have potentially influenced the growth in school exclusion. Of primary concern is the fundamental tension that has arisen between aims of inclusion and the drive to improve standards (Ainscow, Booth and Dyson 2006; Daniels, Thompson and Tawell. 2019).

Direct and indirect consequences of national policy

In 2013, the Children's Commissioner for England (2013a, 47) called for a greater understanding of the ways that conflicting policy motives that underpin, for example, school league tables, inspection regimes, the reduction of specialist services and a lack of accountability around exclusion, may in practice form 'perverse incentives' for schools to exclude pupils. More broadly, researchers and practitioners alike have raised concerns around the pressure to meet the dual commitments of raising standards and ensuring the inclusion of all pupils in mainstream schools. In an increasingly fragmented, autonomous and marketized system, characterised by performative professionalism and high stakes testing, competitive practices rather than collaboration are encouraged (Ball 2003; Connell 2009).'

Alongside the financial constraints outlined earlier, performance management and current accountability systems also seem to have undermined the capacity of schools to meet the needs of pupils with SEN. Wilson, Croxson and Atkinson (2006) found that league table pressures can in some circumstances mean a disproportionate amount of time is spent on teaching the children on grade borderlines rather than those necessarily in need of extra attention because of a special need or because of the effects of social and economic disadvantage; two challenges which often go hand in hand (see Cole, 2015; Daniels and Cole, 2010; Thompson, 2020 for discussions of the overlapping experiences of disadvantage experienced by young people with SEN). More recently, senior leaders and teachers who took part in research conducted by the RSA 'reported that increasing scrutiny on schools in the last five years, including the introduction of Progress 8, incentivises schools to exclude pupils who are unlikely to perform well academically or who may disrupt learning for other pupils thereby negatively impacting their performance' (Partridge et al. 2020, 31). The RSA also found 'that school inspections might have unintended consequences' with some interviewees describing 'the incentive to exclude students whose behaviour might negatively impact upon a school's judgement' (Partridge et al. 2020, 31). Thompson (2020) has noted how the high stakes testing which is designed to hold schools and teachers to account has led to a narrowing of the curriculum, which may also be contributing to the rise in school exclusion (see also House of Commons Education Committee 2018; Partridge et al. 2020). The pressures on schools to introduce measures for their pupils to pass the next test may be at the expense of strategies that assist young people's long-term cognitive development or emotional well-being. Perryman, Ball, Maguire and Braun (2011) found that some schools feel their primary responsibility to be the academic progress and attainment of their pupils rather than a more balanced mix of social, emotional and attainment factors.

Moreover, despite evidence which supports the use of early intervention and multidisciplinary responses to prevent escalating mental health needs in young people (see Fazel, Hoagwood, Stephan, and Ford 2014; Tejerina-Arreal et al. 2020) and thereby

potentially school exclusion, some research has found that academisation and the breaking of the local authority school relationship has contributed to a move away from distributed expertise in schools. This has resulted in both a breakdown in some areas of joined up services for vulnerable children and their families, and conflicting perspectives on the rights and needs of young people as well as the responsibilities of schools and local authorities (see for example Parish and Bryant 2015; Partridge et al. 2020).

Policy discourse in England has also tended to locate the reasons for exclusion within characteristics of individuals rather than develop an understanding rooted in the wider context of education, social and health policies, and further reduced the likelihood of taking a holistic approach to meeting need (Mills, Riddell and Hjörne 2014). Though many organisations, including Public Health England (PHE; former executive agency of the Department of Health and Social Care), have promoted the adoption of whole school approaches to mental health (see PHE 2015 (updated 2021); Stirling and Emery 2016; Anna Freud 2020), and the Department for Education has taken steps to bring together guidance on mental health and behaviour (see for example DfE 2018), nonalignment with other guidance around behaviour and exclusions has resulted in an inconsistency in messaging (Timpson 2019). In fact, instead of schools adopting behaviour management approaches which recognise behaviour as 'communication', the RSA (Partridge et al. 2020) and Machin and Sandi (2018) found that many schools have adopted behaviourist approaches were behaviour is understood to be 'learned,' alongside zero tolerance approaches/policies (despite evidence from the USA suggesting that such policies do not benefit staff or pupils and do not in themselves lead to a rise in educational attainment; see for example: Kang-Brown, Trone, Fratello and Daftary-Kapur 2013; Martinez 2009).

Lastly, added to the already complex and fragmented landscape of mainstream schooling is the proliferation of 'alternative' forms of provision to which 'troublesome' pupils can be outsourced. Increasingly, these alternative forms of provision have floated free of local political control and in the process created a 'market' for possibilities of removal from mainstream education. Again, the attainment driven competition between schools results in incentives to remove low attaining pupils and at the same time a new private sector of alternative provision and 'SEN industry' competes for marginalised pupils and offers the means for achieving different forms of exclusion (Tomlinson 2012).

Theoretical considerations

Young people with SEN, particularly those with SEMH, often require support from a variety of different sources within schools, from local educational authorities who are responsible for pupils with SEN, and from professionals from different agencies such as health, social services

or the justice system. The formulation of this support should be both needs driven and responsive to fluctuations in requirements over time if genuinely inclusive practice is to result (Slee 2012). However, structural and systemic perverse incentives can become apparent when professionals from different services working with young people with SEN do not, or cannot, work together effectively to meet their needs. This conflict of the primary concerns of the different actors involved in supporting young people with SEN, creates critical challenges to inclusive practice and fundamental differences in the way inclusion/inclusive practices are understood

It is this aspect of challenges to inclusion that is the focus of the theoretical framework of this article. The question here is how to overcome both the influence of perverse incentives in the system as well as the potentially different primary concerns of actors involved in inter-professional work in order to best meet the needs of pupils with SEN. It has long been argued that problems which are in practice multi-dimensional are often sliced into professionally bounded segments of practice which have great difficulty in communicating and acting in what is often categorised as a 'joined up way' (Edwards et al. 2009).

Advanced forms of inter-professional working require actors moving beyond their separate scripts to a shared understanding of the problem (Engeström, Brown, Christopher and Gregory 1997). The term 'script' here refers to established ways of working and the specific actions and roles assigned to specialists in particular settings. The danger here is that these specialists remain boundaried in their work and often develop little understanding for the work of their supposed colleagues in different services. Eraut (1994) drew an important distinction between reflection 'in action' and reflection 'on action.' Whilst reflection in action may well occur in co-operative and co-ordinated systems, reflection on action is more difficult to attain and to act on. Engeström et al. (1997, 373) discuss reflective communication in terms of the actors 'reconceptualising their own organisation and interaction in relation to their shared objects and goals. This is reflection on action. Both the object and the script are reconceptualised, as is the interaction between the participants.' The emphasis here is on reciprocal support for mutual understanding characterised by Victor and Boynton (1998) as co-configuration between an organisation and its users. This general structure of communication aims to produce adaptive services achieved through dynamic, reciprocal relationships between providers and clients (Victor and Boynton 1998).

Daniels et al.'s (2007) analysis of inter-agency working drew directly upon developments in Cultural Historical Activity Theory (CHAT) which focus specifically upon the transitions and reorganisations within work settings involving multiple agencies (see for example: Engeström, 1999, 2004; Puonti, 2004). Daniels et al. (2007) argued that effective inter-agency collaboration to support social inclusion for vulnerable young people involved co-configuration. This definition of co-configuration is comparable with emerging forms of

social provision in which a range of agencies and otherwise loosely connected professionals are required to collaborate with young people and their families to develop forms of support over extended periods of time. Importantly, co-configuration is a participatory model, in which inter-agency relationships include clients as well as professionals. Co-configuration is also characterised by what Engeström, Engeström & Vähääho (1999) describe as *knotworking*: a rapidly changing, partially improvised collaborations of performance between otherwise loosely connected professionals.

Data collection and analysis

The data drawn on in this article is a subset of data from the Excluded Lives project: *Disparities in rates of permanent exclusion from school across the UK* (2017/18) funded by the John Fell Fund (162/092). This study aimed to develop a model of the different practices and outcomes of exclusion across the UK through an analysis of the perspectives of key stakeholders and the development of a theoretical account of policy and practice around exclusion. The study analysed national datasets on permanent and fixed period exclusions in the four UK jurisdictions as well as relevant legislation and national policy guidance, and semi-structured interviews conducted with 27 key stakeholders from England (n=7), Northern Ireland (n=5), Scotland (n=5) and Wales (n=3). All interviews, aside from those in Northern Ireland, were conducted by two members of the research team and with the consent of the participants were audio-recording and transcribed. The interviews lasted between 40 and 90 minutes and covered the following topics:

- Recent developments in policy and practice relating to exclusions at national and local level
- Positive aspects of policy and practice in the respondent's jurisdiction/LA helping to prevent/reduce exclusions
- Support and provision available for "at risk" and excluded students
- Threats to current levels of support
- Accuracy of data on permanent and temporary exclusions
- LAs' ability to track excluded students
- Scale, nature and effects of unofficial exclusions.

In this article, we draw only on the data from the English interviews with six LA/Education Officers drawn from two LAs and one Third Sector/Voluntary representative. The LA officers had remits for education (overall), exclusion/inclusion, additional and/or alternative provision, child and adolescent mental health, special and/or additional needs and disability, and students Not in Education, Employment or Training (NEET). Though the interviews did

not focus specifically on the exclusion of pupils with SEMH, the discussions raised important issues pertinent to this group.

Initial thematic coding of the English interviews was presented in Daniels et al. (2019) and a comparative look at the data was published in an earlier issue of the EBD Journal (Cole et al. 2019) and a paper focused primarily on Scotland by McCluskey et al. (2019). Sally Power's paper in the current issue presents an analysis of the Welsh data. For the purpose of this paper, data collected in the two English LAs were reanalysed. This involved a combination of deductive coding using a set of two *a priori* codes: perverse incentives and primary concerns, and open inductive coding, including versus coding (Creswell, 2013; Saldaña 2016). Team meetings were held to discuss and agree themes. The results of the analysis are presented in the following section under the overarching theme of *conflicts of primary concern*.

Conflicts of primary concern

The analysis of the data identified a number of different trade-offs between policy agendas and budget allocations/spending that practitioners found themselves having to navigate. Perverse incentives, changed resource and governance environments, and conflicting practice priorities were seen as contributing to practitioners' (in)ability to meet the needs of young people with SEN, and SEMH more specifically, and acted in some cases as barriers to inter-agency working. All of these factors were seen as potentially contributing to the witnessed increase in school exclusion in England.

1. *Inclusion versus exclusion*

Interviewees drew attention to a perceived change in political discourse over recent years, with a move away from an emphasis on inclusion to a stronger focus on managing challenging behaviour and strengthening the power of head teachers to exclude. The respondents drew attention to particular policy documents, including the then new statutory guidance on school exclusion (2017) and its sister document *Behaviour and discipline in schools* (DfE 2016a). Though some thought the updated statutory guidance was *"… clearer in terms of what was guidance and what was law"* (LA1: Respondent 2), there was a general feeling that it had been stripped of its substance.

Interviewees also highlighted the unhelpful tone and content of the *Behaviour and discipline in schools* guidance. The stress on school staff's powers of discipline (punishment, reasonable force, searches, use of detention and isolation rooms) was seen to overshadow the brief mention of the need for good behaviour policies, ethos, mutual respect and identifying

and addressing hidden needs. There was suggestion that this change in language had led to a change in culture and practice in schools, with mainstream schools becoming *"less inclusive"* (LA2: Respondent 1) and *"much less toleran[t] of behaviours"* (LA1: Respondent 3), and school behaviour policies becoming *"… less conducive to kids who've got additional needs. They're more rigid… there's less movement within them"* (LA1: Respondent 2). Respondents also discussed how increasing individualisation of problem behaviour in public and political discourse, coupled with the re-categorisation introduced by the SEN Code of Practice (2015) which reduced the number of pupils recognised as having SEN. They felt that performative pressures on schools had led to an increasing number of schools, seeing their primary concern as academic excellence and improving league table positions rather than the inclusion of all pupils. This echoes the findings of Perryman et al.'s (2011) study.

> *"I think their [school staff] attitudes reflect the attitudes of society at large, so I think society is giving permission to those professionals who already hold those views, but possibility also influencing people who wouldn't have been going down that route, but are finding it really hard going because there are some really difficult kids out there who, in the past would have thought, 'I've got to try and do more', and now—they can, 'Well it's ok, I can just say it's their fault, it's the child's fault, get them away because my job is to get everybody to A*'."* (LA1: Respondent 3)

> "*… schools want old school EBD [Emotional and Behavioural Difficulties] schools," "they want to remove the problem from their school." (*LA1: Respondent 3)

Two interviewees suggested that one way to encourage more inclusive practice, would be to incorporate the positive and helpful advice given in the Department for Education's *Mental health and behaviour in schools* guidance (DfE 2018) preferably into the statutory guidance for school exclusion itself, but failing that, into the *Behaviour and discipline in schools* guidance. Given the intertwining of challenging behaviour/SEMH and exclusions this seems like a sensible suggestion. Indeed, Timpson (2019, 12) picked up on this very point in his review of school exclusion and recommended that:

> *'DfE should also ensure all relevant, overlapping guidance (including behaviour management, exclusion, mental health and behaviour, guidance on the role of the designated teacher for looked after and previously looked after children and the SEND Code of Practice) is clear, accessible and consistent in its messages to help schools manage additional needs, create positive behaviour cultures, make reasonable adjustments under the Equality Act 2010 and use exclusion only as last resort, when nothing else will do.'*

2. *Performance versus meeting need*

The long quote from Respondent 3 from LA 1 presented above also draws attention to the "trade-off" that some teachers feel they face between meeting academic targets and meeting need. Mirroring the findings from the RSA study, interviewees suggested that the way in which the curriculum is being shaped, outcomes are reported, and schools are judged is leading to a number of challenges which often heighten the chances of exclusion. The introduction of the Progress 8 (DfE 2016b) benchmark in 2016 had reportedly led to an unhelpful narrowing of schools' curriculum offer. The intention of Progress 8 was to capture the attainment progress a pupil makes from the end of primary school to the end of secondary school. It is a type of value-added measure, which means that pupils' results are compared to the actual achievements of other pupils with similar prior attainment. However, this is undertaken on a narrow range of measures, with English and Mathematics carrying double weighting, and has resulted in a progressive narrowing of the curriculum:

> *"Our feeling is that it is because of how schools are judged, that it's about if kids aren't going to succeed in terms of the data, and Progress 8 is not going to help."* (LA1: Respondent 3)

Respondent 1 from LA 1 commented that:

> *"The curriculum has been made much more prescriptive, to get to the expected level, it's far more difficult and teachers who want to teach inclusively are finding it very difficult… which has knock on effects on behaviour and engagement."*

Respondent 1 also felt that teachers were concerned about the progress of other students who may have their learning disrupted by students displaying challenging behaviour and the negative affect that this behaviour may have on their school's image:

> *"Parents like good behaviour in schools. That's a big selling point. And we don't care about our neighbours next door."* (LA1: Respondent 1)

In the highly marketised and competitive school system, maintaining a good reputation was seen as being of key importance.

3. *Funding constraints and spending trade-offs*

The growth in children and young people experiencing social, emotional and mental health difficulties was identified by the LA officers as one of their biggest challenges. In line with the findings reported by RSA (Partridge et al., 2020), the Third Sector Representative suggested that rising numbers of pupils with EHCPs, combined with increasing numbers of young people being permanently excluded from school was putting pressure on high needs block funding[3]:

> "*So, what I've been writing this morning is about the high needs block, and that's the block of funding that Local Authorities hold to fund SEN and Alternative Provision (AP), and like all these systems, they have certain statutory duties. So, they've got a job with the high needs block to keep kids in mainstream… When the kids get excluded or need to go to special school, the money gets taken out of the high needs block to pay for it and reduces the amount that the Local Authority can support the schools. So, every graph is going up. The number of kids [who] are excluded is going up. The number of kids with EHC plans is going up. The number of kids in special school is going up. So as all these go up, the high needs block gets smaller and smaller, so the support that they can give to schools gets smaller and smaller. The behaviour support team gets smaller and smaller. So then mainstream is even less able to keep them in, so more kids fall out, so we end up in a cycle, and that's where we are now, and it's going to burst." (Third Sector Representative)*

Relatedly, the interviews revealed a major concern about the extensive closure or cuts made to support services, including education welfare/family link services, behaviour support, and educational psychology, which, it was argued, used to play a key role in helping schools to avoid excluding pupils with SEMH:

> *"To be frank, we're in a position at the moment where schools are feeling the pinch financially, they are struggling with the reduction in all services across the board and support systems and increasingly turning to exclusion because I don't think they feel genuinely they have another option."* (LA2: Respondent 2)

In the current climate of squeezed funding and reduced support, teachers have to decide how to allocate budgets to achieve the best returns. They must weigh up the benefits against the costs and ask: "Is it worth it?" The concept of worth may take on different meanings depending on the primary concerns or priorities of the school. Many of the respondents in the current study, found that schools who prioritised attainment, were less likely to devote sufficient

[3] High needs funding covers pupils with SEND and those in Alternative Provision settings. It is provided to local authorities through the high needs block of the dedicated schools grant.

resources to curriculum areas or alternative packages that would appeal to and play to the strengths of pupils with additional needs:

> *"There's a real reluctance now for schools to put in an alternative package in Key Stage 4 [students aged 14–16]. Now, whether that is to do with… Progress 8, it's because of the qualifications they will take, yeah. And also, the cost implication, and a permanent exclusion, even the other week I asked a headteacher if he would consider an alternative package for this young man, and his answer was financially it wasn't an efficient use of the school resources, so the answer was no."* (LA1: Respondent 2)

> "*Our argument is that schools are meant to make Alternative Provision for those children who struggle in the mainstream curriculum and the schools don't want to fund any form of Alternative Provision, they just want to get rid."* (LA 1: Respondent 3)

> "*As schools' budgets reduce, schools are beginning to just look down at themselves, they have less capacity and they're certainly not up for buying in extra things."* (Third Sector Representative)

Interviewees identified tensions and contradictions between primary concerns of costs of inclusion and exclusion. In line with the findings from Social Finance (2020), they reported that head teachers found it cheaper to exclude a pupil with additional needs, thereby transferring financial responsibility for that pupil to the LA, than to buy in the support from the LA and other services. The £4,000 'penalty' issued to schools who refuse to readmit a child after being directed to reconsider a permanent exclusion was seen to be an insufficient deterrent (see DfE 2017 for information about the school exclusion review process). Against the backdrop of performativity, investing in meeting the needs of young people with SEMH and other additional needs was simply seen as not 'worth' it:

> "*So, a headteacher said to me, you know 'It'll cost me £12,000 to put a full-time alternative package in… and then secondary to the money, when the young person is at the alternative provider it's going to significantly impact on my Progress 8,' and that's what schools are telling us."* (LA1: Respondent 2)

> "*Everybody has to concentrate on the pure part of the curriculum and teaching which is why we get the exclusions we get… Actually, there are cases where school staff would say 'We'll take the hit, we'll take the fine'."* (LA2: Respondent 2)

The tensions between concerns about need and concern about finance and attainment were seen as important priors to decisions to exclude, and barriers to establishing effective inter-agency working.

4. Us versus them

The fragmentation of the education system, and breaking of the school and LA relationship, along with resource reductions and changing commissioning landscapes, was seen to have eroded patterns of communication between professionals in schools and relevant LA officers, and allowed academies to opt out of systems, such as Fair Access Panels[4], which are in place to ensure vulnerable students receive an appropriate education:

> *'The whole academisation programme has seriously undermined the relationship between the local authorities and schools… They've lost that nurturing presence of the local authority and they haven't got anything to replace it.'* (LA1: Respondent 3)

As support services became 'traded' rather than 'maintained' by the LA, it was claimed that interventions beyond statutory work, such as training and capacity building in mainstream schools, were lost. While one of the LAs felt that they had managed to retain a focus on early intervention to some degree and were "just so managing" (LA1: Respondent 1), officers from the second LA felt they were working in a "reactive" (LA2: Respondent 2) "fire-fighting" (LA2: Respondent 1) mode. Despite staff restructuring in LA1, which Respondent 1 felt had led to a better understanding of "*who to contact and who links with who,"* there was a general feeling in both LAs that, like in Edwards et al.'s (2009) study, their work was constrained by the silos that exist, not just between the LA and some schools, but also between different LA departments. Officers from both LAs also talked about not "*get[ting] contacted as early in the [exclusion] process as we used to"* (LA1: Respondent 1) for advice or assistance, and the recent resistance they had faced from academies in terms of letting them attend school exclusion hearings to support parents.

Concerned inclusion officers regretted their loss of influence/lack of ability to act as advocates for children with SEMH and other SEN. They noted that the protections supposedly

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[4] 'Each local authority is required to have a fair access protocol, which directs how they handle admissions outside of the normal admissions rounds. The protocol must be agreed by a majority of schools and are binding for all schools within the local authority area. It is intended to ensure that children, particularly the most vulnerable, are offered a school place quickly. This includes pupils who have been excluded from school. Local authorities often coordinate the placement of pupils in partnership with local schools through a regular meeting, commonly referred to as a 'fair access panel'' (Partridge et al. 2020:9).

afforded by the Disability Discrimination Act were sometimes circumvented. They reported that there were instances where they had no levers to change academies' views that exclusion was inevitable or desirable. Interviewees talked about how reduced accountability around exclusions, resulting from the replacement of Independent Appeal Panels with Independent Review Panels, who can no longer direct reinstatement of permanently excluded pupil (Ferguson and Webber 2016), together with academisation, had led to the role and responsibilities of the LA becoming *"quite muddied"* (Third Sector Representative):

> *'So, there's also then the stuff around who's responsible for the support to prevent exclusions, so local authorities having the role to provide the behaviour support services and those sorts of services. Again, that got lessened by academies, because academies get the funding that local authorities previously held. So, the local authority's ability to support schools to keep kids in was reduced and their legitimacy to do so I guess was also under attack.'* (LA2: Respondent 2)

> "*What should the Local Authority role be in that [exclusion process] and what do schools want? Because there's an element of want and what our responsibilities are in terms of Ofsted because we are inspected and challenged and we carry responsibility for those children, yet we don't—we don't have the same authority that we once had. So, this is the big bubble of challenge."* (LA2: Respondent 2)

In an increasingly devolved system, LAs are having to juggle their responsibility as a maintaining authority, while also developing their role as 'facilitator' (Parish and Bryant, 2015). The mediational role of the LAs as the middle tier between school and system level factors can be characterised as uneven and involving multiple tensions that have implications for both consistency of provision and equity (Greany, 2020).

Conclusion

In this article we sought to explore how the influence of perverse incentives in the system as well as the potentially different primary concerns of actors involved in inter-professional work may be undermining practices of inclusion in schools and leading to the exclusion of pupils with SEMH. The evidence from the LA officers suggested that the conflicts and contradictions of primary concerns in the education system can work against practices of inclusion and instead promote the exclusion of young people with SEN who become victims of tensions between institutional need to be seen to excel and practices that support a diversity of need. At the same time, conflicts in the primary concerns of the different actors involved in supporting young people in inter-professional work can hamper their ability to best meet the

needs of pupils with SEMH. These conflicts have consequences for SEMH pupils and those concerned with their schooling and welfare. When parents and teachers respond to social, behaviour and educational performance they deem problematic, they are faced with the challenge of responding appropriately in a context in which the nature of the difficulty and its causes are often not clear or are ambiguous. Arguments are made for particular courses of action often with appeals to specialist knowledge in order to justify specific forms of intervention. These are complex social processes in which identification and intervention are not discrete or sequential activities. They are intertwined, often contested and highly situated forms of argumentation and justification. Institutional arrangements shape the possibilities for action and direct attention towards specific forms of argumentation, evidence and preferences for intervention, and deflect attention away from others.

Responsive forms of social pedagogy require the professional freedom to go beyond standard formulations of provision (as in co-operation) in order to make meaningful engagement with those who run the greatest risk of exclusion. These advanced forms of professionalism, as identified in the inter-agency research (see for example: Daniels et al., 2007; Edwards et al., 2009) and the CHAT informed knotworking approach (Engeström et al., 1999), could help to identify and reduce difficulties in settings that are riven by conflicts of primary concern. The structural and interactional features of these perverse incentives, if left unchecked, will serve to erode all the well-intentioned work which has taken place over the past 50 years in the UK to develop inclusive practice.

There is a contradiction between the political consensus that education should be fairer and a blind reliance on the market in education to achieve this. This has resulted in a series of educational policies and reforms around the diversification of types of school, the marketisation of education and competition between schools that might be seen to exacerbate the problems around inclusion rather than address them. As West (2010) has argued, high-stakes accountability systems can have negative and sometimes profound unintended consequences. Pressures on schools to perform can lead to a culture of fear which leads to schools spending disproportionate time and resources on those pupils whose results improve league table performance rather than meeting the needs of those most disadvantaged. There is a policy need to reduce competition between schools and increase cooperation in order to broaden and enrich curricula. The development of coherent models of inter-agency working is dependent upon systematic analysis of new forms of professional practice, framed by understanding of the historically changing character of organisational work and user engagement. In our data, we saw how the LA as an agency had become marginalised with a consequent reduced mediational role. With regard to emerging practices around inter-agency working to counter school exclusions for pupils with SEMH, there is a pressing need to identify and conceptualise the key features of learning and practice in work settings in which a range

of agencies and otherwise loosely connected professionals might collaborate with young people and their families to innovate and develop forms of provision over extended periods of time.

Overall, the review of existing literature and current analysis presented in this paper have highlighted a number of potential factors which may be leading to the exclusion of pupils with SEMH in England. The data analysis and proposed theoretical frameworks presented in this article of the accounts of LA education officers has contributed to the knowledge on ways in which the fragmentation of the English school system has failed many learners with SEMH. However, additional research, specifically focused on SEMH and involving the perspectives and accounts of other stakeholder groups, including schools, parents/carers and children/young people is needed to build a complete picture. Since the data presented in this paper were collected, there has been a proliferation of guidance around mental health in schools, prompted partly by the COVID-19 pandemic (see DfE 2020c; 2020d; Tawell et al. 2020). Further research is therefore also needed to explore the extent to which priorities, practice and areas of primary concern may have changed in line with this new policy landscape. In circumstances of challenge and limited resources there is a heightened risk that pupils with SEMH can become collateral casualties of policy change (Bauman 2004) who find themselves locked in a process in which they are evacuated to the social margins of schooling (Slee, 2012).

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