

Enacting national school exclusion policy at the local level in England: An embedded single-case study



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Glossary

AP: Alternative Provision

BESD: Behavioural, Emotional and Social Difficulties

CAMHS: Child and Adolescent Mental Health Services

CIN: Child in Need

CP: Child Protection

DCSF: Department for Children, Schools and Families

DfE: Department for Education

DfEE: Department for Education and Employment

DfES: Department for Education and Skills

DSL: Designated Safeguarding Lead

DWR: Developmental Work Research

EBacc: English Baccalaureate

EHCP: Education, Health and Care Plan

ESFA: Education and Skills Funding Agency

FAP: Fair Access Protocol

FSM: Free School Meals

GCSE: General Certificate of Secondary Education

GDC: Governors' Disciplinary Committee

IYFAP: In Year Fair Access Panel

IAP: Independent Appeal Panel

IRP: Independent Review Panel

LA: Local Authority

LAC: Looked After Child(ren)

LEA: Local Education Authority

MAT: Multi-academy Trust

NHS: National Health Service

ORF: Official Recontextualising Field

PCAMHS: Primary Child and Adolescent Mental Health Services

PEX: Permanent Exclusion

PRF: Pedagogic Recontextualising Field

PRU: Pupil Referral Unit

PTSD: Post-traumatic stress disorder

SEN: Special Educational Needs

SEND: Special Educational Needs and Disability

SEMH: Social, Emotional and Mental Health

SENDIASS: Special Educational Needs and Disabilities Information Advice and Support Services

SEU: Standards and Effectiveness Unit

SLT: Senior Leadership Team

TAF: Team Around the Family

VSH: Virtual School Head

Abstract

Recent reports have drawn attention to variations in school exclusion practice in England with schools being found to adopt widely differing thresholds for issuing fixed period and permanent exclusions. While studies have sought to understand rising rates of school exclusion in England, little research has been conducted to explore how national school exclusion policy is variously enacted at the local level and the factors that affect decision-making. Moreover, most research has focused on the school level, with less attention being paid to the role of local authority officers who hold a duty to provide suitable full-time education for young people who have been permanently excluded and have previously been identified as the main source of advice for all parties involved in the exclusion process. Through a broadly ethnographic, embedded single-case study conducted in one local authority in England over a 16-month period, this DPhil thesis provides an in-depth account of how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities. Building on Ball, Maguire and Braun's (2012) work on policy enactment, Singh, Thomas and Harris' (2013) work on recontextualising policy discourses, and concepts from both the sociocultural and Activity Theory schools of thought, new conceptualisations of *policy-as-artefact* and *policy enactment as mediated activity* are proposed to explore the ways in which policy both mediates and is mediated by action, and how different contextual factors 'weave together' (Cole 1996:135) in complex assemblages to inform how national school exclusion policy is enacted at the local level. Drawing on previous national policy analyses on school exclusion in different political periods in England, as well as broader accounts of education policy developments, and primary policy sources, I identify a number of what I term *policy paradoxes*, which I argue are continuously and dynamically negotiated and navigated by policy actors when both producing and enacting school exclusion policy. Primary data collection for the study involved ethnographic observations in different embedded units, including local authority offices, meetings of an Action Group on reducing school exclusion, In Year Fair Access Panels, and two schools alongside semi-structured in-depth interviews with a range of key stakeholders from across the different embedded units (n = 60) and the collection of local policy documents. The data were analysed using an eclectic and iterative coding method; moving back and forth between the data and theory, and both deductive (a priori) and inductive (emergent) codes were used. By looking across different local authority, school, and multi-agency settings and activities, the thesis offers new insights into (1) the interpretation and translation work undertaken by local authority officers as they make meaning of school exclusion policy in an increasingly autonomous education system, (2) how national school exclusion policy was collaboratively recontextualised to form a local framework for reducing school exclusions; (3) the extent to which national school exclusion policy is understood as black and white or open to interpretation and (4) the contextual factors that schools identified as affecting how schools 'do' school exclusion policy. The thesis also provides (5) a first look into how placement decisions post permanent exclusion are negotiated by exploring the enactment of the local Fair Access Protocol and the different constructions of fairness being worked on by the In Year Fair Access Panels. In so doing, the thesis offers a glimpse into an often-neglected aspect of the school exclusion and reintegration process.

Key words: *school exclusion policy, fair access protocol, in year fair access panels, policy paradoxes, policy-as-artefact, policy enactment as mediated activity, embedded single-case study, England.*

Dedication

For my grandparents

Audrey and William 'Bob' Tawell

You are so dearly missed

&

Joy and Michael 'Mick' Grimwade

For your endless love and support

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Publications

The following peer-reviewed paper was published in the International Journal of Inclusive Education as part of the special issue on 'Inclusive education in complex landscapes of stakeholders, agendas and priorities' in November 2023:

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The findings reported in this paper are based on an earlier iteration of the analysis presented in Chapter Six of this thesis: How schools 'do' school exclusion policy.

Chapter One: Introduction and rationale

Introduction

In 2016, I was working as a Research Assistant on a project, which aimed to build an interdisciplinary view of school exclusion, when a practitioner working in alternative provision (AP)¹ remarked: “*Policy is one thing and what happens in practice can be slightly different as we all know.*”² At the same time, I was conducting research into the lived experiences and trajectories of young people who had been permanently excluded from school for my master’s thesis, when a young man, Connor, mentioned that he had been sent home on occasion from his mainstream school. I asked Connor if this was recorded as a fixed period exclusion³, to which he responded: “*I dunno whether it’s, I think it’s an authorised absence because they’ve sent me home*” (Tawell 2017:61). While technically fixed period exclusions are recorded as a form of authorised absence under ‘Code E - Excluded but no AP made’ (see Department for Education (DfE) 2018a; 2022a), Connor’s response alludes to the use of what the then Children’s Commissioner (2013a:4) referred to as ‘off the record, informal or under the radar exclusions’ in which the formal policy process is circumvented; an issue that has gained increased policy and media attention over recent years (see for example: Children’s Commissioner 2013b; Weale 2015; Spielman 2017; Gill,

¹ Alternative provision (AP) refers to ‘education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour’ (DfE 2013a:3). AP covers all educational provision outside mainstream and special schools, including LA maintained Pupil Referral Units, AP academies and free schools, and independent AP (Partridge et al. 2020).

² The Principal Investigator on the Excluded Lives project has given permission for this previously unpublished quotation to be included in this thesis.

³ In 2019, the DfE announced that they would be returning to referring to fixed period exclusions as suspensions (see DfE 2019a). However, as fixed period remains the term used in legislation, and reflects the term used when I began my fieldwork, I have chosen to refer to fixed period exclusions throughout this thesis.

Quilter-Pinner and Swift 2017; Nye and Thomson 2017; Ryder, Edwards and Rix 2017, House of Commons Education Committee 2018; Hutchinson and Crenna-Jennings 2019a; Parsons 2018; Rowe, Neale and Perryfrost 2019; Timpson 2019). It was these comments that inspired me to conduct the present study and led me to question how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level.

Context

In England there are two types of formal school exclusion:

1. Fixed period exclusion, whereby a pupil is temporarily removed from school (the period of time lost to fixed period exclusion can total no more than 45 days in one school year).
2. Permanent exclusion, whereby a pupil is prohibited from returning to the school and they are removed from the school register (DfE 2017a).

As well as being a formal sanction, exclusion from school has also been described as a multi-faceted process by researchers who have studied both the factors (individual, school/institutional, familial, and social) that are related to school exclusion (Gazeley et al. 2013), and pupils' pre- and post-exclusion trajectories (Daniels et al. 2003). Permanent exclusion from school often follows a history of social and behavioural challenges, sanctions, and 'progressive pupil dislocation' (Stirling 1999:93; e.g., being on report, internal isolation, fixed period exclusions), as well as referrals to and involvement with various professionals and services, such as Child and Adolescent Mental Health Services (CAMHS), social care, youth offending services, and the In Year Fair Access Panel (IYFAP) to name just a few (Tawell, Saghy and Yang 2018). Carlile (2009:266) notes that 'an

instance of permanent exclusion from school represents the crystallising intersection of a series of complex pictures.’

When I started this research, it was against a backdrop of increasing rates of both fixed period and permanent exclusion (see Table 1). The rise, which began in 2012/13, coincided with legislative change brought about by the Education Act 2011 and the introduction of new statutory guidance (DfE 2012a), which removed the power to direct reinstatement of pupils at the appeal (now review) stage of the exclusion process (described in detail in Chapter Two). In the year in which the fieldwork for this study commenced (2018/19), the rate of permanent and fixed period exclusions had reached 0.10 percent and 5.36 percent of the school population, respectively. The figures for 2019/20 have been included in Table 1 as this is the year in which I conducted the majority of my fieldwork, however comparison of these figures to previous year’s should be treated with caution as they cover a period from March 2020 when school sites were partially closed due to the Covid-19 pandemic (see DfE 2021a).

Table 1: Number and rates of permanent and fixed period exclusion from state-funded primary, secondary, and special schools in England: 2012/2013-2019/2020

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Number of exclusions								
<i>Permanent</i>	4,630	4,950	5,795	6,685	7,720	7,900	7,894	5,057
<i>Fixed period</i>	267,520	269,475	302,975	339,360	381,865	410,800	438,265	310,733
Exclusion rate (percentage of school population)								
<i>Permanent</i>	0.06	0.06	0.07	0.08	0.10	0.10	0.10	0.06
<i>Fixed period</i>	3.51	3.50	3.88	4.29	4.76	5.08	5.36	3.76

Data sources: DfE 2010a; 2011a; 2012b; 2013b; 2014a; 2015a; 2016a; 2017b; 2018b; 2019b; 2020a.

Despite the general upward trend presented in Table 1, it is important to clarify three points. First, school exclusion rates are found to vary within and between Local Authorities (LAs) in England (Vulliamy and Webb 2000; Timpson 2019; IntegratED 2020). In their 2014 quantitative longitudinal analysis of exclusions from English secondary schools, Strand and Fletcher (2014:3) found that:

In multi-level regression models the school (20%) and the Local Authority [LA] (6%) levels account for significant variation in rates of FTE [Fixed Term Exclusion] and very little of this is explained by school characteristics (though schools serving a higher proportion of students from poor families were less likely to exclude, after controlling for the higher risk of exclusion for individual students).

They concluded their report by arguing that sociocultural and school policy dimensions may be the drivers behind variability in exclusion rates.

Secondly, despite various policy changes over the past 30 years, some groups of pupils remain consistently overrepresented in exclusion figures, namely pupils who are male, Black Caribbean or Gypsy/Roma and Travellers of Irish heritage, eligible for Free School Meals (FSM), have a Special Educational Need or Disability (SEND), and are in Year 9 or above (DfE 2020a). Looking at the data that is publicly available, persistent disruptive behaviour has remained the most common reason for both fixed period and permanent exclusion since 2008 (DfE 2010a; 2011a; 2012b; 2013b; 2014a; 2015a; 2016a; 2017b; 2018b; 2019b; 2020a).

Digging deeper, recent analysis conducted using the 2016/17 School Census data for the *Timpson review of school exclusion* (discussed in Chapter Two) found that ‘78% of permanent exclusions issued were to pupils who either had SEN [Special Educational Needs], were classified as in need or were eligible for free school meals [FSM]. 11% of permanent exclusions were to pupils who had all three characteristics’ (Timpson 2019:10). Further, children eligible for FSM were found to be 40 percent more likely to be permanently

excluded than those who were not eligible when controlling for other differences (Timpson 2019), and ‘children with identified SEN accounted for 46.7% of all permanent exclusions and 44.9% of fixed period exclusions’ (Timpson 2019:36). Children receiving SEN Support⁴ were issued both fixed period and permanent exclusions three times more often than all children, and children with Education, Health and Care Plans (EHCPs)⁵ were 2.8 times more likely to receive a fixed period exclusion compared to the rest of the school population. However, the permanent exclusion rate for those with EHCPs was around half those of children with SEN Support. The analysis also found that compared to those with no social care classification, Looked After Children (LAC) were around 2.3 times more likely to be permanently excluded, rising to 3.5 times more likely for children subject to a Child Protection (CP) Plan⁶, and four times more likely for children subject to a Children in Need (CIN) Plan⁷ (Timpson 2019). This suggests that as identified need increases, the likelihood of permanent exclusion decreases. Timpson suggested that this may be due, in part, to the strength of the 2017 statutory guidance and ‘schools being directed to ‘as far as possible’ avoid permanently excluding a child with an EHC Plan’ or a looked-after child (Timpson 2019:36; DfE 2017a).

⁴ Schools must provide support to pupils with SEN through a graduated approach as part of their standard offer; this is called SEN Support. Utilising Assess, Plan, Do, Review cycles, schools should assess the needs of pupils and provide appropriate support (SEN Help 2023). ‘Schools are deemed to have £6000 of national funding within their existing budgets to support children at the SEN Support level’ (Education Advocacy 2023).

⁵ ‘Where a child requires additional support that goes beyond what a school, college, or nursery can typically deliver from... [its] own budgets or staffing then they may need an Education Health and Care Plan (EHCP) – An EHC plan is a legally binding document outlining a child or teenager’s special educational, health, and social care needs. The document has to list all of the child’s special educational needs, provision to meet each of the needs and that provision has to be specific, detailed, and quantified. The plan names the school/setting which is to provide the provision and the plan is legally enforceable ultimately through Judicial Review’ (Education Advocacy 2023).

⁶ ‘A child protection plan sets out what action needs to be taken, by when and by whom (including family members), to keep [a] child safe from harm and to promote their welfare. The plan [is] reviewed at regular child protection conferences until the child is no longer considered at risk of significant harm or until they are taken into care’ (NSPCC 2023).

⁷ A Child in Need (CIN) plan contains the support being provided to a child and/or family by Children’s Services (Child Law Advice Service 2022).

Thirdly, previous studies suggest that the official exclusion figures represent only the ‘tip of the ice-berg’ (Gazeley et al. 2015:492; Parsons 2018) as they do not account for the informal and unlawful ways in which some young people are excluded, including pupils being put on reduced timetables, referred to an isolation room, internally excluded, sent home on study leave, or encouraged to change school under the threat of permanent exclusion without formal procedures being followed (Children’s Commissioner 2013a). School exclusion rates are therefore socially constructed (Vulliamy and Webb 2000) as ‘they are the product of both practices and decision-making within specific contexts’, which in turn are ‘shaped by interventions at policy level’ (Gazeley et al. 2015:488). There is, therefore, a need to understand the interplay between national policy and local level decision-making.

The research gaps

While previous research has focused on identifying school exclusion risk factors (e.g., Strand and Fletcher 2014) and drivers (e.g., Osler, Watling and Busher 2001; Carlile 2010; Graham et al. 2019), as well as the potential reasons behind the recent rise in rates of school exclusion in England (e.g., Gill et al. 2017; Paget et al. 2017; House of Commons Education Committee 2018; Cole et al. 2019; Daniels, Thompson and Tawell 2019; McCluskey et al. 2019), little research has explored local level decision-making processes. A small number of existing studies provide helpful insights into lay professionals’ understandings of school exclusion legislation and potential reasons behind the adoption of different exclusion thresholds in schools in England (Children’s Commissioner 2012; Kulz 2015; Ferguson and Webber 2015; Ferguson 2019; Timpson 2019). However, less is known about how different contextual factors ‘weave together’ (Cole 1996:135) in complex assemblages to inform how national school exclusion policy is variously interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities.

Additionally, while previous studies have explored various aspects of the school exclusion process, including (1) the pre- and post-exclusion trajectories of young people (Daniels et al. 2003; Pirrie et al. 2011), (2) the negative individual and societal consequences of exclusion, for example, poor academic outcomes, economic inactivity, involvement with the youth and criminal justice systems, and child criminal exploitation (e.g., Blyth and Milner 1994; Parsons 1999; Gazeley 2010; Parker et al. 2015; Apland et al. 2017; Children's Commissioner 2017, 2019a; Gill et al. 2017; Centre for Social Justice 2018; Hudek 2018a, 2018b; Ministry of Justice 2018; Rawlinson 2018; Demie 2019; The Children's Society 2019; Timpson 2019), (3) pupils and parents or carers' experiences of Independent Review Panels (IRPs; discussed in Chapter Two) and First Tier Tribunals (see: Kulz 2015; Wolstenholme, Coldwell and Stiell 2014; Hodge and Wolstenholme 2016), and (4) the process of reintegration following permanent exclusion (Department for Education and Skills (DfES) 2004a; Moran 2010; Lally 2013), no study, to my knowledge, has explored how school placement decisions following permanent exclusion are made through the Fair Access Protocol (FAP).⁸

Two PhD studies exist, which have explored the relationship between exclusion from school and Conservative Government Policy (1979-1997), and New Labour Policy under the leadership of Tony Blair (1997-2007), respectively. In the first study, Stirling (1999:viii) investigated 'the effect of Conservative Government policy, which introduced market force mechanisms into education via a programme of legislative reform... [on] the number and

⁸ It is important to note that in 2010 Moran published her doctoral thesis: *Reintegration into mainstream secondary school following permanent exclusion* which provided insights into an earlier version of the Fair Access Protocol (FAP) named The Hard to Place Pupil Protocol. The Hard to Place Pupil Protocol operated a different system of reintegration administered by LAs. Prior to submission of this thesis, Pennacchia (2024) also published a paper based on her PhD research into the enactment of the FAP. My research differs to Pennacchia's in that I am focused specifically on the placement of permanently excluded pupils through the FAP, and in the In Year Fair Access Panels (IYFAPs) she observed the arrangements were no longer overseen by the LA, whereas in the IYFAPs I observed they were. Pennacchia's study provides helpful insights into the tactics used by schools in the fair access process and the logic of procedural fairness which underpins these tactics, which I outline in Chapter Three and draw on in Chapter Seven.

nature of school exclusions.’ The study consisted of two parts. The first part involved scrutinising Conservative Government policy and legislation, alongside political commentary, and extant empirical research on the effects of the legislative reform during this period. The second half of the study drew on data generated from 50 semi-structured interviews, with 48 professionals from one Local Education Authority (LEA) who had direct contact with excluded pupils, and whose decisions affected the result of the exclusion process. The study explored how macro level education policy reforms and three key policy discourses – raising standards, choice, and diversity – had influenced LEA policy as well as local approaches to working with ‘at-risk’ pupils and the use of school exclusion. In other words, how policy was mediating practice. While providing helpful insights into how broader educational reforms can inform exclusion practices (see Chapter 2 for more details), the study did not focus on exclusion policy itself. This may have been due to only draft national guidance existing for the majority of the period covered by the study. Moreover, there is a brief mention in the study about variability in practice between schools and a note that the exclusion rates of schools are dependent on a complex interaction of factors, of which LEA and national policy are important. However, while several headteachers were interviewed in the study, fieldwork was not conducted at the school level.

In the second study, Rustique-Forrester (2003) sought to develop a contextual theory of school exclusion and explored how different embedded contexts influenced how schools and teachers viewed and used exclusion. In similarity to Stirling (1999), Rustique-Forrester (2003) first set out to explore the influence of the national policy context (post-1988) on practice, before turning to look at how the interaction between national policies and school practice is mediated by a school’s organisational setting. While her contextual theory (explained in more detail in Chapter Three) provides a helpful starting point for understanding how ‘exclusion as a phenomenon... is defined and influenced by multiple

contexts’ (Rustique-Forrester 2003:51), these contexts, while depicted as embedded, are conceptualised as surrounding rather than weaving together, and thus the framework does not attend to how they may mutually shape each other. Moreover, while looking at how a school’s organisational setting may mediate national policy and inform practice, Rustique-Forrester (2003) does not explore how practice can inform the production of local policy (both material and ideal; see Chapter Three). In concluding her thesis, Rustique-Forrester (2003:334) suggests that ‘[f]uture studies wishing to explore the policy-based dimensions of exclusion may want to explore the mediating influence of local policy’ and the role and influence of LEAs in relation to how schools view and use exclusion.

Similarly, Braun et al. (2011) note how the LA context and support is often a factor that gets overlooked in policy analyses (albeit it was a focus of Stirling’s 1999 study). As explored earlier, LA context and support appear to be particularly important in a study of school exclusion policy given (1) the LA variation identified by Strand and Fletcher (2014), (2) the LA’s responsibility to provide suitable full-time education for young people who have been permanently excluded (DfE 2017a), and (3) previous research findings suggesting that LA officers are the main source of advice for all parties involved in the exclusion process (Ferguson and Webber 2015). Like Rustique-Forrester (2003), Ferguson and Webber (2015:38) have called for further research ‘to examine the extent and nature of any influence the LA has on individual school culture and decision-making in respect of permanent exclusion.’ Moreover, since Stirling (1999) and Rustique-Forrester’s (2003) studies, the role of the LA has changed substantially with the acceleration of academisation and removal of schools from LA control. While LAs remain responsible for permanently excluded pupils and play a role in monitoring exclusion figures and setting local targets, which they are scrutinised on, they have reduced powers to hold schools to account (see Chapter Two for further discussion).

When I started my DPhil, I was working as a research assistant on a project exploring the *Disparities in rates of permanent exclusion from school across the UK*. In analysing the interview data from England, I found that the respondents (six LA officers and one third sector representative) felt that academisation had undermined the relationship between LAs and schools and identified the changing position and role of LA officers, described above, as an area that warranted further research (Daniels et al. 2019). An updated account of national school exclusion policy developments and the role of LA officers in relation to school exclusion in an increasingly autonomous education system is therefore needed.

An updated study is also needed to account for the influence of other recent policy reforms and pressures on the enactment of school exclusion policy at the local level, and to further understand the ways in which conflicting policy agendas and motives underpinning, for example, accountability measures, inspection regimes, the reduction of specialist services, and a lack of accountability around exclusion, may in practice form ‘perverse incentives’ for schools to formally and informally exclude pupils (Children’s Commissioner 2013a:47). However, as noted earlier, any such study needs to be accompanied by a focus on school exclusion policy itself, and how it is interpreted, translated, and recontextualised at the local level in and across different settings and activities (LA, school, and multi-agency), as well as an exploration of the contextual factors that may influence how school exclusion policy is variously enacted.

In recent years, there has been considerable development in the field of policy enactment research, and some helpful studies on the enactment of behaviour policies in schools (see Ball et al. 2011a; Johnson and Sullivan 2016; Deakin and Kupchik 2016; discussed in Chapter Three). Policy enactment research, discussed in detail in Chapter Three, focuses on how policies are interpreted and translated by diverse policy actors in different settings rather than simply implemented (Braun et al. 2010). Leading proponents

of this approach, Ball, Maguire and Braun (2012) have noted how national policy is often translated into local policy artefacts (e.g., codes of conduct), which become meaningful in conjunction with other activities and events, such as staff meetings, however, policy enactment at the activity level remains largely under-theorised.

Addressing the research gaps

In the current study, I address the research gaps highlighted in the previous section by:

1. Providing an up-to-date account of national school exclusion policy in England and of how the policy problem of school exclusion has been located and delimited by particular policy discourses. By setting the examination of school exclusion policy within a discussion of developments in education policy more broadly, I identify different policy pressures, and what I term *policy paradoxes*, that may influence school exclusion rates and how school exclusion policy is enacted.
2. Building on the theory of policy enactment developed by Ball et al. (2012), and Rustique-Forrester's (2003) contextual theory of exclusion, by putting forward additional theoretical tools, based on sociocultural and Activity Theory traditions, to explore (a) how policy mediates and is mediated by action, (b) the process of policy enactment at the activity level, and (c) how different contextual factors 'weave together' (Cole 1996:135) in complex assemblages to inform how national school exclusion policy is enacted at the local level (see Chapter Three).
3. Adopting an embedded single-case study design (Yin 2009) to explore how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency) (see Chapter Four).

4. Investigating the role-taking and role-making of LA officers in relation to school exclusion in an increasingly fragmented and autonomous education system in England and the translation and recontextualisation of national policy into local policy (artefacts) (see Chapter Five).
5. Examining the complex and contested nature of (head) teachers' interpretations of national school exclusion policy and the different ways in which schools use and 'do' school exclusion, including an analysis of the contextual factors (situated, professional, material and external – including other national policies) seen to influence the enactment of school exclusion policy.
6. Providing a first look into how placement decisions post permanent exclusion are negotiated by exploring the enactment of the Fair Access Protocol and the different constructions of fairness being worked on by multi-agency In Year Fair Access Panels (IYFAPs). In so doing, the thesis offers a glimpse into an often-neglected aspect of the school exclusion and reintegration process.

Aim of the study

The study aims to explore how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency), through an in-depth, broadly ethnographic, embedded single-case study (Yin 2009) conducted in a single LA in England. The study addresses the following overarching research questions:

- (1) How is national school exclusion policy interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency)?

- (2) How does school exclusion policy mediate action and how does action mediate school exclusion policy?
- (3) What contextual factors influence the enactment of school exclusion policy?

It is important to clarify here that in asking ‘how’ in Question One, I am interested in both the processes of interpretation, translation, recontextualisation, and enactment (how they are done) and the outputs/outcomes of these processes (how the policy is changed and how local level policy is produced). In line with my theoretical position outlined in Chapter Three, I am also interested in how school exclusion policy mediates action and is mediated by action.

To answer my overarching research questions, in this thesis, I investigate the following sub-questions:

- (a) How do LA officers make meaning of school exclusion policy in an increasingly autonomous education system and how is national school exclusion policy decoded and recoded into local policy?
- (b) How do schools ‘do’ school exclusion policy?
- (c) How is the Fair Access Protocol enacted at the local level and used to make post-permanent exclusion placement decisions by multi-agency panels?

The thesis comprises eight chapters. The focus of each chapter is set out below.

Thesis structure

Chapter One – *Introduction and rationale* – has outlined the rationale behind the current study and the identified gaps in the literature that this thesis aims to address. In place of a traditional literature review, previous studies are discussed across Chapters One to Three to

situate the current study in relation to the existing literature and policy developments and to explain how the present study fits within and builds upon the tradition of policy enactment research.

To contextualise the study, in Chapter Two – *Mapping the national school exclusion policy landscape* – I explain developments in national school exclusion policy from when the first governing statutory provision was introduced in 1986 to 2019/2020 when the fieldwork for the present study was undertaken. Drawing on previous national policy analyses on school exclusion in different political periods in England, as well as broader accounts of education policy developments, and primary policy sources, Part 1 of this chapter sets out how the Conservatives reached the policy positions they held by the commencement of my research and fieldwork, and outlines how the policy problem of school exclusion has been located and delimited by particular policy discourses. By setting the analysis of school exclusion policy inside an analysis of developments in wider education policy, the chapter also draws attention to different policy pressures that have been seen to affect school exclusion rates and how school exclusion policy is enacted. To end Part 1 of this chapter, I introduce the term *policy paradoxes* as a way to explore how opposing policy discourses, positions, and agendas can be moved between, but also at times held or proposed simultaneously even when seemingly in contradiction, and identify five *policy paradoxes* which I argue are continuously and dynamically negotiated and navigated by policy actors when both producing and enacting school exclusion policy (as illustrated in Chapters Five through Eight). Part 2 then outlines the school exclusion statutory guidance that was in place when this research was undertaken (DfE 2017a), and explains the school exclusion process in England including reintegration through the FAP (DfE 2012c). The macro-level discourses and legislative requirements identified in this chapter paint a complex policy landscape that policy actors are working in, and sets the scene for

investigating how national school exclusion policy mediates and is mediated by action in subsequent chapters.

In Chapter Three – *Theoretical toolbox* – I introduce the theoretical tools that I use to explore how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities. In Part 1, I situate my study within the tradition of policy enactment research and outline key works and ideas that informed the development of my theoretical toolbox. In ending Part 1, I argue that while the theory of policy enactment and the concepts I have added to my theoretical toolbox (i.e., interpretation, translation, recontextualisation, and contextual dimensions) are helpful to a certain extent for examining the ‘what’ and ‘how’ of policy enactment, the theory provides few tools for exploring ‘the relationships between specific policies and specific practices’ (Ball et al. 2012:1) or ‘policy activity’ (Colebach 2002 cited in Ball et al. 2012:2) and therefore is insufficient on its own to address the aim of the current study. In Part 2, I draw on ideas from both the sociocultural tradition and Activity Theory and introduce a new definition of policy – *policy-as-artefact* – as a way to explore the dialectical relationship between policy discourse and action. I also suggest a new conceptualisation of *policy enactment as mediated activity* as a way to (1) understand the situated nature of how school exclusion policy is done in different activity systems, and (2) take contextualising seriously.

In Chapter Four – *Research design and methodology* – I explain the research design of the study – an embedded single-case study – along with the overarching aim of the study and corresponding research questions. I then set out the study’s research methodology, making clear my philosophical framework, as well as the criteria used to assess the quality of the research, my chosen methods of data collection and analysis and the rationale for my choices, my participant recruitment and selection procedures, and the ethical considerations made throughout the research process. I provide reflexive commentary throughout, which

leads up to a section towards the end of the chapter reflecting more specifically on my own positionality and the known and possible impact that I as the ‘research instrument’ (Byrne 2004:181) may have had on the research.

In Chapter Five – *Decoding and recoding school exclusion policy: “What does that really mean, and what does that mean to us?”* – I explore the interpretational and translational work undertaken by a cohort of LA officers as they made meaning of school exclusion policy in an increasingly autonomous education system, and explore how national school exclusion policy was decoded and recoded into local policy by a multi-agency Action Group focused on reducing exclusions. The chapter is split into two parts. Part 1 explores how LA officers positioned themselves and were positioned in relation to school exclusion policy, and outlines seven key roles identified by the LA officers, and through my observations, which the LA Exclusions Team were seen to take and make, namely: (1) advisors, (2) policy navigators and lay lawyers, (3) police but not judge, (4) commissioners, (5) reactive to proactive workers, (6) champions of children and families, and (7) coordinators of placements through the IYFAPs. This culminates in a discussion of the role ambiguity experienced by the LA exclusions officers. Part 2 then focuses on a further aspect of the Exclusions Team’s work, namely partnership working, and provides an example of how the national school exclusion policy (statutory guidance) was collectively recontextualised into local policy by drawing on data from meetings of an Action Group focused on reducing school exclusion. In so doing, I explore how LA officers (from the Exclusions Team and other services) and local partners attempted to establish a common interpretation of the statutory guidance. To end, I provide brief reflections on the extent to which the LA officers and local partners felt that the locally produced framework for reducing school exclusions, as a new policy artefact, had or would mediate local practice and influence school exclusion rates.

In Chapter Six – *How schools ‘do’ school exclusion policy* – I explore the complex and contested nature of teachers’ interpretations of national school exclusion policy and the different ways in which schools use and ‘do’ school exclusion. I begin by exploring the extent to which national policy is understood as a clear set of imperatives or open to interpretation, and the perceived need for consistency versus flexibility in its application. Here, I build on the analysis presented in Chapter Five by exploring how the national policy was decoded and recoded by schools and how school’s made decisions around school exclusion. Picking up on the notion that ‘where you stand depends on where you sit’ (Maguire et al. 2015:490) and drawing on Braun et al.’s (2011) four contextual dimensions, I then explain how different contextual factors are seen to ‘weave together’ (Cole 1996:135) and influence a school’s position towards school exclusion and their sense- and decision-making. Throughout the chapter, I explore how other national and local policies, including behaviour, safeguarding, and SEND policies, as well as accountability frameworks interact with and at times contradict exclusion policy, and influence how decisions around school exclusion are made. I also illuminate the policy actor positions adopted by different people within and outside the school in the ‘doing’ of school exclusion policy.

In Chapter Seven – *Placement after exclusion: Sense- and decision-making in In Year Fair Access Panels* – I draw on the concepts from Activity Theory outlined in Chapter Three to explore the enactment of the local FAP and related policy artefacts (tools), and how post-permanent exclusion placement decisions are made. I begin by first recapping the purpose of the FAP and how the national (non-statutory guidance) had been interpreted and translated in the LA as part of the *Children in School Strategy*. In so doing, I explain how the work of the four IYFAPs became a main focus for the Exclusions Team and key activity systems for policy enactment. In turn, I then explain the division of labour in the panels, the tools devised to aid decision-making and how the object (what was being worked on), in this

case fairness, was variously constructed and made sense of. I then explore the object-tool relationships, i.e., whether the tools were congruent or in contradiction with what was being worked on before turning finally to look at contradictions that emerged between other aspects of the activity system, i.e., the rules and community, as well as other systems.

In Chapter Eight – *Discussion and conclusions* – I draw together the findings from Chapter Five to Seven and situate them in relation to the literature and policy discourses set out in Chapters One and Two, the theoretical tools outlined in Chapter Three as well as recent scholarly and policy developments. The first part of the chapter contains six sections: (1) Interpreting the statutory guidance on school exclusion; (2) Translating (statutory) guidance into local policy; (3) Enacting school exclusion policy involves taking context seriously; (4) School exclusion policy enactment is influenced by a weaving together of context; (5) Enacting school exclusion and the fair access policy involves navigating and negotiating complex stakeholder arrangements; (6) Enacting school exclusion and fair access policy involves continuously navigating and negotiating *policy paradoxes*. In the second part of the chapter, I pick up where I left off in Chapter Three and evaluate the utility of the tools, existing and new, that I added to my theoretical toolbox for achieving the aims of this study. I then reflect on my methodology and research design and the limitations of my study before turning to the implications of the study, possible areas for future research, and concluding remarks.

Chapter Two: Mapping the national school exclusion policy landscape in England

Introduction

This chapter maps developments in national school exclusion policy from when the first governing statutory provision was introduced in 1986 to 2019/2020 when the fieldwork for the present study was undertaken. Focusing on developments over time is important as policies do not emerge out of nowhere, but rather are built by ‘accretion or sedimentation’ (Ball 2013:63). To fully understand a policy, it is important therefore to acknowledge that there is an ‘archaeology of knowledge influencing current lines of thinking’ (Thomson 2020:15) – a point I return to in Chapter Three.

Drawing on previous national policy analyses on school exclusion in different political periods in England, as well as broader accounts of education policy developments, and primary policy sources, Part 1 of this chapter sets out how the Conservatives reached the policy positions they held by the commencement of my research and outlines how the policy problem of school exclusion has been located and delimited by particular policy discourses. In focusing on policy formation over time, continuities, differentiations, innovations, and revivals in policy discourse are explored. By setting the analysis of school exclusion policy inside an analysis of developments in wider education policy, the chapter also places school exclusion policy in context (Taylor 1997) and draws attention to different policy pressures that have been seen to affect school exclusion rates and how school exclusion policy is enacted. These pressures are returned to in the discussion of theory in Chapter Three and in my findings chapters (Chapters Five through Seven). To end Part 1 of this chapter, I introduce the term *policy paradoxes* as a way to explore how opposing policy discourses, positions, and agendas can be moved between, but also at times held or proposed

simultaneously even when seemingly in contradiction, and identify five *policy paradoxes* which I argue are continuously and dynamically negotiated and navigated by policy actors when both producing and enacting school exclusion policy (as illustrated in Chapters Five through Eight). Part 2 then outlines the school exclusion statutory guidance that was in place when this research was undertaken (DfE 2017a) and explains the school exclusion process in England. The macro-level discourses and legislative requirements identified in this chapter paint a complex policy landscape that policy actors are working in and sets the scene for investigating how national school exclusion policy mediates and is mediated by action in subsequent chapters.

Part 1: Locating national school exclusion policy

To clearly illustrate the progression of, and key influences on, school exclusion policy over time, for each political period covered in this chapter, I set out the guiding political ideologies, key education and exclusion discourses, and policy drivers ('expressions of the intended aims or goals of the policy' (Hyatt 2013:838), which can be articulated in different ways, for example, through: ministerial statements, speeches and correspondence; policy documents such as Green Papers (consultation documents on policy or legislative proposals) and White Papers ('policy documents produced by the Government that set out their proposals for future legislation;' UK Parliament 2021); press releases; website statements and news stories, 'or made manifest through inscription in legislation' (Hyatt 2013:838)), before turning to a discussion of the identified *policy paradoxes*.

Conservative Government (1979-1997)

In 1986, the first governing statutory provision on school exclusion – the Education (No. 2) Act – was introduced.⁹ This provision was introduced during a time of rapid change in the education system in England, predicated on the disarticulation and renouncement of the post-war welfare model of schooling (i.e., comprehensive education, universalism, egalitarianism, and progressivism; Stirling 1999; Ball 2013; Chitty 2014), and the introduction of education policy based on New Right thinking that was both economically libertarian and socially and morally authoritarian (Whitty and Menter 1989). A series of five Black Papers published between 1969-1977 when the previous Labour Government was still in office (Cox and Dyson 1969a, 1969b, 1970; Cox and Boyson 1975, 1977) launched a sustained attack on comprehensive schools and progressive teaching methods, portraying them ‘as opening the door to lower standards and indiscipline, bad behaviour and juvenile delinquency’ and sacrificing quality for equality (Stirling 1999:30). Chitty (2014:36) writes:

There was much concentration on the problem of discipline... with the oft-repeated accusation that unruly pupils in ‘all-ability’ comprehensive schools prevented hardworking ‘academic’ students from getting on with their studies and securing good examination results.

The right-wing press joined forces in supporting this ‘discourse of derision’ (Ball 2013:17) by printing claims that ‘parents throughout the country are becoming increasingly frustrated by the lack of discipline and the low standards of state schools’ (Daily Mail, 18 January 1975 cited in Chitty 2014). Raising the standards of attainment and behaviour in schools therefore became the hallmark of Conservative education policy, alongside improving quality through diversity (veiled selectivity), parental choice and school autonomy, and the

⁹ Before 1986, there was no clear legal basis, and different Local Education Authorities (LEAs) had different procedures for dealing with exclusions (Elton 1989).

introduction of accountability measures (Stirling 1999; Chitty 2014; Brighouse and Waters 2021), ‘‘teacher proof’’ evaluation and assessment’ (Ball 2013:89), and school inspections conducted by the then named Office for Standards in Education (now Office for Standards in Education, Children’s Services and Skills (Ofsted); see Education (Schools) Act 1992).

At the same time, the Conservative Government was preoccupied by recovering from the recession (Stirling 1999) which resulted in cuts to taxation and expenditure on public services (Bochel 2011). There was also growing doubt and disillusionment in the Government over the efficiency of the middle-tier in education – the Local Education Authority (LEA) – and consequently, the age of devolved systems, quasi-markets, centralisation, managerialism, and ‘‘steering not rowing’’ governance’ (Thomson 2020:58) was born (Brighouse and Waters 2021; Chitty 2014). As this chapter will show, these policy positions and discourses have largely persisted, albeit in various different guises and inflections, until the present day.

Stirling’s (1999:19) PhD study into *Conservative government policy and exclusion from school*, provides the most comprehensive discussion of school exclusion policy during this period. Reflecting on the increase in rates of exclusion from school witnessed at this time, she argued in her thesis that:

The Conservative Government’s education policy [had] given schools the ideological rationale, the justification, to exclude different pupils; whilst educational legislation [had] given schools the means as well as offering the practical benefits in conforming to this policy (Lloyd-Smith 1993); thus an increase in children excluded from school [had] been policy generated.

Stirling (1999) identified three key policy discourses – raising standards, choice, and diversity – which were seen to be influencing school exclusion rates and linked these to two particular legislative changes: (1) The Education Act 1980 which required schools to publish examination results, and initiated parental choice of school and (2) The Education Reform

Act 1988, 'which required schools to follow a national curriculum and delegated financial management to schools themselves' (Stirling 1999:1). Under the Conservatives, a neoliberal framework for education was sedimented and balanced against traditional conservative values which sought to establish central control over curriculum and funding and replace 'the politicised curriculum of progressive education... with 'real' knowledge, strong national tradition, strict discipline and pseudo-Christian morality' (Stirling 1999:283). In essence, the Conservatives believed in a small but strong state. The disempowerment of LEAs was bolstered by the publication of the Government White Paper *Choice and diversity* (DfE 1992). The White Paper encouraged diversity and selection by ability through the establishment of new grammar schools, Grant Maintained Schools (who opted-out of LEA control and received funding direct from government), specialist schools, and City Technology Colleges (independent state schools). This intervention into the uniformity of schooling, 'considerably weakened the role of the LEAs in educational administration' (Ball 2013:143) and reinforced an educational hierarchy predicated on selectivity and ensuring quality over equality (Stirling 1999). Tomlinson (2017:43) notes that this White Paper quickly became 'labelled Chaos and Perversity by civil servants' as it encouraged academic selection and debarring educational resources to certain groups. Reed (2003) notes that the introduction of a quasi-market in schooling, premised on a 'belief in efficiency through competition... privatisation, differentiation and ultimately selection' (Maw 1988:61 in Stirling 1999:38) was 'an almost inevitable precursor to...[the] rise in exclusion' (Reed 2003:18).

Indeed, Stirling (1999:61) argues that '[i]n the operation of market forces... we have to have losers in order to sustain the winners'. The exclusion of pupils can be understood as both a survival tactic and a potential 'selling point' (Stirling 1999:39) to the majority of 'consumer' parents who want to see schools being 'tough on discipline' and ensuring a safe

environment for their child (Stirling 1999:39). Corbett (1999:59) noted that during this period there was ‘little incentive for schools to promote their commitment to supporting less able learners if it mean[t] that the parents of the more able [would] select alternatives’. The allocation of resources in a competitive market is ultimately based on merit rather than needs-led, meaning that pupils who underperform or whose behaviour contravenes school policy, are considered ‘undeserving’ as they have failed to take responsibility over their learning and behaviour (Stirling 1999:29; see also Gewirtz, Ball and Bowe 1995). Stirling (1999:40) argues that the policy at the time de-valorised and marginalised ‘those whose abilities, behaviour and cultural modes’ did not conform with those of the policy makers. Children with Special Educational Needs (SEN), looked after children (LAC), and those from ethnic minority groups were seen to be at greater risk of being excluded from school.

A parallel commitment espoused by the Conservative Government was ‘discipline’ over ‘rights’ (Reed 2003:19). This commitment coincided with a ‘media-fed fear about the prevalence of violence amongst young people’ (Reed 2003:19). The Conservative Government was seen to refuse ‘to acknowledge the many social causes of exclusion’ (Reed 2003:18). This individualisation and decontextualisation of the problem seemingly resulted in a lack of mechanisms to adequately address the complex needs of at-risk pupils (Reed 2003; Exley and Ball 2011) and set in motion a ‘risk’ agenda and focus on responsabilisation (Turnball and Spence 2011:949), which, as discussed later in this chapter, was taken up by New Labour, and subsequently the Coalition Government following the 2011 riots. Deakin and Kupchik (2016:283) note that the neoliberal approach to schooling mirrored ‘changes in the Youth Justice System... [and thrust] schools into a culture of exclusion, exacerbating and perpetuating wider socio-structural problems (Parsons, 1999).’

Examining how the policy directives described above shaped the responses of teachers and their practice, Stirling (1999:189) found that interviewees in her study:

...considered that in the absence of adequate resources and in response to increasing public accountability in the form of published examination results and school inspections, often they had no choice other than to exclude a pupil.

Similarly, Reed (2003:18) notes how:

The increased pressures on teachers to 'perform' heightened the emphasis on exams and put pressure on time that would otherwise have been dedicated to pastoral activities or individual challenging pupils.

The requirements of the newly introduced National Curriculum were also found to make the 'teachers' role more specific and the oft heard 'I'm a teacher, not a social worker' more easily defensible' (Berkley 2017:248). In addition, the narrowing of the curriculum from a focus on the 'whole-child' (i.e., their academic, personal, and social development), to a formulaic concentration on a child's academic attainment, was linked with disincentivising teachers to be creative in their response to 'at-risk' pupils (Searle 1996), as well as pupil disaffection (Berkley 2017, though Berkley does provide some counterevidence against this point).

In concluding her study, Stirling (1999) pointed towards the principle of inclusion espoused by the newly elected New Labour Government and questioned whether this focus would result in a change to the way schools respond to 'troublesome pupils' (Stirling 1999:201). It is to the New Labour period, and this question, that I now turn.

New Labour Government (1997-2010)

When New Labour won the general election in 1997, education reform was one of their key priorities, as denoted by their headline election slogan: 'education, education, education' (Blair 1996), and the New Labour period 'marked a significant shift in policy discourse' (Wright 2012:283). However, in response to Stirling's (1999) question, this did not mean an end to the neoliberal framework introduced by the Conservative Government (Perera 2020),

but rather a new combination – a ‘Third Way’ approach – of neoliberal and communitarian ideas:

New Labour’s communitarianism sought out ways of rearticulating old elements of social democracy, such as ‘social justice’ and ‘equal opportunities’, so that they were compatible with a market society (Fairclough 2000 in Wright 2012:283)

Thomson (2020:33) explains that the ‘Third Way’ ‘maintained a supply side focus on markets and public-private partnerships’ however New Labour’s focus on social justice and social inclusion and ‘concern about the growing gap between rich and poor saw a renewed focus on public investment’ with funding being allocated to early intervention programmes and area-based initiatives to address levels of inequality, promote equity and ‘excellence for all’ (Brain, Reid and Comerford Boyes 2006:414), and close the attainment gap (see also: Exley and Ball 2011).

Two prominent education policy agendas were found to emerge during this period. The first – the ‘standards agenda’ (Mowat 2015:17) – was introduced by the White Paper *Excellence in schools* (Department for Education and Employment; DfEE 1997a), and had an ‘economic imperative’ (Tomlinson 2003:196) to ‘‘drive up’ standards of attainment... and ultimately national competitiveness in a globalised economy’ (Ainscow et al. 2006:296). The second – the ‘inclusion agenda’ – was announced by the subsequent consultative Green Paper *Excellence for all children: Meeting special educational needs* (DfEE 1997b), which signalled the Government’s commitments to improving the quality of education for children with SEN (Armstrong 2005) and promoting ‘the inclusion of children with SEN within mainstream schooling wherever possible’ (DfEE 1997b:5). ‘‘Inclusion’, along with ‘Excellence’, have therefore often been cited as the lynch pin of Labour’s education policy’ (Reed 2003:20), and were initially considered to be ‘mutually dependent’ (Reed 2003:20) with inclusion being firmly embedded in the philosophy of ‘raising standards’ (Armstrong

2005). However, the balance between the two agendas somewhat changed towards the end of the New Labour period.

As a way of combining neoliberal and communitarian ideologies and meeting the dual agendas, Wright (2012:283) describes how the idea of the ‘strong community’ and ‘responsibilisation’ based on elements of conservatism emerged (see also: Parsons 2005). The strong community ‘works on reciprocity, offering social inclusion in return for the acceptance of individual responsibility’ (Wright 2012:283). This ‘moral authoritarianism’ (Ball 2013:155) – or ‘ethical socialism’ as Tony Blair loosely termed his values and beliefs (Chitty 2014:59) – with a focus on responsibility, community, social capital, ‘promoting the needs of the individual and of enlightened self-interest’ (Chitty 2014:59) was, as noted by Ball (2013:155), different from Margaret Thatcher’s ‘narrower view ‘that there is no such thing as society’’, and, as will be discussed later, is similar to the notion of the ‘Big Society’, based on One Nation Conservatism, which was central to the Coalition Government’s policy.

The Conservative focus on raising standards, choice, and diversity was retained under New Labour and expanded in line with their partnership approach focus on tackling social disadvantage, ‘school-effectiveness and school improvement’ (Armstrong 2005:137). In 2000, private and voluntary organisations were able to establish new schools under The City Academy Programme (see Long 2015), which Ball (2013:71) and Chitty (2014) claim were ‘clearly modelled on the Conservative’s City Technology Colleges project.’ Chitty (2014:70) states that ‘promoting diversity’ became synonymous with ‘raising standards’ and ‘achieving results.’ By 2005, the White Paper *Higher standards, better schools for all: More choice for parents and pupils* (DfES 2005:1) stated that further ‘reforms must build on the freedoms that schools have increasingly received, but extend them radically,’ and pursued the move away from LEA control set in motion by the Conservatives. The introduction of

the Children Act 2004 led to education and children's social services being combined and LEAs being renamed Local Authorities (LAs). LAs were expected to become local commissioners rather than providers of education and 'champions of pupils and parents' (DfES 2005:11; Bochel 2011). A repositioning that has continued over subsequent political periods.

Rather than 'simply a strategy of devolution and deregulation' (Ball 2013:50), what was taking place was a 'shift from government to governance' (Ball 2013:48), and what du Gay (1996) termed 'controlled decontrol', whereby 'the use of devolution and autonomy as 'freedoms' [is] set within the constraints and requirements of 'performance' and 'profitability'' (Ball 2013:50). Wright (2012:283) explains how New Labour introduced a 'strict regime of performance related targets, audit practices and rigorous inspection... with the enforcement of 'zero tolerance' on schools which failed to meet the standards set out by government'. Brighouse and Waters (2021:8) write that '[t]wo years into the Blair government, the quest for 'education, education, education' was alleged by some to be 'results, results, results' or 'targets, targets, targets'.' A Standards and Effectiveness Unit (SEU) and a Standards Taskforce were established to spearhead school improvement and 'under-performing schools' 'causing concern' (later 'failing schools')' faced closure, take-over or being replaced by a 'Fresh Start' school' (Ball 2017:99). This form of liberal paternalism, Wright (2012:283) argues, ultimately tightened 'government control over the education agenda', heightened accountability in schools, and bastardised leadership (Wright 2011). In other words, government was able to 'steer' from a distance' (Ball 2013:48).

Tackling school exclusion to reduce social exclusion

In 1997, Prime Minister Tony Blair asked the SEU 'to make truancy and exclusions a top priority' (Blair 1997 in Stirling 1999:22) as part of a wider policy focus on social

exclusion’¹⁰ (Dunn 2015:285). By 1998 truancy and exclusion were seen to have ‘reached crisis point’ (SEU 1998:1). The SEU, in their report *Truancy and school exclusion*, called for ‘a one-third reduction in truancy and exclusion levels by 2002’ (SEU 2001:59), and recognised that the rise in exclusions could be attributed to ‘reasons relating to educational climate and policy’ (SEU 1998:11 in Packham 2000), particularly the regime of performativity, as well as ‘resource constraints and lack of training’ (SEU 1998:11). Reed (2003:20) describes how:

... the presence of the SEU’s inclusive ethos in Government policy was particularly evident during the early years of Labour Government, both through their emphasis on exclusion as a ‘last resort’ and external provision as a ‘revolving door.’

Moreover, Reed (2003:20), quoting the report directly, notes how the SEU emphasised that ‘efforts should be made not only to keep children in education, but in *mainstream* education wherever possible... [and] that those permanently excluded ‘should be quickly reintegrated’ (SEU, 1998: 12).’ The SEU report highlighted the persistence of the overrepresentation of particular minoritised groups (see also Tomlinson 2005) in exclusion figures and the ‘correlation between low income and exclusion’ (Reed 2003:19), and promoted multi-agency working and concentrating resources and interventions in areas with greatest socio-economic disadvantage (Reed 2003). Maguire et al. (2003:48) note that the focus on inclusiveness encouraged ‘schools to retain and support children ‘at risk’ of exclusion, with the aim of ameliorating the longer-term impacts of social exclusion.’

The goal to reduce exclusion numbers was later issued in The Treasury’s (1998) *Spending review* and guidance distributed via Circulars 10/99 and 11/99 (DfEE 1999a, 1999b) with the Government investing £500 million over three years to reach its target (Macrae et al. 2003). Circular 10/99 instilled the ‘last resort’ idea by clarifying that

¹⁰ The social inclusion agenda set a commitment to end child poverty by 2020 (Reed 2003).

‘exclusion should only ever be used to deal with the most serious offences and where everything else had been tried’ (Reed 2003:20). Alongside reduction targets, the Governing Bodies’ Discipline Committee (the panel who review the decision to exclude) was strengthened during this period and encouraged to, where possible, reinstate excluded pupils (Reed 2003; see also School Standards and Framework Act 1998). Internal exclusion within newly established Learning Support Units in schools was also promoted (Reed 2003).

As noted by Ball (2013), New Labour ‘addressed the problem of exclusions, within the logic of its ‘approach’, by setting exclusion targets.’ This was an interesting choice of approach given the fact that performance indicators and targets were highlighted as one of the potential reasons behind the rising number of exclusions (Macrae et al. 2003). There is some evidence to suggest that while the number of official exclusions decreased in line with the targets set, the number of unofficial or informal exclusions and use of alternatives, such as placements in Pupil Referral Units (PRUs)¹¹, increased. To repurpose a point made by Hough (2011:218) regarding police targets, it could perhaps therefore be argued that schools ‘achieved the [exclusion] targets set for them rather than the goals behind the targets’ as children were still being removed from mainstream education albeit through different means (Ogg and Kaill 2010).

Volte-face on school exclusion

By the early 2000s, teachers, teaching unions, and parent groups were voicing their disgruntlement at the Government’s exclusion targets (see Smithers 2000a and Smithers 2000b) and ‘the increased influence of central Government over an issue once governed solely by decision makers at school level’ (Harris 2002:61 in Reed 2003:21). Concerns were

¹¹ Pupil Referral Units (PRUs) are alternative provision providers maintained by the local authority.

also raised around Independent Appeal Panels (IAPs)¹² overturning exclusion decisions on the basis of technicalities and reinstating violent and disruptive pupils (Reed 2003). Reed (2003:21) quoting an article in the Times, notes how newspaper editorials started to take ‘the line that ‘the rights of a child must no longer be placed ahead of the good of a school’ (Times, 2000).’ In response to these concerns, and ahead of the general election in 2001, the Department for Education and Skills issued new guidance to panels setting out four reasons where it would normally be regarded as inappropriate to reinstate a pupil, including ‘serious actual or threatened violence against another pupil or member of staff; sexual abuse; drug dealing; or consistent disruptive behaviour, including vandalism, bullying and racial discrimination’ (Smithers 2000a; see also www.parliament.uk, 16 Oct 2002). This stance was reiterated in subsequent iterations of *Improving behaviour and attendance: Guidance on exclusion from schools and pupil referral units* where it was stated that the ‘Secretary of State would not normally expect the governing body/the management committee of a PRU [Pupil Referral Unit] or an Independent Appeal Panel to reinstate the pupil’ (see DfES 2006a:13 and Department for Children Schools and Families (DCSF 2007:11; 2008a:13). Announcing the new guidance at the annual conference of the Professional Association of Teachers, Schools Minister, Jacqui Smith, stated:

Our approach to school exclusions is to give head teachers the powers they need to tackle a variety of discipline problems (Smithers 2000a).

The Government’s focus also turned to ensuring all permanently excluded pupils received appropriate full-time education and the expansion of off-site provision, as set out in the 2000 Spending Review (Reed 2003).

¹² Parents of pupils aged under 18 and pupils aged 18 could request that the Local Education Authority (LEA) made arrangement for enabling an appeal against any decision of the governing body not to reinstate a permanently excluded pupil from a school maintained by the authority. At this time IAPs could either uphold the governing body’s decision, direct that the pupil be reinstated immediately or direct that the pupil ‘be reinstated by a date specified in the direction’ (School Standards and Framework Act 1998).

The 2001 White Paper *Schools achieving success* reiterated these moves, stating that '[h]eads will always be able to exclude violent pupils' and that '[i]ndividual pupils cannot be allowed to disrupt classes, to the detriment of the teachers in the school and the education of their fellow pupils' (DfES 2001a:26). The White Paper stated that the law and statutory guidance on exclusions would be clarified, and £200 million a year would be invested in growing the number of PRUs (DfES 2001a).

Finally, the White Paper confirmed that having met the target reduction of school exclusions by one third, no new goals would be set in the 2002 Spending Review (DfES 2001a). In announcing the removal of targets, on 4th May 2001, Secretary of State for Education, David Blunkett, stated:

I am satisfied that the level we have reached is sustainable and I therefore do not intend to set fresh targets for reducing permanent exclusions any further... The priority now is to ensure that excluded pupils receive full-time education and that schools can manage disruptive children outside the classroom (cited in Reed 2003:20).

Speculating on the reason behind this volte-face on school exclusion, Reed (2003:21) notes the rising 'fear of a teacher recruitment and retention crisis... propelling the Government to move further and further away from inclusive rhetoric and policy.' Additionally, while reducing school exclusion was initially discussed as a way to tackle youth crime and anti-social behaviour, Burton et al. (2009) found that contradictory messages arose as a result of the dual pressures placed on schools to keep school exclusion rates low, but also adopt a zero tolerance policy of anti-social behaviour in schools and wider society (see for example: the White Paper *Respect and responsibility: Taking a stand against anti-social behaviour*; Home Office 2003), with schools being increasingly 'implicated in legislation aimed at tackling and reducing youth crime, disaffection and lack of civic engagement (Ball et al. 2011a).

Dunn's PhD (2010; published 2015) study provides further insight into this move away from inclusive rhetoric. Utilising Fairclough's (2009) dialectical-relational Critical Discourse Analysis, Dunn attempted to explore why, following the notable fall in the number of permanent exclusions from 1997-2000, rates began to rise again from 2000 onwards. By analysing changes in school exclusion policy, they found that between 1997 and 2006 there 'was a substantial shift away from discourses of social exclusion focused on targets to reduce exclusion from school towards strongly negative, individualised discourses of behaviour and responsibility based on punitive responses to children and parents' (Dunn 2015:286). Drawing on the typology of New Labour's discourses of social exclusion (see Levitas 2005), with its 'emphasis on bringing excluded groups back into employment, through the development of 'social capital' and early 'interventions' into 'failing' families' (Ball 2013:176), Dunn (2015) outlined how discourses changed from being redistributive (RED; i.e. with a focus on equality, 'removing 'barriers to opportunity' and eradicating child poverty'; Parsons 2005:201) and social interactionist (SID; i.e. paid employment as being the means to social mobility, and a 'variant of... 'social capital' theorising'; Parsons 2005:193), to a moral underclass discourse (MUD). MUD is strongly resonant of Charles Murray's (1996) work, which blames the ill-behaved individual for their socially excluded position in society. This discursive swing towards individualisation worked to downplay 'the role of institutional and systemic factors' (Dunn 2015:300) and led to 'a focus on the cultural rather than the structural bases of disadvantage' (Ball 2013:220). Both the source and solution to the problem became seen as the responsibility of the individual (Dunn 2015:300) and emphasis shifted from schools meeting the needs of young people to young people needing to conform to the needs of schools. Parsons (2005:188) described the tone and orientation of the Department for Education and Skills' policy papers at the time as

oppositional and controlling and identified a focus on ‘confronting and diverting the unwanted behaviour and not, for the most part, about meeting unmet need.’

Mixed and shifting messages

A number of commentators have described the New Labour period as being characterised by mixed and shifting messages around supporting vulnerable children in school and student behaviour. For example, Burton et al. (2009:146) describe the Government’s approach as being based on ‘care and control’ whereby on the one hand, blame for misbehaviour was located with the pupil and their family, yet, on the other hand, the *Every Child Matters* agenda (Treasury 2003)¹³, which grew from the Victoria Climbié Inquiry by Lord Laming into child protection (Department of Health (DoH) and Home Office 2003), sought to explain behaviour with reference to environmental factors. Shaughnessy (2012:88), in a paper entitled: *The challenge for English schools in responding to current debates on behaviour and violence*, also argued that schools were on the one hand ‘flooded with policies, initiatives and strategies for developing and sustaining positive behaviour’ during this period, including for example the Steer Report (2009) *Learning behaviour: A review of behaviour standards and practice in our schools*, while at the same time being confronted with a number of government policy initiatives aimed at promoting student wellbeing. The collective influences, she states, ‘led to confusion and contradictory beliefs and values about how behaviour in schools should be addressed’ (Shaughnessy 2012:89). Reflecting on the messages set out in two Government commissioned reports produced by Sir Alan Steer and

¹³‘The *Every Child Matters* White Paper (Treasury 2003) provided the impetus for a range of legislation and government initiatives intended to improve outcomes for children and young people through integrated working between organisations and a greater focus on ‘prevention’ and ‘early intervention’ (Turnball and Spence 2011:942). *Every Child Matters* set out five key outcomes for children: being healthy, staying safe, enjoying and achieving, making a positive contribution, and economic wellbeing (Treasury 2003).

the Expert Practitioner Group on School Behaviour and Discipline (Steer 2005 and Steer 2009), Pirrie et al. (2011:520) argued that fundamental tensions emerged between:

... ‘the will to punish’ (Parsons 2005) – as evidenced by the (sometimes permanent) exclusion from school of young people who are variously described as ‘troubled and troublesome’ (McCluskey et al. 2004), ‘difficult or challenging’ (Parsons 2005) or as having ‘conduct problems’ (Sainsbury Centre for Mental Health 2009) – and the inclusion agenda.

Many authors argued that increasing momentum behind the standards agenda had, in some cases, narrowed and subverted commitment to the inclusion agenda, with Osler (2006) describing excellence and exclusion as becoming two sides of the same coin (see also: Booth, Ainscow and Dyson 1998; Halpin 1999; Whitty 2002; Armstrong 2003; Dyson 2005; Osler 2006; Burton et al. 2009; Daniels et al. 2019). The stronger focus on raising standards was reflected in the emergence of behaviour for learning as the prominent behaviour discourse. The term ‘behaviour for learning’ refers to attempts by schools to raise achievement via a sustained effort to ensure a ‘safe and secure’ learning environment for all children (DCSF, 2009)’ (Ball et al. 2011a:2) and works on the premise that “[f]ixing’ behaviour will ‘fix’ learning’ (Maguire et al. 2010:155). The approach was heavily influenced by the Steer Reports and focused on the rights of pupils to learn and teachers to teach, the importance of consistent behaviour policies and practices, and establishing high standards and expectations. All of which have continued to influence subsequent approaches to behaviour.

The Coalition Government (2010-2015)

In 2010, the Conservative-Liberal Democrat Coalition came into power. In the same way that New Labour were influenced by a bricolage of competing ideas and ideological and

political pluralism, so too was the Coalition Government. The Coalition blended a ‘rebranded form of neo-liberalism incorporating elements of communitarianism’ (Exley and Ball 2011:101), under the concept of the ‘Big Society’ (Bochel 2011:16), with cultural restorationist and neo-Conservative traditionalism, as well as economism or vocationalism (Exley and Ball 2011). In this way, the reforms by both the Conservative Government (1979-97) and New Labour Government (1997-2010) were ‘taken further – forward and back – by the Coalition’ (Ball 2013:17).

Prior to taking office in 2010, the Conservative Party’s rhetoric had ‘shifted in the direction of new ‘compassionate Conservatism’’ (Exley and Ball 2011:99). Exley and Ball (2011:99) explain that ‘[t]here were discussions about a need to return to One Nation Conservatism, a need for greater positivity about public services and a new focus on social justice.’ In 2004, after stepping down as Leader of the Conservative Party and Leader of the Opposition, Iain Duncan-Smith co-established the centre-right think tank The Centre for Social Justice, which went on to produce reports such as *Breakdown Britain* (Social Justice Policy Group 2006) that influenced the direction of Conservative policy. In the run-up to the general election in 2010, Ball (2017:21) explains that ‘Conservative shadow ministers spoke repeatedly about poverty, educational inequality, inclusion, mobility and ‘the education gap’’ and on entering office, the Child Poverty Act 2010 was passed which set targets for ending child poverty by 2020. As part of the Coalition agreement, the Liberal Democrats’ commitment to introducing funding to improve education outcomes for disadvantaged pupils was honoured and the Pupil Premium was introduced in 2011 (Roberts 2022a). However, at the same time, the Department for Children, Schools and Families was renamed the Department for Education (DfE) by

Secretary of State for Education, Michael Gove, which some feared would lead to a narrower focus and stifle multi-agency working (Shepherd 2010).

Furthermore, problems of educational disadvantage, social justice, and equity were coupled with ‘the maximisation of social, educational and economic participation, to enterprise and economic success in particular through the ideas of meritocracy and fairness’ (Ball 2013:20) and ‘continued to be viewed by a revival of personal responsibility, family, community, a voluntarist ‘civil society’ (all perceived as being ‘broken’), social enterprise and the market’ (Exley and Ball 2011:99). Extending ‘opportunity’ became a major focus in Coalition education policies (Ball 2017). The idea of the ‘broken society’ (Ball 2017:11), which drew on ‘a decidedly Conservative narrative of moral atrophy and social malaise’ (Ball 2017:11), became a prominent feature of the Coalition narrative, informing approaches to both state intervention and discipline (including in schools). In a speech following the London Riots in 2011, Prime Minister David Cameron spoke forcefully about his broken society agenda:

Do we have the determination to confront the slow-motion moral collapse that has taken place in parts of our country these past few generations? Irresponsibility. Selfishness. Behaviour as if your choices have no consequences. Children without fathers. Schools without discipline. Reward without effort. Crime without punishment. Rights without responsibilities. Communities without control. Some of the worst aspects of human nature tolerated, indulged – sometimes incentivised – by a state and its agencies that in parts have become literally de-moralised... In my very first act as leader of this party I signalled my personal priority: to mend our broken society. (Cameron 2011)

The broken society agenda reworked New Labour’s new moralism agenda by placing importance on civic responsibilities and ‘small or *leaner* government’ (Ball 2013:201).

A major criticism aimed at New Labour by the Coalition was that ‘there was too much bureaucracy, too much intervention and control from the centre’ (Ball 2017:7). The

Coalition in contrast ‘described its approach in terms of *autonomy* and *freedoms*’ (Ball 2017:7). Coupled with austerity measures following the recent economic recession, this led to the dismantlement of the *Every Child Matters* platform, cuts to Sure Start funding, and the closure of numerous children’s centres and other multi-agency initiatives (Gann 2021) as well as the decommissioning of many non-statutory LA services (Brighouse and Waters 2021). Instead of ‘big government’ the Coalition believed in building a ‘Big Society’ (Bochel 2011:16) in ‘the post-bureaucratic age’ (Chitty 2014:91) where communities were empowered, and third sector charities, social enterprises, and voluntary groups along with public and private organisations would play their part (Conservative Party Manifesto 2010). Chitty (2014:91) explains:

The Conservatives believed in 'social responsibility, NOT state control'. Margaret Thatcher had once said that 'there is no such thing as society'... It now had to be recognized that 'there is such a thing as society'; it just isn't 'the same thing as the state'.

Another aspect of the Coalitions freedoms and autonomy approach was the continued fragmentation of the state education system and the acceleration of academisation. The introduction of the Academies Programme in 2010 (see Academies Act 2010), which extended the academies movement initiated by New Labour, saw the move to a more privatised, commercialised, and deregulated education market in England, and the decentralisation of funding and governance of schools (Parsons 2018). Unlike academies under New Labour which were ‘discrete and small targeted social justice initiatives’ (Thomson 2020:35) academisation under the Coalition and subsequent Conservative Party sought to introduce a new school system with academy status being open to all schools. With the push towards a school-led system, and changes to the line of authority, the influence of LAs ‘diminished precipitously’ (Brighouse and Waters 2021:23). In their action research

into the evolving role of the LA in education, Parish, Baxter and Sandals (2012:3) described how LAs had retained three core responsibilities in education: (1) 'Ensuring a sufficient supply of school places,' (2) 'Tackling underperformance in schools and ensuring high standards,' and (3) 'Supporting vulnerable children,' and identified three corresponding roles that LAs were adopting to meet these responsibilities; the LA as (a) 'a convenor of partnerships', (b) 'a maker and shaper of effective commissioning,' and (c) 'a champion for children, parents and communities' (Parish et al. 2012:5).

While the old system of state-run schools quickly unravelled, academies were being stitched together in new ways, in the form of multi-academy chains and encouraged to collaborate and provide school-to-school support to 'enhance system capability' (Ball 2013:166). Multi-academy chains in effect became a new middle tier and took over many of the responsibilities once held by LAs. However, while academisation promised freedom, Ball (2013:106) explains that the ideological and political pluralism underpinning the Coalition – or more accurately the Conservative – reforms, resulted in a duality of 'freedom and control'; 'both a 'giving away' and a 'taking away' of professional judgement and teacher autonomy' (Ball 2013:106).

Under the auspices of a move to further root out progressivism, Secretary of State for Education, Michael Gove, spearheaded curriculum reform and 'a return to a more traditional education – of real subjects, core knowledge, a teacher-centred pedagogy, strict discipline, uniforms, academic-vocational divisions, and competitive sports' (Ball 2013:218). Traditionalism was linked to both rigour and excellence, and rigour and excellence were in turn linked to opportunity and social mobility (Ball 2017). The idea being that if children are exposed to and apply themselves to real subjects and core knowledge, they will be able to overcome disadvantage and transcend their current socio-economic position. Schools were given 'detailed instruction over what should be taught' and 'strong

accountability measures’ were introduced (Exley and Ball 2011:97), which Exley and Ball (2011:97) explain led to ‘a great deal of surveillance imposed from above.’ For example, in 2010, Gove introduced the English Baccalaureate (EBacc)¹⁴ ‘to encourage more pupils to study the essential, core academic subjects prized by universities and employers’ (Gove 2012). Though the EBacc is not compulsory, it became an accountability measure used to judge student attainment and school success and consequently led to a narrowing of the curriculum offer in many schools.

Significant reforms to the Special Educational Needs and Disabilities (SEND) system were also initiated in 2011 with the Green Paper *Support and aspiration: A new approach to special educational needs and disability* and subsequent Children and Families Act 2014. Among the reforms was the replacement of Statements of special educational needs with a coordinated system to assess children’s educational, health and care needs and introduction of Education, Health and Care Plans (see footnote 5), and collapse of School Action¹⁵ and School Action Plus¹⁶ into a single category of SEN Support (for definition see footnote 4). The reforms were billed as another effort to reduce bureaucracy as well as cut costs and seen as a way to transfer power and confidence to professionals, local communities and parents, ‘remove the bias towards inclusion’ (DfE 2011b:5), and eliminate ‘perverse incentives to over identify children as having SEN’ (DfE 2011b:9). As part of the changes, the category of Behavioural, Emotional and Social Difficulties (BESD) was replaced by Social, Emotional and Mental Health (SEMH) in the new Code of Practice (DfE 2014b, updated DfE and DoH 2015). As BESD was one of highest identified needs, some argue that the replacement of the category was a deliberate strategy to reduce the number of children

¹⁴ A set of General Certificate of Secondary Education (GCSE) subjects: England language and literature, maths, the sciences, geography or history and a language (GOV.UK 2023a).

¹⁵ School Action covered interventions that were ‘additional to or different from those provided as part of the school’s usual differentiated curriculum offer and strategies’ (Department for Education and Skills 2001b:52).

¹⁶ At School Action Plus, children were supported by external support services, both those provided by the Local Education Authority and by outside agencies (Department for Education and Skills 2001b:52).

identified as having SEN. Tomlinson (2017:94) argues that this change meant that '[b]ad behaviour was now to be mainly dealt with by straight exclusion from school.'

Finally, during the Coalition period the Ofsted framework was reformed to introduce 'smarter school inspections' (DfE and Gove 2011a) focused on four core elements: pupil achievement; quality of teaching; behaviour and safety; and quality of leadership (Ofsted 2012a). In a response to the recommendations set out in the Education Committee's report based on the *Behaviour and discipline in schools* inquiry (2010-12), the Government stated that the stronger focus on the four 'core areas will enable Ofsted inspectors to hold schools to account more effectively for their pupils' behaviour' (House of Commons Education Committee 2011a:1), thus highlighting behaviour as a key priority and accountability measure.

Strong discipline, authority, and autonomy

In the introduction to the first report of session 2010-11 for the *Behaviour and discipline in school* inquiry, the House of Commons Education Committee (2011b:7) stated:

Within weeks of the formation of the Coalition Government, the current Secretary of State made it clear that he would take steps to improve standards of behaviour in schools. In July 2010, the Department for Education published a series of proposals designed to reassert and strengthen teachers' disciplinary powers; and, during the course of our inquiry, the Department published a White Paper — The Importance of Teaching — which dedicates an entire chapter to behaviour.

The Coalitions' approach to behaviour, and school exclusion more specifically, was strongly influenced by conservative values of strong discipline and authority while also being informed by their autonomy agenda. The Coalition's first Schools White Paper – *The importance of teaching* (DfE 2010b) – was centred around providing a solution to reported disillusionment within the teaching profession, and a crisis in teacher recruitment, which

had been fuelled by growing anxiety around poor behaviour in schools as well as concerns about lost learning time and bullying (DfE and Gibb 2012a).

An article on the GOV.UK website proclaimed that the White Paper (DfE 2010b) and subsequent Education Act 2011 unequivocally sought to restore adult authority to the classroom and address behaviour in schools (DfE and Gibb 2011a). Reminiscent of the behaviour for learning discourse, the White Paper's *Equalities impact assessment* stated that:

[a] sharper focus on discipline will improve school ethos and raise the attainment of all. We are on the side of teachers and will not be deflected from laying down lines which those who behave badly must not cross (DfE 2010c:20)

In this way, tackling poor behaviour was consistently linked to, and seen as a way of achieving, the Coalition's pursuit of raising academic standards and addressing the achievement gap (see DfE and Gibb 2010; DfE 2012d). The phrase 'so teachers can teach and children can learn' (Gibb 2010) became a repeated mantra spoken across government departments, with Theresa May, then Home Secretary, using the justification when discussing the reforms at a talk about anti-social behaviour orders (May 2010).

On the topic of school exclusion specifically, the White Paper stated that the Government would (1) improve exclusion processes, (2) change the Independent Appeal Panel (IAP) process so that it is more efficient and headteachers 'no longer have to worry that a pupil will be reinstated when the young person concerned has committed a serious offence' (DfE 2010b:10), and (3) trial a new approach to exclusions whereby schools retain responsibility for the ongoing education and care of students who they permanently exclude.

Cutting bureaucracy and improving exclusion processes

In the Government's mission to cut bureaucracy, guidance on tackling pupil behaviour was drastically slimmed down (Ball 2013; DfE and Gibb 2011a), and the school exclusion guidance (DfE 2012a) was stripped back to include largely only procedural requirements. A headline on the GOV.UK website read: 'More than 600 pages of guidance slashed to just 52 pages' (DfE and Gibb 2011a). The equality analysis which accompanied the consultation on the revised exclusion guidance stated that the guidance had been made clearer by:

... identifying to whom each section applies; clarifying the separation between legislative duties / powers and statutory guidance; and only providing statutory guidance where it is necessary to ensure a duty or power is exercised effectively (DfE 2012d).

Part 1 of the previous school exclusion guidance, published under New Labour (DCSF 2008a), on early intervention was also completely removed in the new statutory guidance (DfE 2012a) and replaced with three short paragraphs (discussed in Part 2). The line taken by the DfE (2011c:9) was that its intention was 'to provide sufficient clarity whilst avoiding over-prescription.'

Echoing this sentiment, the Government's Expert Adviser on Behaviour, Charlie Taylor, produced a new behaviour checklist for schools named 'getting the simple things right' which he described as a 'menu of ideas' that schools can choose from to create their own behaviour policy (Taylor 2011:1) and 'a grassroots project led by heads and teachers – not a Government initiative in which schools are told what to do' (Taylor 2011:2). Based on Gawande's checklists for surgeons, the idea was for the bespoke checklists created by schools to serve as reminders of what needs to be done to ensure consistency across the school (Taylor 2011). Schools were encouraged to adopt approaches to behaviour informed by behaviourism, individualism, and traditionalism:

[S]chools can encourage good behaviour by having clear and simple rules, rewards and sanctions for pupils, encouraging pupils to take responsibility for improving their own behaviour and that of others, providing pastoral support for all pupils not just those who misbehave, and having traditional blazer and tie uniforms, prefects and house systems. To work, approaches have to be implemented consistently and intelligently, led by head teachers who have the freedom to respond to the particular needs of their school (DfE 2010b:37).

Having promoted autonomy and increased powers, in 2014 the DfE found that one in three secondary teachers did not feel confident using the powers that had been put in place to discipline pupils (DfE and Gove 2014). Consequently, the DfE behaviour guidance was updated to clarify the powers and duties of school staff in both maintained schools and academies. The guidance included a new section on behaviour and sanctions which outlined a list of possible punishments, including the use of isolation. The line from Michael Gove was: ‘Our message to teachers is clear - don’t be afraid to get tough on bad behaviour and use these punishments’ (DfE and Gove 2014). As discussed in the Conservative section later, these approaches to behaviour have been taken up and further promoted by the succeeding government “behaviour tsar,” Tom Bennett.

The Coalition’s response to concerns over Independent Appeal Panels

In the New Labour section, I explained how concerns had been raised about Independent Appeal Panels (IAPs) overturning exclusion decisions on the basis of technicalities and reinstating violent and disruptive pupils (Reed 2003). While New Labour responded by issuing new guidance to panels setting out reasons where it would normally be regarded as inappropriate to reinstate a pupil, in line with their move to restore the authority of headteachers, the Coalition went one step further and revoked the power of IAPs to direct reinstatement (DfE and Gibb 2012a). In a news story outlining changes being proposed by the Education Bill 2011, the DfE (2011d) stated:

At the moment a head can exclude a pupil for carrying a knife or acting violently, but their decision can be overruled and they can be forced to reinstate the pupil. The Bill will end this – heads' decisions will be able to be reviewed but not overturned.

IAPs were renamed Independent Review Panels and could now 'only recommend or direct a school to reconsider an exclusion' (Ferguson and Webber 2015:14). Ferguson and Webber (2015:15) have argued that this change marked a move towards 'giving head teachers greater authority' and 'supported autonomy' (Ferguson 2019:7; see also Parkes 2012) which Harris (2014:114) states 'promoted the interests of schools... over pupils who misbehave.' A caveat was added to the statutory guidance that in cases where a governing body decided to uphold the decision to exclude after being directed to reconsider its decision by the Independent Review Panel (IRP) a school could be fined £4,000. However, the Centre for Social Justice (2012:12) cautioned:

We anticipate that some schools will be prepared to take the financial hit rather than reinstate some pupils. It seems likely that it will be cheaper for them to do so – to have their budget readjusted by £4,000, rather than keep them on roll and potentially address their challenging behaviour by means, for example, of a referral to alternative education provision and on a longer term basis. This could inadvertently create a perverse incentive for schools to exclude pupils unfairly and avoid reinstating them.

In the equality analysis accompanying the consultation on the revised exclusion guidance and regulations, the DfE (2012d:8) identified that the different powers of IRPs 'could lead to a small increase in the number of pupils being permanently excluded and that this would be likely to disproportionately affect certain groups.' However, countering this point, they argued that the guidance had 'been revised to highlight these vulnerable groups and ensure that head teachers consider their responsibilities under the Equality Act 2010 in relation to exclusion' (DfE 2012d:8). The equality analysis highlighted pupils with SEN as the largest

group likely to be affected by the reforms and in response introduced the role of the SEN expert to provide advice to IRPs (see Part 2 of this chapter for more detail).

Though the Government celebrated the success of the reforms, noting how the number of exclusions fell between 2009/2010 to 2012/2013 (DfE and Gibb 2014), as outlined in Chapter One the exclusion figures rose between 2012/2013 and 2018/2019, and the number of reviews lodged fell, as did the number of pupils being reinstated (DfE and Gibb 2014). This suggests that the rise in exclusion rates had, once again, been ‘policy generated’ (Stirling 1999:19); this time through schools increased autonomy over exclusions.

Balancing power with responsibility

Mirroring New Labour’s earlier ‘back on track’ plan (DCSF 2008b), the 2010 White Paper and later report by Charlie Taylor (2012) *Improving alternative provision*, proposed that to balance the greater authority afforded to headteachers to exclude, schools should also be given greater responsibility over excluded pupils (see footnote 1 for definition of alternative provision). The White Paper called for schools to be held accountable for the education of excluded pupils and responsible for commissioning high quality provision in place of the LA. Crow and Payne (2013:54) argued that:

In the view of the DfE, this [was] the most significant change to exclusions policy and practice: that the school, rather than the local authority, will take statutory responsibility for ensuring that suitable full-time education is provided to pupils from the sixth day of exclusion.

The DfE (2012d:7) initially stated that the new approach would help ‘to tackle disproportionate exclusion’ and:

... create a strong incentive for schools to intervene early to support pupils and thus reduce the need for exclusion. It will also encourage schools to collaborate on the provision of early intervention and alternative provision to ensure that the most vulnerable children receive the highest quality of education. (DfE 2011b; see also DfE 2012e; DfE and Gibb 2012b; House of Commons Education Committee 2011a).

However, in response to feedback that the reforms would make it more difficult for headteachers to exclude, Minister of State for Schools, Nick Gibb changed position and stated:

... it is wrong to say that we are making it more difficult for headteachers to exclude unruly pupils. In fact, we are increasing the powers headteachers have to exclude by ensuring that pupils cannot be reinstated against a school's wishes. You are right to point out that we are also piloting a new system to help pupils who have been expelled. Schools will have the power, additional money and responsibility to secure alternative education for these pupils. We don't believe this will act as a deterrent to exclusion. Many headteachers are wary of expelling disruptive pupils for fear of the poor quality of alternative provision. By improving that alternative it will be easier for heads to exclude those pupils who need more specialised help to tackle their behavioural problems. (DfE and Gibb 2011b)

Despite a largely positive evaluation of the school exclusion trial which ran from 2011-2013 (see The Institute of Education (IoE) and the National Foundation for Educational Research (NFER) 2014), the changes to accountability were not implemented on a national level and consequently headteachers' rights were not balanced with increased responsibility.

However, Harris (2014) notes that though schools do not retain responsibility for permanently excluded pupils, exclusion from school remains a regulated process by Ofsted (see also Perryman et al. 2018). In a document titled *Schools' use of exclusion: Frequently asked questions*, Ofsted (2014a:4) clarified that:

If a school's permanent or fixed-term exclusions have risen sharply or have remained high over time, or if there were disproportionate exclusions of a particular group of pupils, Ofsted will consider bringing a school's inspection forward. Exclusions are also considered when deciding whether a school needs an unannounced behaviour inspection.

In all inspections, schools would be asked to explain their exclusion figures and could be asked ‘about the achievement of pupils who are frequently excluded, as well as how their behaviour is being improved’ (Ofsted 2014a:5). Inspectors would also look at the use of part-time timetables to check they are being used in a time-limited way, as well as the ‘rates, patterns and reasons for the use of internal exclusion’ (Ofsted 2014a:3) and ‘evaluate any off-site provision run by the school or in conjunction with other schools’ (Ofsted 2014a:5).

Illegal exclusion

Ofsted have also increasingly over the years attempted to crackdown on the use of informal or illegal exclusions. In 2010, Ofsted published a report on *Children missing from education* which drew attention to examples of unlawful exclusions where schools had not followed the agreed procedures. Similar findings were reported in Ofsted’s (2013a) survey on *Pupils missing out from education: Low aspirations, little access, limited achievement*. Both reports condemned the use of unofficial exclusions and noted how ‘this disregard for procedures and legal requirements puts the child at risk of not being safe’ (Ofsted 2013a:10). At the same time, a number of reports were published by the Children’s Commissioner as part of an inquiry into school exclusions (*“They never give up on you”* 2012; *“Always someone else’s problem”*: Office of the Children’s Commissioner’s report on illegal exclusions 2013a; and *“They go the extra mile”: reducing inequality in school exclusion* 2013b), which amongst other things, called for a greater understanding of the ways that conflicting policy motives underpinning for example, school league tables, inspection regimes, a reduction in specialist services, and a lack of accountability around exclusion, may in practice form ‘perverse incentives’ for schools to formally and informally exclude pupils (Children’s Commissioner 2013a:47). Research conducted by Gazeley et al. (2013) which informed the Children’s Commissioner reports found that ‘accountability frameworks in one sphere can

unintentionally act as a driver for malpractice in another’ (Gazeley 2020:181-182) and conflicts of interest can arise when teachers have to balance a ‘sense of personal/professional accountability for a young person... against performance pressures and... their own well-being’ (Gazeley 2020:181). The Children’s Commissioner called for stronger measures to challenge illegal exclusion and suggested that governing bodies were ‘neither equipped nor willing to provide effective challenge to head teachers when it comes to exclusions, either formal or informal’ (DfE 2013c:11). The Government responded by stating that evidence of unlawful exclusions would be taken seriously by Ofsted and inform the judgements made about a school (DfE 2013c). As the issue has gained further traction, the DfE have adopted a stronger position on unlawful exclusion, as discussed in the *Conservative Government (2015 -) section*.

Improving the quality of alternative provision

As well as focusing on changing the lines of responsibility over children who are permanently excluded from school and trailing the new approach to AP in the school exclusion trial, after an Ofsted survey in 2011 highlighted the poor academic outcomes of pupils attending AP, the Government also committed to ‘improving the quality of the provision that excluded pupils receive to ensure that exclusion from a school is not an exclusion from a good education.’ (DfE 2012d:2) and commissioned Charlie Taylor to conduct a review of AP (see Taylor 2012). New guidance on both AP and school exclusion was subsequently published in 2013 and 2015, respectively (DfE 2013a; 2015b) and arguably set in motion the Government’s dual commitment to (1) the headteacher’s right to exclude, and (2) the need to improve the quality of AP, as discussed in the *Conservative Government (2015 -) section*. The Government commenced legislation which imposed a legal requirement on LAs to ensure that all pupils they place in AP receive a full-time

education, unless this would not be suitable for reasons of mental or physical health problems (DfE 2012d), and enabled Pupil Referral Units to ‘apply for Academy status and providers from the voluntary and private sectors to open alternative provision Free Schools’ (DfE 2012d:8; see also Vasagar 2010; The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012). The rationale was that academies’ reforms that were purported to have energised the mainstream education sector would equally energise and improve the quality of AP (House of Commons Education Committee 2011a).

Short-lived guidance

In January 2015, new statutory guidance on school exclusion was issued (DfE 2015), which made two changes to the two-limb test for school exclusion included in the 2012 guidance. The two-limb test in the 2012 guidance stated that a ‘decision to exclude a pupil permanently should only be taken:

- in response to serious or persistent breaches of the school's behaviour policy; *and*
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.’ (DfE 2012a:6; emphasis added)

The first change in the 2015 guidance made the two limbs alternatives rather than cumulative requirements, and the second change replaced the term ‘serious harm’ in the second limb with ‘detriment’ (Ferguson and Webber 2015). The guidance was withdrawn after just one month when two charities – Just for Kids Law and Communities Empowerment Network – threatened legal action over the lack of consultation before the new guidance was issued and raised grave concerns over the changes to the two-limb test (Kulz 2015). The 2012 guidance was subsequently replaced by the 2017 guidance, which was in place during the course of this study and is discussed in Part 2 of this chapter.

The Conservative Government (2015 -): Where were we in 2019/20 when the fieldwork for this study took place?

The Conservative period has been characterised by constant leadership change, with three successive Prime Ministers holding post between 2015-2019 (and a further two by the submission of this thesis in 2024). However, the commitments in education policy remained relatively stable prior to the commencement of the fieldwork for this study. After the Conservatives won the 2015 general election, they continued at pace the reforms initiated during the Coalition period and renewed the focus on social justice and improving social mobility under the One Nation agenda (DfE and Morgan 2015a; 2015b; DfE and Gibb 2016; DfE and Morgan 2016a; DfE and May 2016). The *DfE strategy 2015-2020: World-class education and care* (DfE 2016b) and the 2016 White Paper *Educational excellence everywhere* (DfE 2016c) for example, established plans for all schools to be in the process of becoming an academy by 2020 and for the role of LAs in maintaining schools to have completely ceased by 2022.¹⁷ However, the White Paper set out that LAs would continue to have three important functions, namely to (1) ensure every child has a school place, (2) ensure that the needs of vulnerable pupils are met, and (3) act as champions for all parents and families (DfE 2016c). Linked to Parish et al.'s (2012) earlier work, LAs were now primarily constructed as champions for children, parents, and families. Thomson (2020:36) describes how this move away from LA control has left the middle tier in a muddle, commenting:

Less powerful local authorities now have variable responsibilities in relation to the mix of schools in their areas. They have a statutory duty to ensure that all students have a place, although they no longer control the number of places available. They arrange transport for pupils where necessary and ensure that students with special needs and those excluded from school are still able to access schooling.

¹⁷ Legislation to bring about blanket conversion was later dropped due to pressure from Conservative backbenchers and trade unions (see DfE and Morgan 2016b; House of Lords 2016).

I explore the issues arising from navigating this new combination of centralised and localised control and responsibilities in the *Policy paradoxes section* later in this chapter and in Chapter Five where I explore the implications for the enactment of school exclusion policy by LA officers.

In addition to the above reforms, the Conservative Government also continued with the curriculum changes introduced by the Coalition and promotion of the English Baccalaureate (EBacc). A new grading system was introduced with the intention of placing pupils and schools in England on an equal footing with top-performing countries (DfE and Morgan 2015c) alongside two new accountability measures related to the EBacc: Attainment 8 and Progress 8.¹⁸ In line with the vision set out in the White Paper to promote educational excellence everywhere, raising academic standards has continued to be linked to improving behaviour, with a particular focus on strengthening initial teacher training to ‘tackle low level bad behaviour which unfairly disrupts pupils’ learning’ (DfE and Morgan 2015c).

Tackling low-level disruption and improving teacher training

As discussed earlier, in response to concerns over teacher recruitment and retention, the Coalition Government introduced new measures to empower teachers to ‘crack down on bad behaviour’ (DfE and Morgan 2015c). With these powers now in place, the Conservative Government focus turned to training new teachers to tackle low-level disruption.

¹⁸ Attainment 8 measures pupils’ attainment at the end of Key Stage 4 (16 years old). There are three ‘buckets’ and eight subjects that make up the Attainment 8 score including bucket 1: English and maths (double-weighted), bucket 2: three subjects that count towards the EBacc and bucket 3: three qualifications that can be either GCSE qualifications (including other EBacc subjects) or DfE approved technical awards (GOV.UK 2022). Progress 8 is a value-added measure, which captures the progress that pupils make from the end of primary schools to the end of Key Stage 4. Progress 8 scores are calculated for each pupil ‘by comparing their Attainment 8 score with the average Attainment 8 scores of all pupils nationally who had a similar starting point, using assessment results from the end of primary school’ (DfE 2023a:13). These individual schools are then used ‘to calculate average Progress 8 scores including school Progress 8 scores’ (DfE 2023a:13).

Prior to the Conservative Government taking office, Ofsted (2014b) had published a report which claimed that children were losing up to an hour a day of learning due to low-level disruption. In response to the report, Secretary of State for Education, Nicky Morgan, appointed a new “behaviour tsar,” Tom Bennett, and asked him to put together an expert group to develop new training to help teachers deal with low-level disruption in their classrooms ‘so that they can get on with their job and focus on teaching’ (DfE and Morgan 2015c). Schools Minister, Nick Gibb, later announced that Bennett’s investigation into how to train teachers to tackle poor pupil behaviour would be ‘expanded to look at all of the challenges of managing behaviour in the 21st-century school’ (DfE and Gibb 2015), and a report was ‘commissioned to locate the features of successful school cultures and classrooms’ (Bennett 2016a:1). This led to the publication of *The beginning teacher’s behaviour toolkit* (Bennett 2016a) and *Developing behaviour management content for initial teacher training* (ITT; Bennett 2016b; DfE 2019d) as well as *Creating a culture: How school leaders can optimise behaviour* (Bennett 2017; see also Skipp and Hopwood 2017).

Reflecting Charlie Taylor’s earlier toolkit, *Creating a culture* promotes high expectations for all pupils and the consistent use of rules, norms, routines, cultural markers, and levers (e.g., assemblies, wall displays, uniforms, and ensuring pupils are on time and have the necessary equipment), and consequences in the form of sanctions and rewards. In a section on *Consequences and recognising the considerations for pupils with SEND*, the report acknowledged that behaviour is influenced by many complex factors and states that ‘where a student has a disability that affects their behaviour, the school must make reasonable adjustments’ (Bennett 2017:41), however they should not lower their expectations for pupils with SEND.

In *Creating a culture*, the use of internal inclusion units to improve behaviour, and exclusion where warranted, are supported, as depicted by the following two statements:

... removing a student from a mainstream classroom where necessary should never be seen as a failure but as a positive solution. If the teacher is unable to deliver a lesson due to the continued behaviour of a student, removal is not only unavoidable, but right.

Exclusions are not a necessary evil. If they are necessary, they are not evil, and the belief that they are is a limiting one. They can be an important part of a healthy school system, demonstrating that even tolerant supportive communities have red lines, and terminal destinations when all else has been tried, or an acceptance that some students will need the level or support provided by specialist settings (Bennett 2017:45).

Bennett also states that Ofsted ‘must not unfairly deter schools from meaningfully using exclusions by treating their existence as an exclusively negative strategy’ and argues that ‘[i]n some schools, a temporary, high exclusion rate may be a sign of effective leadership, not weak or over-punitive’ (Bennett 2017:45).

Mirroring Bennett’s support for the use of exclusion, the revised 2017 statutory guidance on school exclusion, which was in place during the course of this study, made clear that the ‘Government supports head teachers in using exclusion as a sanction where it is warranted’ (DfE 2017a:6). While the legislation governing the exclusion process went unchanged, the statutory guidance was updated to provide greater clarity and confidence to headteachers and governing boards and IRPs on their use of exclusion and consideration of exclusion decisions, respectively. Utilising Bacchi’s (2009) What’s the problem represented to be (WPR) approach to policy analysis, while conducting this study, I, along with my colleague Professor Gillean McCluskey, explored the discourses around challenging behaviour underpinning the 2017 guidance. Based on requirements set out in the guidance, which are outlined in Part 2 of this chapter, we identified three different problem representations of challenging behaviour: (1) Challenging behaviour can be multifaceted and the result of factors outside of school, (2) Challenging behaviour results from unmet needs/indicates additional needs, and (3) Challenging behaviour is a problem resulting from

within the child and/or the family. Looking at the stated purpose of the guidance, we also found that challenging behaviour was seen as requiring punishment and that exclusion was framed as a legitimate sanction (Tawell and McCluskey 2021). As discussed in the *Policy paradoxes* section at the end of Part 1 of this chapter, these different representations of the problem (i.e., individualised or contextualised) have to be navigated by policy actors at the local level when enacting national school exclusion policy and deciding on the response to the behaviour (i.e., support or punishment). Our analysis also highlighted that while the English guidance refers to early intervention, multi-agency assessment, and assessing the appropriateness of provision and support for pupils with SEND, it provides limited practical guidance (Tawell and McCluskey 2022).

In a speech on *England's education reform*, Minister for School Standards, Nick Gibb (DfE and Gibb 2017) praised Bennett's (2017) report, and named a number of exemplary schools serving disadvantaged areas who he stated had harnessed academy freedoms to establish high academic and behavioural standards, including the Michaela Community School which has become notorious for being England's strictest school due to its zero-tolerance approach, silent corridors, and use of the SLANT technique ('[s]it up, listen, ask and answer questions, nod your head and track the speaker'; Brighouse and Waters 2021:364). Excellence, effectiveness, and social mobility were increasingly seen as synonymous with strong discipline (note that the headmistress of the Michaela Community School, Katharine Birbalsingh, later served for a short time as Chair of the Government's Social Mobility Commission). Reflecting on this, Thomson (2020:146) notes that:

... the more discipline is seen as synonymous with effectiveness the more schools are pushed to comply with politically directed and visible behavioural norms. That diverse students might not all benefit from a singular approach to order is not considered.

However, Bennett's report and the DfE's *Behaviour and discipline in schools* guidance (updated 2016) were not the only policy documents and directives in circulation during this period. Perhaps linked to the SEND reforms, and to the increasing concern around children's mental health a separate guidance document on mental health and behaviour in schools was also issued (DfE 2018c, first published in 2014).

Increasing focus on mental health

In her formal response to Tom Bennett's (2017) report, Justine Greening who had taken over from Nicky Morgan as Secretary of State for Education, identified mental health issues as one underlying cause of challenging behaviour and asked her officials to review the *Mental health and behaviour in schools* guidance. The updated 2018 guidance promoted creating a whole school culture for mental health alongside a whole school behaviour policy (DfE 2018c) and stated that 'schools should consider any contributing factors that are identified after an incident of poor behaviour has occurred, which could include where the pupil has mental health problems' before excluding a pupil (DfE 2018c:17). Schools were therefore, once again, asked to simultaneously work to promote good behaviour and pupil wellbeing.

In a government commissioned review of *Mental health and wellbeing provision in schools*, Brown (2018) found four whole-school philosophies embedded within the school behaviour and/or anti-bullying policies of 100 schools surveyed (45 secondary, 45 primary and 10 special): (1) restorative approaches, (2) nurture approaches, (3) shared community approaches, and (4) assertive discipline approaches (Brown 2018). This indicates that national discourses and guidance were being translated into different approaches at the local level.

This focus on mental health corresponded with the publication of the joint Green Paper: *Transforming children and young people's mental health provision* (DoH and DfE

2018) and the piloting of Mental Health Support Teams in schools ‘to deliver evidence-based interventions for mild-to-moderate mental health issues’ (National Health Service 2022) and to support newly trained Senior Mental Health Leads (see also: DoH and DfE 2018). In response to the Green Paper, the House of Commons Education and Health and Social Care Committee (2018) published a report titled: *The Government’s green paper on mental health: Failing a generation*. While the committee welcomed the publication of the Green Paper, they felt that it failed to ‘specify action to address the higher level of need in particular demographic groups’ including those who had been excluded (formally or informal) or in AP (House of Commons Education and Health and Social Care Committee 2018:3) and recommended that the *Timpson review of school exclusion* (discussed later) focus ‘on the increase in pupils being excluded with mental health needs and how the mental health needs of excluded pupils are being met’ (House of Commons Education and Health and Social Care Committee 2018:12). The report also noted serious concerns over the lack of services for children experiencing problems with their mental health, which is a concern that has continued to grow over recent years (Mental Health Network 2021). A 2018 report by the House of Commons Education Committee based on its inquiry into AP, also identified mental health needs, alongside a lack of early intervention and support, increased use of zero-tolerance behaviour policies, and off-rolling, Progress 8 and a narrowing curriculum as reasons behind the reported increase in school exclusions and referrals to AP (House of Commons Education Committee 2018). The following sections set out the ways in which the Conservative Government responded to concerns around the quality of AP and increasing rates of school exclusion, respectively.

The Government's dual commitments: The headteacher's right to exclude and improving the quality of alternative provision

As part of its vision to promote educational excellence everywhere, in the 2016 White Paper the Government renewed its commitment to reform AP and increase schools' accountability over excluded pupils. Proposed changes also featured in the DfE's 2018 vision for AP and as a recommendation in the *Timpson review of school exclusion* (2019). However, when this study took place, it had not resulted in any changes being implemented. Instead, resources were put into further exploring ways to improve the quality of AP and outcomes for young people (see Ofsted 2016; Tate and Greatbatch 2017; Bryant et al. 2018; Danechi 2018; DfE 2018d; IFF Research Ltd, Mills and Thomson 2018). As mentioned above, the House of Commons Education Committee launched an inquiry into AP in September 2017. Reporting on its inquiry in 2018, the committee described 'a scandal of ever increasing exclusions' (House of Commons Education Committee 2018:1) both formal and 'hidden' and depicted AP as the 'forgotten part of our education system' where excluded pupils are 'left abandoned' (UK Parliament 2018). In response to the report, Secretary of State for Education, Damian Hinds stated:

... schools will still reserve the right to exclude as a last resort, but where pupils are excluded, the quality of education they receive should be no different than in mainstream settings (DfE and Hinds 2018).

By the time of this study, these dual commitments to the right to exclude and improving the quality of AP, initiated during the Coalition period, had become a repeated mantra for the Conservative Government and main driving force behind exclusion policy.

In 2018, Damian Hinds announced that the DfE would be launching a package of work with the aim of transforming 'education for children with additional needs' and improving 'the experiences of children in alternative provision' (GOV.UK 2018). This

would include a review of outcomes for Children in Need and a £4 million AP innovation fund (DfE and Hinds 2018). In response to outcomes of the Race Disparity Audit (GOV.UK 2018), and against mounting pressure from charities, think tanks, and government bodies into the rising rates and disproportionate impact of school exclusion on certain groups, Hinds, while continuing to back headteachers in their use of exclusion, commissioned an external review of school exclusions which was led by Edward Timpson (former Children's Minister).

Timpson review of school exclusion

The aims of the Timpson review were to (1) understand how headteachers 'use exclusion in practice, and why some groups of pupils [including particular ethnic groups, pupils eligible for Free School Meals, pupils with Special Educational Needs and Disabilities, Children in Need and children who have been supported by social care] are more likely to be excluded' (DfE 2018e:1), (2) 'explore how head teachers decide when to exclude, and the role of governors in reviewing use of exclusion' (DfE 2018e:2), (3) explore the ways in which headteachers ensure that their practices do not violate the Equality Act 2010, and (4) provide examples of good practice where exclusion rates are low, including the use of AP, managed moves¹⁹, and In Year Fair Access Panels (IYFAPs)²⁰. Assessing critically the effects of recent policy changes and their impact on institutional practices was not an imperative, and the review did not seek to change the powers headteachers have to exclude (Timpson 2019).

The review, published in May 2019, suggested that differences in leadership were leading to 'too much variation in the culture and standards set within schools' and exclusion

¹⁹ A managed move 'allows a young person to move from one school to another, including alternative provision academies and PRUs [Pupil Referral Units]. These should take place with the full agreement of the young person, their parents/carers, and both schools involved. These are often used as a 'fresh start' which avoids a permanent exclusion from the student's original school' (Partridge et al. 2020:10).

²⁰ See discussion in Part 2 of this chapter.

practice (Timpson 2019:11). Equally, ‘too much variation in, or lack of, consistent systems, capability and capacity in schools to understand and manage poor behaviour and support additional needs’ was linked to teachers feeling ill-equipped to ‘manage disruptive behaviour, to offer early help or put in place alternatives to exclusion’ (Timpson 2019:11). Timpson also found that there was no incentive in the current performance and funding systems for schools to (1) take responsibility for the needs of all pupils, and (2) only use permanent exclusion as a last resort (Timpson 2019:11). The report raised concerns over the lack of safeguards to protect pupils against informal exclusion and off-rolling, whereby pupils are removed ‘from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil’ (Ofsted 2019a), as well as other potential safeguarding risks when excluded. The report called for new measures to safeguard children supported through social care, and to protect children from gangs and serious violence. In total, the Timpson review made 30 recommendations focused on fostering ‘[a]mbitious leadership: setting high expectations for every child,’ ‘[e]quipping: giving schools the skills and capacity to deliver,’ ‘[i]ncentivising: creating the best conditions for every child,’ and ‘[s]afeguarding: ensuring no child misses out on education’ (Timpson 2019:12-16).

During and following the completion of the Timpson review, other reports by charities, think tanks, and government bodies also highlighted the issue of off-rolling (Children’s Commissioner 2019b; Ofsted 2018, 2019b; YouGov 2019) and unexplained exits from school (Hutchinson and Crenna-Jennings 2019a, 2019b), and warned that school exclusion was ‘fuelling gang violence’, with excluded children being at increased risk of ‘being groomed and exploited by criminal gangs’ (Barnardo’s in BBC 2018; see also Hudek 2018a, 2018b; Ministry of Justice 2018, Rawlinson 2018; Children’s Commissioner 2019c,

2019d; Smith 2019; The Children's Society 2019; Irwin-Rogers, Muthoo and Billingham 2020; The Child Safeguarding Practice Review Panel 2020).

Knife crime and exploitation: The need for a contextualised approach

Prior to the publication of the Timpson review (2019), Ofsted conducted a piece of research into safeguarding children and young people in education from knife crime and found two approaches taken by headteachers when pupils were found to be carrying knives on school premises or in the community. In the first approach, headteachers were found to take into consideration the circumstances of the individual child and the intention they had for carrying a knife. This approach often led to schools retaining the pupil and adopting alternatives to exclusion. The second approach saw headteachers prioritise 'the welfare and safety of the majority of children in the school' (Ofsted 2019c:17) and opt to issue a permanent exclusion or try to broker a managed move to another setting. Some schools had 'adopted a zero-tolerance approach that they believed reflected an LA-led strategy/policy' (Ofsted 2019c:17). In the report's recommendations, Ofsted (2019c; 2019d) stated that schools and LAs should be applying the statutory guidance on exclusions and safeguarding policy to take preventative action against knife related exclusions through early intervention and engaging in strategic partnership working, and should in incidents involving knives take account of any contributory factors before taking the decision to exclude. They warned against the use of overly rigid zero-tolerance policies as they found that they could be taken advantage of by gangs, for example, by 'getting children to take a knife into school or to break another rule which gets them excluded' (Sheridan 2018).

Commenting on the report, the then Ofsted Chief Inspector, Amanda Spielman, stated that permanent exclusions are 'a necessary and important sanction, but it is not acceptable, or legal, to exclude without due regard for the impact on and risks to the child

being excluded’ and called for more guidance as well as partnership working and early help services to prevent pupils from reaching the point of permanent exclusion (Ofsted and Spielman 2019a). Reflecting on a separate piece of research into managing behaviour conducted by Ofsted, Spielman further emphasised the need to acknowledge pupils’ needs when applying a schools behaviour policy and called for both consistency and flexibility (Ofsted and Spielman 2019b). In a submission of evidence ahead of the rewriting of the statutory guidance on school exclusion (instigated by the Timpson review 2019), Just for Kids Law and the Children’s Rights Alliance for England (2020:1) called on the DfE to ‘include provisions that mitigate the risk that victims of exploitation will be excluded and protect the children most vulnerable to exploitation in the future.’

Government’s response to the Timpson review: Four core commitments

In a formal response to the Timpson review (2019), Damian Hinds reiterated the Government’s commitment to the headteacher’s right to exclude and improving the quality of AP but supplemented them with two further commitments. The first was to ‘support schools and their partners to put in place effective interventions to give pupils at risk of exclusion the best chance to succeed’ (DfE 2019a:5). This included the implementation of a £10 million scheme, led by Tom Bennett to set up a network of behaviour hubs (schools with ‘exemplary behaviour management practices and effective whole-school cultures’; DfE 2019c) to provide support to other schools on implementing, for example, new sanctions and rewards systems (DfE 2019c). The focus on building a whole school behaviour culture was also reiterated in the Education Endowment Foundation’s (2019) guidance report *Improving behaviour in schools* which drew on behaviour for learning ideas, and the DfE (2020b) self-review and signposting tool, *Respectful school communities*. The second commitment was to ‘provide greater clarity for school leaders about when and how it is

appropriate for children to be removed from their school, and make sure there is sufficient oversight when pupils move around the education system' (DfE 2019a:5), which would include a review of the behaviour and exclusion guidance (discussed in Chapter Eight). In line with this commitment, in 2019 the Ofsted framework was updated and new sections on evaluating 'gaming' and 'a school's approach to inclusion and off-rolling' (Ofsted 2019e) were added, which made clear that identification of off-rolling during an inspection 'would likely lead to a school's leadership and management being judged as inadequate' (Long and Denechi 2021).

Working upstream or downstream?

While the above section shows a slight move towards prevention, during the course of the fieldwork for this study and in the run up to the general election in 2019, The Conservative and Unionist Party Manifesto (2019) once more repeated that the party would back heads and teachers on discipline and the use of exclusion, and, in what could be seen as a move to downstream working, promised to expand AP for excluded pupils. However, in other policy arenas, calls for upstream working to tackle school exclusion strengthened. A partnership of organisations named IntegratED was established by the Centre for Social Justice to lobby for an alternative dual commitment to (1) reducing preventable school exclusions through upstream working and (2) improving the quality of education for children excluded from school (IntegratED 2020). I return to the extent to which the calls from the Timpson review (2019) and the wider policy network have been answered, and the contribution of this study to the debate in Chapter Eight.

By chronicling changes to school exclusion policy and setting them within broader education reforms, in Part 1 of this chapter I have explicated how previous lines of thinking have informed present policy positions and highlighted the complexity of the policy

landscape and competing pressures faced by practitioners when enacting school exclusion policy. Based on this review, in the final section of Part 1, I identify different *policy paradoxes*, which I argue are continuously and dynamically negotiated and navigated by policy actors when both producing and enacting school exclusion policy.

Policy paradoxes

Throughout this chapter I have highlighted tensions and mixed messages arising from competing policy discourses, positions, and agendas, including:

1. welfarist – punitive
2. contextualised – individualised
3. rights of the child – rights of the school
4. inclusion – raising standards
5. localised – centralised governance

The different competing discourses, positions, and agendas could be seen as opposing dimensions of different often interrelated spectra, with policy proposals “falling more to one side of” or “emphasising more of one position” at different points in time. While the term spectra captures the idea that government policy may occupy and move along a continuum of different positions, I argue that the tensions identified may be better understood as *policy paradoxes*, as not only can the opposing discourses, positions, and agendas be moved between, but also at times held or proposed simultaneously, even when seemingly in contradiction. To explain this idea further I will discuss each of the five *policy paradoxes* referred to above in turn.

Welfarist – punitive

In this first paradox, a tension is identified between welfarist and punitive approaches to behaviour based on early intervention, tackling social exclusion, safeguarding young people's welfare and rights, and providing care and support on the welfarist hand and punishment, strong discipline, and control on the punitive hand. In the different political periods covered in this chapter, we have seen that in some periods policy falls more to one side, for example, the Conservative period (1979-1997) could be argued to have been a more punitive period, however, in other periods a more mixed or changeable picture emerged (i.e., New Labours' shift between a focus on reducing exclusions and early intervention to 'individualised discourses of behaviour and responsibility based on punitive responses to children and parents' (Dunn 2015:286); a point returned to in the second paradox). The welfarist – punitive paradox also seems to align with movements in other policy fields, specifically youth justice. For example, the more punitive turn during New Labour corresponded with a focus on reducing anti-social behaviour. At the time of this study, more contextualised understandings of behaviour, informed by wider policy concerns around child criminal exploitation had started to emerge, yet a focus on the headteachers' right to exclude and maintaining strong discipline continued.

Contextualised – individualised

The second related paradox is based on the tension between contextualised understandings of behaviour, whereby behaviour is seen as a form of communication and influenced by outside factors, and individualised behaviour, which is based on individual choice. As mentioned earlier in this chapter, the way that school exclusion is conceptualised (e.g., as an individual, parental, systemic, or multi-faceted issue) and behaviour is understood and

managed (e.g. seen through a psychological, social, medical or biopsychosocial lens; see Slee 2015) is important as it determines who is deemed accountable for student behaviour and what support is made available. In their mixed-methods study, Stanforth and Rose (2020) for example, investigated how challenging behaviour was individualised and/or contextualised within the talk of teachers and pupils, and how these conceptualisations affected the use of inclusive or exclusive practices. They found that ‘students and staff oscillated between individualising and contextualising the cause of challenging behaviour both blaming the student and seeing them as a victim of circumstance at the same time’ (Stanforth and Rose 2020:1253). They noted that staff were able to reject ‘punitive exclusionary approaches to challenging behaviour when they gained knowledge of certain contextual factors’ (Stanforth and Rose 2020:1264). Moreover, in overlap with the first paradox, Ydesen (2016:627-628) argues that the knowledge bases drawn upon by practitioners, for example ‘punitive-correctional’ or ‘sociological-contextual’ can affect understandings of the locus of responsibility and therefore affect responses towards behaviour, points I return to in Chapters Five and Six.

Rights of the child – rights of the school

The third policy paradox revolves around issues of rights and safety, specifically balancing the safety of others against the safety of the individual pupil, and the rights of pupils to learn and teachers to teach, with the rights of the individual child. As shown throughout this chapter, focusing on teachers’ rights is often linked to concerns around teacher recruitment and retention, and ensuring a safe and calm environment for learning is linked to raising standards (e.g., behaviour for learning). In more recent policy reports, including by Ofsted, we have seen a stronger focus on the rights of the child, for example, with Spielman stating that it would be unlawful to exclude without due regard to the risks posed to the child being

excluded (Ofsted and Spielman 2019a). Linked back to the second policy paradox, in effect, Spielman is suggesting that a more contextualised understanding and flexible approach should be taken when enacting national school exclusion policy. The ways in which this policy paradox is navigated by school level actors is returned to in Chapter Six when discussing the use of zero-tolerance policies versus discretion and the issue of applying exclusion and behaviour policy consistently versus flexibly. I also pick up on the ways in which fairness (to the school or child) is negotiated and navigated when deciding on school placement through the In Year Fair Access Panels (IYFAPs) in Chapter Seven.

Inclusion – raising standards

The fourth paradox is between the inclusion agenda and the standards agenda. While initially seen as mutually dependent at the beginning of the New Labour period, over time a growing tension between the two agendas has emerged, with excellence and exclusion being seen to emerge as two sides of the same coin. I have therefore included the two agendas here as a policy paradox. While there continues to be a focus on inclusion, the 2014 Special Educational Needs and Disabilities (SEND) Code of Practice removed the presumption of mainstream schooling for all, and actively sought to reduce what was seen as the overidentification of Special Educational Needs (SEN) by replacing the BESD (Behavioural, Emotional and Social Difficulties) category with SEMH (Social, Emotional and Mental Health) and collapsing SEN Action and SEN Action Plus into a single category of SEN Support. However, while the category of BESD has been removed, increased focus has been placed on the links between behaviour and mental health. At the same time in mainstream schools, the focus on raising standards further has resulted in a narrowing of the curriculum and stronger accountability measures. The focus on improving standards of behaviour in schools and commitment to improving the quality of AP for excluded pupils

also play into this policy paradox and are somewhat at odds with an inclusion agenda. In Chapter Three, I introduce my concept of policy contradictions, and the idea of perverse incentives (used previously by for example Centre for Social Justice 2012; Children's Commissioner 2013a), as linked concepts to *policy paradoxes*, to explore how unintended consequences can result when two competing policy positions are simultaneously adopted, for example keeping exclusion rates low and improving attainment scores. In Chapter Six, I then provide examples of the unintended consequences and trade-offs of these policy contradictions and perverse incentives.

Localised – centralised governance

The fifth and final policy paradox focuses on the tension that has resulted from the move to more centralised control over education. This policy paradox works on a number of levels and has to be navigated by both schools and LAs. While the policy focus over recent years has been on increasing school autonomy, including in relation to school exclusion decisions, as discussed in the fourth policy paradox this 'freedom' has been coupled with increased 'control' in the form of stronger accountability measures. The push towards a school-led system has also raised a tension between schools being in competition with one another while also being encouraged to work in collaboration. A tension has also arisen from the changing role of the LA. While localised governance has been increasingly dissolved through academisation, the LA retain certain responsibilities over aspects of the education system, for example ensuring that students with SEND and permanently excluded pupils are able to access schooling. While the LA are responsible for permanently excluded pupils, they have little say over how schools respond to pupils at risk of exclusion, and as discussed in Part 2 of this chapter no longer have permission to make representations during exclusion hearings for children who attend academies. Moreover, though the power to exclude rests

solely with headteachers, LAs are held to account over local exclusion figures by central government during local area inspections. Additionally, while AP placements for permanently excluded pupils were historically provided by local LA maintained Pupil Referral Units (PRUs), in recent years the AP landscape has changed with PRUs also being able to convert to academy status – becoming AP academies – thus changing the commissioning model. In Chapter Five, I explore how LA officers navigate this simultaneous marginalisation and responsabilisation, and how they position themselves and are positioned in relation to school exclusion policy.

In the three findings chapters that make up this thesis (Chapters Five to Seven), I will explore the dynamic ways in which practitioners navigate these *policy paradoxes* at the local level. In doing so, I will explore how different policy discourses can influence exclusion, as well as how actors' personal beliefs, policy and practice antecedents, and contextual factors, including other school policies, mediate the enactment of school exclusion policy.

Having set out the guiding policy discourses and *policy paradoxes* in Part 1, in Part 2 of this chapter, I turn to focus specifically on the school exclusion process and introduce the national policy on school exclusion in place during the course of this study, namely the *Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion* (DfE 2017a). To cover the reintegration aspect of the school exclusion process, I then provide an overview of the non-statutory guidance on *Fair access protocols* (DfE 2012c).

Part 2: National school exclusion policy

As set out by the DfE, it is a statutory requirement for all schools in England to have a school exclusion policy and a behaviour policy (DfE 2020c)²¹. Sections 90 and 91 of the Education and Inspections Act 2006 outline the statutory authority that teachers have to discipline pupils whose behaviour ‘is unacceptable, who break the school rules or who fail to follow a reasonable instruction’ (DfE 2016d:6). This authority includes the use of exclusion (The Children’s Society 2019).

Section 51A(10) of the Education Act 2002, sets out that the decision to exclude can only be made by the headteacher on disciplinary grounds. The headteacher’s decision to permanently exclude is ‘subject to standard public law restraints, namely that it must be lawful, rational, reasonable, fair, and proportionate’ (Ferguson 2019:8; see also DfE 2017a; Education Act, 2002; Education Act 2011; School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012). When establishing the facts of a case the headteacher must apply ‘the civil standard of proof; i.e. ‘on the balance of probabilities’ it is more likely than not that a fact is true, rather than the criminal standard of ‘beyond reasonable doubt’ (DfE 2017a:9). Ferguson (2019:7) explains that ‘[i]t is the statutory guidance to which schools turn for their understanding of the legal framework.’

When this study took place, the 2017 statutory guidance was in place²² and set out a two-limb test to govern a head teacher’s decision to permanently exclude (Ferguson 2019).

²¹ Partridge et al. (2020:35) explain that the ‘education act covering local authority-maintained schools sets out the requirement for schools to have a behaviour policy “with a view to promoting, among pupils, self-discipline and proper regard for authority”, it is not prescriptive about the content of the policy. By contrast, the legislation for academies and free schools requires that “a written behaviour policy is drawn up that, amongst other matters, sets out the sanctions to be adopted in the event of pupil misbehaviour”.’

²² In 2022, new legislation and statutory guidance was issued. While the two-limb test remains the same, ‘such as staff or pupils’ has been added after ‘others’ in the second limb (see DfE 2022b:13). Changes to the statutory guidance are discussed in Chapter Eight.

Mirroring the 2012 guidance, the 2017 guidance states: '[a] decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; *and*
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school' (DfE 2017a:10; emphasis added).

The statutory guidance includes guides to the law, which outline the legal requirements that *must* be met and followed in the school exclusion process, and statutory guidance which those involved in the exclusion process *must have regard* to. In this context, the phrase 'must have regard' 'does not mean that the sections of statutory guidance have to be followed in every detail, but that they *should* be followed unless there is a good reason not to in a particular case' (DfE 2017a:3, *emphasis added*).²³

The guidance outlines that the decision to permanently exclude must be made in line with administrative law and 'should only be used as a last resort' after all other options have been exhausted (DfE 2017a:6). Moreover, headteachers must not discriminate and must comply with the Equality Act 2010 and with their statutory duties in relation to Special Educational Needs and Disabilities (SEND) under the SEND Code of Practice 2014 (DfE and Department of Health (DoH) 2015), including making reasonable adjustments. Permanent exclusion should be avoided 'as far as possible' for pupils with Education, Health and Care Plans and Looked After Children (LAC; DfE 2017a:11) and headteachers 'must take account of their legal duty of care when sending a pupil home following an exclusion' (DfE 2017a:9). Moreover, the guidance states that:

²³ There has been a slight change to the terminology used in the 2022 guidance (see DfE 2022b).

1. *Whilst an exclusion may still be an appropriate sanction, the head teacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying. (DfE 2017a:10)*
2. *Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN [Special Educational Need] or disability that a pupil may have. The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems (DfE 2017a:10)*
3. *Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan 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 an EHC plan, schools should consider requesting an early annual review or interim/emergency review. (DfE 2017a:11)*

Previous versions of the statutory guidance provided a list of the types of behaviour that would result in a permanent exclusion; however, this list was removed in the 2012 guidance and has remained absent in subsequent iterations. This was in part due to the DfE wanting to simplify the statutory guidance and therefore focusing on the two-limb test, and also a move to give headteachers increased authority and autonomy (Children's Commissioner 2012; Ferguson and Webber 2015). Despite this increased discretion in categories for decision-making, when a pupil is excluded from school, the school is still required to record a single reason for the exclusion in its School Census return. Up until 2020, the list of reasons that schools could choose from included: bullying, damage, drug and alcohol related, persistent disruptive behaviour, physical assault against an adult, physical assault against a pupil, racial abuse, sexual misconduct, theft, verbal abuse/threatening behaviour against an adult, verbal abuse/threatening behaviour against a pupil, and other. Following concerns raised around the 'other' category lacking clarity (Centre for Social Justice 2018; Timpson 2019; Martin-Denham and Donaghue 2020), this option was removed in 2020, and a new

list of categories for the School Census was issued²⁴. Ferguson and Webber (2015:17-18) suggest that ‘whilst the statutory guidance affords significant discretion for headteachers, these categories may influence their understanding of which behaviour does and does not justify permanent exclusion.’ Moreover, though the statutory guidance does not include a list of behaviour which would warrant an exclusion, it does stipulate that it would be illegal for a headteacher to exclude for a non-disciplinary reason such as the pupil having:

... additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil’s parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting (DfE 2017a:9).

The guidance is also clear about the unlawfulness of ‘informal’ or ‘unofficial’ exclusions even if they occur with the agreement of parents/carers.

The school exclusion process

Following a decision to permanently exclude, the governing board of the school must convene a Governors’ Disciplinary Committee (GDC) within 15 school days of receiving notice of the exclusion to review the exclusion and decide whether to uphold the decision or overturn and reinstate the pupil (DfE 2017a). The panel receives an evidence pack from the school and hears representations made by the headteacher (and/or other staff member), parents/carers and the young person (if in attendance). Since 2012, the role of LA officers

²⁴ ‘New categories are: “Use or threat of use of an offensive weapon or prohibited item” (this previously fell under “Verbal abuse/threatening behaviour”), “Abuse against sexual orientation and gender identity (for example, LGBT+)”, “Abuse relating to disability”, “Inappropriate use of social media or online technology” and notably in the context of Covid-19, “Wilful and repeated transgression of protective measures in place to protect public health”.’ (IntegratED 2020:15)

in the exclusion process has changed. Where the 2008 guidance stated that the LA should send a representative to all permanent exclusion meetings and the representative could make a statement about how other schools in the area have dealt with similar issues and draw attention to ‘issues where there is a lack of clarity or where more information may be needed or where guidance appears to have been ignored’ (DCSF 2008a:43), in 2012 this requirement was amended. The 2017 statutory guidance notes that in the case of maintained schools or PRUs, a LA representative must be invited and given the opportunity to make representations at the GDC, however, this requirement does not extend to academies. While a parent can invite a LA representative to the meeting as an observer, they are only able to make representations with the governing board’s consent (DfE 2017a). Moreover, while their involvement in the GDC process has changed, LAs still provide training for governors. If the governors decide to uphold the decision, the parent/carer of the pupil has the right to request that the LA or Academy Trust convene an Independent Review Panel (IRP) to review the governing board’s decision to uphold (applications for an IRP must be made within 15 school days after the parent has received written notice of the GDC’s decision to uphold; DfE 2017a). The parents/carers, headteacher of the excluding school, governing board, and the LA in the case of maintained schools and PRUs are invited to make representations at the IRP. All parents regardless of whether or not a school recognises a pupil as having SEN also ‘have the right to request the presence of an SEN expert’ (DfE 2017a:7).

The IRP can either uphold the decision, ‘recommend’ that the governors reconsider reinstatement, or if ‘one or more of the grounds of judicial review is made out’ (Ferguson 2019:8), can quash the decision and ‘direct’ the governing board to reconsider reinstatement. The panel does not have the power to direct reinstatement. If a direction to reconsider is made and the governors decide not to reinstate, as discussed in Part 1 of this chapter, the

IRP may order the school to pay a £4,000 fine ‘towards the continuing education of the excluded pupil’ (Ferguson 2019:9; Education Act 2002; Exclusions and Reviews Regulations 2012; DfE, 2017a). Finally, parents/carers ‘may also bring discrimination claims under the Equality Act 2010 – to the First-tier Tribunal (FtT) – if it is disability-related and to the County Court for other types of discrimination’ who can direct reinstatement (Ferguson 2019:9; Parkes 2012; DfE 2017a).

During the Covid-19 pandemic, an amendment was issued, which relaxed time frames around reviewing an exclusion, and introduced the option to hold hearings online, with the consent of all parties. All other aspects of the statutory guidance remained the same (DfE 2020d). As well as changes to the exclusions guidance, schools were ‘encouraged to update their behaviour policies to include new rules to ensure the health and safety of staff and students and abide by public health advice,’ thus arguably expanding the exclusion net (Daniels et al. 2020).

When a permanent exclusion is issued, the pupil who has been excluded becomes the responsibility of the LA. They have a duty to find and commission provision for the pupil from the sixth day following the exclusion (see Education and Inspections Act 2006) using funding from the High Needs Block.²⁵ For a fixed period exclusion lasting longer than five days, the responsibility to arrange AP lies with the school (DfE 2017a). Interestingly, apart from a brief mention of the rule that ‘an admission authority may refuse to admit a child who has been excluded twice’ (DfE 2017a:41), the guidance does not cover the reintegration of permanently excluded pupils into a second mainstream school. Instead, this is covered by admissions policy and the FAP (DfE 2012c).

²⁵ High Needs Block funding is allocated to LAs by central government to support children with Special Educational Needs and Disabilities (SEND) and those in AP and then distributed to schools and other educational settings according to need (Partridge et al. 2020).

The Fair Access Protocol

Every LA must have a Fair Access Protocol (FAP) agreed by the majority of schools, including academies, which ensures ‘that - outside the normal admissions round - unplaced children, especially the most vulnerable [including those who have been permanently excluded], are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum’ (DfE 2012c:3). The protocol also serves to ensure that no school is asked to take a disproportionate number of pupils who have been permanently excluded. The protocol does not cover pupils with Education, Health and Care Plans, who are found a new placement by the LA SEND team in consultation with parents. In Chapter Seven I provide a more detailed description of the FAP.

Though the protocol can be enacted in different ways, LAs often convene regular meetings with representatives from local schools, commonly referred to as In Year Fair Access Panels (IYFAPs) to coordinate the placement of pupils (see Chapter Seven for more details). In its 2018 *Forgotten children* report, the House of Commons Education Committee noted that effective IYFAPs were characterised by all schools sharing the protocol, meeting regularly, and providing peer challenge. The report however, also noted that there was significant variation in how IYFAPs are run and managed and raised concern that there is no scrutiny over how they are used. Evidence collected as part of the Children’s Commissioner’s *School exclusions inquiry* also found that IYFAPs can sometimes be used as places to broker managed moves (White et al. 2013).

In the current study, the local FAP was understood as part of the wider ensemble of school exclusion policy, and the IYFAPs were identified as key sites of policy enactment (see Chapters Four and Seven). This study provides detailed insights into one local enactment of the FAP.

Conclusion

In this chapter, I have mapped developments in national school exclusion policy from when the first governing statutory provision was introduced in 1986 to 2019/2020 when the fieldwork for the present study was undertaken and set these developments within the broader education policy landscape. In doing so, I have identified different policy pressures that may influence school exclusion rates and how school exclusion policy is enacted and highlighted five *policy paradoxes* which I argue are continuously and dynamically negotiated and navigated by policy actors when both producing and enacting school exclusion policy (as illustrated in Chapters Five through Eight). I have also outlined the national school exclusion policy, and related Fair Access Protocol (FAP), in place at the time of this study and explained the school exclusion and reintegration processes. The macro-level discourses and legislative requirements identified in this chapter paint a complex policy landscape that policy actors are working in and sets the scene for investigating how national school exclusion policy mediates and is mediated by action in subsequent chapters. In the next chapter, I outline the theoretical tools used to explore the enactment of national school exclusion policy at the local level.

Chapter Three: Theoretical toolbox

... the complexity and scope of policy analysis – from an interest in the workings of the state to a concern with contexts of practice and the distributional outcomes of policy – preclude the possibility of successful single theory explanations. What we need in policy analysis is a toolbox of diverse concepts and theories (Ball 1993:10).

Setting the scene

The primary purpose of theory within the social sciences has been contested for generations, with some suggesting that the testing and verification of theory is paramount and advocating theory-led research, while others have called for a move to prioritise theory generation and data-led research (see Glaser and Strauss 1967). Today, this seems like a needless conflict as many researchers find themselves falling in-between these two positions, taking an adaptive theory approach (Layder 2006), and moving iteratively between theory and data. In doing so, they acknowledge ‘the dual influence of general theory and theory grounded in research data’ (Layder 2006:302). As Gummesson (1998:58) puts it, the aim is for researchers, particularly those doing case study research, ‘to balance on a razor’s edge using their pre-understanding without being its slave.’ It is in this location – balancing on a razor’s edge – that I found myself. However, the structure of a DPhil thesis, by virtue of the fact that the Theoretical or Conceptual Framework often features as one of the early chapters, can cause this iterative process to appear linear and the research to seem theory led. It flattens out what was in actuality a cyclical process of discovery.

I have purposefully chosen to give this chapter the title ‘Theoretical Toolbox,’ as the chapter outlines the tools that helped me craft my original research proposal and design. As the research progressed and I began the collection and analysis of my data, I found that some of the tools I had initially placed in my toolbox were not fit for purpose, and either needed discarding and replacing, or reshaping for use in a different way. This chapter is therefore an introduction to the theoretical journey I embarked on. The end of the chapter does not

represent the finish point, but more a half-way house, a place to take a moment to reflect before exploring the design of the study and navigating the findings. Like any journey, at times I took wrong turns and had to ask for directions, or went off the beaten track into paths unknown; I moved backwards and forwards before landing at my theoretical destination. Rather than testing or generating theory, a ‘grounded modifying of theory’ (Glaser and Strauss 1967:2) broadly seems to best describe how I used and remodelled the tools in my theoretical toolbox to fit and work with my data. In my discussion in Chapter Eight, I return to reflect on the utility of my theoretical tools for exploring the enactment of school exclusion policy, and the study of policy enactment more generally.

Introduction

The definition of policy is often assumed in policy studies, with researchers failing to clearly state their understanding of the term. This is problematic as the meaning we assign to policy affects both how we research and interpret what we find (Ball 1993). Rather than there being one overarching definition of policy, what policy is (taken to be) depends on the ‘thinking technologies’ drawn on by the researcher (Gulson, Clarke and Bendix Petersen 2015:5). Ball (1993:11) argues that when a researcher fails to outline their understanding or definition of policy, it can lead to ‘theoretical and epistemological dry rot’ being built into their analytical structures. The aim of this chapter is therefore to damp proof my analytic structure.

In Part 1 of this chapter, I situate my study within the tradition of policy enactment research and outline key works and ideas that informed the development of my theoretical toolbox. First, I provide an overview of Ball et al.’s (2012) theory of policy enactment and add to my theoretical toolbox two enactment processes, namely interpretation and translation. Here I relate the idea of interpretation to the use of discretion in the enactment of school exclusion policy. Then, in exploring the different roles played by enactors in the

process of policy work, I argue in line with sociocultural theory that policy actors both make sense of policy and policy makes sense of them and discuss how I understand interpretation as part of sense-making (Spillane et al. 2002) – a position I pick up in Part 2 of this chapter.

Following this, I introduce Singh et al.'s (2013) work on the recontextualisation of policy by mid-level policy actors and add the concept of recontextualisation to my theoretical toolbox. Having added concepts to help me explore how national school exclusion policy is interpreted, translated, and recontextualised, in the next section I introduce concepts to help me to explore what contextual factors influence the enactment of school exclusion policy. Specifically, I turn to Ball et al.'s (2012:19) edict to 'take context seriously' and add to my theoretical toolbox the four contextual dimensions that have previously been found to influence policy enactment, namely: situated, professional, material, and external (Braun et al. 2011). However, rather than seeing context as something which surrounds, as has been the case in previous studies including Rustique-Forrester's (2003) contextual theory of exclusion, I draw on Cole's (1996:143) work to argue that context should be understood as something that 'weaves together.' I also argue that the policy's context needs to be taken seriously and add to my theoretical toolbox two concepts that I developed at the start of my study, namely, *policy contradictions* and *policy antecedents*, as well as the idea of 'perverse incentives' (Children's Commissioner 2013a:47) to explore how different policies (e.g., safeguarding, Special Educational Needs and Disabilities (SEND), accountability, and attendance), including previous iterations of policy and practice, influence the enactment of school exclusion policy.

In ending Part 1, I argue that while the theory of policy enactment and the concepts I have added to my theoretical toolbox are helpful to a certain extent for examining the 'what' and 'how' of policy enactment, the theory provides few tools for exploring 'the relationships between specific policies and specific practices' (Ball et al. 2012:1) or 'policy

activity’ (Colebach 2002 cited in Ball et al. 2012:2) and therefore the theory is not sufficient on its own to address the aim of the current study, which is to explore how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency).

In Part 2, I draw on ideas from both sociocultural theory and Activity Theory and introduce a new definition of policy – *policy-as-artefact* – as a way to explore what I see as a dialectical relationship between policy discourse and action. I also suggest a new conceptualisation of *policy enactment as mediated activity* as a way to (1) understand the situated nature of how school exclusion policy is ‘done’ at the activity level, and (2) take contextualising seriously.

Part 1: Situating my study within the tradition of policy enactment research

When I started this study, my objective was to further explore the proposition put forward in Chapter One that “*Policy is one thing and what happens in practice can be slightly different as we all know*” and the theory of policy enactment (Ball et al. 2012) seemed to be a natural fit.

How policy is done: From implementation to enactment

Over the past 30 years, policy analysts have increasingly challenged ‘techno-rational assumptions of a linear, top-down policy design-implementation relationship’ (O’Connell 2017:11). The interpretative turn in policy studies has seen a move towards bottom-up, actor-centred, analyses (O’Connell 2017) and a rejection of instrumentalist views, which have paid little attention to the ways in which stakeholders react to policies (Sin 2014).

Increasingly, emphasis has been placed on issues to do with meaning, subjectivity and interpretation and ‘a shift towards exploring the effects of policy rather than on policy intentions’ (Taylor 1997:24).

Researchers find themselves working across the ontological divide between what Stephen Ball (1993) termed *policy-as-text* which emphasises agency and refers to the ways in which policy is encoded (‘via struggles, compromises, authoritative public interpretations and reinterpretations’; Ball 1993:11) and de-coded and re-coded in different ways (‘via actors’ interpretations and meanings in relation to their history, experiences, skills, resources and context’; Ball 1993:11), and *policy-as-discourse*, which understands ‘policy as part of the dominant system of social relations’ (Ozga 2000:94) and stresses the way in which discourses frame, constrain, and govern what can be said and/or thought, and when, how and by whom (Ball 1993). From this perspective, discourses are not seen to *identify* policy problems that have an external existence, but rather *create* and *constitute* them. Policy problems and solutions are “‘given shape’ in the very policy proposals that are offered as ‘responses’” (Bacchi 2000:47-48) and are ‘brought off through sets of technologies,’ such as performativity (Ball et al. 2012:120). What constitutes the “well-behaved pupil” in behaviour policy is, for example, seen as a vision constructed by master discourses and “‘embodied’ in a particular moral representation of the student subject’ (Maguire et al. 2011:600), which is both situated and historical (Wen 2009). Policies are therefore seen as problematising activities, which contain ‘implicit representations of the character and cause of ‘problems’” (Bacchi 2009:277). Put simply, *policy-as-text* addresses agency whereas *policy-as-discourse* addresses structure (Ozga 2000).

Ball and colleagues (2012) theory of policy enactment provides an example of this method of simultaneously working with the definitions of *policy-as-text* and *policy-as-discourse* (Ball 2015) while exploring ‘policy as a process’ (Braun et al. 2011:586). Ball et

al. (2012:3) explain that they define policy as both ‘texts and ‘things’ (legislation and national strategies) but also as discursive processes that are complexly configured, contextually mediated and institutionally rendered.’ In this way, policy is seen as both ideational and ideological as well as material (Ball et al. 2012) or as Johnson and Sullivan (2016:165) explain ‘a composite of directives, legal requirements, procedures and local practices.’

As a theory, policy enactment moves away from the unidirectionality implied in implementation studies and highlights complexity and multidirectionality (Heimans 2014). It draws attention to ‘the messiness and unpredictability of what people do’ and ‘the practices in which policy becomes implicated’ (Heimans 2014:308). The term refers to an understanding that policies are encoded and then interpreted, translated, recontextualised, and remade by diverse policy actors in different settings ‘where local resources, material and human, and diffuse sets of discourses and values are deployed in a hybrid process of enactment’ (Ball et al. 2012:6) ‘rather than simply implemented’ (Braun et al. 2010:547). Through processes of interpretation and translation, policy actors ‘engage in meaning making of official texts for specific contexts and practices’ (Singh et al. 2013:466). The processes of interpretation and translation are not always discrete, but often ‘closely interwoven and overlapping’ (Ball et al. 2011b:621). They work together to inscribe discourses and texts into practice (Ball et al. 2011b; Singh et al. 2013). Policy is not therefore seen as fixed and made in a single legislative context but becomes remade as it moves through the policy process and between different contexts, is subject to ‘negotiation, contestation or struggle between different groups’ (Ozga 2000:113), and is represented in different ways and forms.

Interpretation

Interpretation is the first process in policy enactment and refers to initial, mainly rationalistic, readings, decodings, and sense-makings, whereby actors ask of a text “what does this mean to us?”. These interpretations are ‘political and substantive reading[s]’ (Ball et al. 2011b:619) and are instantiated and elaborated as strategies in various recontextualising fields, including for example LAs, schools, and multi-agency meetings (as discussed later). Singh et al. (2013:466) argue that ‘[t]he discursive communities of these specific contexts regulate which aspects of policy texts are privileged and/or ‘filtered out’.’ Consequently, Ball (1993) suggests that stakeholders are continuously confronted with different interpretations of policy during the policy process, or what Rizvi and Kemmis (1987 in Maguire et al. 2015:486) termed ‘interpretations of interpretations.’ Texts are seen as continually re-orientating and evolving, and ‘the product of compromises at various stages’ (Ball 1993:11). Texts are subject to ‘a plurality of readers... [who] produce a plurality of readings’ (Codd 1988:239), and when the meanings of texts are contested, spaces for creative responses, manoeuvring and action are seen to emerge (Ball 1993). Ball (1993:11-12) explains that:

... these attempts to represent or re-represent policy sediment and build up over time spread confusion and allow for play in the playing-off of meanings. Gaps and spaces for action and response are opened up as a result. Thus, the physical text that pops through the school letterbox, or where ever, does not arrive 'out of the blue', it has an interpretational and representational history. Neither does it enter a social or institutional vacuum. The text and its readers and the context of response all have histories.

Ball (1993:12) also explains that ‘some texts are never even read first-hand,’ with key actors, ‘relied upon by others to relate policy to context or to gatekeep’ (Ball 1993:12), such as the

mid-level policy actors in Singh et al.'s (2013) study discussed later, or headteachers who are seen to select and enforce meaning (Spillane et al. 2002; Ball et al. 2012).

In total, Ball et al. (2012) identified eight different roles played by enactors in the process of policy work, although it must be noted that they attributed different names to these roles in different parts of their 2012 text. Moreover, Ball et al. (2012:50) note that these positions are not necessarily mutually exclusive nor attached to specific individuals but may be combined or taken up by the same person at different points in time and may be more or less significant and prominent in different settings.

Taken together, the roles include: policy *narrators/interpreters* and *entrepreneurs* who are 'meaning makers' (Ball et al. 2012:138) 'who drive the way in which policies are selected and understood; *transactors* and *translators*... who work to make texts into action and render actions into outcomes' (Ball et al. 2012:8) and 'are those engaged in reporting, monitoring and accounting for the practices occurring within the school' (Woodcock and Hardy 2022:214); '*critics* and *refusers*... who speak back to policy... and bring 'other' rationalities to bear' (Ball et al. 2012:8); *receivers*, '*copers* and *defenders* who are at the receiving end of policy in classrooms and corridors' (Ball et al. 2012:8); policy *enthusiasts*, *carriers* and *careerists* who 'embody specific policies such as the SENCO [Special Educational Needs Coordinator] who is responsible for special educational needs, or senior teachers for whom policy responsibility is a 'career move'' (Ball et al. 2012:145); and policy *outsiders*, made up of actors and partners outside of school, such as LA advisors and consultants who support processes of interpretation and translation and help to monitor and draw attention to examples of good practice (Ball et al. 2012). Ball et al. (2012) note that this last group has largely been omitted from studies of the policy process despite the fact that some policies in schools, and they give the example of behaviour policy, 'can only be

‘brought off’ by including outsiders in the policy process’ (Ball et al. 2012:55)²⁶. In my study, as discussed in Chapter One, I intentionally set out to include and explore the work of LA officers, as they had previously been identified as the main source of advice for all parties involved in the exclusion process (Ferguson and Webber 2015) and hold particular statutory duties when it comes to school exclusion, namely securing day six provision for pupils who are permanently excluded. They are also a key partner and enactor of the Fair Access Protocol (FAP) (DfE 2012c). Further reflection on the practitioners chosen for inclusion in this study is included in the *Participant recruitment and selection procedures* section of Chapter Four.

While the policy actors outlined above are seen as ‘writerly’ readers of texts’, Ball and colleagues note that actors’ ‘readings and reactions are not constructed in circumstances of their own making’ (Ball 1993:12), and that ‘teacher subjects and subject positions are formed and re-formed by policy’ (Ball 2015:2; see also Bacchi 2009). So, while there is ‘a lot of agency’ in their analysis, there is also ‘a good deal of discourse and power’ (Ball et al. 2012:8). This brings us back once more to the dual conceptualisations of policy adopted in the theory of policy enactment; *policy-as-discourse* and *policy-as-text*.

Policies are seen to pose problems to practitioners, who must solve these problems within the context in which they find themselves. Policies are therefore understood as ‘textual interventions into practice’ (Ball 1993:12). As explained in the citation below from Ball (1993:12-13) action may not be determined by policy, but it is constrained by policy:

Policies do not normally tell you what to do; they create circumstances in which the range of options available in deciding what to do are narrowed or changed. A response must still be put together, constructed in context, off-set against other expectations. All of this involves creative social action not robotic reactivity. Thus, the enactment of texts relies on things like commitment, understanding, capability, resources, practical limitations, cooperation and (importantly) intertextual compatibility.

²⁶ Note that Singh et al.’s (2013) study, which includes mid-level actors, was conducted after this claim was made.

From this perspective, policy is both ‘done by and done to teachers’ (Ball et al. 2012:3), they are both actors and subjects. However, Singh et al. (2013:470) argue that:

... the descriptions provided by narrators, entrepreneurs, outsiders, transactors, enthusiasts, translators, and critics do not offer insights into the generative principles of power and control that structure either policy positions (what can be said) and the policy talk (what is spoken).

They call for Ball et al.’s (2012) heuristic of possible types of policy positions or actors to be supplemented with additional analytic tools and propose Bernstein’s work on recontextualisation ‘in order to elaborate the specifics of the interpretational and translation work of policy actors and agencies in the recontextualisation of official policy discourses’ (Singh et al. 2013:477). Taking heed of Singh et al.’s (2013) suggestion, I introduce the concept of recontextualisation as one of the tools in my theoretical toolbox in more detail later in this chapter.

In line with sociocultural theory, I take the position that policy actors both make sense of policy and policy makes sense of them and understand interpretation as part of sense-making (Spillane et al. 2002). In Chapter Five, I draw on Singh et al.’s (2013) and Spillane et al.’s (2002) work to explore how LA officers and local partners engaged in meaning making of official texts, and how LA officers positioned themselves and were positioned in relation to school exclusion policy as they worked to recontextualise the official policy discourse and provide moral and practical frameworks to guide policy enactment by schools and reduce school exclusion in the LA.

As other authors have situated policy studies within the theory of policy enactment they have begun to stress the importance of focusing on the characteristics of the individual enactors and processes of sense making within schools (Ellis and Spendlove 2020), whereby policy enactment becomes inflected by ethics, beliefs and values, experiences, motivations,

scepticisms, ‘epistemological world views’ and professional commitments, histories, and training (Ball et al. 2012:145; Macleod 2014). Ball et al. (2012:10) note that at times painful decisions have to be made by individuals and schools about ‘where their policy priorities lie.’ In this study, I look specifically at how policy actors negotiate and navigate the *policy paradoxes* set out in Chapter Two, and the difficult decisions and balancing acts they undertake when enacting school exclusion policy. While Ball et al. (2012) found that there was a dearth of values-talk in their data, in Chapters Six and Seven, I show, for example, how both the enactment of school exclusion policy, and the related Fair Access Protocol (FAP), was informed by different value positions and ethical-democratic understandings of ‘fairness,’ and balancing the rights of the child with the rights of the school. In line with Spillane et al.’s (2002:734) cognitive perspective, I ‘attend carefully to the influence of local agents in constructing policy messages.’

In this way, I move away from a post-structuralist position of power which, I argue in line with Bacchi (2000:54), focuses too heavily on the discursive positioning and lived effects of discourse in which policy actors, such as teachers, are seen to take up the positions constructed for them within policies, and instead acknowledge ‘both the power of discourse to delimit topics of analysis (e.g. effects) and the power to make discourse (e.g. uses)’ thereby invoking a stronger focus on agentic action, and enabling the theorisation of ‘possibilities for challenge and change’ (Bacchi 2000:54). Moreover, I recognise that the degree of play, creativity, and manoeuvrability will vary depending on the type of policy and both ‘the apparatuses of power within which they are set’ and ‘the constraints and possibilities of context’ (Ball et al. 2012:3), thereby invoking an understanding of power as both ‘relational and situated’ (Ball et al. 2012:9) – points I expand upon later in this chapter. It seems reasonable to suggest that the more prescriptive a policy, the more likely it is to be used unmediated in practice. Maguire et al. (2010:157) suggest that ‘the form and extent of

enactment will depend to some extent on whether a policy is mandated, strongly recommended or suggested,’ though even centrally mandated policies such as school behaviour policy and school exclusion policy will be ‘translated, adjusted and worked on differently by diverse sets of policy actors’ (Maguire et al. 2010:168). In Chapters Five and Six, I pick up on this point and show that the extent to which a policy text is understood as ‘magisterial’ (Rawolle and Lingard 2015:20), prescriptive, and “black and white”, or alternatively open, flexible, and discretionary, can influence the way that policy, in this case school exclusion policy, is used. Moreover, I acknowledge that policies can include different elements derived from different discourses (Fergusson 2007) and these different elements can be variously taken up by different actors and organisations.

Interpreting school exclusion policy: The role of discretion

The framework underpinning school exclusion in England is built on a discretionary decision-making regime within which decision-makers, i.e., headteachers, exercise ‘supported autonomy’ (Ferguson 2019:7). As discussed in Chapter Two, the statutory guidance includes guides to the law, which outline the legal requirements that *must* be met and followed in the school exclusion process, and statutory guidance which those involved in the exclusion process *must have regard* to. In this context, the phrase ‘must have regard’ (DfE 2017a:3) is used to indicate that sections of the statutory guidance ‘should be followed unless there is a good reason not to in a particular case’ (DfE 2017a:3), but they do not ‘have to be followed in every detail’ (DfE 2017a:3). Moreover, the two-limb test includes terms that, as shown in Chapters Five and Six, are open to interpretation such as ‘serious breach or persistent breaches’ and ‘serious harm’ (see also: Ferguson 2019), and as a result schools have been found to adopt ‘widely differing thresholds’ for exclusion (Kulz 2015:6).

Timpson (2019:11) notes that ‘what will get a child excluded in one school may not be seen as grounds for exclusion in another.’

A number of existing studies focused on the interpretation of the legal framework underpinning school exclusion further illustrate the different understandings and use of the school exclusion statutory guidance. In their 2015 study, Ferguson and Webber found that many teachers misunderstand ‘the legal requirements that must be satisfied to warrant an exclusion’ and some even hold incorrect understandings of what types of exclusion/actions are legally permissible (Ferguson and Webber 2015:38). This misunderstanding is further illustrated in the 2018 NFER Teacher Voice Omnibus Survey where just over a fifth of the respondents believed that they ‘could encourage parents to withdraw their child and apply to another school, as an alternative to a permanent exclusion’ despite this being unlawful (Smith et al. 2018:34; see also the YouGov (2019) survey on off-rolling).

Kulz (2015) and Ferguson (2019) both state that the removal of detail from the statutory guidance back in 2012 (see Chapter Two for more details) has led to ‘numerous grey areas’ (Kulz 2015:6), confusion and play off, and has ‘made it harder for non-lawyers to consistently and justifiably exercise their legally-bounded decision-making’ (Ferguson 2019:19). Ferguson (2019:18) suggests that ‘the ‘disciplinary’ basis on which children may be permanently excluded acts as a smokescreen for underlying, potentially unjustifiable reasons’ and ‘the discretionary regime enables only inadequate accommodation by schools and head teachers of vulnerable children’s characteristics ahead of the decision to permanently exclude’ (Ferguson 2019:25-26). She argues that the vagueness of the threshold, for example, for ‘persistent disruptive behaviour’ which is the most used reason for permanent exclusion (see Chapter One), may be exploited by senior leaders, as it is necessarily lower than other reasons which ‘require evidence of a serious incident or incidents’ (Ferguson 2019:18). Moreover, Ferguson (2019) also suggests that the discretion

afforded to headteachers has in some cases resulted in disregard or circumvention of particular formal positions and the adoption of alternative policies and practices. She provides the following example of drug-related incidents where the formal position is that ‘exclusion should not be the automatic response... and permanent exclusion should only be used in serious cases’ (DfE and Association of Chief Police Officers (ACPO) 2012 in Ferguson 2019:16), yet some schools have adopted a zero-tolerance position on drugs whereby permanent exclusion is the immediate response. In Ferguson and Webber’s (2015:38) earlier work, headteachers were also found to ‘disregard particular legal requirements, principally if they [considered] that the “best interests” of the affected pupil and others in the school [lay] elsewhere.’

Kulz (2015), Ferguson (2019), and de Friend (2019) argue that the discretionary regime is further undermined by the poor training provided to governors, and governors ‘rubber-stamping’ decisions to exclude (Kulz 2015:6). Ryder et al. (2017) found in their study of *Children missing education* that the level of scrutiny over exclusions was hampered, again, by the lack of prescription and level of detail in the statutory guidance, with some LA officers resorting to returning to previous versions of the guidance as an aid: ‘Having been slimmed down following deregulation, they found it unclear, unhelpful and subject to interpretation’ (Ryder et al. 2017:74). Moreover, Ferguson (2019:16) argues that the fact that the “‘last resort” approach in the drugs context is contained in the non-statutory advice on drugs, rather than in the exclusion-specific statutory guidance’ creates confusion and opens a space for unlawful practice.

Lipsky’s (1980) seminal work on street-level bureaucracy is helpful for thinking about the role of discretion in policymaking and reshaping at the local level. Lipsky (2010:13) argues that the policymaking roles of street-level bureaucrats – frontline workers in public services such as teachers, police officers, and social workers, to name just a few –

‘are built upon two interrelated facets of their position: relatively high degrees of discretion and relative autonomy from organizational authority.’ Lipsky was particularly interested in how street-level bureaucrats are able to retain discretion, and resist reforms and directives from their managers – who often hold conflicting priorities and role interests, for example being client-oriented, versus results-oriented. Though not directly comparable to the current study, both *discretion*, for the reasons discussed above, and *relative autonomy* seemed to me to be useful concepts for exploring, for example, the extent to which the increasing autonomy afforded to academies, and the changing relationship between LAs and schools outlined in Chapter Two, may be affecting the process of enactment of school exclusion policy. While LAs remain ‘accountable to central government for permanent exclusions in their area... they have no official role in overseeing and moderating decision-making in Academies’ (Ferguson 2019:22). This changing relationship and the impact it may be having on how school exclusion policy is enacted and the role of LA officers in the interpretation and translation of policy is focused on in Chapter Five.

Translation

The second process in policy enactment – translation – involves continuous displacement, transformation, adaptation, negotiation, and recoding of policy (Herbert-Cheshire, 2003; Ball et al. 2011b). Ball et al. (2011b:620) state that translation is an:

... iterative process of making texts and putting those texts into action, literally ‘enacting’ policy, using tactics, talk, meetings... producing artefacts and borrowing from other schools... and being supported by local authority advisers.

Translation is therefore more realistic; it denotes how the language of policy/policy ideas are translated into contextualised practices, and captures the distance travelled between the original text in the site of legislative and policy formulation and the resultant practice in the

context of enactment (Ball et al. 2011a). Translation involves producing ‘simulacrum of primary policy texts’, or policy ‘artefacts’, which ‘represent what is to be done’ and ‘become part of the ‘taken-for-grantedness’ of the organisation (Ball et al. 2012:121). Ball et al. (2012:121-122) state that ‘artefacts are cultural productions that carry within them sets of beliefs and meanings that speak to social processes and policy enactments – ways of being and becoming – that is, forms of governmentality.’ Policy artefacts, such as posters and behaviour charts, ‘reflect, and ‘carry’ within them, the key policy discourses that are currently in circulation’ (Ball et al. 2012:122); they are ‘“non-human” actants’ doing policy work’ (Ball et al. 2012:122/124). In the case of behaviour policies, these artefacts convey ‘codes of behaviour’ and thereby dictate ‘what students must or must not do and how they must do it in order to make up the ‘good student’ (Ball et al. 2012:128); they act as a way to maintain order and control. However, while such artefacts have regulatory intentions, they may ‘be mediated by other (perhaps residual or antagonistic) discourses’ resulting in fragmented, contested, and differentiated effects or outcomes in practice (Ball et al. 2012:125). Moreover, though these artefacts may act as ‘interpretation devices – intended to convey the position of the school leadership’s ‘take’ on policy’, Ball et al. (2012:124) note that they may in reality become merely ‘decorative wallpaper.’ It is also important to note that visual/material artefacts are not seen to work in isolation but become meaningful in conjunction with other activities and events, for example, staff meetings. Drawing on Fairclough’s (1995) work on critical discourse analysis, Ball et al. (2012:123) argue that ‘[p]olicies are discursive formations; they are sets of texts, events and practices.’

While the importance of contextualising the processes of interpretation and translation has been hinted at throughout this chapter, it is worth reiterating here that policy enactment is ‘far more subtle and sometimes inchoate than the near binary of decoding and recoding indicates’ (Ball et al. 2012:3). This is because, as we will see in the following

sections, these processes are ultimately influenced by and dependent upon wider contextual dimensions, and shaped or ‘mediated by institutional factors’ (Ball et al. 2012:10). There is always a ‘social context and a materiality to policy’ (Ball et al. 2012:145).

Recontextualisation

In their theory of policy enactment, Ball et al. (2012:3) define recontextualisation as ‘the translation of texts into action and the abstractions of policy ideas into contextualised practices’. Drawing on Bernstein’s (1996) recontextualisation rule, Singh et al. (2013:465), further explain that recontextualisation denotes ‘the relational processes of selecting and moving knowledge from one context to another, as well as to the distinctive re-organisation of knowledge as an instructional and regulative or moral discourse’ and necessitates ‘an analysis of power and control relations’ (Singh et al. 2013:465).

Singh et al.’s (2013) study on the recontextualisation of policy by mid-level policy actors working in child protection, provides a helpful example of the recontextualisation rule in use. In their study, they focused on how an ensemble of mandated official state policy texts on child protection and safety policies were shaped by multiple recontextualising agencies, in the two sub-fields of the recontextualising field, for enactment by teachers in schools. The recontextualising field, as depicted by Bernstein (1996), sits hierarchically between the field of production (where new knowledge is produced) and field of reproduction.

The first sub-field is the Official Recontextualising Field (ORF). This sub-field is ‘created and dominated by the state and its selected agents and ministries’ who produce and source policy documents, such as The Child Protection Act, or in my case, school exclusion statutory guidance and related legislation and policies (Singh et al. 2013:468). The second sub-field is called the Pedagogic Recontextualising Field (PRF). This sub-field consists of

pedagogising agents at multiple levels, including university departments of education, specialised media, professional development units and LA teams, who are responsible for translating national policy into local policy and offering support to schools to interpret the abstract and generalised meanings, condensed codes, and legalistic discourses of state official policies (Singh et al. 2013), in terms of their specific context. For example, the concepts of ‘inappropriate behaviour’ and ‘harm’ in Singh et al.’s (2013:473) study and what constitutes, for example, ‘serious breach or persistent breaches’ of the school’s behaviour policy in the current study (see Chapters Five and Six). Through complex processes of meaning-making and ‘fleshing out’, national policies are given substance, and transformed by these agents into specific pedagogic texts and practices (Singh et al. 2013:467). Schools are also part of the PRF as they are responsible for generating and enacting school policies (Singh et al. 2013).

Singh et al. (2013) explain that from a Bernsteinian perspective, the processes of decoding and recoding (recontextualisation) are understood as ‘constituted by power and control relations, which limit or constrain what texts are selected and how they are re-organised and packaged for specific contexts’ (Singh et al. 2013:469). The power and control relations are described by Bernstein ‘as the recontextualising rules of pedagogic discourse, a specialised discourse governing relations within education bureaucracies, and between these bureaucracies and other agencies’ (Singh et al. 2013:469) made up of instructional (technical) and regulative (moral) discourses. Singh et al. (2013) argue that policy texts themselves are also comprised of both instructional and regulative discourses. Discussing how the condensed codes of policy texts are decoded within the instructional and moral frameworks of policy actors and organisations, Singh et al. (2013:476) provide the example of a Teachers Union decoding child protection and safety policies ‘within a moral framework aimed principally at protecting their members’ and allaying their anxieties.

When considering the actions of multiple policy actors and stakeholders within and across agencies within the recontextualising field, Singh et al. (2013) explain that it is important to explore how conflicting priorities and demands can affect how policy is enacted. Singh et al. (2013:470) note:

... actors are often simultaneously positioned within overlapping, intertwining, conflicting and contradictory moral frameworks, and often their work in a specific agency is pressured by the conflicting demands of different stakeholders. It is in these sites/spaces that power relations are challenged, changed, and distorted through the control relations of communication so that official policy texts are morphed and mutated in diverse ways. Mid-level policy actors negotiate the moral discourses of policy enactment (interpretation and translation) through complex communication processes within their own agencies, with other agencies in the recontextualising field, and with 'imagined' projections/scenarios of teachers, students and schooling contexts.

It was important that I considered this point when looking at the enactment of school exclusion policy, as like behaviour and child protection policy, school exclusion policy 'is constructed, managed and developed across school boundaries and inside and outside of local policy networks' (Ball et al. 2012:103). All of the practitioners and services involved in one way or another with the school exclusion process may have their own professional backgrounds, knowledge, values, priorities, goals, statutory responsibilities, and performance measures (Cohen and Loewenberg Ball 1990; Lipsky 2010), as well as beliefs about the root cause of behaviour (Shaughnessy 2012; Timpson 2019), and perceptions of the purpose of school exclusion, which may affect how school exclusion policy is interpreted, translated, and put into practice at the local level (see Chapter Six). In a paper I co-authored titled *Conflicts in professional concern and the exclusion of pupils with SEMH in England* we argue that conflicting primary concerns among different agents and structural and systemic incentives within and between different agencies can lead to fundamentally

different understandings of the ‘problem’ and impede multi-agency, or ‘joined-up’ working (Thompson, Tawell and Daniels 2021).

What the above indicated for the current study was the importance of exploring the degree of relative autonomy and power relations between fields as well as the struggles over the pedagogic texts and practices that occur within and between institutions in the PRF (e.g., LA teams and schools) and between the ORF and PRF, and in so doing, how space is created where ‘interruption, disruption and change can take place’ (in Singh et al. 2013:469). It also pointed towards the need to explore the influence of wider social values and public policy discourses over time (e.g., in education, social, and youth justice policies; Braun et al. 2011), and how broader understandings of childhood, and popular models of student disruption and behaviour (i.e., social, psychological, and medical models) permeate political and pedagogical discourse, affect the interpretation of policy by different actors, and inform practice.

As I moved back and forth between the literature and my data, I found the phrase ‘where you stand depends on where you sit’, which was used by Maguire, Braun and Ball (2015), particularly helpful for thinking about how personal, institutional, and systemic factors can affect how school exclusion policy is ‘done’, as well as how policy research is ‘done’ (see Chapter Four). In many ways, the phrase links back to Singh et al.’s (2013) comment, included earlier, wherein different policy actors within different fields, which are themselves imbued with different relations of power, history, and resource, are seen to determine the policy’s ‘‘direction of travel’’ (Fergusson 2007:184; Maguire et al. 2010).

Informed by Johnson and Sullivan’s work (2016:169) on enacting respectful student behaviour policies in five Australian primary schools, throughout my fieldwork I also kept an eye on how school and LA practitioners attempted to go ‘against the tide’ and subvert dominant policy discourses; acting as policy critics in Ball et al.’s (2012) terms. In their

study, Johnson and Sullivan (2016) found that going ‘against the tide’ involved: ‘Rejecting deficit views of students’; ‘Promoting core values... that acted as key organising ideas and guided policy work’; ‘Emphasising student engagement rather than behaviour management’; ‘Changing the physical environment’; and ‘Recruiting and retaining compatible and skilled staff’ (Johnson and Sullivan 2016:169). In Chapter Five, I discuss how a multi-agency Action Group in the current study set about changing the narrative around school exclusion to a focus on prevention, and the barriers they anticipated they might face in enacting a local framework for reducing school exclusions.

Taking the suggestion to take context seriously, seriously

As already touched upon, in the theory of policy enactment proposed by Ball et al. (2012:19) one of the central adages is the need to ‘take context seriously’ and acknowledge that ‘policy is not implemented in a vacuum, but takes place in a context of existing policy, beliefs and values, available resources, culture and tradition’ (Macleod 2014:48). In the current study, I took the suggestion to take context seriously, seriously and adopted a research design (see Chapter Four) which allowed me to explore the enactment of school exclusion policy across different settings and activities, and further explore the contextual factors that I identified as being key drivers behind the rise in school exclusion in England in the *Disparities in rates of permanent exclusion from school across the UK* project (discussed in more detail later in this chapter).

Ball et al. (2012:19) take the position that ‘policy creates context, but context also proceeds policy.’ This accords with an earlier statement from Taylor (1997), where she argues that policy analysts must move beyond a purely post-structuralist focus on context as the product of policy and incorporate the material and structural conditions (context) which

precede policy (Taylor 1997). Previous studies on policy enactment, and school exclusion, have identified a number of contextual dimensions (Braun et al. 2011:586) or embedded contexts (Rustique-Forrester 2003) found to influence policy enactment and school exclusion practices. For example, in their contextual theory of school exclusion, Rustique-Forrester (2003) theorises school exclusion as a phenomenon that is defined and influenced by multiple embedded contexts. They argue that school organisational contexts, local school districts, parents and communities, higher education institutions, professional contexts and national policy contexts are seen to surround the context of exclusion and ‘in the context of exclusion, the impact of national policies will be seen and reflected in the practices of schools and teachers, differently in different circumstances and cases’ (Rustique-Forrester 2003:61).

While Rustique-Forrester’s embedded contexts provide a helpful heuristic for thinking about different layers of influence, in the current study, I take a different view of context. Informed by the work of Michael Cole (1996:143), I view context not as something that surrounds but rather as something that ‘weaves together.’ I argue that it is the complex assemblage of different contextual factors which results in variation in how national school exclusion policy becomes enacted at the local level. In Chapter Six, I draw on the four interconnected contextual dimensions that Braun et al. (2011:586) have identified as key to exploring policy enactment to understand how schools were ‘doing’ school exclusion policy. These are:

1. *Situated context*: The historical and locational aspects of context, including school intakes and settings.
2. *Professional context*: School and teacher values, commitments, experiences and school policy management.

3. *Material context*: The physical, material and visual aspects of a school which are often overlooked within policy analyses (Heimans 2013), including: ‘buildings and budgets, but also to levels of staffing, available technologies... surrounding infrastructure’ (Braun et al. 2011:592) and policy artefacts, such as school handbooks, posters, websites and diaries (Braun et al. 2011).
4. *External context*: The degree and quality of LA ‘support, pressures and expectations from [the] broader policy context, such as Ofsted ratings, league table positions, legal requirements and responsibilities’ (Braun et al. 2011:588; see also Ball et al. 2012).

One of the policy areas explored by Ball et al. (2011a) in their seminal work on policy enactments in secondary schools was behaviour policy. This work is of relevance to the current study given that ‘serious breach or persistent breaches of the school’s behaviour policy’ is one of the two criteria that decisions to exclude must be based upon (see Chapter Two). When it came to behaviour policy, Ball et al. (2011a) found that the *external context* to a large extent drove schools’ responses. As discussed in Chapter Two, they found that behaviour policies were subordinated by the standards agenda, and schools, while having some flexibility, could not escape from making a response to the Government policy focus on ‘behaviour for learning’ (Ball et al. 2011a:2). In contrast to other policies, the authors found that behaviour policy presented a particular challenge for schools, due to its juridification and legislative framework (including links with wider ‘legislation aimed at tackling and reducing youth crime, disaffection and lack of civic engagement’; Ball et al. 2011a:6). They found that teachers were placed in an ambivalent position in terms of policy enactment being both ‘operationally central but strategically marginal’ (Maguire et al. 2010:156). Final decisions about behaviour policy were made by Senior Leadership Teams (SLTs) and governors, and often aligned with the school’s priorities or *professional context*.

Each of the four case study schools examined by Ball et al. (2012) were also found to have their own ‘regulative discourses’ (Bernstein 2000:23) and distinct histories (*situated and material contexts*) which were seen to contribute to the enactment of behaviour policies and were reflected in behaviour policy artefacts (Maguire et al. 2010). However, while the SLT were seen to hold overall responsibility, Maguire et al. (2010:157) note that in practice, behaviour policies were actually enacted by a range of actors, who had ‘different interpretations of what constitutes ‘disruption’ and competing views about how to discipline and/or control young students’ (Maguire et al. 2010:157).

Reflecting on the move towards increased autonomy for schools during the Coalition and Conservative Government periods (discussed in Chapter Two) and the enactment of behaviour policies, Deakin and Kupchik (2016:284) found that a ‘combination of financial autonomy and regulatory demands for schools to offer their own interpretations of codes of practice has led to significant variation in restorative and exclusionary practices.’ They argued that along with pressures of accountability, ‘market competition, financial considerations and school ethos’ (Deakin and Kupchik 2016:294) were all likely to contribute to differences in behaviour management, institutional behaviour policies, and practices, as well as ‘the nature of support on offer and the distribution of resources’ (Deakin and Kupchik 2016:295). In a later paper published in 2018, Deakin and Kupchik (2018:512) explicated the purpose and goals behind restorative and exclusionary behaviour management policies, stating:

Exclusionary policies view youth as threats to order and safety who must be removed from the school for the good of the school community. In contrast, restorative policies view youth as members of a community who have made mistakes, and whose behaviour can be corrected for the good of that community.

The exclusionary position, locates misbehaviour as being the fault of the individual pupil and sees the practice of exclusion as serving ‘both a specific and general deterrent’ to the individual pupil and the wider school community (Deakin and Kupchik 2018:516), whereas restorative approaches ‘conceptualise misbehaviour as the consequence of underlying needs or conflict’ and ‘a breach of relationships’ ‘which can be addressed in a way that sees students as partners rather than threats to be excluded’ (Deakin and Kupchik 2018:516). Drawing on Braun et al.’s (2011) contextual dimensions, they argued that a school’s preference for either restorative or exclusionary policies is shaped by a range of factors including ‘financial, political, practical and managerial imperatives and considerations’ alongside ‘personal beliefs and ideologies’, which themselves can be raced, classed, and gendered (Deakin and Kupchik 2018:518), and therefore affect the behaviour goalposts adopted for different groups. In Chapter Two, I noted the different philosophies found to be embedded in school behaviour and/or anti-bullying policies by Brown (2018) including assertive discipline and restorative approaches, alongside nurture and shared community approaches. In Chapter Six, I explore the different understandings of behaviour adopted by schools and the influence of different behaviour management approaches on the enactment of school exclusion policy.

Turning to school exclusion specifically, as discussed in Chapter One, before the commencement of the current study, I analysed data collected as part of the *Disparities in rates of permanent exclusion from school across the UK* project (see Daniels et al. 2019) and found that many of the factors that practitioners identified as key drivers behind the rise in school exclusion figures in England overlap with the contextual dimensions found to affect policy enactment highlighted by Braun et al. (2011) and the *policy paradoxes* outlined in Chapter Two. These were (1) policy changes (changing political discourse away from inclusion, replacement of IAPs with IRPs, and changes to the SEND Code of Practice 2014

and special educational need categories), (2) school culture and ethos (less inclusive and tolerant), (3) accountability, performativity, and marketisation pressures, and (4) increasing demands (e.g., SEND and mental health), reduced capacity, and financial pressures. However, the analysis also highlighted an additional factor which was not included in Braun et al.'s (2011) heuristic, and Rustique-Forrester's (2003) study, but is hinted at in Deakin and Kupchik's (2018) study on behaviour management noted above, namely, change in *school governance* (i.e., as a result of Academisation)²⁷. This is most likely due to Braun et al.'s (2011) school sample consisting of maintained schools only, and the largescale changes to the school system taking place long after Rustique-Forrester's PhD was completed.

A contribution of this thesis is that I provide further insight into how school exclusion policy is enacted within the increasingly fragmented education landscape in England, and the changing role, and professional discourses and expertise of LA exclusions officers in the exclusion process (see Chapter Five). In doing so, I also pick up on the degree and quality of LA support aspect of the *external context* outlined by Braun et al. (2011), and address Ferguson and Webber's (2015) call for researchers to explore how LA culture may interact with and influence school culture and decision-making around permanent exclusion. I draw on Certreau's (1984:xi) understanding of culture as everyday practices – “ways of operating” or doing things’ – and their ‘systems of operational combination’ to explore both how culture is shaped by policy and shapes policy and how LA culture may or may not influence school culture (see Chapters Five and Six).

There have also been several recent studies conducted by government and third sector organisations into the rising rates of school exclusion in England, including the *Timpson review* (2019) discussed in Chapter Two. I will not repeat the main findings of the

²⁷ Full details of the analysis and findings are presented in Daniels et al. (2019), and insights were also submitted as evidence to the *Timpson review*.

Timpson review (2019) here, but instead focus specifically on the variation in approaches to managing behaviour and the use of exclusion reported by schools. In the report, a schools' union representative is quoted as saying the 'point at which schools will exclude will depend on the individual school's values and its behaviour policy' (Timpson 2019:24). Illustrative of this point, Timpson states that some schools reported never or rarely using permanent exclusion and instead opted to use alternative approaches, while other schools were seen to adopt approaches with reducing 'the impact of poor behaviour on the wider school community' (Timpson 2019:24) at their heart. Some schools (or multi-academy trusts; MATs) described exclusion as necessary 'to bring about a change in culture when a new academy sponsor enters a school with a history of failure and poor discipline' (Timpson 2019:24) and others saw particularly fixed period exclusion as a positive intervention to change behaviour 'by demonstrating clear standards and, in some cases, allowing the school to plan a positive and effective reintegration to school for the child' (Timpson 2019:24). Timpson (2019:25) notes that the majority of headteachers adopted elements of different approaches and 'balanced the different pressures of wanting the best for every child as well as the need to create positive and calm environments in their schools.'

Timpson suggested that the range of exclusion rates between schools may be partially explained by statutory guidance being unclear (for example, lack of clarity about what is meant by permanent exclusion being a "last resort") and headteachers finding it difficult to navigate and draw clear messages from multiple policy documents (see also Kulz 2015; Ferguson 2019). In his recommendations, Timpson recommended that updated guidance should provide more clarity on the use of exclusion and ensure all relevant and overlapping guidance documents are clearly mapped together.

In line with the findings I reported from the *Disparities in rates of permanent exclusion from school across the UK* project (Daniels et al. 2019), schools responding to the

Timpson review (2019) also identified the following factors as contributing to the rise in school exclusion in England: (1) the range of challenges faced by young people outside of school (e.g., poverty and deprivation, lack of aspirations, home lives, and poor parenting); (2) high stakes accountability pressures; (3) levels of funding in schools and other services, and (4) curriculum changes (reduced focus on creative and vocational subjects). The Pinball Kids project conducted by a team of researchers at the Royal Society for the encouragement of Arts, Manufactures and Commerce (RSA) reporting towards the end of my DPhil fieldwork, similarly explored the systemic causes of rising exclusions and the conditions needed for change. Thematic analysis of 46 semi-structured interviews conducted with representatives from key stakeholder groups identified three categories of factors found to be affecting the rising rates of exclusion: (1) wider societal factors (e.g., rising poverty, increasing numbers of children with social workers, and increasing mental ill-health), (2) direct consequences of deliberate policymaking (e.g., curriculum reform and funding cuts to schools and external agencies), and (3) unintended consequences of policymaking (e.g., perverse incentives caused by the accountability regime, fragmentation of the education system, and a shift in behaviour management (e.g., adoption of zero tolerance approaches; Partridge et al. 2020).

A recent paper, published by Power and Taylor (2021) after the completion of my fieldwork, combined interview data from four senior policymakers in Wales (two from the Welsh Government, one from a LA, and one from a third sector organisation) collected as part of the *Disparities in rates of permanent exclusion from school across the UK* project (discussed earlier) with data from 12 headteachers who took part in the WISERD Education Multi-Cohort Study to explore the policy discourse and enactment of school exclusion policy in Wales. Applying Braun et al.'s (2011) contextual dimensions alongside Gidden's (1976) work on unintended consequences, they argue that 'national level policies and priorities

cannot explain local level variations at the level of authorities and schools’ (Power and Taylor 2021:24). Instead, they argue that in order to understand the enactment of school exclusion policy at the local level, researchers must explore the ‘unacknowledged conditions in which schools operate’ (Power and Taylor 2021:19). They also suggest the need to examine the ‘unintended consequences of policy imperatives’ (Power and Taylor 2021:19). For example, in Wales, they found that the policy pressures to drive down exclusions may have encouraged alternative exclusionary practices. While different to the policy context in England, the paper provides a helpful application of enactment theory to school exclusion policy, which I build upon in this thesis.

Returning to England and focusing specifically on the school’s organisational context, Rustique-Forrester’s (2003) study offers further insight into the characteristics found to either aggravate or prevent school exclusion, including: ‘1) leadership and management; 2) behaviour and discipline policies; 3) staff culture and communication; 4) support structures; and 5) school ethos’. Table 2 below outlines the different organisational characteristics that Rustique-Forrester (2003:i-ii) identified in higher and lower excluding schools in their sample.

Table 2: Organisational characteristics of higher and lower excluding schools in Rustique-Forrester’s (2003) study

Higher excluding schools	Lower excluding schools
Hierarchical management structures	Delegating leadership and management
An isolated staff culture	A collaborative staff culture
A compliance-driven approach to behaviour	Individualised approaches for supporting students
Few classroom-based supports for students	
Unclear school values	A community ethos
Highly constrained by national policy pressures	A greater resistance to national policy pressures
Little capacity for resisting exclusion	An increased capacity for preventing exclusion

In Chapter Eight, I reflect on Rustique-Forrester's (2003) categorisation and suggest that the identified differences in organisational characteristics of higher excluding and lower excluding schools may be too simplistic and that different combinations of factors may result in higher or lower exclusion rates.

As well as exploring what contextual factors may affect the enactment of school exclusion policy and decision-making around exclusion, in this study I also focus on post-permanent exclusion placement decision-making through the Fair Access Protocol (FAP). This is an area that has previously been underexplored. Over the course of my study, a small number of reports and papers were published that provide helpful insights into the working of the FAP in relation to school exclusion (broadly defined). Drawing on data collected as part of a larger ethnographic study of a 'underperforming school' in a disadvantaged area that had converted to academy status, and Foucauldian theory, Pennacchia (2024) identified two interlinked policy tensions influencing the enactment of the FAP. Overlapping with the *inclusion – raising standards* policy paradox outlined in Chapter Two, the first tension identified by Pennacchia is between the focus on improving inclusive practice in schools and the continued existence of excluded and marginalised pupils and focus on improving AP for pupils outside of mainstream schools. The second tension relates to the dual pressures on schools to work collaboratively to ensure local educational inclusion whilst also being in competition with one another (see also Hulme et al. 2023). This links to the *localised – centralised* paradox outlined in Chapter Two. Pennacchia (2024) argues that under these policy conditions, particular tactics (localised practices) are rendered logical and used to navigate the FAP to achieve particular ends. The first tactic identified by Pennacchia (2024) is pre-brokering which involves schools offering to take pupils prior to a panel meeting through liaison with the panel chair. This gives schools the opportunity to place pupils deemed to be more straightforward, and leverage to turn down cases at the next panel

meeting. In this way, Pennacchia (2024:331) argues schools ‘can take their fair share of pupils in terms of numbers, without necessarily taking their fair share in terms of perceived complexity.’ The second tactic identified by Pennacchia (2024) is strategizing around, and performing, a case. This tactic involves studying the paperwork for each child to be discussed at the In Year Fair Access Panel (IYFAP) ahead of the meeting, making decisions about who they are going to offer to place and shaping a justification for why they will not be offering to take other students who may have named their school as their first choice. Schools then perform their case at the panel meeting. Pennacchia (2024) suggests that in strategizing around the case, a range of normative judgements are made about each child and family, and found that the need to look after existing students and safeguard them against the influence that perceived “risky” students could have on the existing work in the school, framed practitioners’ decision-making. Pennacchia (2024) argues that underlying the two tactics is a conceptualisation of fairness as procedural fairness for schools, rather than fairness for each individual child.

The Office of the School’s Adjudicator (2021:31) have also highlighted how in cases where large volumes of pupils are coming through panel for placement, ‘decisions are sometimes weighted more towards ensuring allocations are shared equitably between schools and the needs of the school, rather than the needs of the individual.’ Hulme et al. (2023) in their study of rebuilding collective responsibility in a fragmented school system, show how schools, operating in the competitive admissions market, had raised concerns over in-year transfers that may require substantial levels of support, and the insufficient resource attached to in-year admissions to provide this support.

Related to the second policy tension identified by Pennacchia (2024), and the fifth policy paradox I outlined in Chapter Two, other studies (Partridge et al. 2020; Office of the Schools Adjudicator 2020; 2021; Hulme et al. 2023) have raised concerns about academies

opting out of fair access processes, schools refusing to admit children returning to mainstream school from AP, schools delaying admissions once they have been asked to take a pupil, as well as the diminished powers of the LA to direct academies to take a pupil and the protracted referral process to the Education and Skills Funding Agency (ESFA) (see Chapter Seven for more details). In its 2020 report, The Office of the Schools Adjudicator described how buy-in, collective responsibility, and co-operation of all schools to the FAP can be weakened by not all schools playing their proper part; particularly when some schools are perceived to exclude more pupils permanently but less likely to accept pupils through panel. The House of Commons Education Committee (2018) have also raised concerns over the lack of scrutiny and challenge over placement decisions.

Having outlined the contextual and organisational dimensions of schools that have previously been found to influence both policy enactment and the use of school exclusion and the FAP, including the broader policy context (*external context*), in the following section I turn to discuss the importance of also recognising the policy's context.

The policy's context: policy contradictions, perverse incentives and policy antecedents

As shown in Chapter Two, and mentioned earlier in this chapter, policies are often interdiscursively and intertextually linked (Gale 1999). This means that 'policy texts rely on surrounding texts (or...their context) to assist in the determination of their meaning' (Gale 1999:399), and the 'enactment of one may inhibit or contradict or influence the possibility of the enactment of others' (Ball 1993:19; see also the drug-related incidents example in Ferguson 2019 included earlier in this chapter). In this study, I wanted to explore the extent to which other policies signposted to in the school exclusion statutory guidance, for example the SEND Code of Practice 2014 and the need to make reasonable adjustments, are adhered to and mediate how the policy is used in practice. It was also important to try to understand

the interplay between the enactment of school exclusion policy and behaviour policy, which as I have already outlined are intimately linked, and links to wider education policies, such as safeguarding and accountability policies.

As part of this, I was interested to explore what I term *policy contradictions*. By this I mean the ways in which different policies may be found to be in conflict with one another and the alternative practices and creative enactments that can result from these contradictions. Additionally, in line with previous studies, I wanted to examine what ‘perverse incentives’ (Children’s Commissioner 2013a:47) may be affecting the enactment of school exclusion policy. Furthermore, linked to my analysis of *policy paradoxes* set out in Chapter Two, I wanted to explore how unintended consequences can result when two competing policy positions are simultaneously adopted, for example keeping exclusion rates low and improving attainment scores. I therefore added ‘policy contradictions’ and ‘perverse incentives’ to my theoretical toolbox and provide examples of both in Chapters Six and Seven.

Given what has been discussed so far in this chapter, I also set out to explore what I termed *policy antecedents*. What I mean by this term is the extent to which previous policy discourses have been embedded in professional practice and their durability despite the introduction of new policy. The term bears resemblance to Certreau’s (1997) argument that when policies and policy agendas are replaced, they leave behind ‘cultural ‘remainders’... – residual beliefs, expressions, meanings and practices’ (Saltmarsh 2015:31), or as Ball et al. (2012:6) describe ‘a discursive archive’ and other subjectivities. Cohen and Lowenberg Ball (1990:331) argue therefore that practitioners always respond to policy ‘in terms of their pre-existing practice, knowledge and belief.’ This was somewhat evidenced in Ryder et al.’s (2017) study cited earlier in this chapter where practitioners discussed how they returned to previous versions of the national school exclusion guidance to aid their interpretation of the

current guidance. In this way, new policy ideas are seen as ‘operating in dialogue with what has gone before’ and enacted policies can become an amalgam of past and present, wherein the distinction (and direction of influence) between policy and practice (or policy and culture in Certreau’s (1997) account) become blurred. It was for this reason that I decided to start this thesis with an account of national school exclusion policy over time rather than focusing solely on the current policy and is a point I return to in Chapters Five and Six.

Exploring the ‘how’ of policy enactment

Previously, Ball et al. (2012:20) have argued that the theory of policy enactment provides:

... a grounded account of the diverse variables and factors (the ‘what’), as well as the dynamics of context (the ‘how’) that shape policy enactments and thus relate together and theorise interpretative, material and contextual dimensions of the policy process.

However, while acknowledging for example that ‘[p]olicies are discursive formations; they are sets of texts, events and practices,’ (Ball et al. 2012:123), enactment theory provides few tools for exploring ‘the relationships between specific policies and specific practices’ (Ball et al. 2012:1) or ‘policy activity’ (Colebach 2002 cited in Ball et al. 2012:2). In this study, I wanted to look at how the ensemble of national school exclusion policies, namely the statutory guidance on school exclusion (DfE 2017a) and the Fair Access Protocol (FAP) (2012c), were used in practice, and identified a number of different activity systems where ‘policy activity’ was taking place (see Chapter Four). I wanted to focus on the ‘how’ in two ways, as both the processes of interpretation, translation, recontextualisation, and enactment (how they are done) and the outputs/outcomes of these processes (how the policy is changed and how local level policy is produced). As discussed in Part 2 of this chapter, I therefore saw a need for additional tools to be able to explore policy activity.

Relatedly, and building on the above, while I can see that it may be analytically helpful to focus on either policy discourse or action, and can in some ways see the benefit of privileging and keeping open the ‘fertile tensions’ (Bacchi 2009:55) between the two conceptualisations of *policy-as-text* and *policy-as-discourse*, as well as the material, interpretive, and discursive facets of policy work, as I familiarised myself more and more with the literature, it appeared to me, and I hope has become clear through this chapter, that a dialectical relationship seems to exist between *policy-as-text* and *policy-as-discourse*; with each in a sense mediated and shaped by the other. Ozga (2000:94) quoting a response by Henry (1993) to Ball’s (1993) original paper setting out the two definitions, comments that:

It is hard to see why these categories should be dichotomous rather than relational: text and discourse surely operate in relation to one another. If they are relational, then it is hard to see why they should be conceptualized differently.

This suggests the need to adopt a non-dualistic understanding of what policy *is* and how policy is *done* in order to hold together the different definitions of policy and facets of policy work. In Part 2 of this chapter, I propose an alternative definition of policy – *policy-as-artefact* – which I adopt in this study alongside a new conceptualisation of *policy enactment as mediated activity*, as ways to understand the dialectical relationship between policy discourse and action, and the relationship between specific policies and practices, as well as the situated nature of how school exclusion policy is done in different activity systems.

Part 2: Defining policy-as-artefact and conceptualising policy enactment as mediated activity

As I began to think more deeply about the ways in which policy mediates and is mediated by action, I turned to Wertsch’s (1998) sociocultural theory of mediated action. In general terms sociocultural research, which has its origins in the work of L. S. Vygotsky, strives to

overcome the individual-society antinomy by taking human action as the unit of analysis (Wertsch 1998). The term mediation is used to refer to the process through which the individual and the social are seen to mutually shape each other (Daniels 2015). Daniels (2010:378) explains that the ‘mediational process is one that neither denies individual or collective agency nor social, cultural, historical influence.’ Vygotsky (1978) believed that the concept of mediation paved the way for ‘a non-determinist account in which mediators serve as the means by which the individual acts upon and is acted upon by social, cultural and historical factors in the course of ongoing human activity’ (Daniels 2008:4).

Wertsch’s (1998) work on mediated action is steeped in this sociocultural tradition. He draws on Burke’s (1969) dramatistic method and approach to human action and motives, which takes the position that human action can only be adequately understood ‘by invoking multiple perspectives and by examining the dialectical tensions that exist among them.’ Burke (1969) used five terms as generating principles in his research into human action and motives. His pentad included: *Act* (what took place or what was done?), *Scene* (where and when it was done?), *Agent* (who did the act?), *Agency* (what means or instruments did the agent use, or in other words how did they do it?) and *Purpose* (why did they do it?). Taking mediated action as his unit of analysis, Wertsch (1994) chose to privilege two of Burke’s (1969) terms, Agent and Agency, to explore what he saw as an irreducible tension or dialectic between the mediational means (e.g., words/texts), variously termed tools or artefacts in the sociocultural tradition (see Daniels 2016), that are ‘provided by the sociocultural setting, on the one hand, and the unique, contextualized use of these means in carrying out particular concrete actions, on the other’ (Wertsch 1994:202). As he put it:

A focus on mediated action and the cultural tools employed in it makes it possible to “live in the middle” and to address the sociocultural situatedness of action, power and authority. (Wertsch 1998:65)

To me, this approach seemed to offer something to the study of policy enactment, as it presented a way to explore the dialectical relationship between the policy actor (agent) and policy discourse (or in other words the *policy-as-text* and *policy-as-discourse* antinomy) and explore how (in the two ways described in the *Exploring the 'how' of policy enactment* section earlier) national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level. I therefore began to think about policy as a mediational means. I chose to adopt artefact as my descriptor instead of tool, as to me it seemed to best encapsulate that policies as artefacts have an interpretational and representational history (in line with my thinking around policy antecedents) and, as discussed below, had a certain degree of semblance with Ball et al.'s (2012) notion of policy artefacts.

Policy-as-artefact

In the sociocultural tradition, within human action, agents employ artefacts such as language, or as argued here policy texts and discourses, that shape action in essential ways, but also themselves have been 'shaped by, and... shaped in, activities within which values are contested and meaning negotiated' (Daniels 2008:6). Drawing on Michael Cole's work in cultural psychology, Daniels (2008:10) explains 'that in the course of human activity meaning is sedimented, accumulated or deposited in things. These meanings are remembered both collectively and individually' and thus cultural artefacts, such as policy 'are always material and ideal.'

My proposed definition of *policy-as-artefact* defines policy, then, as both material and ideal, as well as a cultural and historical product that becomes manifest in concrete situations and is continually in development, and both mediates and is mediated by action.

My definition of *policy-as-artefact* somewhat overlaps with the description of policy artefacts introduced by Ball et al. (2012) in that artefacts in the theory of mediation are

understood to be cultural and historical products that only become manifest in concrete situations (Wertsch 1994). However, where in Ball et al.'s (2012) theory of policy enactment, designation of the term artefact is restricted to translations of official/national policy into artefacts (understood as objects), I include and view official/national policy documents as artefacts from the *policy-as-artefact* perspective, and as already discussed view policy as both material and ideal (texts, discourses, and ideas).

Drawing inspiration from another of Burke's (1969) pentadic elements – purpose – Wertsch (1998) also explains that mediational means are always used for a purpose or what he terms goal, that the purpose/goal of action is always tied up with where the action takes place, i.e., the scene as described by Burke (1969) or the activity system as described later in this chapter, and that typically mediated action serves multiple purposes/goals. Wertsch (1998) suggests that:

... goals arise as part of the 'background framework' or context within which action is carried out and that there may be conflict between the goals of the agent and the embedded goals of the tools (Daniels 2008:62).

In the current study, this would be seen as a conflict between the goals of the policy actor/agent and the national, or local, school exclusion policy, for example. Parallels can also be drawn with a point I included from Singh et al.'s (2013) study on the recontextualisation of child protection policy earlier in this chapter, that often policy actors have to navigate the conflicting demands of the agency they work for and the demands of other stakeholders. This has implications for multi-agency working, where each agency may be working to its own goal. As shown throughout this thesis there are various different stakeholders in the school exclusion process, as well as a number of different activity systems in which school exclusion policy is used and worked on, a number of which are multi-agency. Within the design of my study, I therefore sought to explore different activity

systems in which school exclusion policy was being ‘done’ and the possible conflicting goals (or as discussed later *objects*) between the agencies involved (see Chapter Four for more details on the study’s design, and Chapters Five and Seven for findings from an Action Group on reducing school exclusion, and the In Year Fair Access Panels I attended).

Another relevant point to the current study is Wertsch’s (2007) interest in how new tools/artefacts emerge in unpredictable ways as original tools/artefacts are borrowed from different contexts, misused, or used for different purposes than intended by the producer (Daniels 2008). He was particularly concerned with how these new tools/artefacts are produced by and transform relations of power and control (Daniels 2008). Again, this seemed to resonate with the processes of translation and recontextualisation outlined in Part 1 of this chapter, and helped me to think about the production of new policy artefacts and how these change or mediate practice, a point I reflect on further in the following section.

In sum, my aim in looking at school exclusion *policy-as-artefact* was to explore how national school exclusion policy mediates action and is mediated by action. I first conceptualised policy as *mediating artefact*, but on reflection this did not adequately capture the two-way dialectical relationship I was looking to explore. *Policy-as-artefact* as used in this thesis therefore captures policy as both *mediating artefact* (used in mediated action) and as *mediated artefact* (produced through mediated action).

As I moved through my fieldwork and data analysis, I found that foregrounding only the Agent and Agency in the current study, as Wertsch (1994) does, did not accurately reflect how school exclusion policy was being interpreted, translated, recontextualised, and enacted at the local level. While mediated action was helpful, I could not see how I could look at agent and artefact in isolation from the contextual dimensions introduced by Braun et al. (2011), or the other elements of Burke’s (1969) pentad, namely Act and Scene. I needed to account for the sense making contexts and activity systems in which school exclusion policy

was being ‘done.’ Taking inspiration from Engeström (1993) and the Finnish tradition of Activity Theory and Cole’s (1996) work, I therefore moved from seeing policy enactment as mediated action, to understanding it as mediated activity, and coupled the need to take context seriously, with the need to take contextualising seriously.

Policy enactment as mediated activity

Though the above text makes my move from focusing on mediated action to mediated activity sound somewhat seamless, in fact it was a much more oscillating process. This is because Engeström’s (1993) Activity Theory has a tradition of being used to structure ‘formative interventions aimed at finding new possibilities and potentials’ within different work settings or exploring the implementations of new reforms (Engeström and Sannino 2021). As I was not conducting a formative intervention, or focusing on the implementation of a new policy, I moved away from Activity Theory for a period. However, as I analysed my data, I began to see the different concepts within Activity Theory as helpful thinking devices for understanding where and how policy enactment was taking place. I am not claiming therefore to be using Activity Theory in its entirety, but rather have adopted and adapted some of the concepts to use to explore *policy enactment as mediated activity*.

While Wertsch’s (1994) focus on culturally mediated action as the prime unit of analysis stems more from the Vygotskian tradition, Activity Theory draws more heavily on Leont’ev’s focus on activity. Leont’ev (1979; 1981) saw activity as having a hierarchical structure, with *activity* oriented towards its *motive* at the top level, *action* and *goals* at the middle level, and *operations* and *conditions* (automatic processes) at the base level (Kaptelinin 2014). So, in moving from Wertsch’s (1994) focus on mediated action to a focus on mediated activity, I am theoretically moving up one level, to the top of the activity structure.

At one stage, I considered conceptualising policy enactment as mediated action in context, however, because I am drawing on concepts from Activity Theory, I instead chose to use the term mediated activity. For Engeström (1999) the focus in Activity Theory is on ‘collective, artefact-mediated, object-oriented activity’ (Warmington et al. 2004:13). Here *object* refers to ‘the raw material or problem space at which the activity is directed’ (Engeström and Sannino 2021:8), and is synonymous with motive, with the two terms often coupled together as object-motive (note the difference in usage of the term object to Ball et al. (2012) who describe policy artefacts as material objects). It is worth noting here that just as action can have multiple simultaneous goals, activity can have multiple objects, or as I show in Chapter Seven multiple constructions of the object.

There are four generations of Activity Theory (see Engeström and Sannino 2021 for an overview). To account for the collective nature of policy enactment activity, in this thesis, I draw on concepts from the second generation. The second generation focuses on the interaction between different elements in a single activity system, including: (1) the *subject* (‘the individual or subgroup whose position and point of view are chosen as the perspective of the analysis’ (Engeström and Sannino 2021:8); (2) the *object(s)* of the activity; (3) the *instruments* (tools, signs, or as described in this study artefacts) which are used to work on the object(s); (4) *rules* (‘the explicit and implicit regulations, norms, conventions and standards that constrain actions within the activity system’; Engeström and Sannino 2021:8); (5) *community* (‘the individuals and subgroups who share the same general object’; Engeström and Sannino 2021:8); (6) *division of labour* (the ‘horizontal division of tasks and vertical division of power and status’; Engeström and Sannino 2021:8); and (7) the *outcome* of the activity. Warmington (2008:87-88) explains that ‘object-oriented activity is always characterised by ambiguity, surprise, interpretation, sense-making and potential for change’ and that ‘contradictions within activity systems [are the] driving force of change and

In Chapter Seven, I use Activity Theory concepts to explore how the local FAP was being enacted by the IYFAPs. In particular, I focus on how different constructions of the object of fairness informed decision-making around school placement following permanent exclusion and the contradictions arising between different aspects of the activity system.

Figure 2 is the same structure depicted in Figure 1, but this time the production of policy is designated as the outcome. This activity system, in Singh et al.'s (2013) terms could represent the ORF or PRF, as policy is produced both nationally and locally. In this study, as I was focused on how national policy moves from the ORF to the PRF and is interpreted, translated, and recontextualised, the activity system represents the PRF. In Chapter Five, I provide a clear example of the production of policy by exploring how a multi-agency Action Group on reducing school exclusion worked to translate the statutory guidance on school exclusion into a local level policy framework (new policy artefact) for reducing school exclusions. I explore the negotiations that took place between the different stakeholders as they worked on the shared object of developing a common understanding of the statutory guidance, as well as initial reflections on the use of the framework.

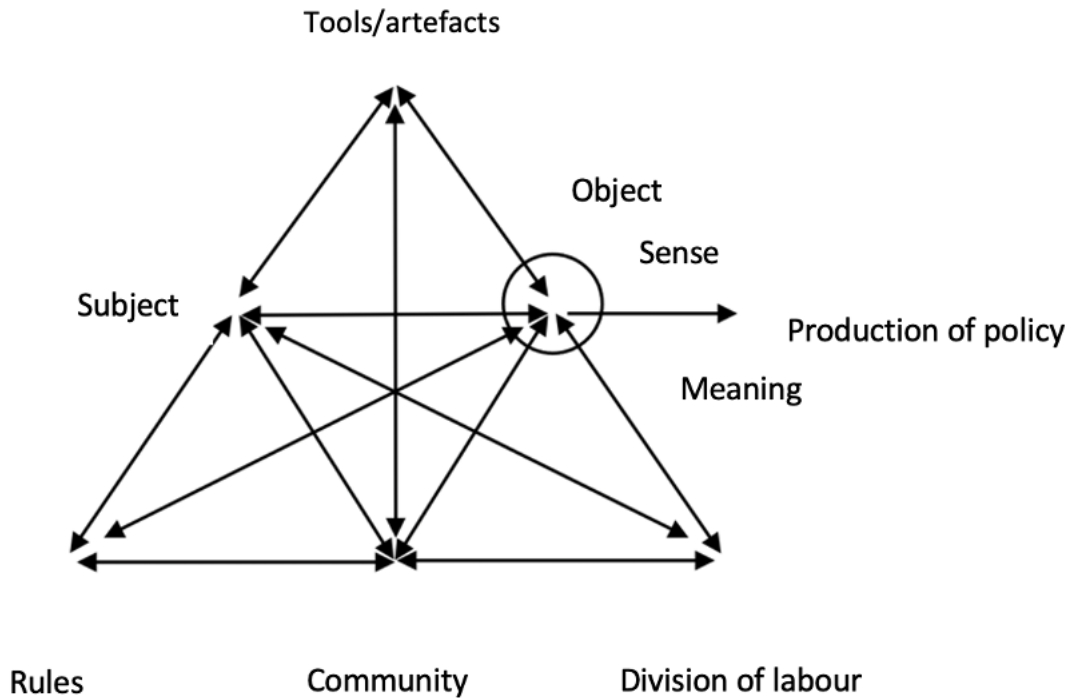


Figure 2: Structure of the activity system with policy-as-mediated artefact (Adapted from Engeström 2015:63)

While I have treated the activities I observed as single activity systems, in Chapter Eight I suggest that there may be scope in future studies to adopt a third-generation analysis to look at constellations of activity systems (e.g., LA and school).

Where typically in enactment research the actions of policy actors are understood to take place within a context, the activity theoretical perspective takes the view that ‘policy enactment activity *is* the context’ (Ellis and Spendlove 2020:954). The quote I have cited here comes from a paper that I came across as I was sorting through the tools that I had placed in my theoretical toolbox part way through my study, and it cemented for me the compatibility of Activity Theory with policy enactment research, and the utility of my designation of *policy-as-artefact*. Drawing on both Engeström’s (1987) work and Spillane and colleagues’ socio-cognitive perspective (mentioned earlier) to explore the sense-making

and enactment of the reform policy 'school direct' by university-based teacher educators in England, Ellis and Spendlove (2020:954) argued that:

...policy may be regarded (in an ideal sense) as an artefact or 'tool' with which participants (referred to as collective 'subjects') work together on change (Engeström. 1987). These subjects are drawn together by their volitional desire (again, in a prototypical sense) to work on an 'object' – an aspect of their shared social world. This collective endeavour can be mediated (in both enabling and constraining ways) by social norms, social structures (including the economic and technological) and a formal 'division of labour.'

Where my designation of policy-as-artefact differs to the above, is that I understand artefacts as being both ideal and material. As I was not looking at a reform policy, I did not focus necessarily on how the national school exclusion policy and FAP were being worked with collectively to bring about change, but nonetheless did focus on the mediating role that these policies played in practice and considered how the national policy was being collectively worked on in the production of local level policy. Additionally, in Chapter Five, I explore how through its collective recontextualisation of the national school exclusion policy into local guidance, the Action Group on reducing exclusion was working to change (reduce) rates of exclusion, though whether the local guidance would have this effect was open to debate. Similarly, in Chapter Seven, I explore how new standard documentation and processes that had been introduced locally were being used to try to improve (reduce) the time taken to place pupils post permanent exclusion.

So where in Part 1 of this chapter I noted how Ball et al. (2012:19) advise policy sociologists to 'take context seriously' when researching policy enactment, in the final section of Part 2, I propose the need to 'take contextualising seriously' when researching policy enactment as mediated activity.

Taking contextualising seriously

The directive to take contextualising seriously shifts the focus from an understanding of individuals acting *in* a context, or being *influenced by* the context, to an understanding of context as something that ‘emerges into existence in the interaction between people, when it becomes clear what kind of activity is to be accomplished’ (Van Oers 1998:474; Cole 1996). Earlier I described my understanding of context as something that ‘weaves together’ (Cole 1996:143), while also explaining that artefacts only become manifest in concrete situations. Where Ball et al. (2012:19) state that ‘policy creates context, but context also proceeds policy’ I argue that policy becomes manifest in activity, or as described by Spillane et al. (2002) different sense-making contexts, and activity is shaped by a weaving together of contextual dimensions.

Describing the process of context making (contextualizing) Van Oers (1998:480) explains:

As a living system, an activity is always embodied in the coordinated action sequences of participating individuals. In this coordinative process, actions (including the objects, tools [or artefacts] and symbols used) obtain particular meaning (value) as far as they are taken as significant for the motive, the related particular goals, and (implicit or explicit) cultural values that the agent is supposed to observe. But this particular meaning is always ‘value for the time being’, as it depends on the condition of the whole activity system (i.e. which motives, which goals, which means, which objects are given?).

From this perspective, both objects and artefacts obtain particular meaning in relation to the goals and values of the agent, as well as the object-motive of the activity, in other words they become recontextualised. The activity theoretical perspective acknowledges the dialectical relationship between human agency and structure. The following quotation illustrates this point:

Social agents' actions are situated in institutional sectors that provide norms, rules, and definitions of the environment that constrain and enable action... although institutional arrangements structure human sense-making they do not obliterate human agency, which shapes these arrangements (Spillane et al. 2002:734).

Moreover, linked to the earlier discussions around *policy-as-artefact* and *policy antecedents*, as well as the notion of policy as having ‘an interpretational and representational history’ (Ball 1993:11), Engeström and Sannino (2021:7) note that:

History is always present in human activity. Layers of historically earlier forms of the activity can be both constraints and resources. They persist in routine actions, in ways of thinking, in material artefacts and in rules.

Both points strengthen my argument for using the concepts I have proposed in Part 2 of this chapter to transcend the structure/agency, subject/actor, discourse/action binaries, and take contextualising and the influence of past policy and practice seriously.

In focusing on single activity systems, I am foregrounding the activity system, I am not suggesting that other factors outside of the immediate activity should not be accounted for. Instead, I take heed of a point made by Sellman et al. (2002:892) who note the importance of ‘understanding how ‘activity’ is shaped and framed by broader layers of context and the dynamics between them’ which aligns with my understandings of context as something that ‘weaves together’ (Cole 1996:143), and power as both situated and relational.

Conclusion: The theoretical steps taken, and tools collected

In this chapter, I have walked you through my theoretical journey. In Part 1, I situated the current study in the tradition of policy enactment research and outlined different aspects of the theory of policy enactment that I have included as tools in my theoretical toolbox. While finding many of the tools from enactment theory helpful, and indeed I do use them in this

study, I questioned the utility of the theory of policy enactment in its current form for exploring the relationship between specific policies and practices, and policy activity.

In Part 2, I suggested a new definition of *policy-as-artefact* alongside a new conceptualisation of *policy enactment as mediated activity*, as ways to understand the dialectical relationship between policy discourse and action, and the relationship between specific policies and practices, as well as the situated nature of how school exclusion policy is ‘done’ in different activity systems.

I started this chapter with a quotation from Ball (1993:10) which stated that the complexity and scope of policy analysis and policy studies ‘preclude the possibility of successful single theory explanations’ and that what is needed is ‘a toolbox of diverse concepts and theories.’ I am therefore offering *policy-as-artefact*, *policy enactment as mediated activity*, the need to *take contextualising seriously*, and a view of *context as something that ‘weaves together’* (Cole 1996:143), as additional and complementary tools to the existing policy enactment toolbox. These tools will enable me to explore enactment in different activity systems, and the discursive and non-discursive elements of enactment including actions and interactions, social relations, persons (with beliefs, attitudes, and histories), and the material world (Chouliaraki and Fairclough 2001). In the following chapters, I explain how my theoretical thinking informed the design of my study (Chapter Four) before showing the tools in use in the chapters presenting my empirical findings (Chapters Five, Six, and Seven). Finally, in Chapter Eight, I return to evaluate the utility of the tools, existing and new, that I added to my theoretical toolbox for achieving the aims of this study.

Chapter Four: Research design and methodology

In March 2018, I received an email out of the blue from an exclusions officer, who I knew from previous research projects including the *Disparities in rates of exclusion across the UK* study discussed in Chapter Three, asking if I had time to talk to her about a potential evaluation of an Alternative Provision (AP) pilot she was hoping to run. The email was serendipitous as I was considering contacting her to ask if the Local Authority (LA) she worked for would be happy for me to conduct my DPhil study in the LA, owing to the fact that I knew they were concerned about increasing rates of both permanent and fixed period exclusion. Ultimately, the evaluation, and in fact the AP pilot, did not come to fruition, but my DPhil study did.

In this chapter, I will outline the different aspects of my research design and methodology and how they developed over the course of my study. I begin by introducing the research design, in this instance, an embedded single-case study along with the overarching aims of the study and corresponding research questions. I then set out the study's research methodology, making clear my philosophical framework, as well as the criteria used to assess the quality of the research, my chosen methods of data collection and analysis including the rationale for my choices, my participant recruitment and selection procedures, and the ethical considerations made throughout the research process. I provide reflexive commentary throughout, which leads up to a section towards the end of the chapter entitled *Situating the researcher* where I reflect more specifically on my own positionality and the known and possible impact that I as the 'research instrument' (Byrne 2004:181) may have had on the research. The chapter ends with a final comment on quality.

Research design

The research design constitutes the blueprint for the collection and analysis of data (De Vaus 2001) and is ‘governed by the notion of ‘fitness for purpose’’ (Cohen et al. 2011:115). For the current study, I determined that an exploratory, largely ethnographic, embedded single-case study design was ‘fit for purpose.’ As highlighted in Chapter Three, context is key to understanding policy enactment. Where other methods decontextualise ‘human action by separating actions from the practice in which they have their origin’ (Daniels 2008:59), case study research investigates a contemporary phenomenon, person or process of interest ‘in depth within its real-world context’ (Yin 2018:15), where ‘the boundaries between the phenomenon and context may not be clearly evident’ (Yin 2018:15). Case studies are a form of naturalistic rather than experimental inquiry, whereby the ‘researcher observes, describes, and interprets the experiences and actions of specific people and groups in societal and cultural context’ (Salkind 2010:881) without direct intervention. The case study research design was appropriate for the current study as I was seeking to examine a process – the enactment of national school exclusion policy – bounded within one LA in England, and the relationship between the national policy discourse and local level action.

In designing a case study, Yin (2018:27) outlines five components that must be decided on: ‘1. A case study’s questions; 2. Its propositions, if any; 3. Its case(s); 4. The logic linking the data to the propositions; and 5. The criteria for interpreting the findings.’ In the following section, I address the first three components. The final two components are attended to within the discussion of my methodology, specifically the *Analysis* and *Quality criteria* sub-sections. In line with the development of the current study, and my belief that considerations of quality should begin in the initial design phase and continue to be reflected on throughout the research, I have reordered components four and five, with *The criteria for*

interpreting the findings re-numbered to component four and *The logic linking the data to the positions* renumbered to component five. This reflects the order in which these two issues are discussed within the chapter.

Component 1: The case study's questions

Case study research is most appropriate for *how* and *why* questions. *What* questions are also seen as applicable to exploratory case studies where the goal is to 'develop pertinent hypotheses and propositions for further inquiry' (Yin 2018:10). The aim of this study was to understand how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities in one LA in England. I therefore developed a series of *how* and *what* questions to guide my study, which link back to the theoretical tools that I placed into my toolbox in Chapter Three. In line with my emergent design, discussed later, I refined my overarching research questions and sub-questions over the course of my study as I clarified my focus and identified the embedded units of my single-case study.

The study addresses the following overarching research questions:

- (1) How is national school exclusion policy interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency)?
- (2) How does school exclusion policy mediate action and how does action mediate school exclusion policy?
- (3) What contextual factors influence the enactment of school exclusion policy?

It is important to clarify here that in asking ‘how’ in question one, I am interested in both the processes of interpretation, translation, recontextualisation, and enactment (how they are done) and the outputs/outcomes of these processes (how the policy is changed and how local level policy is produced). In line with my theoretical position outlined in Chapter Three, I am also interested in how school exclusion policy mediates action and is mediated by action.

To answer my overarching research question, in this thesis, I investigate the following sub-questions:

- (a) How do LA officers make meaning of school exclusion policy in an increasingly autonomous education system and how is national school exclusion policy decoded and recoded into local policy?
- (b) How do schools ‘do’ school exclusion policy?
- (c) How is the Fair Access Protocol enacted at the local level and used to make post-permanent exclusion placement decisions by multi-agency panels?

Component 2: The case study’s propositions

Yin (2018:28) and other leading proponents of the case study design (e.g., Stake 1995) argue that your research questions alone ‘may not sufficiently tell you what you should study’ and encourage researchers to state the theoretical propositions or framework guiding the research. Yin (2018:35) suggests that ‘some theory development prior to the collection of any fieldwork is desirable.’ This suggestion is in line with the adaptive theory approach (Layder 2006), which I set out in Chapter Three. At the outset of my study, I adopted and developed initial theoretical concepts (e.g., policy enactment, interpretation (and sense-making), translation, recontextualisation, contextual dimensions, context as something that

‘weaves’ (Cole 1996:143) rather than surrounds, policy contradictions, policy antecedents, policy-as-artefact (mediated and mediating), mediated action (later activity) and contextualising), based on a review of the existing research literature, and as I noted above, these concepts informed the development of my research questions. As will be discussed in the *Component 5: Analysis* section of this chapter, I adopted both deductive and inductive logics of inquiry, whereby the data were analysed using a combination of *a priori* (deductive – based on my theoretical concepts) and open (inductive) coding (Creswell, 2013). As well as playing a key role in the design of the study, having some theoretical concepts to work with from the outset helped me to lay the groundwork for being able to make analytical generalisations from my case study (Yin 2018), a point I return to when discussing the quality of my research later in this chapter.

Component 3: The case and units of analysis

Component 3 involved identifying the case and units of analysis. To identify the case for this study, I followed the two steps outlined by Yin (2018:28): ‘defining the case and bounding the case.’ Yin (2018:30) makes clear that though this process begins prior to fieldwork, even when a case has been defined, the researcher should ‘not consider closure permanent’ as the case may be revisited and revised as the research progresses. Heeding this advice, I adopted an open adaptive design and regularly revisited the definition of my case and units of analysis during my fieldwork and revised my design because of discoveries during the data collection period. This resulted in two iterations to the original design. Before turning to look at the different iterations and my design choices in sequence, I will first introduce the LA in which the current study is bounded.

LA context

As discussed in the introduction to this chapter, the specific LA in which the current study is bounded was chosen because of concerns around rising rates of fixed period and permanent exclusion in the LA. Prior to my study, a joint local area Special Educational Needs and Disabilities (SEND) inspection had highlighted the high level of fixed period exclusion of mainstream secondary school pupils with SEND, and Social, Emotional and Mental Health (SEMH) needs in particular, in the LA, and a written statement of action for SEND had been issued. Concerns had also been raised around the low percentage of pupils who were accessing provision by day six following permanent exclusion. In response to these concerns, the LA co-produced a *Children in School Strategy*²⁸ with local partners from different agencies which was published as I commenced my fieldwork. The aim of the strategy was to encourage better joint working locally to ensure that all children and young people were safe (including from child criminal and sexual exploitation) and receiving their full educational entitlement. The strategy was based on the following shared principles: (1) All parties will act with due regard to statutory guidance, including school exclusion guidance and their duties under the Equality Act 2010; (2) All children and young people on a school roll are entitled to full-time education; (3) For most pupils their local ‘home’ school is their best school; (4) All agencies have a collective responsibility over children and young people in the LA; (5) Schools will collaborate and share best practice to provide the best education for all children and young people in the LA and reduce pupil movement; (6) Behaviour is communication and reasonable adjustments to behaviourist approaches based on sanctions and rewards are required to meet the needs of some pupils; (7) Early support is key and schools should be aware of how to intervene early to support children and

²⁸ The name of the strategy has been changed to preserve the anonymity of the LA.

young people with challenging behaviour and SEMH difficulties; (8) Restorative approaches and alternative solutions will be used where possible/necessary to ensure pupils remain at their home schools and avoid permanent exclusion; (9) Permanent exclusion should only be used as a last resort having exhausted all internal and external alternatives available; (10) Parental involvement is essential and the needs, wishes, and agreement of parents/carers and children and young people will be prioritised in decision-making.

Alongside these shared principles for working, the strategy set out targets for, amongst other things, reducing both fixed period and permanent exclusions, particularly for pupils on SEND Support, with SEMH, and in receipt of the Pupil Premium²⁹, eradicating permanent exclusion for persistent disruptive behaviour, and reducing the use of part-time timetables³⁰. To ensure the anonymity of the LA, I have chosen not to include the local exclusion figures and targets in this thesis. Ways to achieve the targets were also outlined in the strategy, including: (a) producing a framework for reducing school exclusions (discussed in Chapter Five) and developing a collective understanding of pupils who may be at risk of exclusion; (b) ensuring that pupils' needs are assessed and early intervention is available, and that schools develop provision for pupils displaying challenging behaviour or SEMH needs and work with local agencies including early help, social care, and SEND services (for example to conduct early help assessments, Team Around the Family (TAF) meetings³¹, and ensure inclusion targets are including in a child's Care Plan); (c) reviewing the local FAP process to ensure it is equitable to all schools and ensuring that funding from the High Needs Block allocated through the panels is fair, outcomes focused, and accountable; (d)

²⁹ 'The pupil premium grant is funding to improve educational outcomes for disadvantaged pupils in state-funded schools in England' (DfE 2024a).

³⁰ Part-time timetables, where the number of hours of education received by the pupil are reduced from full-time, should only be used in exceptional circumstances and 'should not be used to manage a pupil's behaviour' (see DfE 2022a:18).

³¹ A Team Around the Family (TAF) brings together practitioners from multiple agencies to work with and provide holistic support to a family.

growing AP options, including internal AP within mainstream schools; (e) reviewing the local commissioning arrangements for AP to ensure that there is a sufficient and flexible local offer so that the LA's statutory obligations and the needs of all pupils in the LA can be met, including those with SEMH needs, in a timely manner and within the LA's budget; and (f) developing real-time systems for reporting exclusions and part-time timetables in schools and ensuring that school leaders including governors interrogate the data and provide challenge where necessary.

The strong focus on reducing rates of school exclusion in the LA, and the work being conducted as part of the *Children in School Strategy*, provided opportunities to explore how school exclusion policy was being enacted in and across different settings and activities (discussed below), and therefore meet the aims of the current study.

Design iterations

To begin with, I adapted Yin's (2009) embedded single-case design (see Figure 3) and defined my single-case as the LA. I decided to focus on the LA to begin with as it became clear through my review of the existing literature that policy actors at this mid-level are seen to play a key role in both the school exclusion process and interpreting and translating policy into practice (Rustique-Forrester 2003; Ball et al. 2012 and Singh et al. 2013), yet the LA has been largely overlooked in previous studies. Additionally, given recent changes to the educational landscape through academisation, I was interested to explore the working relationship between the LA and schools and how this was affecting the process of policy enactment.

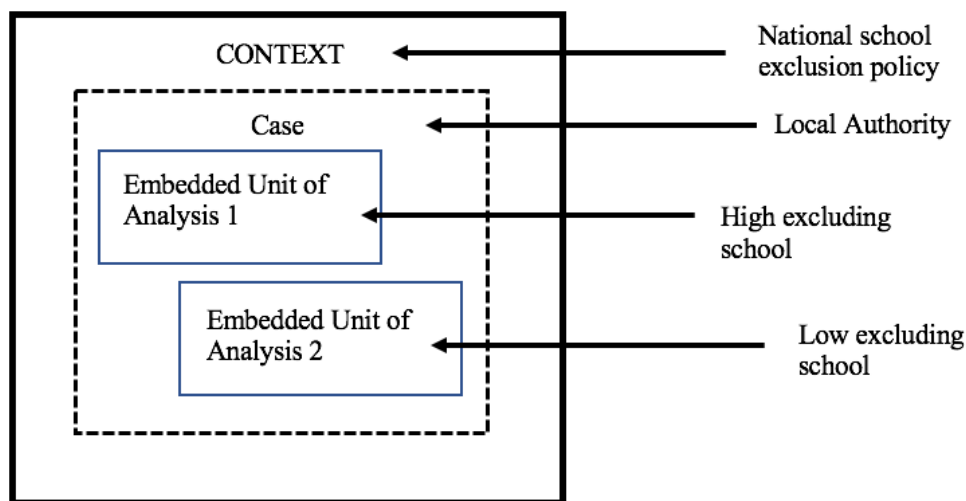


Figure 3: Original embedded single-case design. Adapted from Yin (2009:46).

Having established the single-case, I then had to decide on my embedded units of analysis. Following Yin's (2009) original design, I decided on having two embedded units. To maximise the likelihood of capturing different ways in which national school exclusion policy was being enacted in and across different settings (LA and school) at the local level, I opted to include one higher excluding school and one lower excluding school. I decided to narrow my focus to secondary schools for the following reasons: (1) over half of all formal exclusions occur in Year 9 (age 13 to 14) and above (DfE 2018b); (2) the levels of fixed period exclusion for secondary school pupils with SEND had been raised as an issue locally; and (3) at the time of designing my study the In Year Fair Access Panels (IYFAPs) in the LA only covered secondary school pupils.³² More information on the selection of schools is included in the *Participant recruitment and selection procedures* section.

Though I had always intended to attend the IYFAPs held in the LA, in my original design (see Figure 3) I overlooked the panels as sub-units. As I discuss in the *Fieldwork* section below, the panels became primary sites of fieldwork during my study and important

³² Over the course of my fieldwork, primary IYFAPs were also established in the LA. These smaller panel discussions sometimes took place before or after the secondary IYFAPs and I was invited in sit in on a number of them.

activity systems in which to explore the enactment of school exclusion policy and the related FAP. I therefore revised my design to include the four IYFAPs covering different areas of the LA as additional sub-units (see Figure 4).

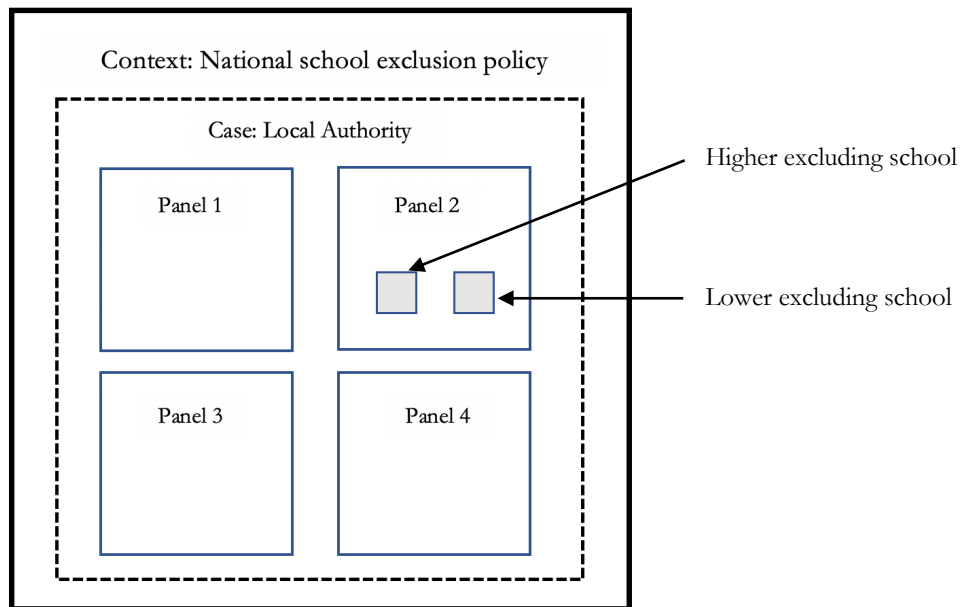


Figure 4: First iteration of the embedded single-case study design

Having got to this stage, and through further reading of case study literature, I realised that the case I was exploring was not in fact the LA, but the process of enactment of national school exclusion policy, bounded within the LA. As I will explain in the next section, over the course of my fieldwork, additional embedded units of analysis (different activity systems where the enactment of national school exclusion policy was taking place) were identified. This resulted in the final iteration of my design set out in Figure 5.

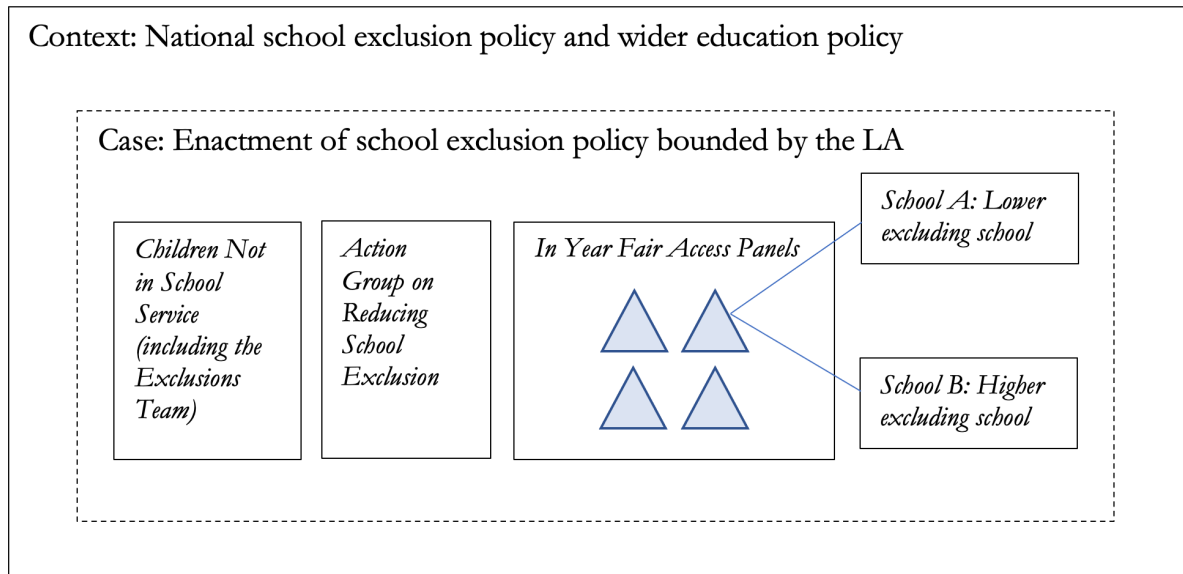


Figure 5: Resultant embedded single-case study design

The final embedded units became (1) the LA based *Children Not in School Service* (pseudonym) which included the Exclusions Team (pseudonym), (2) a multi-agency Action Group on Reducing School Exclusion (pseudonym), (3) the four IYFAPs, and (4) two secondary schools located in one area of the LA. I also attended one Governors' Disciplinary Committee (GDC) and the first half of an Independent Review Panel (IRP) hearing, however, due to the limited data these have not been included as embedded units, and the decision was made to exclude the data from the analyses presented in this thesis (a detailed description of the GDC and IRP recruitment process and observations is included in Appendix A). Each of the included embedded units are described in more detail later in this chapter. The dashed line (in all three iterations of the design) illustrates the blurring of the boundary between the case and the context, and is in keeping with the understanding of context set out in Chapter Three as something that 'weaves together' rather than surrounds (Cole 1996:143).

Time mode

A selective intermittent time mode was selected for the data collection (Strauss and Corbin 1990). This entailed an initial period of familiarisation followed by the selection of specific contexts for examination and interpretation (Jeffrey and Troman 2006:28) and was aligned with my ‘emergent’ research design (Robson 1993:61):

The main feature of this mode is the flexibility to follow a particular empirical or analytical path, to be able to focus more and more closely on any relevant aspect of a site just as a cinematographer gradually zooms closer and closer on to their preferred subject (Robson 1993:31).

The research process was ‘iterative-parallel’ and involved continuously ‘moving back and forth between the diverse stages of the research project’ (Verschuren 2003:132). As described in the sections above, taking an open approach during my fieldwork enabled me to incorporate observations of previously unexpected, but highly relevant, activities (i.e., the Action Group). Different aspects of the fieldwork and their timeframes are described in detail in the *Data collection procedures* section later.

Moving from design to methodology

De Vaus (2001:9) states that ‘when designing research we need to ask: given this research question... what type of evidence is needed to answer the question...in a convincing way?’

In the following sections, I will outline the philosophical and methodological positions I adopted in this study, along with the data I collected to answer my research questions. I will also return to the final two design features introduced by Yin (2018:27) to discuss ‘the logic linking the data to the propositions’ and ‘the criteria for interpreting the findings.’

Philosophical perspective

Case studies are an ‘all-encompassing mode of inquiry’ (Yin 2018:16) that can embrace different philosophical and methodological orientations. In line with the sociocultural tradition, and the propositions outlined earlier, I adopted a non-dualist, process ontology, which both rejects from a psychological perspective, ‘methodological individualism’ and ecological or ‘social influence models’ (Daniels 2008:53), and from a sociological perspective, the structure versus agency dualism (Sawyer 2002). While aligning with a process ontology, like Wertsch (1998), I do not side strongly with the inseparability thesis whereby individual and social levels of analysis are seen as methodologically indistinguishable (Sawyer 2002:), but instead take a ‘‘weak social interaction’ view’ (Sawyer 2002:293), in which individual and society and agency and structure are understood as ‘analytically distinct, yet inherently interrelated levels of analysis’ (Wertsch 1994:203).

Qualitative methodology

I chose to adopt a qualitative methodology, informed by the methodology adopted by Ball et al. (2012) in their study of policy enactments in (English) secondary schools. The study was ‘multi-method’ (Teddlie and Tashakkori 2009:148) as I utilised multiple methods (observation, semi-structured interviews, and document analysis) from within one (qualitative) paradigm. Qualitative research involves ‘an interpretative naturalistic approach’ (Denzin and Lincoln 1994:2) whereby the researcher studies ‘things in their natural settings, attempting to make sense of, or interpret, phenomenon in terms of the meanings people bring to them’ (Denzin and Lincoln 1994:2) and is therefore suited to answering research questions around *how* ‘a process or phenomenon occurs within complex

contexts, where variables are difficult to control and measure’ (Trainor and Graue 2014:268). Using a qualitative approach enabled me to meet my aim of exploring how national school exclusion policy is interpreted (made sense of), translated, recontextualised, and enacted by different stakeholders in different settings and activities, and focus analytically on *policy enactment as mediated activity*, and context as something that ‘weaves together’ (Cole 1996:143). Each of the methods I used in the current study are described in detail in the *Fieldwork* section later in this chapter.

Component 4: Quality criteria

Judging the quality or rigor of research should not be confined to post-research evaluation by an examiner or reader. Appropriate quality criteria should also be used as reflexive tools for self-evaluation throughout all phases of the research. In the sections that follow, I will introduce the criteria I used to guide my study and apply these same criteria towards the end of the chapter (and in Chapter Eight: *Discussion and conclusions*) to evaluate the end product of my research. I hope it will become apparent how the sections already presented in this chapter also connect to the quality criteria.

Adopting the quality criteria used in quantitative research – reliability, validity, and generalisability – to evaluate qualitative studies has been described by Ozga (2000:130) as trying to ‘import positivistic assumptions into a territory where that language is not spoken.’ Following this logic, efforts have been taken to develop alternative criteria for assessing the rigour – often termed trustworthiness or authenticity – of qualitative research, which are in keeping with the philosophical roots that underpin different qualitative methodologies. While this has resulted in the generation of different criteria to assess the quality of research adopting specific approaches, such as ethnography, or a case study design for example,

Trainor and Graue (2014:267) have identified three cross-cutting themes, which are seen to comprise the basic tenets of high-quality qualitative research. The three tenets are:

1. *The role of theory*: ‘Researchers should be forthcoming and clear about the roles theory has played in design, implementation, and writing’ (Trainor and Graue 2014:270).
2. *Transparency*: Researchers should clearly document and share the process of their research, including providing information on the technical aspects (*methodological transparency*), ‘the logic of inquiry and the path from identification of the general topic, problem definition, design, collection, and analysis of data, to the assertions made as a result of the inquiry’ (*interpretative transparency*; Trainor and Graue 2014:271), and illuminate ‘the process of inquiry itself and also the voices and agendas of the participants’ (*narrative transparency*; Trainor and Graue 2014:271).
3. *Positionality and reflexivity*: Researchers should explain how their ‘personal and professional experiences and identities’ (position; Trainor and Graue 2014:271) may have affected the process of doing research.

While primarily guided by Trainor and Graue’s three tenets throughout my research, I also turned to Lincoln and Guba’s (2002) four criteria for assessing the quality of qualitative case study reports. Lincoln and Guba’s (2002) criteria consist of:

1. *Resonance*: the philosophical perspective underpinning the case should be aligned with how the written case is presented.
2. *Rhetorical*: the presentation of the case should be ‘open and problematic’ (Lincoln and Guba 2002).
3. *Empowerment*: the case should expand awareness and catalyse action.

4. *Applicability*: through thick description, the case should facilitate ‘the drawing of inferences by the reader that may have applicability in his or her own context or situation’ (Lincoln and Guba 2002).

The aim is to achieve analytical or theoretical generalisability (Lewis and Ritchie 2003; Sears 2010; Yin 2018), that is ‘transferability through thick description’ (Walford 2008:17), or ‘fuzzy propositions’ (Basseches 1999), rather than strict generalisability in the statistical sense. The role of the researcher is to convey the immediacy and vitality of educational experiences within a framing that retains the research context and allows for ‘analytical patterns and insights...[to] be discerned’ (Mills and Morton 2013:2) while also allowing ‘the reader to make connections and comparisons’ (Mills and Morton 2013:2).

In the following sections, I will take you through the different aspects of my fieldwork and provide details of my sample, data collection procedures, and methods of analysis.

Fieldwork

As mentioned in the *Qualitative methodology* section, to explore how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities, I adopted a similar methodology to Ball et al. (2012) and collected data through observation in the different embedded units within my embedded single-case study, semi-structured interviews, and document analysis. In the sections that follow I will first explain how I gained access to my different research sites, as well as participant recruitment and selection procedures, before turning to explain the different aspects of my data collection and my research instruments.

Entering the field

As mentioned in the introduction to this chapter, the process of gaining access to the LA in which I conducted my embedded single-case study began in April 2018 with a phone call with one of the exclusions officers. The officer had initially called to discuss the possibility of me and/or my colleagues conducting an evaluation of a pilot AP project she was in the process of planning and was keen to work with us having been involved in our previous research. In the months that followed this initial phone call, I kept in regular contact with the exclusions officer about the evaluation and learned more about the work of the Exclusions Team. Reflecting on these conversations with my supervisors, as well as insights from the data collected in the *Disparities in rates of exclusion across the UK* project, we decided that, if they were happy for me to, the LA would be a suitable place to conduct my research.

In June 2018, I met with the exclusions officer to discuss the possibility of me conducting my study in the LA. At this point I knew that the AP pilot was not going ahead, in part due to a lack of funding, but she was keen to continue to collaborate. Given the concern around rising rates of exclusion in the LA at the time, she was sure that the LA would be interested in my DPhil research and agreed to take on the role of gatekeeper (Bryman 2008) and speak to her interim manager on my behalf. A week later she came back to me with a positive response; her interim manager was excited by the prospect and said she would take the request to senior managers in the service. Not long after this, I received another email from my gatekeeper to inform me that she would be leaving the LA at the end of the summer to take on a new position but would ensure that I had a new key contact in the LA before she left. True to her word, she kindly set up a meeting with me and her interim manager in August 2018 where I explained my study and what my fieldwork would involve.

It was agreed that the project would need sign off from the head of service, and I was asked to send a brief overview and timeframe for my research. I explained that I could not formally invite the LA to participate in my research until after I had received clearance from the University's ethics committee and completed my Transfer of Status examination, so it would be an in-principle agreement at this stage.

My gatekeeper invited me to come back to the LA offices the following week to present findings from the *Disparities in rates of permanent exclusion from school across the UK* project to the other exclusions officers in her team and tell them about the development of my DPhil research. In the four months that followed this presentation, I completed my Transfer of Status, and my ethics application was approved. When I re-established communication with my new contact in January 2019, there had been and were going to be a number of personnel changes and a new head of service had just taken up post. At this point, the process of negotiating access had to begin again. We had a brief phone call where my contact asked me to update the project overview and proposed timeframe for my research and send over a formal invitation along with my information sheet and consent form, which she then shared with the new head of service (see Appendix B). There followed a conversation with the head of service, who was pleased to support my research seeing it as complementary to their strategic plan (see *LA context* section) and an opportunity for them to learn about how they could improve their practice. We discussed the different parties I would need to gain consent from to attend different meetings, and the consent processes I would be using (see sections below). I received a signed consent form from her confirming the LA's participation in February 2019.

The next step was to arrange a meeting with the exclusions officers to re-introduce my study. My key contact in the LA sent me the dates of their upcoming team meetings. The meetings were planned monthly and unfortunately the first meeting coincided with a

presentation I was giving at a conference. Not wanting to delay my research, I asked if it would be possible to come in at another time to talk to the team, however, the head of service asked me to wait until the April meeting as there were more personnel changes underway and a period of maternity leave for one staff member which needed sorting out. I confirmed that I would be happy to wait to attend the April meeting and revised my timeframe accordingly. Ahead of the meeting, I sent over information sheets and consent forms to my key contact to share with the exclusions officers. I received a reply from her informing me that she had taken over managing another team and asked me to direct all further queries to her successor. This third contact became my key point of call throughout the rest of my fieldwork.

I attended the final half an hour of the April meeting to reintroduce my study, and fieldwork plan (see Table 3). I explained that I would like to locate myself in the LA for twelve months, with six months of my time split between the LA and the embedded schools. The first few months would be a ‘getting to know’ period where I would familiarise myself with relevant teams, gather local policy documents, and identify and gain access to meetings and activities to observe. Having conducted several observations, I would then invite different members of the LA to be interviewed before moving to conduct fieldwork with selected secondary schools.

Table 3: Preliminary fieldwork timeframe

Time period	Research activity
April – May 2019	'Getting to know' the LA
June 2019 – April 2020	Observing IYFAPs, GDCs, and IRPs and conducting interviews with LA staff and IYFAP members
October 2019 – April 2020	School based fieldwork

I gave out information sheets and consent forms (see Appendix C) and answered questions from the team. I said that I would give them time to consider if they would like to participate

and would collect the consent forms from them the following week. Following the meeting, I met with the Exclusions Team manager, and we went through what would need to be organised ahead of my research and she asked me how often I would like to come into the office. I explained that ideally I would like to try to come in most days and we discussed different options for how I would be able to access the office. Initially, I was asked to report to the *Children Not in School Service* administrator, however, after the first few visits, and in discussion with the administrator and Exclusions Team manager we decided that it would be easier if I registered as a volunteer so that I could have my own access card. My application for volunteer status was approved (with my work listed as research), and I was permitted to access the LA offices freely, on the condition that I emailed the Exclusions Team manager every week to let her know which days I would be coming in. As well as gaining access to the LA offices, additional permissions had to be sought to attend different meetings. In the sections that follow I will explain the participant recruitment and selection procedures for all other aspects of my fieldwork before explaining each of my data collection procedures in more depth.

Participant recruitment and selection procedures

As I had planned to be situated within the LA office as part of my fieldwork, following the meeting with the exclusions officers in April 2019 (explained above), I spoke to each individual member of the wider *Children Not in School Service* to explain my research, and provided them with information sheets and consent forms. As I planned to take fieldnotes while in the office, I thought it was important to gain consent from all team members. All but one of the team signed and returned consent forms. I did not record any information from/interactions involving the one person who did not provide consent. Two members of the team, though happy to be part of the study, asked not to be quoted directly. In these

cases, information was recorded and included in the analysis, but not used as illustrative quotations in the write-up.

In Year Fair Access Panels

Prior to attending the In Year Fair Access Panels (IYFAPs), I sent information sheets and consent forms to the Exclusions Team manager who asked the clerk of the panels to circulate to all panel members, along with a note explaining that I would be attending the next IYFAP session to introduce myself and my study. Between April-May 2019, I attended each of the four panels to explain the aims of my study, and how the data collected from the IYFAPs would be stored and used (see *Non-participant observation* section below). No information was recorded during these first four sessions.

To account for possible changes to the make-up of the panels, it was agreed (and approved by the Departmental Research Ethics Committee) that oral consent would be sought from all panel members at the start of each session. My research study was added as a fixed item to the IYFAP agenda, and each week I provided information about my study to any new members and asked for oral consent (see Appendix D) from all in attendance to audio record the discussion and write fieldnotes. I explained that if anyone did not want the information that they shared in the meeting to be included in the study, that their information would be redacted during transcription. Two panel members asked for their information to be redacted; one did not provide a reason, the other withdrew from the study after a couple of sessions due to a conflict of interest. In addition to oral consent, I also handed out hard copy written consent forms to members of the panel and asked anyone who would be happy to take part in other aspects of my research (i.e., be interviewed) to return the forms to me (see Appendix E). Representatives from one school said that they were happy for me to

attend the IYFAP sessions but would not be taking part in any other aspects of my research, again no reason why was given.

Action Group

The Action Group was set up to work on a specific time-limited piece of work; the development of a framework to reduce school exclusion in the LA. By the time I became aware of the Action Group it had already had its initial session. Unlike the IYFAP, which is a regular event, the nature of the group meant that I was not able to attend an initial session to introduce my study before starting to collect data. The group was only due to meet another three times, and in actuality the final session was postponed. In this case, the Exclusions Team manager who was convening the sessions asked me to send over information and consent forms, which she then circulated with an introductory note to all members of the Action Group. At the start of the first session I attended, I then explained my study and in the same way as the IYFAPs asked for oral consent to record the session. Everyone agreed and some also returned written consent forms to say they would be happy to be interviewed. The same process was repeated at the following session and again full consent was given.

Interview participants

Having spent a number of months observing different meetings (see *Non-participant observation* section below), in September 2019, I began to send out interview requests to a purposive sample (Bryman 2008) of practitioners, starting first with all members of the *Children Not in School Service* (aside from the person who had not returned their consent form), and then IYFAP members and members of the Action Group (secondary school staff, LA staff, and professionals from other agencies).

In terms of the IYFAP members, I first sent invitations to those who had returned written consent forms and indicated that they would be happy to be interviewed. In my normal weekly slot for introducing my study, I also mentioned that I was looking to interview as many members as possible and to have a spread of respondents from across the four panels and professionals in attendance (school and AP representatives, educational psychologists, early help workers, mental health professionals, and LA exclusions, admissions, and attendance officers). Other members of the panel indicated that they would be interested so I decided to send out invitations to the remaining panel members who I had not yet contacted.

With regards to LA professionals, I also invited other members of the LA/Education Leadership Team (senior management) to be interviewed, and on occasion they directed me to others to contact, thus snowball sampling was also used (Bryman 2008). All interviewees were asked to sign a written consent form before the interview (see Appendix B).

Thirty-six LA practitioners were invited to interview, 27 agreed, but unfortunately two later withdrew; one due to work commitments and one because of the first Covid-19 lockdown restrictions. Five did not respond to my invitation, three directed me to contact one of their colleagues instead, and another declined again due to work commitments. Out of the 25 who took part, four were part of the LA/Education Leadership Team; 11 were from the *Children Not in School Service* (covering exclusions, attendance, children missing education, and elective home education). The remaining ten consisted of four educational psychologists, two practitioners from the Early Help Service (renamed for anonymity), two volunteers from the Special Educational Needs and Disabilities Information Advice and Support Services, a practitioner from the Virtual School³³, and a practitioner from Admissions. Eleven of the 25 attended the IYFAPs, and five were involved in the Action Group.

³³ A local authority team dedicated to supporting the education of children and young people in care.

Fifty-one IYFAP representatives (in addition to the LA representatives who are included in the figures above) were sent interview requests, 22 agreed to participate, however one later withdrew due to work commitments. Of the remaining 29, 19 did not respond, three were leaving the LA/would not be attending the IYFAPs anymore, three declined due to work commitments, three due to illness, and one simply said she would prefer not to take part. The breakdown of the 21 respondents by panel was as follows (Panel 1: 3, Panel 2: 4, Panel 3: 7, Panel 4: 5, Multiple: 2). Seventeen were school representatives from 16 different state secondary schools. The remaining four worked in Alternative Provision (AP) and mental health services.

Several staff members at each of the embedded schools were also invited to be interviewed, including the headteachers, deputy and assistant heads, special educational needs coordinators (SENCOs), behaviour leads, pastoral staff, safeguarding leads, and those involved in overseeing or running internal and external AP arrangements. In School A, several heads of year and subject leads were also identified by my key contact who asked on my behalf if they would be happy to be interviewed. Including the IYFAP representatives, in School A, nine staff members were invited and took part (the headteacher, deputy/acting headteacher, two assistant heads, two heads of year, one subject lead, as well as the SENCO and the behaviour lead who were both teaching members of staff). In School B, ten staff members were invited (including the IYFAP representative), seven agreed, however, one interview did not take place due to timing. In total five interviews were conducted with six interviewees (the headteacher, two deputy heads, one assistant head, the head of transition, and the AP (internal and external) coordinator). An informal conversation also took place with the non-teaching safeguarding lead. One additional teacher from a third school, which I had approached about being an embedded school (see next section), was also interviewed.

Eleven members of the Action Group were invited to be interviewed. Ten agreed and one declined due to illness. All ten of those who took part were also either members of the IYFAP, staff at the embedded schools, or were LA practitioners and so are already included in the interviewee numbers presented above. My final sample consisted of 60 interviewees.

School selection

As set out in the *Component 3: The case and units of analysis* section, the design of my embedded single-case study included two schools (one higher excluding and one lower excluding) as embedded units. Informed by Walford's (2008:19) comment that 'we need to know about *all* schools before we can select the case study site[s]', I used my attendance at the IYFAPs and Action Group as a way to get to know the different state secondary schools in the LA. Then, over the 2019 summer break, I looked at the breakdown of permanent exclusions in the different areas of the LA over the past academic year and decided to focus in on schools within the highest excluding area – covered by Panel 2. Having selected the area, I then compared the demographic data (from the publicly available school census data, including percentage receiving Free School Meals and SEN Support) for the schools in that area and chose pairs with similar demographic profiles, but different rates of permanent exclusion based on available LA data. I contacted two pairs of schools to account for subsequent drop-out. Though both pairs were interested, I ended up being able to secure full participation from one of the pairs.³⁴ Interestingly, both schools had been involved in the Action Group, and the GDC I attended had taken place at the higher excluding school.

Initial contact and meetings with the headteachers of both schools took place in September 2019. Having signed written consent forms, the headteachers allocated me a key

³⁴ If all four had agreed to full participation I would have updated my embedded single-case study design to reflect this.

contact in the schools who I liaised with directly to arrange my fieldwork visits (see Appendix F for recruitment documents).

In my original ethics application, I wrote that I would take advice from the ethics committee on whether consent was required from teachers, parents/carers, and pupils to conduct observations in the schools. As I was preparing for this phase of fieldwork, I went back to the member of the Departmental Research Ethics Committee who had approved my application, to check. He advised that distributing opt-out consent forms to all school staff and parents/carers would be appropriate in this circumstance and directed me to submit an amendment/addition to my original ethics application for approval. What should have been a relatively simple process, was slightly elongated by the fact that since submitting my original ethics application, a new form had been introduced in the department. I had to complete the new application as well as create opt-out information sheets and consent forms for school staff, and parents/carers (Appendix G). I also created a leaflet about my research to be distributed to pupils (Appendix H). This all took place while continuing with other aspects of my fieldwork. My revised ethics application was approved in December 2019. Shortly after, I attended staff briefings at each school to introduce my research, and my key contacts in the schools distributed the opt-out consent forms. All parties were given two weeks to respond. The opt-out consent forms were returned to my key contacts who collated and passed on to me. Before any observations, my key contacts informed me if any of the pupils whose parents/carers had opted-out were in the classes I was observing so that I knew not to include any information/interactions involving them in my fieldnotes.

Having distributed opt-out consent forms to all parents/carers, the school received a reply from a parent querying the use of opt-out consent in terms of the General Data Protection Regulation. I was alerted by the school and shared this query with the Departmental Research Ethics Committee chair who confirmed that opt-out was compliant

with the General Data Protection Regulation and covered by the ethics procedures in the department, so I could proceed with opt-out consent. I relayed this information to the school who were content. On my behalf, the school circulated a reminder email to all parents/carers and added an additional note regarding the General Data Protection Regulation. In School A, nine school staff and the parents/carers of 14 pupils opted out of the study. In School B, 29 parents/carers chose for their children not to take part. No school staff opted out in School B.

Between my first meeting with my key contact in School A and the approval of my ethics amendment/addition, I was invited to attend a professional development session that my key contact was running. She also introduced me on separate occasions to the Special Educational Needs and Disabilities (SEND) and pastoral teams, as well as the behaviour lead. This meant that I had a good idea of which areas of the schools I would like to observe once I started my fieldwork and who to ask to interview. Unfortunately, many of the staff who opted out of my study in School A were the teaching assistants working in the SEND department, which meant that I was unable to conduct any observations with that team.

To access the schools, I was also required to provide details of my Disclosure and Barring Service check along with confirmation of the safeguarding training I had completed. In School A, my key contact acted as my chaperone between lessons, whereas in School B I was permitted to have a pass to move freely around the school.

Extension of fieldwork period

Due to the delays in starting my fieldwork in schools, I decided to extend my fieldwork period to the end of the academic year and asked and received confirmation from the LA that I could continue to attend LA meetings and the IYFAPs over this period. As well as enabling me to have sufficient time in each of the schools, this also meant that I would be

able to collect and analyse IYFAP data over a full academic year. However, having only been in the two schools for a short period, the first Covid-19 national lockdown, and the partial closure of schools, occurred which pressed pause on my data collection. While I was able to continue attending the IYFAPs as they moved online and was able to conduct a small number of interviews over the phone or video call, it became apparent as the pandemic went on that I would not be able to return to continue my fieldwork in schools. In September 2020, I returned to School B to conduct my final staff interview sat at a picnic bench in the school playground after the school day had ended. In total my fieldwork spanned a period of 16 months. In the following section, I provide more detailed information about the different data collection procedures I used, including how different aspects were affected by the Covid-19 lockdown.

Data collection procedures

Various authors have described case studies as ‘methodologically eclectic’ (Cohen, Manion and Morrison 2018:385) or ‘hybrid’ (Verschuren 2003:125), as a range of different data collection and analysis methods can be used. However, despite this eclecticism, observation is usually found at the heart of many case studies (Cohen et al. 2018). This was true of the present study, where I used observation as a primary method of data collection in combination with semi-structured interviews and document analysis. Each of the methods and research instruments used are described below along with information about the timing and location of the data collection.

Observations

The detailed observations entailed in the case study method enable us to study many different aspects, examine them in relation to each other, view the process within its total environment and also use the researchers' capacity for 'verstehen' (Gummesson 1988:76).

In the current study, I faced a number of choices in conducting observations: (1) what type of observation to conduct; (2) which groups to observe; and (3) how to record my observations. As I wanted to explore how school exclusion policy was being interpreted, translated, recontextualised, and enacted *in situ* on the ground, and remain faithful to the 'holistic nature of a case study' (Verschuren 2003:131), I conducted unstructured ethnographic observations in natural settings, including, as mentioned earlier in this chapter: the LA office, IYFAPs, the Action Group on Reducing School Exclusion, one GDC, one IRP, and in the two embedded schools. Figure 6 illustrates the timing of the observations in the different settings/activities.

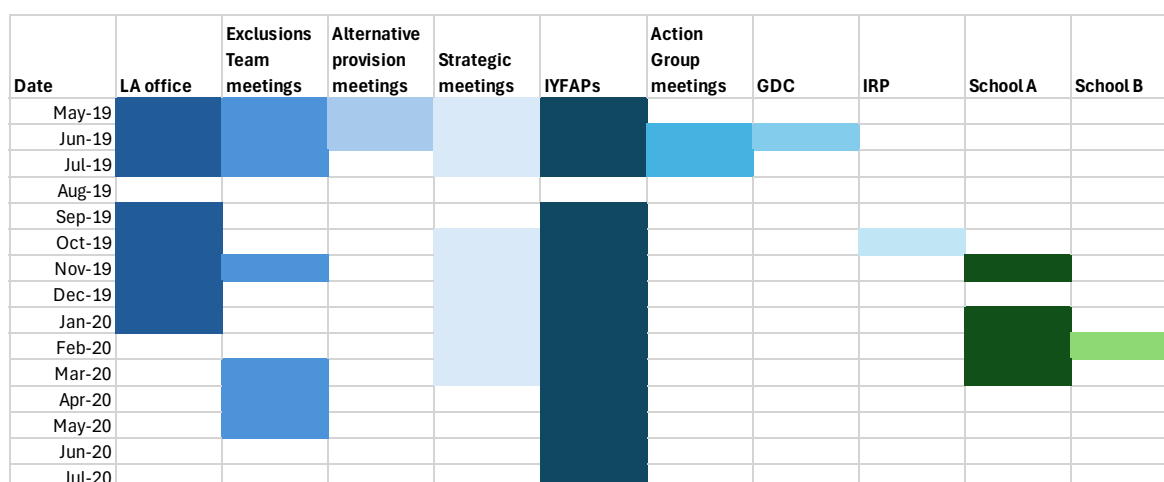


Figure 6: Period of observation by setting/activity

At some points, the position I adopted was more akin to the 'observer-as-participant, who maintains only superficial contact with the people being studied' and at others, the complete

or (non-participant) observer, standing ‘aloof from the group activities,’ for example taking notes at the back of a classroom (Cohen et al. 2018:386).

LA office

As mentioned in the *Entering the field* section, I began my observations in the LA office, where I joined the *Children Not in School Service* in the hot-desking area and shadowed the exclusions officers. Though this was helpful for getting to know the team and wider service, it quickly became apparent that the opportunity to observe the exclusions officers as they worked would be limited. Due to a combination of not being able to access people’s diaries (though I had access to the building I did not have access to any online systems including email, and room booking), and the fact that some of the team members worked across different LA buildings, worked part-time, and were often out on visits, it was difficult to know when different members of staff would be in. Consequently, on some occasions when I went into the LA offices no members of the Exclusions Team were there. When I was in at the same time as the exclusions officers, they were extremely helpful and answered any questions I had but I also felt unease at taking up their time and asking to observe their work as they told me of their mounting workloads.

Alongside these general observations in the hot-desking area, I was also invited by the Exclusions Team manager to attend their team meetings (I attended nine in total), and by the head of service to attend a meeting she was holding to discuss the issue of rising rates of school exclusion in the LA with other senior colleagues and the Exclusions Team manager. On two occasions, I also joined jointly held meetings between the Exclusions Team and representatives from the local AP Academy, where they discussed the interim placements of permanently excluded pupils.

From the first time I went into the LA offices, I maintained a record of the different meetings that I attended in an observation log. Details of the observations in the other settings/activities described below were also added to this record. I also wrote fieldnotes for each observation, noting the date, location, activity and members of staff present. The fieldnotes included descriptions of the activity or interaction – ‘naturalistic participant actions’ (Saldaña 2016:132) – along with verbatim quotes from those involved, and my own reflections (Emerson, Fretz and Shaw 1995). On occasion only scratch-notes were possible during the observation. Where possible, full notes were written or typed up afterwards. In meetings that I attended but did not audio record, when taking fieldnotes I focused on capturing the discussion and recording the focus of the meeting.

[In Year Fair Access Panels](#)

In Chapter Two, I introduced the In Year Fair Access Panel (IYFAP) process through which children without a school place, including those who have been permanently excluded, are allocated a place outside of the normal admissions round. I mentioned in the *Case and units of analysis* section earlier in this chapter that the LA in which the current study took place has four panels covering different geographical areas. Each panel was made up of representatives from the area’s secondary schools, along with members of the LA Exclusions Team, Admissions, and the main AP provider. In a move to make the meetings multi-agency, a separate panel which used to cover Children Missing Education was disbanded and representatives were invited to join one or more of the IYFAPs. Though attendance was neither consistent nor evenly spread across panels, on occasion representatives from mental health, the local hospital school, LA attendance officers, and practitioners from the Early Help Team would also join the meetings.

Each panel meets monthly in one of the secondary schools for two hours. The sessions are split into two halves. In the first half, panel members discuss the children who are on the grid for placement (including those who have been permanently excluded, along with other vulnerable admissions). The second half of the session is known colloquially as the inclusion part. Prior to the meeting, schools are able to submit requests for funding (up to £3,000 per child) to cover the cost of AP and can request short and long-term placements at the local AP Academy, which are then discussed and decided on as a panel. Schools can also ask to consult the panel about a pupil they are working with or seek a managed move (see Chapter Seven for more details). Some of the panels also hold strategic meetings either prior to or after the main IYFAP session on particular topics, for example, AP, Children Missing Education, and double permanent exclusions to name just a few. I attended 15 of these strategic meetings.

In total, not including the first four sessions where I introduced my study to the panels, I observed 37 meetings between May 2019 to July 2020 (Panel 1, nine; Panel 2, eleven; Panel 3, nine; Panel 4, eight). There were four sessions during this period that I was unable to attend. The final 12 sessions were virtual meetings held online due to the national lockdown.

Prior to each panel, paperwork including background information on the pupils who would be discussed, either for placement, funding, or AP, were circulated to the panel members, and me, through a secure sharing platform. To ensure anonymity of the pupils being discussed, I created a password protected Excel spreadsheet where I allocated each pupil a unique identifier (ID) and transported any relevant information for my study from the paperwork, including reason for referral. To safeguard the identity of the pupils these ID numbers, rather than pupil names, were used when taking handwritten fieldnotes in the meetings. I audio-recorded all but one of the meetings. The audio-files were stored securely

on an encrypted memory stick and password protected computer and all identifying information was removed during transcription (see *Analysis* section below for more details). I recorded each meeting I attended in my observation log and noted how many audio-files there were, where the audio-files and fieldnotes had been saved, and if they had been written-up/transcribed.

Action Group

As mentioned earlier, I observed two Action Group sessions held at one of the local secondary schools. The first session I attended included whole group and breakout group discussions around a draft framework for reducing school exclusions that the group had co-produced during the previous session. I joined the secondary school breakout group. The second session I observed consisted of a whole group conversation around the redrafted framework. I was given permission to audio record and take fieldnotes in both sessions. More detailed descriptions of the group and sessions are provided in Chapter Five.

Schools

In each of the embedded schools, I worked with my key contacts to identify relevant activities to attend. The provision available in each school meant that the activities observed varied slightly but were roughly similar (see Table 4). To identify a number of lessons to observe, it was decided in conversation with my key contacts that they would identify a small number of pupils who they deemed to be at risk of exclusion in Key Stage 3³⁵ (age 11 to 14) and Key Stage 4 (age 14 to 16) and I would attend their lessons. Again, I wrote

³⁵ The national curriculum is organised into blocks of years called key stages. In secondary school, Key Stage 3 covers Years 7 to 9 and Key Stage 4 covers Years 10 and 11.

fieldnotes during and after my visits and also collected relevant school policy documents. Table 4 provides a breakdown of the sessions/activities observed in both schools. While, in both schools I had intended to conduct non-participant observation, in School B, when observing in one of the AP rooms, I was asked to act as a teaching assistant and work with one of the pupils. Additionally, in another of the AP rooms within the same school, the teachers convened a group conversation where they introduced me and my study and conducted an impromptu focus group of sorts where they asked the young people if they had ever experienced exclusion, and their thoughts on the topic.

Table 4: School observations

Date	School A	School B
<i>January 2020</i>	• Vulnerable learners meeting (pseudonym).	
<i>February 2020</i>	• Lesson observations (Design Technology, history, maths, Religious Education, and science). • Time in one of the pastoral rooms. • Observations at lunchtime.	• Vulnerable learners meeting (pseudonym) x2. • Lesson observations (ASDAN³⁶, Design Technology, drama, maths, science x2, spelling intervention). • Time in inclusion base. • Time in behaviour/internal exclusion bases. • Patrol with behaviour base staff. • Restorative Justice meeting. • Observations at lunchtime.
<i>March 2020</i>	• Session held by a local police officer on the topic of drugs. • Pastoral team meeting.	

While I had hoped to create vignettes for both schools, as I mentioned earlier, my fieldwork was cut short by the partial closure of schools during the Covid-19 lockdown, and I was unable to visit some key areas in the school and speak to all members of staff I had hoped

³⁶ Programmes and qualifications for learners with special educational needs and disabilities.

to interview. The data collected in the schools has therefore been combined with the interviews conducted with school staff who attended the IYFAPs for the purpose of analysis.

Semi-structured interviews

In line with the adaptive theory approach adopted in this thesis (Layder 2006), semi-structured in-depth interviews were conducted with a range of key stakeholders from across the different embedded units. The interview questions were informed by the literature presented in Chapter Three as well as my observations of different activities and were constructed using open-ended questions to allow interviewees to respond in their own terms (Morrison 2013) and conducted in a conversational style (Kvale 1996).

Designing the topic guide(s)

‘A topic guide provides documentation of subjects to investigate that serves as an interview agenda, guide, or aide-mémoire’ (Arthur and Nazroo 2003:115). The extent to which subjects and questions to investigate are pre-specified in the guide depends on the researcher’s theoretical and philosophical standpoints (Price 2002) as well as ‘the purpose of the study, how far topic coverage can be anticipated in advance... the desired balance between participants and researcher in shaping the structure of the discussion’ (Arthur and Nazroo 2003:117), and the planned analysis procedure (Kvale and Brinkmann 2009). In other words, ‘the whats of the interview’ (Holstein and Gubrium 2011:156). The semi-structured interview format was appropriate for my adaptive theory approach as I was able to cover some ‘pre-determined questions and themes’ (Michael and Frederickson 2013:410) and draw attention to important theoretical concepts and findings from previous studies, as well as the observations I had undertaken, while also being responsive to emerging lines of

discussion raised by the interviewees and probing for more detail (Michael and Frederickson 2013; Walliman 2006). While the topic guide providing a ‘basic level of consistency’ (Michael and Frederickson 2013:410), the flexibility of the semi-structured approach meant that I and the interviewees could ask for clarification over any questions or answers we did not understand (Meyer 2001), thus arguably increasing the credibility of the data (May 1993).

The topic guide in Appendix I outlines the topics covered in the interviews. At the start of each interview, I clarified the aims of my research and my overarching research questions. All interviews covered the *demographics*, *national policy*, and *factors affecting the use of school exclusion* sections of the topic guide. Selection of other topics to be covered was then based on the organisation the participant worked for (LA, school, other) and their involvement in various activities/embedded units (e.g., embedded schools, IYFAPs, and the Action Group). In a small number of cases where the interviewee worked for an organisation other than the LA or schools and/or had specialist knowledge on a particular topic (e.g., mental health or IRPs) the interviews were more unstructured and involved open discussions about their topics of expertise. Though the topic guide (in Appendix I) appears static, taking on board advice from Brinkmann and Kvale (2015), the topic guide was moulded and developed as I went along, with each interview in many ways informing the next. Additionally, before each interview, I annotated the topic guide with specific instances I had recorded, or comments made by the interviewee during my observations, which I wanted to follow-up on with them. I ended all interviews by asking interviewees if there was anything else they would like to add that I had not covered.

Length, location, and recording

The interviews lasted between 15 minutes and two-and-a-half hours, with an average length of just over one hour. All interviews, bar one, were individual interviews. Interviews largely took place face-to-face in booked meeting rooms, the interviewee's office, or a free classroom, though a small number had to be conducted over the phone or a video calling platform due to partial school closures during the Covid-19 lockdown. The final paired interview, mentioned earlier, was conducted in the playground of the school at the suggestion of one of the interviewees and owing again to Covid-19 restrictions.

The majority of interviews were audio recorded, which allowed me to 'concentrate fully on asking questions and responding to the interviewees' answers' (Meyer 2001:338) and to capture the data in their full and 'natural form' (Legard et al. 2003:142). However, as mentioned in the *Interview participants* section, a small number of interviewees requested that I take hand-written notes instead, which I typed up after the interview. Where recording protects against the researcher selectively choosing what information to document, hand-recorded interviews run the risk of being biased by both what the interviewer is able to record (due to the pace of the interview) and what they choose to record. My notes may therefore be a reflection of what I perceived to be the key points, rather than the interviewee, thus potentially reducing the credibility of the account. The issue of bias in the interviews is returned to in the *Situating the researcher* section later.

Documents

A variety of local policy documents were collected as part of the case study, including school behaviour and exclusion policies, LA strategy documents, the local Fair Access Protocol (FAP), the framework for reducing school exclusions produced by the Action Group, as well

as general advice documents and templates available on the exclusion from school information pages on the LA's website. Various documents were also given to me by the embedded schools, including other related school policies (e.g., SEND and safeguarding policies), strategy documents around behaviour, as well as behaviour and exclusion reports and data.

Component 5: Analysis

Prior to analysis, all interviews and meeting recordings were transcribed. I took care to anonymise the transcripts by redacting identifying information including names of people and places and assigning all participants with pseudonyms. All audio recorded interviews and meetings, aside from the IYFAPs were transcribed in Microsoft Word. After transcription, I relistened to the recording to check the accuracy of the transcripts. This process also functioned as an initial reading of the data. The IYFAP recordings were transcribed directly into an Excel coding frame. As I was interested in exploring how placement decisions for pupils who had been permanently excluded from school were being made, I only transcribed data for cases where the young person had been referred to the panel due to permanent exclusion ($n = 73$). While relistening to the audio files, discussions were also transcribed which further illustrated themes identified during analysis of the school staff interviews (see below for more details). The names of the young people discussed in the panels were replaced with pre-assigned ID numbers (see *Data collection procedures; IYFAPs* section). Copies of the transcripts and Excel coding frame were stored on an encrypted memory stick and my password protected computer.

Apart from the IYFAP data, transcripts, fieldnotes, and collected documents were then imported into the qualitative data analysis software, NVivo (Mac version). Two separate NVivo files were created for (1) the LA level data, and (2) school level data, with

each type of data (interviews, fieldnotes, and documents) stored in sub-folders. The two Action Group meeting transcripts were analysed by hand separately.

In single and multiple case studies, usually analysis consists of within-case analysis, with narratives provided for each case (e.g., person) followed by cross-case analysis. In line with my embedded single-case design and theoretical and philosophical perspectives, the data collected from the different embedded units – the *Children Not in School Service*, *Action Group* and *IYFAPs* – were analysed separately. Due to being unable to complete my fieldwork in the two embedded schools, I decided to analyse the interviews with the school IYFAP representatives, and school practitioners involved in the Action Group meetings, with the data collected from the two embedded schools to explore how schools ‘do’ school exclusion policy (see Chapter Six). The presentation of the embedded single-case study follows a theory building structure with each findings chapter revealing ‘new part[s] of the theoretical argument being made’ (Yin 2018:231). The discussion chapter (Chapter Eight) acts as a form of cross-case analysis by drawing together overarching points of discussion and theoretical insights from the findings chapters.

Coding steps

To analyse the LA officer interview data, and fieldnotes written during the Exclusions Team meetings and observations conducted in the LA office, I used an eclectic coding method (Saldaña 2016:213) and followed Srivastava and Hopwood’s (2009) practical iterative framework for qualitative data analysis. Srivastava and Hopwood (2009:78) proposed three questions to guide data analysis, set out in Figure 7.

‘Q1: What are the data telling me? (Explicitly engaging with theoretical, subjective, ontological, epistemological, and field understandings)
 Q2: What is it I want to know? (According to research objectives, questions, and theoretical points of interest)
 Q3: What is the dialectical relationship between what the data are telling me and what I want to know? (Refining the focus and linking back to research questions)’

Figure 7: Srivastava and Hopwood’s (2009:78) practical iterative framework for qualitative data analysis

To begin with, I re-read all of the interview transcripts and fieldnotes and noted my initial thoughts, including reflections on how the data related to the theoretical concepts in my toolbox. I then openly (inductively) coded the data using a combination of In Vivo coding and descriptive coding. The minimum segment coded was one sentence and a single segment could have multiple codes.

In Vivo codes refer to ‘a word or short phrase from the actual language found in the qualitative data record’ (Saldaña 2016:105). They are ‘participant-inspired rather than researcher-generated’ (Saldaña 2016:107) codes. In my NVivo file, each of these codes were placed in inverted commas to indicate they were the terms used by participants themselves (Strauss 1987). Descriptive codes summarise in a ‘word or short phrase... the basic topic of a passage of qualitative data’ (Saldaña 2016:102). They outline ‘what is talked or written *about*,’ not the content or substance of the message (Tesch 1990:119).

This initial coding of the data generated a large list of codes, partly because interviews with many of the interviewees covered various topics as they were involved in the different activities I had observed. To narrow my focus and engage in a process of ‘data reduction’ (Tesch 2013:138), I therefore went back to my first sub-question, the identified roles of LA officers set out in policy (Chapter Two), and my theoretical points of interest (Chapter Three), and identified all of the initial codes that related to how school exclusion policy was being interpreted and translated in the *Children Not in School Service* and

Exclusions Team more specifically. These initial codes then became sub (child) codes under the main (adult) code 'LA's role' in my NVivo file. See column 1 in Table 5.

The next step involved going back to the interview and fieldwork excerpts coded under each of the sub-codes to see whether any of the sub-codes could be subsumed within each other. The colour coding in Table 5 depicts this collapsing process. The final step involved going back to the data to complete what Saldaña (2016) terms second cycle coding, to raise the codes from the descriptive level to an interpretive or conceptual level (Crivello, Morrow and Wilson 2013) – as you will see in Table 5, it took me two further iterations, whereby I moved back and forth between the data and theory, before deciding on my final themes.

Table 5: Coding steps example: LA's role

1. Initial codes	2. Collapsed codes	3. Third iteration	4. Final themes
“Banging the drum about these children” “Blue light” “Challenging support” “Interesting dichotomy” “Library of documents” “Piggy in the middle” “Police the system” “The LA need to be alerted” Advisors and challengers Advisors but not decision makers Breakdown in relationships ○ ‘Personality-led’ ○ Blame culture Champions of children and families ○ “People are here because they want to do good” Collaborators Commissioners Confidence Consultants Data managing and safeguarding Ensuring day six Firefighting Impartial lay lawyer Specialist knowledge LA statements Lack of authority	Advisors and signposters ○ Questioning Lay lawyers Challengers and supporters ○ “Challenging support” ○ Police ○ Reducing exclusions Trainers Not judge nor jury Champions of children and families “Piggy in the middle” Picking up the pieces versus upstreaming Partnership Translators Commissioners Statutory role Authority	Policy position Role-taking and role-making Advisors ○ Signposting and capacity building Policy navigators and lay lawyers Police but not judge ○ “Challenging support” “Piggy in the middle” “Blue light service” Partners Commissioners	Changing role of the local authority Role-taking and role-making Advisors ○ Signposting and capacity building Policy navigators and lay lawyers Police but not judge ○ Challenge and support Commissioners Reactive to proactive workers Champions of children and families Coordinators of placements through the In Year Fair Access Panels Role ambiguity Partnership working

Magic answer Oiling the cogs Partnership arrangements Receiving advice Scrutinise Sharing good practice Signposters Support packages Taking a strong stance Tension There to pick up the pieces To deliver Trainers Translators Unclear Unpicking behaviour Upstreaming Where you stand depends on where you sit			

Following analysis of the LA officer interviews and LA level fieldnotes, I then moved on to analyse data from the two Action Group sessions I attended (i.e., transcripts of the sessions and the framework for reducing school exclusions). To guide the analysis, I continued to draw on the ideas of recontextualisation and sense-making and also drew on concepts from Activity Theory to explore the production and use of the local framework. As the work of the LA officers and the Action Group both fell under the *Children in School Strategy*, and help to answer my first sub-question, I have presented these findings together in Chapter Five. Existing literature is drawn upon to illustrate in what ways the findings converge or diverge with previous policy enactment studies, specifically the role played by mid-level policymakers in the recontextualisation of national policy.

A similar iterative coding process was used to analyse the school staff interviews and answer sub-question two. During the initial open coding it became clear that literature around the role of discretion (outlined in Chapter Three), Maguire et al.'s (2015:487) work on the social construction of policy enactment in the (English) secondary school, and the phrase 'where you stand depends on where you sit', as well as the contextual dimensions identified by Braun et al. (2011), described in Chapter Three, would provide a helpful framework for coding the data and therefore became codes in my second round of coding. The resultant themes represent both data-driven, and theory-driven themes.

In terms of the IYFAP data, as mentioned earlier, I transcribed the data into an Excel coding frame with each row allocated to an individual child. Columns were included to record: (1) The reason for the permanent exclusion; (2) Description of the pupil's behaviour and background information (broken down by the information recorded in the Pupil Placement Referral Form (pseudonym) – see Chapter Seven for more information – and, where given, the description provided by the school representative during the meeting); (3) Previous interventions mentioned (e.g., managed moves); (4) Whether the pupil received interim

provision; (5) Offers to take (broken down into four response sub-columns: no, challenge from other schools, consideration, and yes). Reasons for offering a place or not were recorded in these columns along with other aspects of the decision-making and negotiation process; (6) Tools drawn upon during decision-making (broken down into the following sub-categories: parental and/or pupil voice; advice from other agencies; AP interim provision end date; number of AP places remaining); (7) Whether a package of AP would be built around the pupil by the receiving school and panel; and (8) The placement decision.

It was through this initial transcribing and coding process that it became apparent that different constructions of fairness were being worked on by the panels and it was at this point that I returned to the Activity Theory concepts outlined in Chapter Three (i.e., tools/artefacts, object, outcome, rules, community, and division of labour) to further interrogate the data and understand how the local Fair Access Protocol (FAP) was being enacted and placement decisions were being made (answering sub-question three). I went back through the data to identify the different constructions of fairness (the object being worked on) as well as any contradictions between different aspects of the activity system, for example, between the object and instruments being used. As discussed in Chapter Three, I did not design the study within an Activity Theory framework and developmental work research approach but found that the theoretical concepts provided a language for understanding the work of the panels and policy enactment – in this case the FAP – as mediated activity.

Ethical considerations

The trustworthiness of a study should not be judged purely on how competently it is designed, but also by the ethical engagement of the researcher (Marshall and Rossman 2016:51).

Ethical approval for this study was granted by the Education Departmental Research Ethics Committee at the University of Oxford (CUREC Reference: ED-CIA-19-063; see Appendix

J). I was in dialogue with the Departmental Research Ethics Committee during the recruitment and fieldwork stages of the research, and as discussed earlier in the chapter, sought subsequent ethical approval for additions made to my recruitment materials.

Though gaining ethical approval is an essential part of the research process, ethics should not be considered a tick box exercise, or a ‘set of principles or abstract rules that sit as an overarching entity guiding... [the] research’ (Davies and Dodd 2002:281), but rather should be regarded as a process. In designing and conducting my research, I kept at the forefront of my mind: (a) the importance of gaining informed consent, and the need to make clear the intentions of my research both during the recruitment process and on a recurrent basis given the length of time I spent in the field; and (b) maintaining anonymity of my participants, ensuring confidentiality of data, and preventing harm.

[Informed consent](#)

As explained in earlier sections, I made every effort to ensure that I explained my study fully, answered questions, and gave participants time to consider whether they would be happy to participate in my study. I made sure that participants were aware of how the data would be stored and for what purposes it would be used and informed them of their right to withdraw at any time without needing to give a reason. As mentioned earlier, in the case of the group sessions, which I audio recorded, it was decided and agreed with the panels that if anyone did not want to participate in the study that anything they said during the sessions would be redacted during transcription.

The importance of explaining the study on a recurrent basis became clear when, having attended the IYFAPs for a few months, one of the panel members asked me to clarify how I would be using the information I recorded. Due to the sensitive nature of the cases discussed during the meeting, and the sharing of information about young people, she wanted to ensure

that they would not be identifiable. I explained that my focus was not directly on the individual children but rather on the decision-making processes of the panel and reiterated the processes of removing identifying information and storage. On a number of occasions, the Chair of the IYFAPs stated that the LA had approved the research, and I was concerned that panel members may have felt that they did not have a choice in whether or not to participate. However, the questioning from panel members, and the request from two members for their information to be redacted, alleviated this concern. I created a consent log in Excel to keep a record of consent received.

Confidentiality and anonymity

Audio-recorded information was stored securely on an encrypted memory stick and in password protected files. All consent forms, handwritten notes, and hard copy documents collected from fieldwork sites, were stored in a locked cabinet. During the transcription process all identifying information was redacted (see also process for removing identifying information from IYFAP documents in the *Non-participant observations section*). I assured all participants that their names would not be used in any publications, nor would the name of the LA, schools or any of the pupils discussed; in all cases pseudonyms have been applied. Despite these precautions, Walford (2008) notes that ensuring anonymity in studies utilising largely ethnographic methods is not always possible as it is dependent on participants (of which there can be many) maintaining this anonymity (i.e., not speaking out about the research conducted in their institution).

As many of the documents I gathered as part of my fieldwork are publicly available online, I have not been able to use direct quotations as illustrative points as they would be traceable. This example, I think, exemplifies a wider issue in assessing the quality of qualitative research, whereby high-quality research is required to both adhere to the approved ethical

standards *and* ensure methodological, interpretative, and narrative transparency, which could be seen as somewhat contradictory tasks. Moreover, Walford (2008:36) argues that while the argument for anonymity is clear, ‘the use of pseudonyms gives a spurious generalisability of time and space to the results of specific studies’, which may also hamper the applicability of the findings.

Balancing transparency and anonymity

As well as deciding whether to include quotations from publicly available documents, I also needed to decide how much background information to include about my interview participants. Returning to Lincoln and Guba’s (2002) fourth quality criteria, the *applicability* of the research is dependent on thick description and providing sufficient information to enable the reader to judge whether the findings can be applied to their own or other contexts or situations. Understanding the background characteristics, for example job role, is arguably important for this purpose. However, it is this same information, which could lead to the participant being identified. While it would be extremely difficult for someone who was not involved in the project to identify any of the participants simply through inclusion of the job role, my concern here would be that participants may be able to identify their colleagues, which could affect working relationships if any comments are deemed to be contentious. Something that may not be obvious when conducting one-off interviews but became apparent to me having spent a prolonged period with many of my participants was that participants may also be able to be identified by their colleagues by the phraseology they use. This is something I have tried to take into consideration when selecting illustrative quotations. Continuing the discussion of transparency, I will now turn to discuss my own positionality and return to earlier comments raised around the importance of reflexivity.

Situating the researcher

There is no neutral, Olympian space from which an unbiased, objective account of policy research can be given. We are all partisans but only some of us acknowledge it (Ozga 2000:36).

In this section, I pick up the discussion around reflexivity started earlier in this chapter and acknowledge both how I may have shaped and been shaped by the people, settings, discourses, and power relations I encountered during my research (Yanow 2007).

As discussed in Chapter Three, in a paper focused on the social construction of policy enactment in the (English) secondary school, Maguire et al. (2015:487) use the phrase ‘where you stand depends on where you sit’ to explain that ‘[t]ime and space and positionality and commitments all play a part in the different workings (or not) of policy interpretations in action.’ When reading this paper, I thought how equally pertinent this phrase is to qualitative research, where spatial and temporal factors and the positionality and prior commitments of the researcher may shape both the research encounter and therefore the data collected, as well as their interpretations of the data (be that policy texts, or interview data).

The quote from Ozga (2000) which I used to start this section somewhat implies that acknowledging your partisanship is a conscious choice, however, I am not convinced, at least from the outset of a study, that a researcher always knows where they sit. During my study, I wrote reflections in my fieldnotes where I explored my own pre-conceptions and assumptions. In one entry, following an interview, I wrote: *Your own biases and preconceptions are never more transparent to yourself than when you are interviewing someone whose views shock you or you disagree with.* However, this awareness does not mean that my own biases affected this interview, in fact, looking at the above interaction from a different angle, the headteacher’s candidness in this interview reassured me of the credibility and authenticity of the data. This instance did however reaffirm the importance of reflecting on the research encounter, as well

as my position as a critical policy scholar committed to social justice and improving the lives of those at risk of or who have been excluded from school and acknowledging that as Thomson (2020:3) puts it, my thesis may be ‘in an axiological sense, partial.’

In other instances, I became aware that different aspects of my personal and professional background may be affecting my interactions with participants. For example, at the beginning of my study, the Exclusions Team manager in introducing me to the wider *Children Not in School Service*, jokingly said I would be spying on them for a while. Though this was said tongue-in-cheek, I was initially concerned that this may put people off being involved. However, the fact that I was able to speak with each team member individually about the study helped me to allay these concerns. Given my research topic, and experience working on other research projects focused on school exclusion, at times the LA officers also asked me for my “expert” advice around the national school exclusion policy and underpinning legal frameworks. As I was trying to understand how they were interpreting the guidance, I often turned these requests into a discussion, however at times this may have made me appear unhelpful as I did not provide any concrete answers, therefore possibly affecting future interactions. As we were discussing issues that could affect young people’s lives, this also raised an ethical dilemma for me, and left me questioning to what extent I should try to remain objective when I hold knowledge that may help those working with young people who are at risk of or who have been excluded. And relatedly, whether providing insight and having impact can only occur once the research has been completed.

When it came to introducing me at the IYFAPs, on several occasions the Chair told the panel how the LA had endorsed my research. During the first few months of my research, I would often leave the panel meetings with the LA officers to conduct my observations in the LA offices. Given the changing relationship between the LA and schools, I was concerned that schools may not wish to engage with my research, or would answer questions in what they

deemed to be a socially desirable way (Bryman 2008) if they thought that I was reporting back to the LA. I made sure to make clear that I was not working for the LA, through conversations with the teachers and through simple decisions such as wearing my university lanyard and card instead of my LA volunteer lanyard during these meetings.

The ‘endorsement’ comments also raised another possible issue with participants feeling captive to the research. I was concerned that in the group meetings in particular attendees would feel unable to dissent and fall prey to group pressure if the majority were happy for me to observe. Similarly, in the embedded schools my key contacts in trying to organise my time in the schools and ensure I was collecting the data I needed often asked members of staff on my behalf if they would be happy to let me observe their lessons and/or interview them. As members of senior leadership this again raises issues over whether the staff members felt they had a choice in whether or not to participate. At the start of each interview, I made sure to explain the research to each member of staff again and reminded them of their right to withdraw at any time. As a number of people approached declined to participate, I feel that their right to refuse and withdraw at any time was effectively communicated.

Returning to quality

Throughout this chapter, and my study in general, I have tried to establish quality by making clear the influences of my theoretical and philosophical positioning and how theory informed my research design, data collection, and analysis. I have also clearly documented the different aspects of my research to ensure methodological and interpretative transparency. To achieve narrative transparency and enhance the applicability of my research, and therefore the possibility for analytical generalisation, I have included verbatim quotations and excerpts from my fieldnotes to illustrate my findings in the following findings chapters.

Chapter summary

In this chapter, I have provided an account of different aspects of my research design and methodology and how they developed over the course of my study. I have discussed the suitability of my research design in addressing my research aims and questions and included a transparent account of my data collection and analysis procedures. In the following three chapters, I address each of my sub-questions in turn and present findings from the different embedded units within my embedded single-case study. In Chapter Five, I focus on the *Children Not in School Service* and Action Group on Reducing School Exclusion to explore how LA officers make meaning of school exclusion policy in an increasingly autonomous education system and how the national school exclusion policy was decoded and recoded into local policy through the Action Group meetings. In Chapter Six, I draw on data from interviews with school staff involved in the IYFAPs, Action Group, and two embedded schools to investigate how schools ‘do’ school exclusion policy and what contextual factors influence the enactment of school exclusion policy, and finally in Chapter Seven, I focus on the IYFAPs to explore the enactment of the local FAP and how post-permanent exclusion placement decisions are made.

Chapter Five: Decoding and recoding school exclusion policy at the local level: “What does that really mean, and what does that mean to us?”

As mid-level policymakers, LA officers have previously been seen as ‘a bridge’ responsible for translating national policy into local policy and offering support to schools to interpret the abstract and generalised meanings, condensed codes, and legalistic discourses of state official policies (Singh et al. 2013). This chapter addresses my first research sub-question by exploring (1) the interpretational and translational work undertaken by a cohort of LA officers as they made meaning of school exclusion policy in an increasingly autonomous education system, and (2) how national school exclusion policy was decoded and recoded into local policy by a multi-agency Action Group focused on reducing school exclusion.

The chapter is split into two parts. Part 1 explores how LA officers, as policy *outsiders* (Ball et al. 2012), positioned themselves and were positioned in relation to school exclusion policy, and outlines seven roles identified by the LA officers, and through my observations, that the LA Exclusions Team were seen to take and make, namely: (1) advisors; (2) policy navigators and lay lawyers; (3) police but not judge; (4) commissioners; (5) reactive to proactive workers; (6) champions of children and families; and (7) coordinators of placements through the In Year Fair Access Panels. This culminates in a discussion of the role ambiguity experienced by the LA exclusions officers.

Part 2 of this chapter then focuses on a further aspect of the Exclusions Team’s work, namely partnership working, and provides an example of how the national school exclusion policy (statutory guidance) was collectively recontextualised into local policy by drawing on data from meetings of an Action Group focused on reducing school exclusion. In so doing, I explore how LA officers (from the Exclusions Team and other services) and local partners

attempted to establish a common interpretation of the statutory guidance. To end, I provide brief reflections on the extent to which the LA officers and local partners felt that the locally produced framework for reducing school exclusions, as a new policy artefact, had mediated or would mediate local practice and influence school exclusion rates.

Part 1: How local authority officers make meaning of school exclusion policy in an increasingly autonomous education system

Changing role of the local authority

The policy drive for autonomy outlined in Chapter Two has transformed the relationship between schools and LAs. While LAs have retained some statutory duties, they no longer have direct control over academies, or ‘levers of accountability to employ’ (Parish et al. 2012:34). As shown in Chapter Two, though LAs have retained responsibility over permanently excluded pupils, changes to the Governors’ Disciplinary Committee (GDC) and Independent Review Panel (IRP) processes and removal of the right to make representations in the case of academies has resulted in a retraction of their influence over the exclusion process. Though the power to exclude rests solely with headteachers, LAs also find themselves in the incongruous position of being held to account by central government for local exclusion figures:

“So, although I don’t... run academies, for instance, don’t really have any say in how academies are run, I have got responsibilities about the outcomes of all of our children in schools. So, obviously, exclusion is something that is a worry to me and is something that I would be judged upon – for instance, we have a SEND [Special Educational Needs and Disabilities] inspection, and when we have a SEND inspection, they will look at the numbers of exclusions for SEND children, and they don’t care whether those children are in academies or not. And, similarly, we have an annual conversation with Ofsted every year, and half the discussion is on education, and we’ve just had a debate about exclusions. So, they want to know that we’re actively involved in doing something about it.” (LA Officer 6, LA/Education Leadership Team³⁷)

³⁷ Where the participant’s ID number and role are included in brackets after a quotation this indicates that the quotations is from an interview.

“One of the aims [of the Children in School Strategy] is definitely around reducing exclusions, which is an interesting target for me to hold when it’s not me doing the excluding. The only powers that I have is that of influence, headteachers have the power to exclude, so that’s an interesting dichotomy.” (LA Officer 5, LA/Education Leadership Team)

In effect, this has resulted in the simultaneous marginalisation and responsabilisation of LAs around school exclusion.

Following the written statement of action from its most recent joint area SEND inspection, as discussed in Chapter Four, at the time of this study the LA had recently formed the *Children Not In School Service*, and had co-produced with local partners (mainly school leaders, with some input also from police and health colleagues) the *Children in School Strategy* for reducing fixed period and permanent exclusions and improving educational access for all children and young people within the LA (see Chapter Four for overview of the strategy). LA Officer 5 (LA/Education Leadership Team) described the strategy as the “*local policy*” on school exclusion.

Collective responsibility and promotion of collaborative, partnership working between local schools and services lay at the heart of the strategy, with the LA recognising the need to rebuild connections with local schools and (re)establish its position and authority:

“...we could see that, although we had lots of academies, we still had a role, and schools needed somebody to kind of be that honest broker and give that support and be the external person holding the whole school to account, so that’s really what it [strategy] was about. It was to kind of fill that space, which we should have been filling but we weren’t, so we kind of inhabited it again.” (LA Officer 6, LA/Education Leadership Team)

“We [the LA] are about full-time education for every child. For a long time academies didn’t know what the role of the LA was. We need to reaffirm our authority.” (LA Officer 1, Exclusions Team (hereafter ET), quotation recorded in fieldnotes: 2nd Office Observation, May 2019)

Building on Singh et al.’s (2013:469) work on ‘the generative principles of recontextualisation, that is, the power and control relations underpinning the policy processes of interpretation and

translation’ and Spillane et al.’s (2002) work on sense-making, in the sections that follow I explore how the LA officers working in the *Children Not in School Service*, primarily those in the Exclusions Team, positioned themselves and were positioned in relation to school exclusion policy, as they worked to recontextualise the official policy discourse. Where relevant, reflections from other LA officers around the work of the Exclusions Team and school exclusion policy are also drawn upon.

Role-taking and role-making

In an Exclusions Team meeting in July 2019, the officer leading the meeting stated that:

“... now we have the [strategy] and now the statutory responsibilities of the LA are different, we need to clarify the LA’s role” (LA Officer 1, ET, quotation recorded in fieldnotes: 4th ET meeting observed, July 2019).

The statutory guidance on school exclusion provides general statements about the roles and responsibilities of LA officers in relation to excluded pupils. For example, it sets out the LA’s statutory duty to provide day six provision (provision from the sixth day following a permanent exclusion; DfE 2017a). However, as described by LA Officer 4 (ET), *“the policy, if you read through that, isn’t telling us exactly what to do”*:

“... the exclusion guidance that we’re using now, which is the 2017 version... has been... adapted several times. It’s probably now not as...it’s now more open to interpretation than it used to be. It used to be very clear about who could say what, who did what, what our roles were. It’s probably not so clear now... So... it makes it quite... more difficult, and I wouldn’t envy somebody new coming into that role now... If you’re just working from the guidance, it would be very difficult to fulfil our role.” (LA Officer 4, ET)

Though their ‘role’ was somewhat shaped by the statutory guidance, the officers also had to engage in the active construction or making of their role (Spillane et al. 2002), and fleshing out of the guidance, to achieve the goals set out in the *Children in School Strategy*. They also had

to adapt to the changing relationship between LAs and schools as set out in the 2010 and 2016 schools White Papers. As discussed in Chapter Two, following the publication of the 2010 White Paper, Parish et al. (2012:5) identified three distinct LA roles, (1) the LA as ‘a convenor of partnerships’, (2) the LA as ‘a maker and shaper of effective commissioning’, and (3) the LA as ‘a champion for children, parents and communities.’ In the 2016 White Paper, three important functions of LAs were also outlined, namely to (1) ensure every child has a school place, (2) ensure that the needs of vulnerable pupils are met, and (3) act as champions for all parents and families (DfE 2016c).

As well as finding the statutory guidance limited in terms of clarifying the Exclusions Team’s role, some of the officers felt that the assumption and structure of the statutory guidance was not conducive to the local target of reducing school exclusion:

“I mean, I think we’ve discussed before, haven’t we, that it feels like there’s an assumption in policy that schools will exclude, so there’s not this assumption that schools won’t – it’s almost these...this is what you need to do, you need to get, you know, a chair of governors, you need to hold a panel, that kind of thing. So, there’s set procedures, but there’s nothing really that...in the policy role that’s really pushing people away from exclusions...” (LA Officer 6, LA/Education Leadership Team)

In the following section I explore further the interpretation and translation work undertaken by the LA officers as they made meaning of the national policy on school exclusion, and the interconnection between the decoding and recoding (meaning making) of the policy, and the shape and shaping of their role(s). In particular, I explore how the Exclusions Team sought to use the statutory guidance to prevent rather than support exclusions. Before turning to look at the roles identified by the LA officers and through my observations, I first reflect on their views of the national school exclusion policy as being open to interpretation as it helps to contextualise some of the roles they identified and the work they do.

School exclusion policy as open to interpretation

Building on the comment from LA Officer 4 (ET) in the section above, while a small number of the LA officers thought that the national policy on school exclusion was clear and understandable, there was a general feeling among the LA officers that the statutory guidance and specific policy concepts were open to interpretation and the sites of ‘selective reconfiguration of certain practices of meaning’ (Singh et al. 2013:474). In line with Kulz’s (2015) and Ferguson’s (2019) earlier work, the officers discussed how schools held different interpretations of what constitutes a ‘serious breach’ or ‘persistent breaches’ of the school’s behaviour policy and the differing thresholds or grounds for exclusion adopted by different schools:

“I don’t think there is clear guidance on what constitutes significant and sustained disruption. What does that mean? That’s two different things to two different people, isn’t it, and I don’t think that helps. I don’t think there’s clear guidance on what is the absolute point at which an exclusion is made, on a one-off...” (LA Officer 19, School Improvement)

“I think headteachers see the lines in the guidance... they have the right to exclude... I think they forget the element about multi-agency assessment, I think they forget the element about unmet special needs, and I think they see it after persistent or a one-off so serious event – now, “so serious” by whose definition, of course? I could pick up that cup of water and throw it at you, and I could find myself permanently excluded for it. But who’s defining “so serious”? I think they see...they pick out the bits that they want to pick out, and they...and they can conveniently forget about the...actually, there could be wider social issues at play here, or unmet additional needs at play here – let’s forget about that bit. And I think they’re very quick to forget about equalities scrutiny as well.” (LA Officer 5, LA/Education Leadership Team)

Some of the officers felt that the nature of the policy meant that it could “...be interpreted in different ways depending on the eyes that you’re looking at [it from] and where you’re sat” (LA Officer 16, Virtual School) and could be read selectively to achieve particular ends. In line with LA Officer 5’s comment above, LA Officer 3 (ET) believed that “*headteachers interpret it [statutory guidance] to their own end; to exclude the pupil.*” These comments imply that headteachers actively choose to interpret the statutory guidance in certain ways, however the

LA officers also described how some headteachers were simply unaware of what was expected of them in terms of, for example, their legal duties, indicating unconscious rather than conscious oversight. It therefore fell sometimes to the Exclusions Team to decode the statutory guidance and provide broader guidelines in terms of what schools should do. The LA Exclusions Team was expected to work with schools, governors, parents/carers, and other professionals to provide advice and guidance to prevent exclusion and ensure that procedures were followed correctly when a pupil was permanently excluded. In the following sections, I outline seven roles taken and shaped by the LA Exclusions Team before reflecting on the role ambiguity that the LA officers experienced. Building on the current theme, in Chapter Six, I investigate teachers' views on the interpretation of school exclusion policy and in Chapter Eight I bring together and compare the views of LA officers and teachers.

Role 1: Advisors

“Headteachers don’t exclude that much. They’re not experts on it, so they kind of rely on us to tell them how it is, you know, when they ring up for advice or they look online.”
(LA Officer 1, ET)

One of the main aspects of the work of the LA Exclusions Team involved answering general exclusion-related enquiries and offering expert advice on all aspects of the exclusion process. Schools in the LA were encouraged to phone the exclusions officer designated to their area of the LA if they were considering the use of exclusion. In reality, while some schools phoned prior to exclusion, often schools contacted the Exclusions Team after the event to inform them that they had permanently excluded a pupil and would be sending over the required paperwork. If advice was sought at this stage, it usually concerned school staff checking that the exclusion was legal (see Role 2: Policy navigators and lay lawyers). This was a practice that the LA was trying to change as it shifted its work towards early intervention and prevention (see Role 5: Reactive to proactive workers).

While able to provide advice, LA officers are not decision-makers. As LA Officer 4 (ET) explains in the quotation below, they are not able to provide schools with a definitive list of incidents that would warrant an exclusion:

“Schools will ask, you know, ‘What should we do for this?’ you know, a pupil does this, and we’ve always said, you know, ‘You need to make that decision yourselves.’ We can’t...we can’t have like... a punishment table that, you know, if you say the f-word, you get two days, if you, you know... It can’t work like that. And it has to be in the context of the young person and the place that that young person is at... So, yeah, so the actual... the behaviour policies, exclusion policies, have to be by school-by-school basis. We try and...if schools want to share them with us, we will get involved, and we will kind of say, ‘Well, actually, you know, just because you shared a cannabis joint with seven other pupils doesn’t make you the worst drug-dealer in the world,’ you know? ‘Ah, but we have a zero-tolerance policy!’ Well, the first thing is, don’t have a zero-tolerance policy, you know?”

While decision-making remained with headteachers, what the Exclusions Team were able to do was help schools to consider what more they could do to prevent school exclusion. In so doing, they were in essence elaborating the broadly legalistic notions of ‘persistent breaches’ and ‘last resort’ to check that the school had exhausted all interventions and alternatives to permanent exclusion before taking the decision to exclude.

Signposting and capacity building

Advising schools often involved a combination of questioning and signposting, in which the officers drew on existing LA produced aids and checklists:

“[Inclusion Team] have a... like a checklist – I use that all the time now because it’s a really good way of saying to schools... When schools say to you, ‘What more can we do? We’ve done everything,’ ‘Well, have you? Let’s actually look...’ and this [checklist] is really good at that. And, many times, schools will look at it and say, ‘Well, we’ve done that, done that, done that, done that!’ and you say, ‘Well, really good, that’s excellent – you know, if you can evidence that, that’s brilliant. Have you considered this?’ ‘Well, we haven’t looked at that.’ ‘Well, go away and look at that.’” (LA Officer 4, ET)

“[But often] the basics haven’t been done, they haven’t contacted an Ed Psych [educational psychologist] for an assessment, and in my correspondence with teachers

I copy and paste the checklist from [Inclusion Team] which is a really good resource, and the AP [alternative provision] list” (LA Officer 3, ET)

In a phone conversation with a local school leader, LA Officer 4 (ET, quotation recorded in fieldnotes: 7th Office Observation, June 2019) stated that:

“... this [the checklist] is reassuring for you as a head because you can say this is what the LA suggest, and we have done it.”

However, LA Officer 4 (ET) explained how signposting had become more difficult over recent years due to funding cuts and the closure of different services, for example the LA’s behaviour support service:

“Our roles very much used to be a signposting role – you know, ‘Have you tried this, this and this? Here’s the advice, here’s the website, here’s the contact number – talk to those people.’ So, we were like a go-between kind of person, whereas now, there isn’t really anybody else to point them to. So, our role is adapting and that’s something that I’m having to – because my background isn’t a teacher, you know, so I’m having to re-learn, you know, re-educate myself really.”

As a result, the officers felt that they were having to adapt their role, and for some re-educate themselves, to provide more hands-on support and help to build capacity in schools:

“But, again, certainly with the primaries, we’re having to put a lot of effort in now, but the long-term aim of that is, well, actually, when the situation arises, they’ll think, no, actually, we need to do this, this and this because this is what we were told to do last time, so they won’t then be bringing all their cases through to us so... Or they’ll change their policy or they’ll change the way they’re working and they’ll know a lot more.”
(LA Officer 4, ET)

In the Action Group on reducing school exclusions, discussed in detail in Part 2 of this chapter, LA Officer 1 (ET, Action Group, July 2019) explained how the team would be working differently:

“I would hope that one of our team would talk you through and go ‘What other contributing factors might there be? Have we thought about those?’ It’s that sort of coaching approach to just ask the questions.”

As indicated in the above quotation, the questions posed by the exclusions officers encouraged schools to consider the wider context around an incident. The officers were able to check their local data systems to see if the child was open (currently or historically) to any other LA services, for example, social care or the SEND team, share this information with the school for their consideration, and broker connections. In a team meeting in May 2020, the Exclusions Team recapped and updated its standard operating procedures. Annotating the procedures, LA Officer 1 (ET) said:

“I’ve put always question why? Why did they do that? I know we all do that, but I think it’s a really good question... if they [child] hit you, what happened just before?”
(Quotation recorded in fieldnotes: ET Meeting, May 2020)

While acknowledging the challenges of the policy being open to interpretation, most of the LA officers considered flexibility to be a necessary feature to ensure that context and contributing factors are taken seriously (see Chapter Six for teachers’ views on this point). Building on their comment included earlier, LA Officer 4 (ET) explained:

“... you know, we never want to be in a situation where it’s a definitive list of things. You know, you’ve always got to have a little bit of grey area to give you flexibility.”

Similarly, LA Officers 16 (Virtual School) described how:

“... it would be very difficult for the leaders in the school... say on the role of inclusion, to be truly inclusive if their policy was black and white because it would...it just wouldn’t be inclusive, would it, by the nature of it.”

To help schools to navigate this complexity, LA Officer 1 (ET) explained how they decoded and recoded the exclusion policy within a moral framework based on the best interests of the child:

“You know, the rules are the rules, but...if the family and the child are happy, you’re less likely to [end up] in tribunals so... Do you know what I mean? Like it’s that bit of... It is complicated, but if you’re...you know, if you’re working in the best interests of the child... You know, education is messy, isn’t it? It’s like we’re working with people and families and it’s always complicated. It’s never black and white. And I think, if you think it’s black and white, and then you have guidance like this that is confusing, you’re stuffed, you know. What do you do? Headteachers end up just frustrated... And so, when you’re working in that, my thing is, oh, we just have to...what’s right for the child – it’s just a good compass, isn’t it? It’s a good point of kind of how are we doing, how do we get this right for this young person?”

By offering this “compass” to others, LA Officer 1 was providing a particular lens through which to interpret the guidance and base decisions. This way of decoding and recoding was informed by the officer’s background in inclusion, as well as a belief that exclusion was rarely a positive outcome, and their commitment to the LA role, identified by Parish et al. (2012), as champions of children and families (see Role 6: Champions of children and families). This reframing shifted focus away from the rights of headteachers to exclude, to the rights of the child and in this way the LA officers could be seen as acting as policy critics, speaking back to policy and bringing different rationalities to bear (Ball et al. 2012).

However, LA Officer 1 (ET), explained that while some headteachers accepted their perspective and argument, others were resistant, or operated with an alternative understanding of ‘best interests’ – as illustrated by the following two quotations:

“... I’ve spoken to a number of headteachers, going, ‘Actually, this is not in the best interest of the child, that bit of the guidance, to exclude this child, because, actually, they’re CP [Child Protection], they’re going to be at home, they’re going to be at risk, and we don’t have any AP [alternative provision] at the moment, so there’s going to be a delay, and that’s not in the best interests of the child, so can we do something else?’ And, occasionally, heads will go, ‘Ok,’ but sometimes they’ll go, ‘No, we just can’t deal with this’.”

“You know, headteachers go this one, ‘That parent is never going to complain, so it will be alright, so I’m going to – so this one is on me,’ that’s what I was told last week, a child with an EHCP [Education, Health and Care Plan] being excluded from primary school, and I was like, ‘But it’s a child! And you haven’t had an emergency annual review.’ And she was like, ‘But I want the best for the child!’ and I was like argh...you know, how can that be...?”

This second comment resonates with the findings of Ferguson and Webber’s (2015) study in which headteachers were found to disregard particular legal requirements if they considered that the best interests of the affected pupil and others in the school lay elsewhere. The issue of what is seen as being in the child’s best interests, along with the question of whether the statutory guidance is or should be seen as black and white are both returned to in Chapter Six.

Role 2: Policy navigators and lay lawyers

Helping headteachers to understanding their legal requirements was another aspect of the work conducted by the Exclusions Team and other LA officers. In Chapter Three, I discussed how policies do not circulate in isolation, but rely on surrounding texts (or...their context) to assist in the determination of their meaning’ (Gale 1999:399). In the current study, LA Officer 1 (ET) explained how there exists a *“library of documents”* that school leaders and LA officers are expected to engage with. Not only do they have to understand the statutory guidance on school exclusion, but also how it relates to other policies and legislation, including for example, the SEND Code of Practice 2014, and the Equality Act 2010. LA Officer 1 (ET), talked about how it is *“ridiculous to have all of those documents and expect school leaders, and people like myself, to cherry-pick the bits.”* Largely having no legal background themselves, the Exclusions Team and other members of the *Children Not in School Service* who answered calls that came into a shared helpline, found themselves in the position of helping school leaders, governors, and parents/carers to navigate the exclusion process, and providing practical and legal advice and challenge. Some of the officers also delivered training around Governors’

Disciplinary Committees (GDCs) and Independent Review Panels (IRPs) to school governors. Though acknowledging that some school leaders and governors had a good grasp of the statutory guidance, in general there was a feeling that many lacked sufficient understanding, which they related to a lack of training and the guidance itself: *“That’s because the guidance isn’t clear, it’s opaque”* (LA Officer 1, ET).

The queries received by the *Children Not in School Service* ranged from seeking advice on whether a fixed period exclusion could be extended, to if and when a GDC could be adjourned and reconvened, to the make-up of the panels and the parties permitted to be in attendance. The lack of detail included in the statutory guidance around the running of GDCs and IRPs meant that the officers, particularly those who provided training, were called upon to help operationalise the guidance.

The exclusions officers explained how in email correspondence with schools they would copy parts of the statutory guidance to remind schools of their statutory duties and the need to explore possible contributing factors which may lie behind the child’s behaviour. In an Exclusions Team meeting, LA Officer 5 (LA/Education Leadership Team) explained to the team that their role was not just to signpost, but to *“draw their [headteachers] attention to what they must do”* (Quotation recorded in fieldnotes, ET Meeting, March 2020). As I show later, the understanding of the legal duties of schools held by the LA officers did not always align with teachers, and in some instances the challenge launched by the officers was based on localised versions of the ‘rules.’

The officers’ ability and comfort with providing legal advice and challenge seemed to hinge on their own proficiency with the legal frameworks underpinning the exclusions guidance (and the guidance itself) and the support available to them from colleagues within the LA and external organisations, with some feeling that as lay people they were not best positioned to give legal advice:

“I’m a lay person, and I do always think these things should be taken care of by legal minds.” (LA Officer 3, ET)

For example, in one of the Exclusions Team meetings, LA Officer 5 (LA/Education Leadership Team) was invited by LA Officer 1 (ET) to talk to the team about the key legal phrases they could be using and how to provide challenge. As a result of this discussion, the team agreed on the need to create *“a script with specific wording that we can all use”* (LA Officer 1, ET, quotation recorded in fieldnotes: ET Meeting, March 2020) to ensure consistency in their legal challenge and *“prevent unlawful exclusions decisions”* (Quotation from Meeting Minutes, March 2020), for example, permanent exclusions being issued because the school cannot meet need.

At times however, officers were left frustrated after receiving conflicting advice from different sources, for example in my interview with LA Officer 3 (ET) they explained:

LA Officer 3: *I’m told to use the guidance and I use it. Though I do sometimes get told different advice. So I can give an example. Recently the chair of a GDC [Governors’ Disciplinary Committee] phoned up and said that because new evidence had been presented at the GDC, there hadn’t, it was just my letter and the parent’s evidence which were read out, they wanted to hold another meeting to come to their decision in a week’s time. I said that they couldn’t do that, the governors could reconvene, but they couldn’t ask all parties to come back. So then I contacted a few people to check and I got conflicting advice. [Clerk] said yes, they could call a second GDC, the National Governors Services had the same view as me that they couldn’t, [LA Officer 1] also thought I was right, but SENDIASS [Special Educational Needs and Disabilities Information Advice and Support Services] thought they could.*

Interviewer: *So, what happened in the end?*

LA Officer 3: *Well the governors referred to the National Governors Service advice and went with that and so the governors reconvened the next day and came to a decision, and they upheld!*

Returning to operationalising the statutory guidance, like the participants in Ryder et al.’s (2017) study, members of the Exclusions Team discussed how the stripping back of the statutory guidance in 2017 had led to officers drawing on *policy antecedents* including past

guidance (national and local) and practice to give meaning to and operationalise the text. The reliance on and durability of *policy antecedents* is depicted in the conversation between LA Officers 1 and 4 below:

LA Officer 1: *[LA Officer 4], you may know the answer to this, at the IRP [Independent Review Panel] do the same governors from the GDC [Governors' Disciplinary Committee] have to attend?*

LA Officer 4: *Yes, the chair of the GDC has to attend the IRP and present the case, the headteacher doesn't present the case, they attend as the governor's witness.*

LA Officer 1: *Where is that written down?*

LA Officer 4: *It just happens, I don't know I've never seen it written down.*

LA Officer 1: *But that is usual practice?*

LA Officer 4: *Yes, it is.*

LA Officer 1: *I just like my life written out in law and policy.*
(Conversation recorded in fieldnotes: 20th Office Observation, October 2019)

In an earlier Exclusions Team meeting, LA Officer 1 (ET) had asked LA Officer 4 (ET) why they were following old guidance to write statements for GDCs, to which LA Officer 4 (ET) responded: *"Because that is what we have always done"* and later commented: *"We always continued to do things unless we were explicitly told not to"* (Quotations recorded in fieldnotes: ET Meeting, June 2019). I followed up on this discussion in my interview with LA Officer 4 (ET), and asked:

Interviewer: *"... do things from previous policies still come through, and people are still using them, regardless of whether there's another...?"*

LA Officer 4: *"Absolutely, yeah. And I do it, so I'm sure that schools do it as well. You know, there are ways...ways that have worked... previously, that perhaps aren't such high agenda now, are policies, aren't written in policies, but, you know, you could still say they're good practice, you know."*

A theme that came out of many of the conversations with LA officers and teachers in this study was the blurred distinction between policy and practice, with some participants referring to

having unwritten policies or ways of doing things. The ways in which such unwritten policies are formed and form part of the ‘taken-for grantedness’ of schools (Ball et al. 2012:121) is returned to in Chapter Six.

Overall, what has become clear is that national policy is subject to multiple interpretations, by multiple actors who all have their own professional backgrounds, histories, and priorities. The fact that the policy is open to interpretation means that space is often created for ‘the playing off of meanings’ (Ball 1993:11). In contrast to Singh et al.’s (2013) study where the positioning of the mid-level policy makers meant that their decoding and recoding of policy guided teacher’s practice, in the current study the LA officers talked about how their interpretation of the guidance was at times challenged by schools. In the quotation below, LA Officer 4 (ET) explains how, during a conversation with a headteacher, their authority was undermined both by the headteacher’s different interpretation of an aspect of the statutory guidance on school exclusion – specifically the strength of direction implied by the use of the modal verb *should* – and the autonomy of the school:

“A prime example is, the other day, we had... a special school EHCP [Education, Health and Care Plan] pupil permanently excluded for a one-off incident. So, I said to them, ‘Have you read your guidance? Pupils with EHCP should not be permanently excluded. You should hold an emergency annual review.’ And she said, ‘Yes, I know the guidance. The key word is “should”.’ So, I said, ‘Right...’ and she said, ‘I’ll quote it!’ and then she got it out and quoted it to me. It says... ‘Schools should consider holding an emergency annual review.’ That’s what the guidance says. We’ve always said you should have one, have one, you have to have one! It doesn’t say that. It says you should. So, the school came back and said... ‘We have considered it – we should consider, we have considered, and we’ve considered it not necessary.’ So, you know... Yeah. So, all that, you know, all the...my drive, if you like [laughing], was then taken away from me because their interpretation of the guidance is that they don’t have to have one – they should consider it, whereas we’ve always told them that they have to. So... that’s, you know, an example of how guidance can be interpreted. If you stick to the guidance, most cases of poor behaviour in school, you can get through the policy. You know... if you look at the reasons for permanent exclusion, why permanent exclusion should be considered... if a pupil breaks the behaviour policy of the school... there’s the opportunity for a school to therefore permanently exclude them. Whereas, what we’ve always said is, no, you should do this, you should do that, and you should put all this support in. If they want to interpret the guidance word for word, they could say, ‘Well, no, we don’t have to because it says...’ And, ultimately, ‘Don’t tell me, I’m

the head' – the only person that can make the decision to permanently exclude is the headteacher – 'I've made the decision – don't tell me that I can't, ' you know.'

A few months after my interview with LA Officer 4 (ET), they relayed this conversation during an Exclusions Team meeting. In the extract that follows you will see how LA Officer 1 responded by stating that the terminology in the statutory guidance had been changed in the local framework for reducing school exclusions (discussed in Part 2 of this chapter):

LA Officer 4: *I have said to headteachers before that schools should consider an emergency annual review, but it doesn't tell them they must. Some have responded by saying "I have considered it and I don't think it's necessary."*

LA Officer 1: ... *locally we say you must.*
(Conversation recorded in fieldnotes: ET Meeting, April 2020)

The acceptance of this local recontextualisation was dependent on the power and control relations between the LA and schools, and the alignment or misalignment between the goal of the LA officer and school leader.

Role 3: Police but not judge

As discussed at the start of this chapter, and as summarised by Ferguson (2019:22), while LAs remain 'accountable to central government for permanent exclusions in their area... they have no official role in overseeing and moderating decision-making in Academies.' While the Exclusions Team talked about how schools believed that the LA was there *"to police them"* (LA Officer 3, ET) and in many ways the officers did take on a policing role, their lack of powers meant that they could police, but not judge. I use the term judge here in two ways, first, to acknowledge their lack of powers to overturn exclusion decisions, and secondly to draw attention to the impartial approach some believed they were expected to assume (as discussed later). To fulfil their work and meet the aims of the strategy, the LA officers talked about needing to simultaneously provide challenge and support.

Challenge and support

Many of the LA officers, from both within and outside of the Exclusions Team, described the primacy of relationships to their work. Like the LA officers who took part in Parish et al.'s (2012:5) study, they recognised 'that without the power to direct schools over particular issues, their ability to carry out certain functions is likely to depend on their capacity to motivate, persuade and exercise principled leadership,' as expressed by LA Officer 5 (LA/Education Leadership Team):

"When schools were maintained by local authorities, local authorities were able to influence, to a greater or lesser extent, the number of children being permanently excluded from schools because we employed the headteachers that hold that power. If we have influence with academies and multi-academy trusts, that's based on relationships. And in terms of a whole education system, relationships shouldn't be relied upon."

LA Officer 5's comment draws attention to the fragility of these relationships and the importance of their maintenance. The LA officers spoke about the need to get the balance right between providing challenge and support in order to (re)build and maintain relationships with schools, particularly academies, and move towards preventative working (see Role 5: Reactive to proactive workers):

"So, we...we have to be careful... and our role is very much built on our relationships, and we still have to try and maintain them now, even though they're academies and we're the local authority. It is key to try and, you know, to - we have to challenge, but we also have to support, at the same time, so it's that challenging support, you know. You can't just go in and tell a school, 'Well, you can't do this and you can't do that.' They'll never invite you in again, you know, and they certainly won't consult you when they've got a situation that they need a bit of advice about." (LA Officer 4, ET)

"Yeah. So, you know there's a lot more challenge that goes on with schools now, so our team get involved with exclusions and will challenge back and say, 'Why are you doing this?' etc. We're also thinking about...so, we've got more support for schools, so they can ring up and talk to us and get some support." (LA Officer 6, LA/Education Leadership Team)

“We want to do the early intervention work, but the reality is term one this year, I wanted to get the stick out and go stop it, we’re coming back to the GDCs [Governors’ Disciplinary Committees], we’re going to challenge you on this exclusion because you’re not working with us, we didn’t do that because we’re playing the long game, but there’s an element that we can’t lose the challenge and just be nice. If you’ve done your restorative training, you will so get this because it’s about the balance of going this is the law, this is what I’m going to challenge you with this, because this is what the law says. Plus this is the right thing to do for the child and I’m going to be nurturing and supportive while I’m saying that.” (LA Officer 1, ET)

The quotation from LA Officer 1 below also indicates an acknowledgement of the need to challenge sensitively so as to be able to manage and work with headteachers during situations where emotions are often heightened:

“I think...I’ve been really challenged over the last couple of weeks about excluding because we can’t meet need, and actually, headteachers kind of admit that, and I... And I was talking to my officers about how we relate to those teachers, because I always go, ‘Well, of course you’re not saying that’ you know, because I can’t not challenge it, but how do you challenge that in a way that’s not going to be...really offensive... when someone’s in a stress situation?” (LA Officer 1, ET)

As referenced in one of the comments by LA Officer 1 (ET) above, over the course of my fieldwork, the decision was taken that the exclusions officers would stop attending the majority of GDCs and IRPs, as members of the leadership team felt that attending was not helping the team to meet its goal of reducing and preventing exclusions, and there was no guarantee that they would be granted permission to speak. In an Exclusions Team Meeting, LA Officer 1 (ET) instructed the team not to attend GDCs and IRPs, stating: *“We don’t want to be battling with schools, we want to be working with them to avoid exclusions”* (Quotation recorded in fieldnotes: Exclusions Team Meeting, November 2019). In my interview with LA Officer 1 (ET) they explained:

“I’m tired of running after schools after the event and going, ‘Why did you do that? It was completely wrong and unlawful,’ and di-di-di, because it’s...I’ll say that but I...what I’ll then say to them is, ‘How can we stop this happening again?’... because, otherwise, yeah, it’s just... It’s not good for our relationship working with them.”

While initially the team also ceased making written representations, they later created a template statement which listed sections of the statutory guidance that governors may wish to refer to. The team agreed in its standard operating procedures that they would complete and submit this statement to every panel. While the Exclusions Team did not attend GDCs other teams within the LA, for example SENDIASS (Special Educational Needs and Disabilities Information Advice and Support Services), were sometimes contacted to support the family and child through the process. In this way, the LA officers were reliant on those around them to also help to challenge exclusion decisions.

In my interview with LA Officer 3 (ET), they talked of a situation where they had offered support to a school and an alternative package to exclusion, but the school had decided to go ahead and exclude. They explained how they worded their statement for the GDC:

“I said governors might want to consider if the headteacher made contact with... What I didn’t say is he didn’t follow suit.”

When asked why they did not explain their conversation with the headteacher, they said:

“[LA Officer 4] said not to because our role is to be impartial.”

Despite this move to provide challenge and support, in an Exclusions Team meeting, LA Officer 3 (ET) described how schools were not always open to exploring alternatives to exclusion with some feeling that the LA officers were trying to persuade them to go down an alternative route *“because it suits [the LA’s] figures”* (Quotation recorded in fieldnotes: ET Meeting, March 2020). This suggests that how and why schools perceive they are being asked to do something may inform their decision to accept or reject the advice or alternatives presented to them.

Role 4: Commissioners

As well as being there to police the system, some of the LA officers talked about the LA as being, or perceived to be, “*there to pick up when things get really, really challenging*” (LA Officer 1, ET) and to “*pick up the pieces at day six*” (LA Officer 5, LA/Education Leadership Team). While committed to working to reduce exclusions (see Role: Reactive to proactive workers), LA Officer 1 (ET) noted how the LA’s “*only statutory function is to get children full-time day six education*” (Quotation recorded in fieldnotes: ET Meeting, November 2019). To fulfil this function, the LA used High Needs Block funding allocated to them by central government to commission AP places. In the LA where this study took place, historically, the LA maintained Pupil Referral Unit (PRU) had provided placements (interim and long-term) for permanently excluded pupils, as well as short- and long-term preventative places. In recent years, the PRU had converted to an AP Academy. While the AP Academy continued to be the LA’s main provider, a contract had not been established between the LA and AP Academy after the conversion took place. During the course of my study, this came to light as an issue when the AP Academy increased its prices mid-financial year, resulting in the LA being unable to afford as many places as usual. As the number of pupils being permanently excluded in the LA increased, the LA ran out of places and had to look to other providers to meet its day six obligations (e.g., online tutoring), which in turn it had to quality assure. The LA officers also had to complete risk assessments for pupils who they were unable to secure AP for, all of which added to their workload. The combination of increased permanent exclusions and reduced AP places also had knock-on-effects on the number of placements that the LA was able to make available to schools through the In Year Fair Access Panels (IYFAPs) to try to prevent exclusions. In Chapter Seven, I explore how the pressure on AP places and the use of other providers played into the discussions and placement decisions made in the IYFAPs. During my fieldwork, a review of commissioning arrangements for AP was underway in the LA with the

aim of regularising the arrangements with the AP Academy, commissioning a breath of AP across the LA, and considering alternative funding arrangements with local schools (e.g., funds being distributed to schools to use to commission AP directly). Through this work it could be argued that the LA was trying to move towards becoming a better maker and shaper of effective commissioning (Parish et al. 2012), though the effects and outcomes were yet to be seen.

Role 5: Reactive to proactive workers

Linked to the discussions above, a tension that emerged over the course of my fieldwork was the Exclusions Team's desire to work preventatively versus the reality of having to work reactively due to the volume of permanent exclusions in parts of the LA, a reduction in staffing, and to some extent, as discussed earlier, the reluctance of some schools to contact the Exclusions Team prior to permanently excluding. While some schools did contact the Exclusions Team prior to permanently excluding a pupil, over the course of my fieldwork, the team members talked on many occasions about how they had been informed that a permanent exclusion had been issued, but they had never heard of the child, and the child had not been raised at the IYFAP. Rather than providing early intervention, they felt that they were contacted mostly in the case of emergencies, where the school was at crisis point or had already decided to exclude. Towards the end of my fieldwork, an additional post was created and a new member of staff joined the Exclusions Team. In my interview with LA Officer 5 (LA/Education Leadership Team) they described how the new member of staff would "*essentially be a blue-light emergency service – headteacher rings up, 'I'm at screaming pitch! I'm about to permanently exclude...' and I will, or [LA Officer 1] will send out that new post,*" however, LA Officer 1 (ET) was hoping that eventually the practitioner would be able to work with schools in a more proactive rather than reactive way. In one of the IYFAP meetings, having

challenged the fact that a school had not contacted them prior to permanently excluding a pupil, LA Officer 1 (ET) explained:

“...in terms of process, we are changing how we are working as a team and I just wanted everyone to be aware of that, that we would want to do that piece of work with you [schools] early because as a team we're not going to spend hours now preparing for GDCs [Governors' Disciplinary Committees] and coming to be the LA representative unless we really feel it's going to make a difference. Because we trust schools that they are doing what they need to be doing, however, what we do want to use is that time, which is hours of time and so reactive right at the very end of the process, to support schools to get the right people around the table, galvanise the [Early Help] support, anything we've got within [LA] to build a team out of to try to prevent the PEx [permanent exclusion] from happening. So I just wanted to share that as a, I know it's kind of like learned from hindsight, but if we're going to reduce PExs, we need to adjust the ways we're working. That's very new for us as a service, but that is how we are moving towards working.”

Though the majority of the Exclusions Team members felt that they were still working in firefighter mode, one of the officers talked about how because of a lower number of cases in the area they covered they were able to do more early intervention work. In describing to me how they worked they said:

“I mean they [schools] still PEx [permanently exclude], but I make sure that I am in front of the head and I tell them what I can do to support. It's about getting them on board and piloting alternative provision. It's about agreeing something and delivering on it. It's also about being available to guide the teachers. I heighten the case to people's attention. And it's also about manners and how you communicate with people.” (LA Officer 3, ET)

Linked to earlier discussions about the primacy of relationships to the Exclusions Team's work, on many occasions LA Officer 3 (ET) stressed the importance of building trusting relationships with schools and other agencies so that they know you “*will work and won't walk away.*” In my fieldnotes I recorded a discussion between LA Officer 1 (ET) and LA Officer 3 (ET) where they described the need to be very good at what they do so that schools have confidence in them (Fieldnotes: 2nd Office Observation, May 2019). In my interview with LA Officer 3 (ET)

they talked to me about how working with schools is “*personality-led*” and based on “*what you can do for them.*” Through delivering on their promises, and being in their words “*a bit of a badger*” to other services, they were able to establish personal authority and credibility with schools and other agencies:

“I don’t have a problem working with other agencies. I’m a bit of a badger and they know I will follow up, but they know it’s because I’m working in the best interest of the child and we work together. We all do things wrong and we learn from it, nobody’s slapping any wrists, and that’s the same for parents.” (LA Officer 3, ET)

LA Officer 3 (ET) very much saw her job as working collaboratively with all parties involved in the exclusion process and as a coordinator of services. Rather than it being about attributing blame, LA Officer 3 (ET) saw a real strength in multi-agency working and the need to take collective responsibility. In an increasingly stretched and autonomous education system this meant, as depicted in a conversation between LA Officers 1 and 3, that schools also needed “*to challenge each other about their decisions and provisions*” (Quotation recorded in fieldnotes: 2nd Office Observation, May 2019) and as noted by LA Officer 1 in a later meeting, they should be “*empowering social workers to know the guidance*” and be the voice of the Exclusions Team when they are unable to attend for example Team Around the Family (TAF) meetings due to lack of capacity (Quotation recorded in fieldnotes: ET Meeting, March 2020). A point I return to when discussing the framework for reducing school exclusions in Part 2 of this chapter.

Role 6: Champions of children and families

Throughout the interviews with the LA officers, working in the best interests of the child arose as a guiding principle of the Exclusions Team’s work. Mirroring Parish et al.’s (2012) third

identified role, LA Officer 1 (ET) described how the Exclusions Team members were shifting to seeing themselves as champions of children and families:

“I was talking to my team this morning and we were just saying actually we want to... We work for the taxpayer, so we’re champions of the children and the families... and that’s quite a shift for the team because we’ve always felt like, I think they would say we work for schools. And we were talking about it because, at the end of a case, when we closed down a case, after reintegrating a child into school, we should send some feedback, and we’re not currently doing that, and I was looking at the feedback form we’ve got and the feedback form is for schools. And I was like, well, I don’t really...I mean, I’m interested to know what schools think, but I’m more interested to know what the child thinks and the parent, because they’re our key client, actually, and that’s a real shift for us.”

However, while this shift to being champions of children and families was in progress, ambiguity over who the LA ‘work for’ persisted and at times led to a feeling of role ambiguity (see *Role ambiguity*). Additionally, the Exclusions Team’s ability to work in a preventative capacity and broker both alternatives to permanent exclusion and additional support to meet the needs of children and families was affected by structural, relational, and material factors (e.g., staffing levels).

Role 7: Coordinators of placements through the In Year Fair Access Panels

Finally, another role played by the LA Exclusions Team, in partnership with other LA teams and local schools, was the coordination of placements post permanent exclusion through the IYFAPs. The Exclusions Team oversees the administration of the local Fair Access Protocol (FAP), receiving referrals and preparing the paperwork for the panels. It also monitors the placements under the Protocol to ensure that the process is equitable to all schools and that children without a school place are placed on roll in a timely manner (see Chapter Seven for more details). Through Roles 4, 6 and 7, the Exclusions Team was in effect working to achieve the three functions set out by Nicky Morgan in 2016, to ensure (1) every child has a school place, (2) that the needs of vulnerable pupils are met, and (3) parents and families are supported.

However, as discussed in Chapter Seven, who the IYFAPs were seen to ‘serve’ (the pupils and families or schools) and how they achieved ‘fairness’ (for the child versus for the school) were tensions that had to be navigated by the panels.

Role ambiguity

What became clear throughout my fieldwork was that there existed various, often interconnected, lenses through which the work of the Exclusions Team could be viewed and tensions between the different ‘roles.’ At times the LA exclusions officers were left with a feeling of role ambiguity and being stuck in the middle having to advise schools, governors, and parents/carers. LA Officer 1 (ET) explained to me how though they were often at the centre, mediating and liaising between different groups and services, lots of things were out of their control, and talked about there being “*wiggle room to pass the buck*” between services (Quotation recorded in fieldnotes: 9th Office Observation, June 2019).

At times during my fieldwork, the LA exclusions officer expressed confusion over and questioned whether they now work for schools or children and families. LA Officer 1 explained:

“I don’t think anyone really knows [what the role of the LA is], and I don’t think anyone is doing the piece of work to define it.”

It could be argued that by trying to work more preventatively with schools and challenging them to ensure the legality of their exclusion decisions as well as brokering alternatives to exclusion, the LA officers were trying to balance and navigate these complex stakeholder arrangements.

With the shift in relationship between the LA and academies, LA Officer 1 (ET) also explained that schools also lack “*clarity on what their role is*” and as discussed later in this

chapter continued to expect the same level of support from the LA as they received pre-academisation.

In Part 2 of this chapter, I explore one way in which the LA Exclusions Team sought to address this ambiguity by positioning themselves as partners, and convening an Action Group as part of the *Children in School Strategy*, with the expressed aim of agreeing a collective approach to reducing school exclusions in the LA.

Part 2: Decoding and recoding national school exclusion policy into local guidance

The Action Group on Reducing School Exclusion was a partnership convened by the LA as part of the *Children in School Strategy* with the goal of creating a framework for achieving the local aim of reducing exclusions, which all primary and secondary schools would be asked to sign up and adhere to. The terms of reference for the group explained that the framework would outline agreed expectations for supporting pupils presenting with challenging behaviour in mainstream schools, to ensure consistency in approach. The terms of reference also stated that the framework would signpost schools to further support and training, and help schools to work together to reduce and prevent fixed period and permanent exclusions. The group consisted of LA officers (from the Exclusions Team, Educational Psychology, Early Help, and the Virtual School), school leaders, and other local stakeholders (working in AP and mental health).

I first found out about the Action Group during a conversation with LA Officer 1 (ET) on the way back to the LA offices following an IYFAP meeting. LA Officer 1 explained to me how the group was taking parts of the statutory guidance on school exclusion and asking what they mean to them in the local context to try to establish a shared interpretation. Sensing that this group may provide an opportunity to observe policy recontextualisation (decoding and recoding) in action – as the statutory guidance moved from the Official Recontextualising Field

(ORF) to the Pedagogic Recontextualising Field (PRF) – I asked if it would be ok for me to attend.

Collaborative recontextualisation of school exclusion policy

At the beginning of the second session, LA Officer 1 (ET) set the scene for the meeting and recapped the aims of the Action Group:

“... it’s really interesting to note how the exclusions guidance is interpreted by different headteachers, by different academies, and by different agencies, so it’s absolutely fantastic to have CAMHS [Child and Adolescent Mental Health Services] here and [Early Help] because what we need is clarity really on what we all believe is the right interpretation of the guidance, so I took, or an agreed interpretation of the guidance and it’s interesting because I’ve spent a lot of time thinking like oh what does that really mean? And unpicking that with my team about what we have always believed that means.”

(Action Group, June 2019)³⁸

In the first session, the group had started to develop the written framework, which consisted of tables with abstracts from the statutory guidance in the left-hand column and actions on the right. The tables were split into statutory guidance and actions related to persistent disruptive behaviour, contact with the LA, AP and managed moves, one-off breaches, and special cases. To give an example, in the persistent disruptive behaviour table, in the left-hand column, one of the statutory guidance abstracts read: *‘Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN [Special Educational Needs] or disability that a pupil may have.’ (p10)*. In the right-hand column the group had listed actions for schools, alongside links to local services and other related guidance. These included to name just a few: refer to the Special Educational Needs and Disabilities (SEND) Code of Practice and other specialist guidance, engage

³⁸ As the meetings were audio recorded, all quotations are verbatim.

specialist support, implement a SEN Support Assess-Plan-Do-Review cycle, and complete an early help assessment.

Having spent a lot of time working on the right-hand column in the first session, LA Officer 1 (ET) asked the group to spend the second session focusing on the sections of the statutory guidance that they had pulled out, to see:

- (1) *“Have we picked out the right bits of the exclusion guidance in order for us to inform this piece of work?”*
- (2) *“Really think about what does that really mean, and what does that mean to us? And if we could have a shared understanding in [LA] of what that means, and we can record that, that will really help us to do much more joined up work together,”* and
- (3) *“Are these the right actions?”* (Action Group, June 2019).

Members were asked to split into groups based on the phase of education they represented. I joined the group comprised of secondary school leaders. LA Officer 1 (ET) came over to the group to provide further clarification of the task and said they wanted the groups to:

“... focus on interpreting the guidance, ‘What does it mean by the headteacher should take account of any contributing factors?’ ‘What does it mean by early intervention to address...?’ How do you as school leaders interpret what that means? Because what we want is for everybody to do it the same, so it’s fair and not for one school to be disproportionately excluding as you are aware.” (Action Group, June 2019)

The groups were asked to start with the persistent disruptive behaviour table, and then move on to review the one-off breaches tables. In essence what they were doing was engaging in a process of collaborative recontextualisation and policy enactment whereby they interpreted the sections of the statutory guidance and then translated them into actions and contextualised practices. In the sections that follow, I explore the moral discourses that regulated what knowledge (sections of the statutory guidance) were selected and how it was collaboratively reconfigured for enactment by practitioners.

What does “we’ve done everything” look like?

If we go back to the criteria for permanent exclusion set out in Chapter Two, we see that the statutory guidance makes clear that permanent exclusion ‘should only be used as a last resort’ after all other options have been exhausted (DfE 2017a:6). When discussing the persistent disruptive behaviour table, the primary question became what does “we’ve done everything” look like? In response to the first point listed from the statutory guidance in the table ‘*The head teacher should take account of any contributing factors.*’ (p10), one of the headteachers presented a spreadsheet that they had developed in their school, which detailed all the children they deemed to be at risk of exclusion and the interventions and support they had received. They explained:

“If you look at Student B who is ragged purple who is closest to permanent exclusion, what we’re now having is sort of weekly meetings about what else can we do, what other teams do we need to [research?], because we’re in last chance saloon with this child. But we do want to make sure that if I make the call that that child is going to be permanently excluded and we’re going to go to governors and it...he’ll probably appeal, we can say well actually, because behind this is all documentation and paperwork, and there’s just physically nothing more we could do.” (Headteacher 5, School B, Action Group, June 2019).

In this example, the policy concepts of ‘persistent disruptive behaviour’ and ‘last resort’ as well as the directive to ‘take account of any contributing factors’ had been translated into a tool/artefact which mediated action. The group agreed that the guidance they were producing could act as a similar checklist to make sure they really had done everything and suggested the sharing of tools and examples of best practice between schools. In Chapter Six, I provide further insight into the ways in which such tools were used by schools.

Moving on to other sections of the statutory guidance included in the left-hand column, namely, ‘*Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN [Special*

Educational Needs] or disability that a pupil may have.' (p10) and *'The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour,'* the group reflected on the difficulties they faced with increasing numbers of pupils starting in Year 7 (age 11 to 12) who as described by Headteacher 5 (School B) *"are not mainstream or secondary school ready"* (Action Group, June 2019) and are in need of Education, Health and Care Plans. They suggested that primary schools also needed to be asking themselves if they had done everything they could to prepare the child to succeed in secondary school:

"... I think we're agreed that they should be identified at primary school and given the support there" (Headteacher 5, School B, Action Group, June 2019).

The group also discussed the struggles they faced in engaging other agencies and completing multi-agency assessments. Returning to the tool presented by Headteacher 5 (School B), the mental health practitioner who joined the group suggested that, at least in her service, if she was presented with that spreadsheet and could see the school had already tried a lot, she would prioritise assessment of that child.

It was decided by the group that the framework needed to be a document that could be used by all stakeholders to ask: *"... 'have you done this?' So we're all saying the same things in terms of what our expectation of support is"* (LA Officer 1, ET, Action Group, June 2019) and should make clear what resources are available and how to access them. This final point very much became the focus of the third session and is reflected on further under the sub-theme of *Collective responsibility and accountability*.

Conceptualising behaviour as communication

In discussing one-off breaches, LA Officer 1 (ET) offered her interpretation of the guidance, which was to “*thoroughly investigate why*” (Action Group, June 2019) an incident happened and suggested that all behaviour should be seen as communication. Here she was presenting her own position and sense-making as well as reiterating one of the shared principles set out in the *Children in School Strategy* (see Chapter Four). The conversation below depicts how this moral discourse was negotiated between different stakeholders in the face of conflicting priorities and demands:

LA Officer 1: ... *You know there's that whole issue of knife crime and what we're doing about knives in schools. I don't think we've got a consistency about that, but I think the guidance. You know my interpretation of the guidance around that...is the one off. So that's, so how do we work together to make sure that we are really thoroughly investigating why someone brought that weapon into school and have a real. You know we had an interesting discussion in the city about that and there was very different perceptions from schools about what you would do if someone brought a knife into school. Um I just think, so that would be helpful to me if this group looked at that as well...*

Teacher 28: *That's a hard one because our head talked about reputational risk, so if you bring a knife into school it's a big risk for the school community, the adults and the kids. So, whether you dig deeper and find out why, his line would be 'well they've done it, they can't do that'.*

LA Officer 1: *Ok but if we look at the guidance, which is underpinned by the law [laughs]...*

// Teacher 28: *Yeah I don't disagree with that.*

LA Officer 1: *You know and ultimately you know I can think of kids who get excluded for bringing a weapon into school and then they get excluded for bringing a weapon into school again. And actually in that move, and I take that on my shoulders as going well we've totally failed that child if they are still crying. I see that as a cry for help.*

// Teacher 28: *Yeah.*

...

Headteacher 6: *So it's almost what constitutes a one off isn't it?*

Headteacher 5: *That's such a grey area as well thought, I mean there is so much, there are so many different contexts. You know we had an incident of a child that brought a knife into school and we permanently excluded that child, but the knife that they brought into school, was a knife that you could only use as a weapon, it wasn't a kitchen knife, it wasn't you know a Stanley knife, there was only one reason to have that knife, and that was as a weapon, either as an offensive weapon or for protection. And then it depends whether the rest of the community know about it, because if the rest of the community know about it are you then sending out a message that you condone it, that it's ok, you know even if you do all of this work with the community in assemblies and tutor time, and restorative justice. And then you've got your own safeguarding and risk assessments. If you do all of that restorative justice and then that child brings a knife into school again and stabs somebody then potentially that's your job gone isn't it as a headteacher.*

LA Officer 1: *But if we go back to the guidance because that's what I want us to do is to really look at how do we get people to really unpick the reason why? Something we know from... the work Ofsted have done around knife crime is that the gang leaders get kids to take a knife into school so they get excluded, they have no intention of using it. It's actually a deliberate thing that their gang is telling them to do in order that they will get excluded, so that they can do more drug running.* (Action Group, June 2019)

In the above interaction, LA Officer 1 (ET) raises the research conducted by Ofsted (discussed in Chapter Two) as an evidentiary warrant (Hyatt 2013) for taking a more contextualised approach to behaviour and school exclusion and shows how emerging national concerns can infiltrate local thinking and interpretations of policy. In a system built around inspection, invoking the views of the inspectorate may have added weight to LA Officer 1's challenge to schools to think differently.

In their interview with me, LA Officer 17 (Early Help) told me that similar discussions had taken place in the sub-group they were part of, and that their priority had been:

"... making sure that actually the social and emotional sort of contexts for that child were acknowledged. I think there was an educational psychologist there and they were similar, saying, actually, you know, we need to think about SEN [Special Educational Needs]... and where does that fit in in terms of the document, and making sure that there's sort of very clear... like steps, I suppose, about making sure that you understand the holistic picture for the child."

In the final session, and in line with the shared principles of the *Children in School Strategy*, it was decided that a statement expressing the need to consider behaviour as communication, and

encouraging schools to take a restorative approach, would be included in the Action Group's framework for reducing school exclusions as a way to encourage schools to question why an incident had taken place and identify and action appropriate support.

The rights of the many versus the rights of the few

As touched upon above, one of the other tensions, or as I have earlier described *policy paradoxes*, discussed in the Action Group was balancing the rights of the majority of pupils in the school versus the rights of the individual child. In the second session Headteacher 5 (School B) commented:

"I think the thing, the bit that I find hardest is honestly the bit about 'where allowing a pupil to remain in school would seriously harm the educational welfare of other pupils' because that for me, that is, it's the impact on other children but really is what results in a decision being made that an exclusion has to happen. So, I think if it was a child in isolation we would work through every single, whether it's step, or provision or whatever it might be. But it's that, that's the meaty bit isn't it? And I think that, that's so subjective in a way isn't it? It's the what does, what I might think is serious harm, what [Name] might think is serious harm might feel very different to somebody else's serious harm."

(Action Group, June 2019)

The above statement mirrors the quotation from LA Officer 5 (LA/Education Leadership Team) included towards the start of this chapter and brings us back to the issue of school exclusion policy being open to interpretation and something that schools have to actively navigate and ascribe meaning to. This issue is also returned to in Chapter Six.

Considering the guidance from the perspective of the individual child and drawing on her moral "compass" of 'best interests' described under the *Signposting and capacity building* sub-theme, in responding to Headteacher 5's comment, LA Officer 1 (ET) discussed how governors when reviewing permanent exclusions needed to be clear that the school had "*considered the child and their needs*" (Action Group, June 2019). From a sociocultural

perspective, what we are seeing here is the ‘compass’ being used and offered by LA Officer 1 (ET) as a mediational means to help navigate the *policy paradox*.

In line with Maguire et al.’s (2015:1) work on enacting behaviour policy, and an earlier comment included in this chapter by LA Officer 16 (Virtual School), what the above quotations also indicate is that ‘where you stand’ on issues to do with behaviour and exclusion ‘depends on where you sit’ both morally and materially. Illustrative of this point, LA Officer 1 (ET) commented:

“I work in inclusion, I always go to the child... let’s just look at the incident for this particular learner because they have a right to full-time education whereas often as governors and headteachers we’re in the zone of the many. And I think that’s an interesting, maybe even between now and the next meeting, for people to go back and go, yeah how we stand on that. Around, what we’ve got around an individual and what we’ve got, it’s all about provision in that school isn’t it? You know, I think, in order to meet the needs of those learners.”

(Action Group, June 2019)

Similar discussions took place around the issue of safeguarding, with safeguarding being seen as something that could and should also be considered from the perspective of both the safety of others and the safety of the child. In acknowledgement of this, and linked back to the earlier discussion around the localisation of rules, the following directives were included in the framework for reducing school exclusions; if a pupil with an Education, Health and Care Plan (EHCP), a Looked After Child, or a pupil with a Child in Need (CIN) or Child Protection (CP) Plan is at risk of exclusion, schools *must* (rather than should) conduct an emergency EHCP review, make a referral to the Virtual School, contact the social worker, and convene a core group, respectively.

Collective responsibility and accountability

As with safeguarding, the overall message that came out of the Action Group was that all stakeholders are collectively responsible for pupils at risk of exclusion and that the framework for reducing school exclusions would help to hold people to account:

“... if we’ve agreed this is how we are working together, I’m a big believer in we write it down and then we can hold people to account. If it’s not written down, we’ve got nothing to say, you know people say: ‘Oh you know we get involved at this point.’ You know it’s got to be clear.” (LA Officer 1, ET, Action Group, June 2019)

Much of the discussion in both sessions I attended revolved around the difficulties schools faced in accessing external services and being unclear about what support was available and who to contact and when. The framework was seen as a way to counter this confusion by setting out the local arrangements around the statutory guidance and:

“... help[ing] school leaders know what is out there for support with the aim of reducing exclusion. We want local arrangements that will reduce exclusion for children because we don’t believe that exclusion for children is the right thing.” (LA Officer 1, ET, Action Group, July 2019)

LA Officer 1 (ET) reiterated that as part of the *Children in School Strategy* stakeholders have to “work collaboratively” and “look to each other and school-to-school support” (Action Group, July 2019). They suggested to the group that schools were:

“... still expecting a level of support from the LA that isn’t, is from many years past [laughs] when we would have a function in terms of helping schools through an exclusion because we were working with schools, there were no academies, whereas now, our only statutory function is to provide day six provision. So anything we do on top of that in our [Exclusions Team] is a choice... and when we’re supporting academies you know, that’s something that we are saying we think this is really important, so I’m very mindful as new managing that team of how we frame that and how we make clear to schools what’s available.” (Action Group, July 2019)

In line with the discussion set out in Part 1 of this chapter, LA Officer 1 (ET) explained to the Action Group that:

“... the [Exclusions Team’s] role [is] very much... supporting us to reduce the risk of exclusion rather than to hold a school’s hand when they’ve made that decision. And that’s a big shift and I think we need to really clearly communicate that to schools.”
(Action Group, July 2019)

Part of the function of the framework for reducing school exclusions therefore became clarifying to schools when they should be contacting the *Children Not in School Service* helpline, and their area exclusions officer. In this way, the creation of the framework was part of the active making of the Exclusions Team’s position and role within current governance arrangements.

The framework for reducing school exclusions: A moral and practical framework

The final framework for reducing school exclusions was framed through the behaviour as communication lens, which encouraged a restorative approach and stressed the importance of the voice of the child. A moral imperative to reduce and prevent school exclusions was also made through reference to the adverse life experiences that permanently excluded pupils are more vulnerable to, including knife crime, child exploitation, and imprisonment. The guide clarified a gradient of support, starting with the universal provision that schools should have, moving to support for pupils at risk of exclusion, to pupils who remain at risk of exclusion. Each part included the sections from the statutory guidance that the group had deemed relevant and instructions on who to contact and when around specific needs (e.g., SEND). The recontextualisation of the statutory guidance on school exclusion had resulted in a moral and practical framework for practitioners, which directed them to think differently about school exclusion and how to prevent it. Singh et al. (2013:478) suggest that policy artefacts, like the

framework produced by the Action Group, ‘constitute an ethic of professional judgement/conduct’ which can have the potential to have ‘material effects.’

Production and use

In the above sections, I have outlined how a multi-agency group decoded and recoded the national school exclusion policy to produce a local framework for reducing school exclusions. Here, I draw on concepts from Activity Theory (Engeström and Sannino 2021) to further explore this process of policy production and the possibility of the framework’s use in mediating future action and achieving the outcome of reducing school exclusions. In the Action Group meetings, the object of the activity (i.e., what the group was working on or trying to shift or change) was developing a shared understanding of the national policy and local arrangements, with the aim of producing a new tool (the framework for reducing school exclusions) which would be used locally to ensure fair and consistent practice. The work was guided by the position that “*we don’t believe that exclusion for children is the right thing*” (LA Officer 1, ET, Action Group, July 2019) and framed within the shared principles (rules) of the wider *Children in School Strategy* (set out in Chapter Four) and related targets, as well as (understandings of) the legislation underpinning the national guidance.

In the processes of decoding and recoding, members of the Action Group from different stakeholder groups (i.e., LA, schools, and other external partners) drew on tools, both material and ideal, to make meaning of the condensed codes, and offered these tools as things that could help guide future practice. For example, LA Officer 1 (ET) offered the concept of ‘the best interests of the child’ as a tool to help headteachers to consider the impact of the exclusion on the child against the impact of the child’s behaviour on the school community, and Headteacher 5 (School B) shared the spreadsheet used in their school to record the interventions and support provided to each child deemed to be at risk of exclusion as a way of operationalising the

concept of ‘last resort.’ While such tools could be used to ask the question “have we done everything?”, as discussed in Chapter Six and indicated in Headteacher 5’s (School B) comment earlier in this chapter, they could also be used by schools to ensure that they have robust documentation of what they have tried if they did decide to permanently exclude. Through discussion, the group members expressed and negotiated different interpretations of the statutory guidance, based on their own positions, previous experiences, and the rules of their organisation (e.g., schools). Though the final framework provides a moral lens to rethink behaviour and school exclusion and guide decision-making, as discussed below and in Chapter Six the extent to which this new lens was informing or would inform the work of schools and other services is debateable. In creating the framework, the Action Group also sought to clarify the division of labour between different services and thereby assert the role of the LA and schools in the new governance landscape.

My fieldwork for this study was not long enough to be able to investigate the effects of the new framework on practice, however, interviews with those who took part in the Action Group and members of the Exclusions Team provided initial insights. There was some indication that the framework had been positively received by other LA teams and was being used by the Exclusions Team to signpost, challenge, and work in a more proactive way. Moreover, a couple of the Action Group members felt that the framework had added “*clout*” (Teacher 6, Senior Leadership Team (hereafter SLT), School J) to other local initiatives, including the inclusion work of the IYFAPs (see Chapter Seven):

“I mean, IYFAP [In Year Fair Access Panel] is another place where obviously we spend a lot of time talking about where children should be and what they should be doing and what might help and where they might be able to get different resources. And I think, all of those things, sort of put together, say, actually, we want you to try everything to keep that child in some form of education.” (LA Officer 17, Early Help)

However, others raised concerns about potential barriers to its use. Though the framework was collaboratively produced, and in many ways was seen as a way to (re)build relationships between the LA and local schools, in their interview with me, LA Officer 1 (ET) reflected on how the collaborative nature of the piece needed to be explicitly communicated to schools, so that it did not appear to “*come with the LA big sticker.*” The acceptance and use of, or resistance to, the local framework was dependent on alignment or misalignment between the framework (artefact/tool) and the object(s) – what was being worked on – by the LA and schools, and to what end (i.e., what they were trying to achieve):

“... it’s like a lot of those meetings, they’re very good up to a particular point, because, actually, when you’re out in your own schools and you’re dealing with the issues on a daily basis, I know you’ve got those in the back of your mind, but, you know, you have to sort of look at what you’ve got in front of you, ultimately, and act in an appropriate way.” (Headteacher 6, School A)

As explained by LA Officer 4 (ET), there was no guarantee that the guide would be used by all schools, or indeed used in the same way, and therefore mediate their practice:

“But, again, it’s interpretation, and some schools will choose not to do it and not to follow it.”

Teacher 16 (SLT, School B) also described how the work of the Action Group may be undermined by other local school groups and forums, that the LA are not involved in, producing conflicting guidance.

Moreover, there was some suggestion that while the framework provided more structure and clarity it did not necessarily provide any more solutions, and whilst schools were being supported to think differently, without investment in additional material resources, it was unlikely they would be able to respond differently:

“The problem is everybody’s pressured there is no mountains of money for people, you know to have to try and make things different” (Teacher 6, SLT, School J)

Headteacher 5 (School B) concluded:

“I think the [framework for reducing school exclusions] was a good initiative from the local authority, but hasn’t had the... Well, unfortunately, it comes down to the finances. It hasn’t had the financing and the actual input that it needs to be successful. So, when it was first set up, it was discussed that there would be a triage team within the local authority... who would be there to support schools before they excluded, to try and help them signpost... other schools that may have expertise or alternative providers who may be able to come and support or other services within the local authority from, you know, Social Services or the NHS [National Health Service], with CAHMS [Child and Adolescent Mental Health Services], and I don’t think that that’s actually been taken forward. So, I think, whilst the [framework] is very good in getting us to think about what we should be doing and what we should be thinking about before a child is excluded, those support services, that signposting, that triage team doesn’t exist, and that’s very much I think because they’ve been hollowed and schools have become academies and multi-academy trusts, and the direction of travel, I think, is that multi-academy trusts are going to be expected and required to take on that piece of work for themselves... and share best practice between schools and have some sort of triage system for children at risk, where they can... support with expertise and with specialists.”

This final quotation returns us to where this chapter began and the ways in which LAs, and schools, are trying to navigate a more autonomous education system and complex stakeholder arrangements.

Chapter conclusion

Throughout this chapter, I have shown the power and control relations underpinning the policy processes of interpretation and translation, and how both the *Children Not in School Service*, including the Exclusions Team, and the multi-agency Action Group grappled with the question: “What does that really mean, and what does that mean to us?” (LA Officer 1, ET, Action Group, June 2019). In so doing, this chapter has answered my first sub-question and begun to answer my overarching research questions by showing how national school exclusion policy was interpreted, translated, and recontextualised at the local level. The chapter has also provided insight into the ways in which stakeholders negotiated and navigated the different policy

paradoxes outlined in Chapter Two. In Chapter Six, I turn to explore how schools ‘do’ school exclusion policy and the contextual factors that were seen to influence the enactment of school exclusion policy at the school level.

Chapter Six: How schools ‘do’ school exclusion policy

This chapter has been developed from an earlier iteration of my analysis published in the paper *Enacting national school exclusion policy at the local level in England: Is it black and white?* (Tawell 2023). In this chapter, I explore the complex and contested nature of teachers’ interpretations of national school exclusion policy and the different ways in which schools use and ‘do’ school exclusion. In Part 1, I begin by exploring the extent to which national policy is understood as a clear set of imperatives or open to interpretation, and the perceived need for consistency versus flexibility in its application. Here, I build on the analysis presented in Chapter Five by exploring how the national policy was decoded and recoded by schools and how schools made decisions around school exclusion. Picking up on the notion that ‘where you stand depends on where you sit’ (Maguire et al. 2015:490) and drawing on Braun et al.’s (2011) four contextual dimensions, in Part 2, I then explain how different contextual factors are seen to ‘weave together’ (Cole 1996:135) and influence a school’s position towards school exclusion and their sense- and decision-making.

Throughout the chapter, I explore how other national and local policies, including behaviour, safeguarding, and SEND policies, as well as accountability frameworks interact with and at times contradict exclusion policy, and influence how decisions around school exclusion are made. I also illuminate the policy actor positions adopted by different people within and outside the school in the ‘doing’ of school exclusion policy.

Part 1: ‘Doing’ school exclusion policy: Is it black and white?

Discussions of whether national school exclusion policy, specifically the 2017 statutory guidance, *is* and *should be* ‘black and white’ were recurrent in the interviews. A number of the interviewees felt that the guidance provided “*real clarity*” (Teacher 22, SLT, School M) in

terms of the headteacher's right to exclude, and the legal requirements around school exclusion that schools had to "*conform to*" (Teacher 11, SLT, School F) and "*abide by*" (Teacher 8, School P), as well as the roles and responsibilities of different stakeholders, including the headteacher and governing body:

"... on the whole I think it's pretty straightforward. It's pretty black and white."
(Teacher 17, SLT, School C)

Though it is worth noting that some teachers also described the document as lengthy and inaccessible, and some talked about drawing on summary documents produced by organisations such as The Key (self-described as a leading provider of support for schools and trusts) in place of reading the policy first-hand. Awareness of both policy discourses and documents seemed somewhat dependent on job position and remit, as well as experience.

In comparison to the above, the statutory guidance was seen by some to lack detail on what schools were expected to have tried before reaching permanent exclusion as a 'last resort' and how to prevent exclusion from taking place:

"I suppose with any policy, a policy is there which is as a guide, isn't it? So in regards to strengths and weaknesses, I suppose there are without reading it and going through it, but there are always limitations in how that...responds to an individual child. But... they're all slightly up for interpretation as well I suppose with the exclusions policy there are certain things that you have to follow by law ... and if you don't follow those then... things... could be overturned... but where it talks about things like, you know, make sure that you've done as much as you can for that child... before you permanently exclude that's up for interpretation as to what is enough and what is enough within your school might not be enough within somebody else's school, so in regards, you can't make them... truly extensive to cover everything. So there is always a little bit of ambiguity, I suppose." (Teacher 27, SLT, AP B)

"... I think that is where there's a weakness in the policy because it pretty much just says permanent exclusions exist... you know this is the legal remit for a permanent exclusion. But then there isn't really anything within that policy to suggest that actually there is stuff that should happen to make it less likely that another permanent exclusion happens." (Headteacher 3, School G)

Reflective of discussions included in Chapter Five, specific concepts such as ‘serious breach’ or ‘persistent breaches’ and reason codes for exclusion, including ‘other’ and ‘persistent disruptive behaviour’ were also seen to be open to interpretation and the sites of ‘selective reconfiguration of certain practices of meanings’ (Singh et al. 2013, 474):

“I think the difficulty is the persistent disruptive behaviour, define that. It's a catch all for anything in school... it's the one that is the most woolly for anybody to try and interpret... because my definition of disruptive behaviour will be different to somebody else's.” (Teacher 10, SLT, School H)

Mirroring the findings of earlier studies (Kulz 2015; Ferguson 2019; Timpson 2019) and views of the LA officers in Chapter Five, “grey point[s]” (Teacher 23, SLT, School A) within the policy were described as leading to confusion, the playing off of meaning, and the adoption of differing exclusion thresholds between schools:

“... the limitations of all guidance are always... the bits that are obviously left open to interpretation, because as soon as something is left to interpretation, it then becomes the individual school... Um and there's a, I guess, each school has its own threshold as to what is a justification for a permanent exclusion or not.” (Teacher 2, SLT, School 2)

While the interviewees indicated that in some respects it would be helpful to have agreed definitions of key phrases and reasons to exclude to ensure consistency in schools’ approaches, many spoke also about the importance of discretion and the need to be able to apply the policy flexibly, or in other words “see shades of grey” (Teacher 24, SLT, School B). This was the position also adopted by LA officers in Chapter Five.

Discretionary decision-making: Seeing shades of grey

While some teachers talked about how their schools had adopted zero-tolerance policies, whereby certain incidents involving, for example, drugs or weapons would warrant a

permanent exclusion others described how their schools had taken a more contextualised approach:

“... some schools are very [pause] you know yeah... zero tolerance... if you cross that it's black and white, you're out. Other people would look at it and go well, actually, there's a context behind this, let's look at that, investigate it, and then we'll make a decision.” (Teacher 10, SLT, School H)

However, these two positions were not necessarily polar opposites, with some teachers describing that although ostensibly zero tolerance policies were in place in their schools, they recognised that individual circumstances needed to be factored into the decision-making:

“It's pretty much zero tolerance [for drugs]. Yeah. I mean... I think in every situation you have to be prepared to see shades of grey, so... it isn't without any understanding of what was the context. It's the same for... weapons, same for knives as well.” (Teacher 24, SLT, School B)

In some ways, this may reflect a difference in interpretation of zero tolerance, from seeing zero tolerance as meaning ‘if you do x, y (e.g., permanent exclusion) will happen’ as opposed to ‘x will always result in a consequence or response, but this could be y or z based on the individual circumstances.’ Other teachers talked about how they worded their policy carefully to state that in response to certain incidents and behaviours “*we may fixed term exclude. We may permanently exclude*” (Teacher 19, SLT, School E) to allow context to be taken into consideration. However, it is important to note here that while Teacher 24 (SLT, School B) stated that they would have to be prepared to see shades of grey in a case of a child bringing a knife into school, Teacher 16 (SLT), also from School B described how:

“Knife crime for us would always, if there's anyone that brought a weapon into school it would always be a permanent exclusion because it just puts the school community at risk.”

This suggests that different people, with different roles within the school may have different understandings of what would warrant an exclusion, in this case permanent, in their setting. This may be related to how closely involved these different people are in the exclusion process.

In line with the section in the statutory guidance which states that ‘the head teacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred’ (DfE 2017a:10) some spoke about the importance of working on “*a case-by-case basis*” (Teacher 16, SLT, School B), thorough investigation and exploring “*motivation for that act*” (Teacher 11, SLT, School F) and “*intent*” (Teacher 6 SLT, School J):

“Well, personally I think it's always got to be contextual. Um because even if you are rigidly following the rules it will always be the case where you're looking at your, ah, there's one thing about following the rules, but there's also something about fairness isn't there. And it's that fairness for the student. [Pause]. Um so at a glib level, if a student assaults another student you look at the person that's assaulted them and go well they've assaulted that student they've got to be excluded. But on investigation it turns out they were being possibly bullied, uh yes he shouldn't have assaulted that other student, but your view on the reason why he assaulted someone is going to. You've got to look at motives haven't you? And if it was a response to serious and prolonged provocation, you might take the view that actually what we were doing was being a victim of circumstances rather than a perpetrator. And that's why investigation and context really matters.” (Teacher 5, SLT, School B)

“We do try and look at individual needs... every time you know whatever has happened, you know you have to look at the context of each individual, their background, their history. You know, the school everything goes into that before you have to make that decision. Um whether that's for a fixed term exclusion or whether that's for a permanent exclusion. You know you do have to... take into account lots of factors before you know making that choice.” (Teacher 10, SLT, School H)

“We know that child has PTSD [Post-traumatic stress disorder] or SEMH [Social, Emotional and Mental Health]. Or they're not even on the SEN [Special Educational Needs] register but they've got a parent in prison so and so when that teacher wouldn't move out of the way to let them leave the classroom, what did they think was going to happen? But, you know, we will always say mitigating circumstances and we'll try and weigh those up with the aggravating and we've built that into our paperwork now. It's a long process.” (Teacher 1, SLT, School D)

Some schools spoke about how they had put in place procedures and systems to quality assure their decision-making and check if they had done everything they could to prevent the

exclusion from happening and exhausted all other options. For example, Teacher 1 (SLT, School D) explained:

“So, we, before we make a final decision to permanently exclude we role play it, that sounds really dreadful but we role play from every different circumstance. So we challenge all the decision from every single angle so um I will challenge my headteacher. I'll challenge as an advocate for that child. I'll pretend I've been brought in from SENDIASS [Special Educational Needs and Disabilities Information Advice and Support Services] ... I'll make sure the child's voice is heard and we go through all just to make sure that our thinking is properly managed. We'll never make the decision in the moment, so we will always take a bit longer so. And even once we've discussed and we'll always meet as a panel to discuss is this right. And then we will decide on the way we're doing it. We'll always come back in two days and we'll rehash it because you sometimes need some distance. If you're the person who's been looking after the child on the end of the assault, you know you're going to have an immediate emotional response.”

Others also spoke about the importance of “slow” (Teacher 4, SLT, School O) and rational rather than fast and emotional decision-making, though there was some evidence to suggest that this was not always the position taken.

Some participants reported that in their schools they had introduced tools to help with the quality assurance process. These tools outlined actions that had to be thought about and completed before taking the decision to exclude. Others mentioned how they drew on the checklist produced by the Inclusion Team (pseudonym) within the LA (mentioned in Chapter Five), and those who had taken part in the Action Group also mentioned the local framework for reducing school exclusions as one such tool for schools to use. As well as helping schools to quality assure the exclusion decision, these tools seemed to serve other purposes: (1) as an aid to help schools to think about different steps they could take to try to prevent exclusion; (2) to help to plan the next package of support for a child following fixed period exclusion; and (3) to ensure an accurate record of what they have tried is recorded so that if they get to the point of permanent exclusion the documentation is in order. Reflecting on the tools produced

by the LA and local partnerships, Headteacher 4 (School L) described how, even with good intentions, such tools could have unintended consequences:

“Well and the [Inclusion Team] one as well, about the inclusion, you know what you can do to be inclusive essentially, and it's not intended that way it's absolutely intended to support and it's a list of things you could do, but it is in danger of becoming the thing you bring to IYFAP [In Year Fair Access Panel] to say I've run out. It's your turn. And I guess it was ever thus to a certain extent you create a kind of something like that and it will be used in that way, and it's what we are used to in education. You know we jump through a series of hoops to achieve the thing that we're told is at the end of it, so that's a fairly standard practice, but it's a, it's a dangerous thing to do. Um, but I kind of understand why it's happened. And wrapped up in a lot of that is that very few things on that list are support from anyone else. You know they become your checklist as a school before you can then access support from anyone else, and the other downside was, or reality, depending on your view, is that it becomes a triage system for you not accessing support until you've done all those things.”

While such tools could be used to ensure no stone was left unturned, they could also represent the stepping stones to exclusion. Similar comments were made regarding the intentions behind raising a pupil at the IYFAP. While a referral to the IYFAP inclusion meeting was seen as a way to try to secure additional funding for a child or to ask for advice from the group, submitting a referral was also seen as a way to ensure that the child was on the panel's radar and to avoid pushback if the school made the decision to permanently exclude.

Taking account of other policy responsibilities in school exclusion decision-making

A number of respondents also spoke about needing to take into consideration responsibilities set out in other national and school policies and legislation when making the decision to exclude, for example, the requirement to make reasonable adjustments for children with SEND (Equality Act 2010; DfE and DoH 2015). As discussed earlier, some of the schools talked about having processes in place whereby the decision to suspend or permanently exclude was reviewed by key members of staff, including, for example, the Special Educational Needs

Coordinator (SENCO), Designated Safeguarding Lead (DSL) and members of staff with particular responsibilities for Looked After Children (LAC):

“... we have some certain... processes that we would go through... if a child is SEN [Special Educational Needs] or if a child has a pupil profile, or if a child is [Pupil Premium]... So, everything is looked at [at] an individual level, there is no set a fire alarm off, get a three-day fixed term exclusion. Punch someone in the face, get a five-day fixed term exclusion. It just doesn't work like that whatsoever, it's all down to discretion.” (Headteacher 3, School G)

“So we have a three way, well multiple QA [quality assurance] processes. So an exclusion comes in... That will then come to me and I will say we'll do the pack, gave evidence and we'll make the decisions, so it goes to safeguarding, so safeguarding then say is that a suitable? So, is the child at risk if they are going to be at home and what can we do? It then goes to SEND [Special Educational Needs and Disabilities]. So SEND look at the provision, is there something that they can do? Something they can tweak or change? It goes to LAC [Looked After Children lead] just to double-check, and then it then goes to me as an assistant head, [Name] the deputy head and then [Headteacher]... so you've got six QA cycles of an exclusion before it even gets processed.” (Teacher 16, SLT, School B)

Conversely, there were a small number of cases where the respondent noted that their school behaviour and school exclusion policies would be applied in exactly the same way with all pupils regardless of need. Discussing whether the SEND Code of Practice 2014 (DfE and DoH 2015) affects the use of school exclusion policy or behaviour policy, one SENCO noted:

“So I would say in our school, no. But I know other schools where it would. I mean, I, I'm a firm believer that you are trying to bring up children to be moral citizens of you know, of the country, so therefore wrong is wrong in my eyes even if you've got a special need, you still need to make, make sure that child understands that what they've done is wrong, um so therefore I don't feel that you know there, there should be any lesser consequence for them compared to a non-SEND [Special Educational Needs and Disabilities] peer. But then I know colleagues in other schools where they are saying "Really you would, you would follow your behaviour policy for a SEND child?" and I'm like "Yes, they're no different to any other child. You know they need to know what's right from wrong.” (Teacher 3, School A)

However, Teacher 3 (School A) in the same interview also noted how as a school:

“...we will look at what the options are before we permanently exclude because we don't like to exclude any special needs children from school permanently. If it's an internal exclusion then that's, you know that's fully warranted and I would be supportive of an internal exclusion, but when it goes to PEx [permanent exclusion] we look at what

we could do. We look at what we have done. Um, so yeah, we look at what support has been in place for that child before obviously we warrant the permanent exclusion.”

Teacher 3’s (School A) view that the school behaviour policy would not be differentiated for pupils with SEN was not a consistent view across all respondents from School A indicating that policies and legal requirements may be variously understood even within the same school setting.

Safeguarding policy was also seen to inform the use of school exclusion, with some schools stating that they would not exclude a student if they knew that there were problems at home:

“... you need to treat every case on a case-by-case situation because fixed term excluding a child possibly isn't the right consequences for a child if home life isn't very good and actually their safe place is actually in school you're not going to send them out of school for a day or two or three, or four, or five days when at home and home life isn't secure, that just doesn't make any sense.” (Teacher 19, SLT, School E)

“... across all year groups, we have kind of a confidential list of students amongst the pastoral team and the SEN [Special Educational Needs] team that we have put together where we say under no circumstances, it doesn't matter what this child has done. Within reason. We're not excluding them. Um because their [sic] safe, they are at risk if we send them home, there's a safeguarding issue, they're a danger to themselves.” (Teacher 21, SLT, School N)

“I think the other part as well for us would be with a child who's maybe particularly on Child Protection, or part of a Child in Need Plan or even a TAF [Team Around the Family], and I think that has an influence on our decisions around exclusion for a young person... and I think that's right. Because no matter what's happening here, we know we're possibly excluding them to somewhere that's unsafe.” (Teacher 23, SLT, School A)

In these circumstances, a number of schools talked about how they would look to use alternatives to exclusion, including for example isolation or internal exclusion. By seeing shades of grey and considering individual circumstances in their decision-making, respondents were more likely to adopt practices that aligned with what Whitaker (2021:55) termed ‘flexible consistency,’ or as Teacher 4 (SLT, School O) described: *“a flexible boundaried approach”* in which the same processes are always followed, but flexibility is built into the process:

“The home life of the student might have an impact in the decision made. Someone else may be out straight away for some incident. It is consistent, but there are factors that need to be considered. This is difficult because teachers don't know about these factors and feel let down.” (Teacher 7, School A)

Others spoke about this delicate balancing act of making sure staff feel supported and understand why a decision has been made for a particular pupil:

“On occasions we’ve also because of the home situation not excluded, because of, morally that’s the right thing to do, that then leads to difficult conversations with staff, and you have to try and then unpick that in a discrete way without sharing what we can’t share with them, but so they then also then feel supported as well.” (Teacher 6, SLT, School J)

In this way, decision-making was seen to be tied up with the politics of the school. Finally, it feels important to note in this section, that while there was a lot of discussion around the need for flexibility to meet the needs of the most vulnerable, some respondents acknowledged (with frustration) that the disproportionality represented in the national school exclusion figures were mirrored in their school figures.

Mixed discourses on school exclusion

When describing the current national discourse on exclusion, while some felt that the policy position was now less inclusive than it had been in the past, others felt that the policy position was moving towards avoiding exclusion and working hard to keep children in school, as illustrated by the following two contrasting quotations:

“You know that from the top down does worry me with the current, you know whether that’s government, current government policy just doesn’t, you know I don’t think is as inclusive as it has been.” (Teacher 10, Senior Leadership Team (SLT hereafter), School H).

“I think the exclusion policy is we try not to. Ok? Nationally... that's what I think it says. Try very hard not to exclude because after you exclude... they have no hope.” (Teacher 15, SLT, School I)

In line with the call to take a more contextualised approach set out in Chapter Two, some of the participants spoke about the *“safeguarding agenda [as] one of the biggest driving forces now in terms of exclusions”* (Teacher 21, SLT, School N), and a growing recognition of the adverse impacts that exclusion can have on a young person's life chances:

“I'm aware of what way the policy is going, which is to avoid exclusions because of the impact that has on the child, on society and so on. So I'm aware of the change in... that and also a change of recognition of aspects like grooming and other factors which are to make us rethink how we may have looked at exclusions in the past.” (Headteacher 7, School A)

Headteacher 7 (School A), went on to describe how *“Ofsted inspections and everything is geared towards that shift.”* Linked to the discussion around Ofsted in Chapter Five, here, Ofsted is identified as a policy influencer and inspection as a possible policy lever for directing, managing, and shaping change in thinking and practice (Steer et al. 2007).

Reflective of the discussion in Chapter Two, Teacher 26 (SLT, AP A) described the national message as mixed, with discourses around strong discipline and contextualised understanding of behaviour simultaneously in circulation:

“Well, it [the Government's message] seems to be quite mixed because obviously they're saying that schools need to deal, headteachers need to deal with behaviour, and they're giving more powers to headteachers to deal with poor behaviour, but then they've also cottoned onto things like knife-crime and the fact that... you know, excluding children and putting them out on the streets and the risk that they have from crime... is bad. So, there's one, it seems to me one hand is saying don't exclude pupils... and the other one is saying you've got to be really tough on pupils and, you know, discipline is really important. So, it's a bit of a kind of mixed message.”

There was some indication that what the interviewees understood the national policy position to be was influenced by the LA's drive to reduce exclusions and local targets:

“I feel like definitely the [national] policies at the moment... I wouldn't say pressure, but there's... almost a...kind of suggestion that schools really should be doing quite a lot to support students who are in danger of exclusions. And so and the reason I'm saying that is... you know there's also kind of [LA] documents to suggest... some strategies for avoiding permanent exclusions and there's almost kind of checklists to say well have schools tried you know numerous different things, first, before they resort to permanently excluding someone or to excluding someone? And I think that that emphasis within [their?] policy is a...strength... Schools should be doing that. Schools should be doing everything they can to put support in place to avoid excluding if we possibly can.” (Teacher 22, SLT, School M)

The following quotation from Teacher 2 (SLT, School C) suggests that even when schools noted the headteacher's power to exclude as a dominant discourse, their own school policies could be informed by different positions based on the ethos and vision of their school – a point returned to under the *Leadership and school ethos* theme later in this chapter:

“There's obviously there's power to exclude has been talked about quite a lot over the last however many years, more recently, in the last three or four years, really. Um but our desire is to always serve the needs of the particular students and all of our policies and procedures are written in order to do that. We have, um we have within all of our documentation, um all of those pathways that could lead a student to an exclusion, but it's the very, it is absolutely the very last resort.” (Teacher 2, SLT, School C)

In line with the comments regarding increased awareness around knife crime and grooming, Teacher 1 (SLT, School D), described how for example in a case involving drugs, they would not exclude if they knew the child was being exploited:

“You know that [drugs] isn't one that we would automatically permanently exclude for because it's always about the story and what's going on for the child so you know if a child has been exploited for drugs of course we're not permanently excluding them.”

However, Teacher 22 (SLT, School M) explains that while a school's safeguarding policy *“might reduce the likelihood that we'd need to exclude. It might increase the likelihood that we need to exclude as well.”* In the exchange with Headteacher 7 (School A) below we can see that though they see the need to take into consideration whether for example a child is a victim

of grooming, ultimately it is the safety of the majority of staff and students which is the deciding factor in their decision-making:

Interviewer: *And then the purpose of a permanent exclusion?*

Headteacher 7: *It's just when you've gone. So if it's a ... if you take a knife from someone and you know that they've made a threat to another child for example, you have got no choice but to do that, yeah.*

Interviewer: *So are there particular things, incidents that would always kind of warrant a permanent exclusion, or?*

Headteacher 7: *I think you've always got to take the child's situation in. It's in broad terms if someone was dealing drugs, for example, or if someone had a knife and had a threat to kill, they would be the sort of things that you couldn't really safeguard as being able to have that child in the school. But you've got to then look at that child, are they a victim of grooming? Are they...? And take all those things into account and their own safety, but yeah.*

Interviewer: *So what kind of other alternatives could you try instead of using an exclusion? In those sorts of circumstances.*

Headteacher 7: *In those sorts of circumstances. I mean it could be that you could, you could try having them back, but then you have got to risk assess and if someone was then, the person that was threatened was killed that day... It's very high risk. There's lots of things you could try, but if the repercussions of what you tried are that someone had a threat to life then that's what, the factor that tends to weigh against it.*

With regards to taking into consideration their other policy and legal responsibilities, some teachers felt that the policies they needed to consult were “*not closely coordinated*” (Teacher 21, SLT, School N) and were sometimes contradictory:

“So sometimes the exclusion policy I guess contradicts your safeguarding that's around keeping these children safe.” (Teacher 23, SLT, School A)

Linked to the third policy paradox outlined in Chapter Two, schools often found themselves engaging in a balancing of harms and the “*rights and wellbeing of a child versus the rights and wellbeing of a community*” (Teacher 1, SLT, School D).

Balancing harms: Rights and wellbeing of a child versus the rights and wellbeing of a community

Decision-making around exclusion in general was found to revolve around the concepts of fairness and safety, with schools weighing up, to different degrees, the safety of others (pupils and staff) against the safety of the individual pupil, and the rights of the majority to learn uninterrupted, with the rights of the individual child. Reflecting on this conundrum, Headteacher 4 (School L) commented:

“... you can have one individual for whom your decision is going to potentially wreck their education, but the alternative is to have X number of hundreds of students who are being affected daily in a much smaller way, which is really hard to measure... and then there is the massive intangible of the fact that if your school has a reputation for poor behaviour... that is the single biggest deciding factor in terms of parents choosing schools.”

Teacher 23 (SLT, School A) also reasoned:

“I think the other part with exclusions is, you know, it is about what's best for that young person, but it's also what's best for everybody else as well and for the rest of the school community. So for the rest of the students' well-being and the staffs' well-being as well and sometimes you do have to think about that.”

While there were different views on whether schools would permanently exclude for persistent breaches of the school's behaviour policy – as discussed later – there was more consensus over the use of permanent exclusion for serious breaches of the school's behaviour policy. In line with Lloyd's (2024:3) work, and reflective of the discussion in Chapter Five on the rights of the many versus the rights of the few, teachers in this study spoke about how exclusion decisions are often taken 'in the name of safeguarding' where the school felt that they did not have the resources to mitigate against potential risks:

“... it is about literally the safety of everybody else in school and of the ones that we have done recently I fully, genuinely do mean that. Um and I think that if they weren't permanently excluded that the level of anxiety, potential violence and behaviour that would continue would not be ok, in school.” (Teacher 17, SLT, School C)

If we return to the second limb of the two-limb test – ‘where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school’ (DfE 2017a:10), focus here is being placed more on the serious harm to the education and welfare of others in the school rather than the pupil themselves.

It is interesting to note that while Teacher 1 (SLT, School D) stated that they would not exclude a pupil for drugs if they knew they were being exploited, the following conversation shows that schools can take different views on this (though it is not clear what type of exclusion the pupil would receive):

Teacher 21: ... *we've got a problem with county lines [criminal exploitation involving drug dealing] in [Place] definitely, the police are telling me. We know who the individuals are that may be being targeted. We've got concerns about three or four individuals that we think are being targeted. Um, and we're doing quite a bit with police to try and impact that...*

Interviewer: *And what's your stance on kind of drugs and exclusion?*

Teacher 21: *Well, that would be one of the things that we would exclude for, so if a child is found in possession of drugs, it would have to be a form of exclusion.*

This raises important questions about how issues of extra-familial harm, for example child criminal exploitation, are understood in schools and the links between extra-familial harm and school exclusion. These are areas that warrant further investigation. A couple of the respondents noted that when making difficult decisions about the lives of young people it was nice to have a list of reasons in the policy that it was deemed acceptable to exclude a child for. This resonates somewhat with Ferguson and Webber's (2015) earlier study in which they noted that while the statutory guidance affords significant discretion for headteachers, the reason codes/categories for exclusion listed in policy may inform their understanding of what actions warrant exclusions. Decision-making around school exclusion also appeared to be linked to what the purpose of exclusion was understood to be by the policy actors, and the difference they felt exclusion may make.

Purpose of exclusion

Six different purposes of school exclusion were identified from the interview data. Linked to the previous section, the majority of the respondents talked about the purpose being (1) to safeguard and protect the school community. Many of the respondents also spoke about exclusion as a way to (2) send multiple messages – to the pupil and their parent(s)/carer(s), other pupils and their parents/carers, as well as staff – about what will and will not be tolerated in the school and to deter and change behaviour. The focus here was on being seen to maintain authority and the school's reputation, as well as preparing pupils for "*the big wide world*" (Teacher 6, SLT, School J). A smaller number of respondents also described the purpose of exclusion as: (3) providing some breathing space for the school and pupil (in the case of fixed period exclusions) which gave schools time to put in additional support; (4) providing a fresh start through moving to a new school following a permanent exclusion, though some interviewees noted that in reality a new school did not always result in a new start with some young people being seen to "*come with baggage*" (Headteacher 4, School L); and (5) to meet need, with schools seeing the exclusion process as a way to help pupils access support from different services. Contrastingly, some teachers believed that school exclusion, particularly for persistent disruptive behaviour, simply "*moves the problem on*" (Teacher 6, SLT, School J) and while exclusion may serve the school's needs, it may *not* help to meet the needs of the pupil. The final and least mentioned purpose was (6) to punish. While one interviewee from the AP sector thought that some schools may see exclusion as a punishment, this was reflected in very few of the mainstream teacher interviews. For some interviewees, exclusion was seen as a "*consequence*" (Teacher 10, SLT, School H) rather than a punishment and linked back to both deterrence and restoration.

Summary of Part 1

In summarising Part 1 of this chapter, overall, it was felt that the nature of the national school exclusion policy meant that it could be interpreted in different ways and could be read selectively to achieve particular ends, which was both a “*strength and a weakness*” (Headteacher 4, School L) of the policy. Teacher 10 (SLT, School H) explains:

“Some schools are evidently more inclusive than others... and I think that's potentially a weakness of the document. I think that it allows some people to hold it very black and white and say right actually this student stepped over the line therefore they're excluded. Other people will say ok, well they're there, however we have a moral responsibility to keep that student in school and educate them and you know that depends which side you sit on that I guess.”

The need to ‘take context seriously’ (Ball et al. 2012:19) and understand where different schools ‘sit’ when exploring how national school exclusion policy is enacted at the local level is therefore evident and is the focus of the following section.

Part 2: Contextual factors influencing the enactment of school exclusion policy: ‘Where you stand depends on where you sit’

Drawing on the phrase ‘where you stand depends on where you sit’ used by Maguire et al. (2015:490) in their study of *the social construction of policy enactments in the (English) secondary school*, in this section, I unpick the situated, professional, material, and external contexts that education professionals identified as influencing how school exclusion policy is ‘done.’

Situated context

In terms of situated factors, school type, size, intake, and “*catchment and context*” (Teacher 5, SLT, School B) were seen to influence the enactment of national school exclusion policy at the local level, and a school’s tolerance level or threshold for permanent exclusion:

“... the thing that leads schools to a permanent exclusion is what’s going on in the makeup of the school in the first place as to kind of where your tolerance level for all of these things sits.” (Teacher 17, SLT, School C)

“It’s really difficult because... We’re totally driven by the policy in terms of making sure that we have systems that are fair, that are equitable, that meet the needs of children etcetera. However, you’re then dealing with your own context and what you’ve got going on there.” (Teacher 1, SLT, School D)

An issue discussed by many of the teachers was the rising numbers of young people with complex needs (e.g., diagnosed and undiagnosed SEND, and mental health needs) in their settings and the difficulties they faced in providing these young people with suitable provision and support:

“... we are a mainstream school. And I think that’s where some of the issues perhaps that we have around exclusion come out because we have more children presenting us with challenging behaviours... than we have alternative provision to cope with.” (Teacher 24, SLT, School B)

Issues affecting particular communities, such as child criminal exploitation, as well as social issues including levels of deprivation, a perceived decline in respect for authority, and lack of parental engagement, involvement, and capacity, were also mentioned as pressures by some interviewees.

Where a school is on its improvement journey

Alongside demographic factors such as levels of need in the local community, school factors such as Ofsted ratings and leadership stability were seen to influence rates of exclusion:

“I think that often high excluding schools would be in areas of need such as ours where there's deprivation. They are often schools that have suffered turbulence in leadership as well... I think Ofsted category makes a massive difference because once you get into category [Inadequate] it's very difficult to get out and once you're in category it's very difficult to appoint staff or to get good staff so our behaviour issues will all come from this, from where the teaching is not as good as it should be... It'll be schools where there are high levels of PP. High levels of SEN [Special Educational Needs] as well. Those are the schools that will have more exclusions because it's more challenging.”
(Teacher 23, SLT, School A)

Teacher 23 (SLT, School A) went on to explain that as a school's circumstances change, so too can its threshold for exclusion:

“... it's whether individual schools, whether that meets your threshold and also whether it meets your threshold for... where your school is at that particular point in time as well, because maybe that wouldn't have met their threshold two years ago, but it does now...”

Teacher 21 (SLT, School N) also reflected on the evolving and contingent nature of policy enactment and how the (in)stability of a school may determine its approach to behaviour and the likelihood of exclusion being used:

“... a school might be at a point where things are out of control... and you have to implement something quick. A quick fix to try and get some levels of control... It kind of evolves, doesn't it? When you're in a place where you feel, you know... when Ofsted came [to this school]... they said, they just cannot believe how calm it is when you walk around lessons. So... we're at a stage where we can say ok, in that calmness we're going to talk to you about relationships.”

Along similar lines, when asked what might lead a school to have higher or lower rates of exclusion, Teacher 6 (SLT, School J) responded:

“Depends what a school’s trying to develop or address at the time... you know are we taking a hard stance on language and verbal abuse type comments towards staff?... And I guess it comes down to... priorities and then back to the interpretation of the guidance and what meets your threshold and your policies and then ultimately, I guess the work of governors and the headteachers and their vision and what they’re trying to do.”

Here we begin to see an overlap, or weaving together, of the situated context with the professional context, and the influence of both leadership and school ethos on the enactment of school exclusion policy.

Professional context

In terms of the professional context, school ethos as well as the values, commitments, and previous experience of school leaders and their understandings of behaviour, responsibility, and the purpose of exclusion, were seen to inform approaches to school exclusion.

Leadership and school ethos

In contrast to Teacher 23’s (SLT, School A) comment above about what a high excluding school might look like, Headteacher 3 (School G) explains that it is not necessarily the case that schools in similar locations with comparable student profiles will adopt similar stances towards school exclusion, but rather depends on the school leadership’s position and ethos:

“... look at the levels of exclusion and fixed term exclusion between those two very similar based schools in [Town], they’re poles apart. And why are they poles apart? Leadership I would suggest and different ethos. Absolutely.”

Illustrative of Teacher 6 (SLT, School J) and Headteacher 3's (School G) comments above, and earlier findings from the *Timpson review* (2019), the following quotation depicts how a school's vision, ethos and values can determine what is seen to warrant an exclusion. Here the teachers are reflecting on exclusion for persistent disruptive behaviour:

"... that doesn't sit very well with me, and I think that schools that just go oh yeah... they've had this amount of fixed period exclusions we're now permanently excluding them is... not ok and that's how we kind of sit as a school, that actually you should have done something before you've got to that point." (Teacher 17, SLT, School C)

While Teacher 17 (SLT, School C) explains that permanently excluding for persistent disruptive behaviour does not sit comfortably with her and her school, Teacher 16 (SLT, School B) explains that in their school they had purposefully taken a hard stance towards persistent disruptive behaviour, which had resulted in an increase in the school's exclusion figures:

"... it comes down to what different schools' expectations are, and what they've seen in the previous year, and... what their focus is and for us, we've got this real focus about... defian[ce], so that our fixed term exclusion numbers are higher on that than they were previously, because that's what we've been focusing on."

Others also spoke about how the higher fixed period exclusion rates in their school reflected the fact that the school had raised its expectations and held high behaviour standards. The above quotation again shows how the situated and professional contexts of a school can 'weave together' (Cole 1996:135) to inform the enactment of school exclusion policy at a given point in time. Here we may also be seeing the influence of the national focus on improving behaviour standards as described in Chapter Two.

While the headteacher assumes the role of narrator/interpreter and decision-maker when it comes to school exclusion, as has been discussed earlier in this chapter, other actors within the school are involved in both the production of school level exclusion policies and their enactment. Often members of the Senior Leadership Team (SLT), these actors assume the role of translators and transactors and play a key part in translating the national policy into school policy and creating tools, such as those discussed earlier in this chapter, to both monitor their work with young people at risk of school exclusion and test the exclusion decisions being made. In this way, the tools became meaningful in conjunction with activities and events (Ball et al. 2012). In some schools, regular meetings were coordinated to discuss, for example, the provision in place for young people at risk of exclusion and identify any areas of concern that needed addressing. A small number of teachers described how such practices became unwritten policies or norms, or as Ball et al. (2012:121) describe part of the ‘taken-for-grantedness’ of the school:

Interviewer: Ok, so you said that might not be explicitly written in your policy do you think that that's quite common that there are sort of unwritten policies that schools also work by?

Teacher 21: ... I think there probably are. Yeah, I think with... policy documents... it's hard to detail all of these individual things you know... we have a really confidential document that we discuss as a pastoral team that I update every month or so... We call it the vulnerable document if you like and on there we know exactly who's, we update it regularly because things change regularly. But children in the looked after system, children who were adopted from care, children who are fostered. Uh children who are young carers. Children who are travellers. Um children who are working with CAMHS [Child and Adolescent Mental Health Services], PCAMHS [Primary Child and Adolescent Mental Health Services], so those with, under the kind of, with mental health. It's all of it. So it's quite a massive document, but we need [it] to be... It doesn't come into... any policy, but that document kind of guides us in terms of... decisions we make about those individuals. It has to. Because... you know children who are on a TAF [Team Around the Family], children who are on CIN [Child in Need], and CP [Child Protection]... All of those things... you know... we have to take those things into

account before we make a decision about excluding a child, we just can't. It doesn't really sit comfortably if we're excluding these children.

School governors were also seen to play different roles in the enactment of school exclusion policy, though the extent to which governors were seen to understand the statutory guidance varied. Governors were identified and acted as policy translators and transactors by monitoring, for example, school level exclusion figures and patterns, directing members of school staff to policy changes and new guidance, and ratifying school policies. Given their role in the Governors' Disciplinary Committee (GDC) process, they also hold the position of 'judge' as they test the headteachers decision to exclude and make decisions as to whether or not to uphold. In carrying out their duties, as described in Chapter Five the LA was sometimes relied upon to provide training and answer queries about the GDC process, but there was also some suggestion that multi-academy trusts were also taking on this role. For example, Teacher 10 (SLT, School H) described how their trust provides school governors with a pack of questions to ask as part of the GDC.

Entangled enactments: School exclusion and behaviour policies

Some schools reported having separate exclusion and behaviour policy documents, while others had combined documents. Some were based on academy trust level templates. Whether an individual or combined policy, respondents spoke about having sections which outlined what may warrant different types of exclusion in their school (internal, fixed period, and permanent). While in many ways, school level exclusion policies were seen to largely mirror the statutory guidance and were seen as "*quite prescriptive*" (Teacher 23, SLT, School A), Teacher 23 (SLT, School A) explains that "... *it's [the] behaviour policies of schools that would look quite different.*" It is within the behaviour policy that the school's understanding of and approach to behaviour is outlined and can be based on different approaches, policy influencers,

and trends, for example, a more behaviourist approach based on the application of rewards and sanctions, or a relational approach based on nurture, restorative practices, and building positive relationships, or a combination of the above (see Deakin and Kupchik 2016; Deakin and Kupchik 2018). Schools in this study adopted a variety of approaches and mentioned different behaviour management methods that had informed their school policies. These included more recent approaches such as Paul Dix's Pivotal Approach and older policy framings such as Behaviour for Learning and Charlie Taylor's checklist (2011) as well as Every Child Matters, thus once more highlighting the influence of *policy antecedents*.

In many ways, not least because 'a serious breach or persistent breaches of the school's behaviour policy' is included in the two-limb test for exclusion (DfE 2017a:10), what became clear is that you cannot disentangle the enactment of school exclusion policy from the enactment of a school's behaviour policy.

Understandings of behaviour and locus of responsibility

The way that behaviour is understood predisposes people to particular responses (Hallett and Hallett 2021). In the current study, whether a pupil was seen as *being* the problem, or *having* a problem, was seen to be based on moral, philosophical, and political perspectives:

"And I guess it's how does one see life? Does one see life as a case of when things don't work that's because someone's needs have not been met? Or do you see [it] as they're a bad person... they're just not accepting responsibility. They have to pay for their actions. And the truth is probably somewhere in the middle, isn't it?... and depending on your philosophical or political outlook, you're going to fall more or less to one side of that line." (Teacher 5, SLT, School B)

Contrasting understandings of behaviour as *choice* or *communication* were observed within the interviews and seen to influence professionals' responses, as illustrated in the two quotations below:

“... if you say that something... in which there are choices that you’re unable to affect is failure, that the system is failing, you’re placing responsibility in the wrong place... it’s the child’s or the parent’s or whatever’s failure... to respond in a way, that’s... reasonable....” (Headteacher 2, School H)

“... my philosophy now on knife crime is knife crime’s a cry for help, so... if we think about it differently, so we don’t think about it as they’re committing a crime, if we think about it as they’re asking for help, we will think about and intervene differently, and we may then not permanently exclude a child who’s got a knife.” (Teacher 27, SLT, AP B)

To borrow Ydesen’s (2016:627-628) terminology, it appears that different teachers, even at times from the same school, held and sometimes moved between ‘punitive-correctional’ and ‘sociological-contextual’ knowledge bases, and understandings of the individual (and sometimes their parents) as holding ‘ultimate responsibility’ or seeing the ‘individual embedded in a context’ (see also Slee 2015; Stanforth and Rose 2020). Though only discussed by a small number of teachers, there was also some suggestion, in line with Deakin and Kupchik’s (2018) work, that understandings of behaviour may be raced, classed, and gendered:

“You know that actually some of our systems do catch children out for having certain ways of being that would be totally acceptable at home, and that we perhaps are imposing White middle-class expectations that wouldn’t be seen. That needs loads of unpicking, but I do think that people are more likely to take exception and see something as cheek perhaps from a minority ethnic group than perhaps from would be seen as inquiring or from others.” (Teacher 1, SLT, School D)

Linked to the discussion around the *situated context*, the framing of young people as “*not mainstream*” (Teacher 24, SLT, School B) also featured in some of the interviews. Invoking this category and logic of deficiency worked to individualise the problem, with the child being seen to need to fit within the constraints of the “mainstream,” rather than the “mainstream” needing to adapt to the child, which in turn was seen to influence what support a school felt they *could* and *should* provide.

Relatedly, there were varying opinions on what the role of a teacher is and the extent to which they *can* and *should* be working to address wider issues:

“Some people will think that everything is their responsibility. Others will think that that's not their responsibility... [t]hat's social care's job or that's somebody else's job.”
(Teacher 27, SLT, AP B)

Some teachers talked about the need to “*rethink our strategies and retrain to a certain extent*” (Teacher 21, SLT, School N) to meet the more complex issues they were facing daily. Where material resources allowed, they had received training in, for example, restorative practice, trauma informed approaches, attachment, and mental health support. In the following sections, I explore further the influence of the material and external contexts on the enactment of school exclusion policy.

Material context

School budgets and buildings, along with staffing levels and setup were identified as material factors influencing the enactment of school exclusion policy. Many of the teachers spoke about insufficient funding for supporting pupils with SEND and mental health needs in particular. Teacher 19 (SLT, School E) suggested that for schools with fewer resources:

“... to potentially support those really high, vulnerable students, you're going to end up at a decision to permanently exclude quicker because you haven't got endless supplies of resources and provisions to put in place and some schools have more than others.”

Understaffing, coupled with reduced budgets had left some schools feeling as though they were firefighting and only able to act reactively, rather than proactively. Linked to where the school is on its improvement journey, stability and levels of staffing were seen to influence the breadth of subjects schools were able to offer, the quality of teaching and learning, and the school's ability to resist pressures to enter children into the English Baccalaureate (EBacc), and thus the school's ability to be inclusive of children with various needs and interests. Relatedly, the

narrowing of the school curriculum was identified by some as a possible reason behind the rising rates of school exclusion, with schools having limited capacity to provide a diverse range of options, including vocational.

Moreover, while some schools had access to different types of AP, others due to their geographical location, the age of the pupil, or restricted budgets, did not. The cost of AP for some schools was simply too high and they felt they had to prioritise spending in other areas:

“We're absolutely... on a shoestring. But you have to prioritise and for us, the priority isn't spending £100 a day at an alternative provision.” (Teacher 11, SLT, School F)

Where the school infrastructure and budget allowed, some schools were choosing to open their own on-site provisions or using their budgets to hire additional pastoral staff. In some cases, this was because they were trying to work more preventatively and put in early intervention, in other cases it was because they were unsatisfied with the quality of external provision on offer and/or wanted to cut costs (e.g., the cost of travel). The type of school, be it maintained, a standalone academy, or part of a multi-academy trust (MAT) also seemed to influence a school's exclusion policy and the support available to them. For example, some schools within MATs were sharing spaces, support, and strategies either as alternatives to exclusion or to avoid exclusion, which those outside the MAT did not have access to (a point returned to in Chapter Seven). Funding for and relationships with external services were also consistently mentioned as contextual factors influencing the enactment of school exclusion policy.

External context

Many of the teachers spoke about the knock-on effects of austerity and sustained underfunding across local services, including social care, the police, and Child and Adolescent Mental Health Services, with schools feeling that *“they've had to pick up the pieces where wider society...*

has shrunk” (Teacher 26, SLT, AP A). Participants spoke about struggling to support pupils with their mental health due to long waiting lists and a lack of outreach workers. Others spoke of “*social services... closing cases too early or trying to close cases, which they may have previously kept open, just because they're stretched and they are having to prioritise*” (Teacher 5, SLT, School B), and having to “*hit very high threshold[s]*” (Teacher 4, SLT, School O) to be able to access support. There was also some discussion around the difficulty in conducting early help assessments due to their voluntary nature meaning parents did not have to engage in the process.

Funding cuts had resulted in reduced capacity, with the closure of early help services such as Sure Start Children’s Centres, and LA support teams, including behaviour support services. Some services, for example Educational Psychology, had also been privatised and turned into traded services meaning schools had to be strategic about when they were going to buy in support. Changes to commissioning models and a shortage of AP and special school places in the LA was also identified as placing pressure on mainstream schools, with teachers describing how supply was unable to keep up with demand (as discussed in the *Situated context* section).

Mirroring findings in Chapter Five, some teachers spoke about the fragmentation of the education system with academisation and the fractious relationship between the LA and some schools, particularly those in large MATs. When asked what they saw the role of the LA to be, responses included ensuring that decision-making was reasonable, lawful, and fair, providing ideas for extra support to prevent exclusion, working with parents during difficult periods, for example following permanent exclusion, ensuring a broad range and sufficient supply of AP, arranging day six provision for permanently excluded pupils, and acting as a strategic local partner. The point at which schools reported contacting the LA exclusions team also varied. Some found the challenge provided by LA officers helpful, while others felt that at times they

were being criticised. Many also acknowledged the financial and resource constraints that the LA officers are working under, which they saw as limiting their capacity to work more directly with schools.

External pressures and expectations from the broader policy context were other aspects of the external context that were seen to influence the enactment of school exclusion policy and lead at times to policy contradictions, perverse incentives, unintended consequences, and trade-offs.

Contradictions, perverse incentives, unintended consequences, and trade-offs

In line with earlier studies (e.g., Daniels et al. 2019; Partridge et al. 2020), the competitive and marketised school system in England, alongside inspection frameworks that “*don’t recognise the good work... [schools are] doing to be inclusive*” (Teacher 26, SLT, AP A) and being “*judged by league tables and grades*” (Headteacher 2, School H) were identified as producing perverse incentives for schools to exclude both formally and in some cases by off-rolling (Done et al. 2021):

“I think sometimes yeah, I think sometimes if... you've got somebody in Year 10 and you're just thinking we're never going to get him to the end and they're not going to get us anything. That there's that little bit of gaming, but it's a dangerous game because if you perm ex [permanently exclude] too many, that's also then a trigger to Ofsted, so it's a dangerous balance. But obviously, you know we're measured on our outcomes... whether we agree with that or not, and our outcomes are judged on what the little darlings come in at Key Stage 2³⁹ [age 7 to 11]. So it is a balancing act, but certainly here our... decisions very much are on the safety and the reputation of the academy.”
(Teacher 11, SLT, School F)

While a number of the interviewees said that they had not and would not play the off-rolling game, and that “*schools are stupid to grey that now and... just need to play it straight down*

³⁹ Key Stage 2 covers primary school pupils in Years 3 to 6.

the line” (Headteacher 4, School L), they were aware of others that had, and described cases of pupils being encouraged to move school or become electively home educated, and alternative attendance codes (to the exclusion code) being used to record when a child is sent home. As discussed in Chapter One, this raises questions over the accuracy of official exclusion figures and the conclusions that can be drawn from them.

In similarity to Power and Taylor’s (2021) findings from their paper on *school exclusions in Wales*, attainment, attendance, and exclusion targets were all mentioned as having unforeseen effects:

“...I think... when you get academic targets, attendance targets, exclusion targets. Um [pause]. You know... targets can have a detrimental effect, can't they? They can skew the way you do something in a way that's not foreseen and... not beneficial”
(Headteacher 2, School H)

Local targets to reduce school exclusion for example were seen to influence practice and the adoption of creative solutions and alternatives to exclusion, such as, the use of internal exclusion and being asked to rescind permanent exclusions and instead negotiate managed moves through the IYFAP. While seen as positive alternatives by many as they helped to keep an exclusion off the school’s and pupil’s record, some noted how these practices could themselves have unintended consequences (see also Power and Taylor 2018). For example, Teacher 18 (School B) believed, from his experience, that having a permanent exclusion on a child’s record could move them *“up the ladder... to be able to access specialist provision”* whereas with a managed move *“they wouldn't flag up high enough needs to warrant a specialist place.”*

Others felt that while they may want to try alternatives or put in place bespoke packages for pupils, there were a number of trade-offs that they had to navigate. For example, the benefits of sending a pupil to a part-time AP placement or vocational college course were weighed

against the cost of the provision and the knock-on effect that entering the pupil for fewer qualifications would have on the school's attainment figures.

Some respondents also felt pressure not to use certain alternative measures, for example, part-time timetables. Discussing the LA's focus on reducing their use, Teacher 21 (SLT, School N) suggested that there needs to be a less *"judgmental, critical approach and more of an understanding... of... the complexities that we're dealing with day-to-day and just understanding that schools are working hard to address some of the needs that students have. And it's not always clear cut. It absolutely is not black and white."* These discussions highlight the need to explore teachers' rationales for adopting formal, informal, and alternative practices and the importance of understanding the complexity, assumptions, and backdrop against which schools are making decisions.

Grey exclusions: Best interests of the school and/or best interests of the child?

As described at the start of this chapter, the decision to permanently exclude can only be made on disciplinary grounds. Therefore, it would be unlawful for schools to permanently exclude for non-disciplinary reasons such as a pupil 'having additional needs or a disability that the school feels it is unable to meet' (DfE 2017a:9). Yet, in line with Ferguson and Webber's (2015) earlier work, and linked back to the fifth understanding of the purpose of exclusion outlined in this chapter – to meet need – Headteacher 5 (School B) explained how formal positions may at times be disregarded when it is seen to be in the best interests of the child:

Interviewer: ... So, would the decision to permanently exclude ever be because you can't meet need?

Headteacher 5: *It shouldn't be, but yes. If... as in a cry for help?... Absolutely. You know, once we've exhausted absolutely every avenue that we think we can... explore, then that child is still being failed by us, but also by the system, and often the only way to get that child into a specialist provision is to permanently exclude them... And, you*

know, headteachers, colleagues, they would all agree with that, I think. They may not publicly acknowledge it – they certainly wouldn't publicly acknowledge it, but...

While in reality it was not guaranteed that the young person would receive increased support, this statement indicates that grey exclusions, by which I mean informal and unlawful (see also Done et al. 2021), may in some cases be being used to serve the best interests of the school, but in other cases may also result from the (mis)perception of being in the best interests of the child and cloaked in a narrative of doing good (see also Children's Commissioner 2013a). Linked to earlier discussions, this type of sense- and decision-making may also be tied to views around what support a mainstream school can and should offer, as well as interpretations of what is meant by using exclusion as a 'last resort', which, in turn may be informed by the material and external contexts of a school and as Headteacher 5 (School A) describes the "*nature of the system.*"

Chapter conclusion

In this chapter, I have explored the complex and contested nature of teachers' interpretations of national school exclusion policy and the different ways in which schools use and 'do' school exclusion. I have also outlined different contextual factors that may influence the enactment of school exclusion policy, and provided further insight into the ways in which school practitioners negotiated and navigated different policy paradoxes including *contextualised – individualised* understandings of behaviour, *rights of the child – rights of the school*, and *inclusion – raising standards*. In Chapter Seven, I turn to focus on a specific aspect of the school exclusion process, namely how placement decisions are made following permanent exclusion through an exploration of the enactment of the local Fair Access Protocol, and once again explore the negotiation and navigation of different *policy paradoxes* and contradictions.

Chapter Seven: Placement after exclusion: Sense- and decision-making in In Year Fair Access Panels

Drawing on the concepts from Activity Theory outlined in Chapter Three, in this chapter, I explore the enactment of the local Fair Access Protocol (FAP) and related policy artefacts (tools), how post-permanent exclusion placement decisions are made. I begin by first recapping the purpose of the FAP and how the national (non-statutory guidance) had been interpreted and translated in the LA as part of the *Children in School Strategy*. In so doing, I explain how the work of the four In Year Fair Access Panels (IYFAPs) became a main focus for the Exclusions Team and key activity systems for policy enactment. In turn, I then explain the division of labour in the panels, the tools devised to aid decision-making and how the object (what was being worked on), in this case fairness, was variously constructed and made sense of. I then explore the object-tool relationships, i.e., whether the tools were congruent or in contradiction with what was being worked on before turning finally to look at contradictions that emerged between other aspects of the activity system, i.e., the rules and community, as well as other systems.

The Fair Access Protocol

As described in Chapter Two, when this study took place, the *School admissions code* (DfE 2014c:30) set out that:

*Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use*

provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.

The FAP is binding on all state funded mainstream schools, including academies, who work with the LA to agree, monitor, and review the protocol. The Code, and related non-statutory guidance on *Fair access protocols* (DfE 2012c), do not prescribe the structure or details of local Protocols. Instead, '[i]t is for participating schools to ensure that the local Protocol works for them' (DfE 2012c:3). However, while LAs and schools have the freedom to develop their own Protocols and devise the list of children to be included, there are seven groups of children of compulsory school age who must be included, one of which is 'children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education' (DfE 2014c:31)⁴⁰.

The non-statutory guidance (DfE 2012c:3) states that in enacting the Protocol, places should be allocated expeditiously and:

- *Schools (including Academies) should work together collaboratively, taking into account the needs of the child and those of the school. There is no duty to comply with parental preference when allocating places through the Protocol but it is expected the wishes of the parents are taken into account.*
- *When seeking to place a child under a Protocol, all schools should be treated in a fair, equitable and consistent manner.*

No school should be required to 'automatically... take another child with challenging behaviour in the place of a child excluded from the school' (DfE 2014c:30). LAs can 'direct the governing body of a maintained school for which they are not the admission authority to

⁴⁰ The other six groups are: 'children who have been out of education for two months or more'; 'children of Gypsies, Roma, Travellers, refugees and asylum seekers'; 'children who are homeless'; 'children with unsupportive family backgrounds for whom a place has not been sought'; 'children who are carers'; and 'children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan)' (DfE 2014c:31).

admit a child in their area even when the school is full'⁴¹ (DfE 2014c:31), but do not have the power to direct academies, they can only ask them to admit a child. If an academy refuses to admit a child, the LA can request that the Education and Skills Funding Agency, on behalf of the Secretary of State, reviews the placement and directs the academy to admit the child. Applications to direct 'should only be requested as a last resort' (DfE 2012f:4).

As with exclusion policy, the enactment of the FAP 'involves sophisticated interpretations and translations of policy texts into action' (Ball et al. 2011a:1). In the sections that follow, I will first outline the localised translation of the FAP, before looking at how the local Protocol was used in practice. By focusing on the activity level, I present an object-oriented analysis and explore contradictions and tensions that arose between different constructions of the object (what people were working on) and other aspects of the activity system (i.e., tools, rules, and the community).

The local Protocol

When I began my fieldwork, the local Protocol had recently been reviewed and the arrangements and remit of the local IYFAPs had been revised. For many years the LA had run a "*panel-based system*" (LA Officer 8, Admissions⁴²), with four IYFAPs covering the secondary schools in different areas of the LA meeting on a monthly basis. As a result of some concern over the consistency of the four IYFAPs, as well as criticism over how long it was taking to place pupils post permanent exclusion, new standard documentation and processes collaboratively created by a local headteacher and the LA were introduced. In addition to the

⁴¹ 'The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days' (DfE 2014c:32).

⁴² Where no specific panel is listed it indicates that the practitioner attended all/multiple panels.

list of children set out in the *School admissions code* (DfE 2014c) the LA and local schools had decided to include permanently excluded pupils and pupils where an Independent Review Panel (IRP) had directed a governing body to reconsider the permanent exclusion, but they had decided not to reinstate, as children to be covered by the local Protocol and clarified that the Protocol only applies to children who are unplaced and not on a mainstream school roll, but could be on a short-term AP placement paid for by the LA. LA Officer 8 (Admissions) explained that while you do not have to list excluded pupils on the Protocol, the placement of these pupils had over a number of years become a main priority of the LA. As discussed in Chapter Five, the LA is responsible for providing full-time provision for pupils from the sixth day following permanent exclusion. In the LA in which this study took place, the locally agreed process was that permanently excluded pupils would attend the local AP Academy for an interim placement of around eight weeks and then be placed into a ‘second chance’ mainstream school through the IYFAPs. The term ‘second chance’ refers to receiving a place at another local mainstream school following permanent exclusion, instead of remaining in alternative provision. The position adopted locally was that every permanently excluded pupil has an entitlement to a ‘second chance’ mainstream school unless they had received two permanent exclusions within two years and would automatically take up a long-term AP placement. On occasion, the IYFAPs could also determine, depending on available places, that a pupil in Key Stage 4 (age 14 to 16) would be better suited to a long-term AP placement. The LA commissioned a set number of interim places, long-term places, and a number of days that schools could apply for through the IYFAPs (discussed below).

At the same time as the local Protocol and IYFAPs were being reviewed and revised, the LA decided to dissolve a former multi-agency group on children missing education and instead invite these agencies to attend the IYFAPs. Consequently, the IYFAP meetings were split into “*the statutory part*” (LA Officer 1, ET), which covered the placement of pupils

without a school place including those who had been permanently excluded from school, and “*the inclusion part*” (LA Officer 1, ET) where schools could (1) broker a managed move, (2) request money that had been allocated to each panel from the High Needs Block to pay for AP for a pupil at risk of exclusion, (3) request LA funded days or a long-term place at the local AP Academy, or (4) ask to consult the panel about a pupil they are concerned about. Initially, the IYFAPs only covered the local secondary schools, however, over the course of this study, the LA introduced a process for primary placements. In this chapter, I focus on the “statutory part” of the secondary IYFAPs and placement of secondary pupils only.

Division of labour: How the work is shared

As discussed in Chapter Five, the Exclusions Team oversees the administration of the local Protocol, receiving referrals and preparing the paperwork for the panels (see *Tools* section). They also monitor the placements under the Protocol to ensure that the process is equitable to all schools and that children without a school place are placed on roll in a timely manner. In line with the focus on ensuring consistency across the panels, and that timely decisions are made, one of the LA officers had been appointed as the chair for all four panels (previously there had been a rolling chair and a school run and led system with a member of the host school for each meeting taking on the role). Some participants described how the ‘doing’ of the protocol involved learning the “*unspoken norms*” and “*unwritten interpretations*” (Teacher 15, SLT, School I, Panel C) of the FAP through interactions with the chair and other panel members.

In addition to the chair, each panel is made up of the member of the Exclusions Team connected to the area the panel covers as well as the educational psychologist for that area, a representative from the LA Admissions Team, a representative from every state funded secondary school in the area who the Protocol states are voting members and so therefore must

be given the authority to offer to place pupils, and a representative from the local AP Academy, who is a non-voting member. Other LA service representatives and external agencies are invited to attend the inclusion part of the meetings, but can be present during the statutory part (e.g., representatives from the LA Attendance Team, Early Help Service, the police, and mental health). While the four panels operate separately, depending on where they live some young people are discussed at more than one panel and therefore panels are encouraged to be collaborative. If an offer is not made by one of the schools on the panel, the decision is put to a vote. If a majority vote of one is not achieved, the chair has the deciding vote. If no school is identified at the end of the meeting, it falls to the LA Admissions Team representative to identify and ask a school to take. The member of the LA Admissions Team is also responsible for requesting directions from the Education and Skills Funding Agency.

In the next sections, I explore the stated object of the IYFAPs and how the object found ‘expression in actual enactment and embedded practices’ (Sin 2014:437).

Object: Fairness

As discussed in Chapter Three, the object is ‘the raw material or problem space at which the activity is directed’ (Engeström and Sannino 2021:8) to achieve a particular outcome. In this case, the object (the thing being worked on) is fairness, in order to achieve the equitable and timely placement of pupils without a school place including those who have been permanently excluded. However, within the object space different constructions or sense-makings of fairness were identified as being in play. These constructions reflected the orientations to meaning on the part of the different members of the group, though often members oscillated between the different constructions. The most prominent construction of fairness aligned with the local Protocol, where fairness was understood as the fair distribution of pupils across schools in an area. The second construction also related fairness to whether the placement of a

child would be fair on a school given its current circumstances. There were also two constructions of fairness for the child at play, the first related fairness to meeting the child's entitlement to education in a timely manner, and the second to ensuring that the chosen school would be the best fit to meet the child's needs. This first construction links back to addressing the criticisms of the previous IYFAP process and aligns with the changes being implemented in the LA. Discussing the changes, LA Officer 21 (Educational Psychology, Panel A) explained:

"I guess the main message is that... the pupils have a right to education, and that we were not timely in our decision-making... and I think that the [Children Not in School] team, in terms of now chairing the In Year Fair Access, has been uncomfortable for schools, and I think they've found that really difficult... before, it was eyes down, who's going to take this pupil, and now it's "One of you has to – these young people need to be in schools..." So, I think that's been a really... good message... I think the message has been, these are our pupils, they need to be in school, and they need that decision made quickly because we know that the longer they're out of school, the harder it is to get them back into school, and I think that the changes in In Year Fair Access have been good for that."

In terms of the second construction, though the national Protocol states that '[s]chools (including academies) should work together collaboratively, taking into account the needs of the child and those of the school' (DfE 2012f:3), taking into account the needs of the child is not explicitly mentioned in the local Protocol, though there are some provisions that arguably relate to taking into account the needs of the child (e.g., ensuring that information provided by the AP provider informs decisions about the most appropriate placement).

The two quotations below, from LA Officer 1 (ET) at two different IYFAP meetings, illustrate the tension and vacillation between these different constructions of fairness:

"I've had an interesting discussion about what the fairness is, the fairness is the access for the children to education and, but in terms of our, how we think about fairness it's about trying to make sure that all of these children go to different schools, that we don't have one school receiving all of those children, so there's some interesting discussions

about what we mean by fair because sometimes for schools it doesn't feel very fair. We need to make sure as a [LA] there's a fair distribution of learners who perhaps take a little more of our time and resources in different areas. I think we know that, but I think it's always good to clarify what we do mean."

"I mean in terms of, all we do as a panel is, we do take context into account, but it's also about fair distribution because otherwise you could just say 'Well we're going to be in this position we won't take anybody' so for panel and for new people it's actually just about what you know what's going to be the best fit for this young person?"

The teacher interviews illustrated the adoption of these different orientations to meaning by different panel members. In discussing why they would offer a place to a child who had been permanently excluded, Teacher 17 (School C, Panel A) said because *"every child deserves a second chance."* Similarly, Headteacher 3 and Teacher 4 talked about needing to set other agendas aside and put the child first:

"... I genuinely believe if you don't all work together it doesn't work... so regardless of everybody at In Year Fair Access is sat around that table with their own agendas... you do generally have to... put that aside at times and say what's best for the child, it might not necessarily be best for the rest of the children, but... that's our job." (Headteacher 3, School G, Panel B)

"And I think there is... the cross border discussion and there's that fairness of you know if a school, if you really felt a school hadn't done everything they could, I guess that would be an area where you might be less likely to offer, but at the end of the day it's about the children not about the school, so you've got to kind of put them first." (Teacher 4, SLT, School O, Panel D)

Contrastingly, and in spite of the purported focus on meeting every child's educational entitlement, Headteacher 2 (School H, Panel B) described how the IYFAP process has:

"... protection of the school at its heart, not protection of the students that are being discussed. Now I don't think that's inappropriate because I think the students that are being discussed... aren't as important as the whole school, but nevertheless you've got to try and deal with them in some way... I don't mean they're not as intrinsically important, but I think decisions they've made have led to them being where they are."

Linked to the discussion in Chapter Six around understandings of behaviour and locus of responsibility, the professional dispositions of different members of the panels seemed to inform differences in understandings or sense-makings of the object of the activity. In the example above, the view that the welfare of the school is more important than the child but that permanently excluded pupils “*have to be dealt with in some way*”, may indicate that this headteacher was working on the construction of fairness as fairness for the school rather than fairness for the child. Different members of the panel, depending on their role, were also positioned in different ways with respect to the object, for example, LA Officer 21 (Educational Psychology, Panel A) explains her role as being:

“...to think about the voice and be an advocate for the child, and to think about what might be in their best interests and to think of the wider picture of how we’re going to make this transition from one school to the next be a successful one.”

The differences in understanding of the object, and positioning of different panel members, had a bearing on the creation and use of different practice and decision-making tools.

Tools: What is being used to work on the object

As part of the local Protocol, four tools⁴³ had been created to aid decision-making and work on achieving the timely and fair placement of permanently excluded pupils:

1. The pupils to place list

This list contains all of the pupils who need to be placed at the current meeting, along with the reason for referral, date they were last in education and the provision they were in, their national

⁴³ The names of the four tools have been replaced with pseudonyms.

curriculum year, Special Educational Needs (SEN) status, whether they have any social care or other external agency involvement, and their previous school history. Additionally, the five nearest schools for each pupil, along with their published admission number, are listed, as well as parental preference of school, if provided.

2. Pupil placement referral form

The pupil placement referral form is a form that schools are asked to return to the LA on the first day following a permanent exclusion being issued. It is used to allocate day six AP and triggers a referral to the IYFAP. The form covers demographic information about the child, a summary of the events that led to the permanent exclusion (though there is no space to record a reason code on the form), and spaces to provide background information, for example on current educational provision (e.g., full-time, part-time), family circumstances, school history, barriers to learning, patterns of behaviour, emotional, conduct and learning behaviour scores, causal/contributory factors for the behaviour (these are limited to within-child factors such as anxiety, speech and language and sensory issues), the pupil's current attainment, and the child's strengths and interests. Schools are also asked to provide information on the previous support, assessments and interventions (internal and external) used to address the child's behaviour and the identified causal/contributory factors, and the impact of these interventions. Finally, schools are asked to risk assess the pupil. LA Officer 21 (Educational Psychology, Panel A) mentioned how with the review of the Protocol, this form had *"been overhauled and... has information on it that hopefully you can make an informed decision around whether the next...which receiving school could kind of address their needs."*

3. Traffic light rating system

The traffic light rating system is a spreadsheet which contains demographic information for each school split by year group. The number of pupils (1) receiving AP at the AP Academy, (2) who had been permanently excluded in the current academic year, (3) who had moved into the school following a permanent exclusion, (4) who were on a managed move to another school, (5) who had come to the school on a managed move, and (6) were designated vulnerable admissions are also recorded for each year group. Every school is asked to assign two cohorts, for example Year 9 boys and Year 8 girls as red cohorts (i.e., the most challenging), four amber, and four green (i.e., the least challenging). The terms of reference for the local Protocol make clear that the allocation of a cohort as red does not exempt the school from being asked to place a pupil into that cohort.

4. The pupil movements table

The pupil movements table records the number of pupils who have been placed through panel in each school over the past academic year. In addition to these pupils, schools are asked to list other pupils who fit the criteria of a vulnerable admission, who have moved into their school through other means (e.g., parental applications). As well as pupils moving in, the pupils who have moved out of the schools are also recorded.

In addition to the four tools, the local Protocol states that the following factors will also be considered when deciding on where to place a child:

- a. size of the school (with smaller schools being required to admit fewer students through the IYFAP)
- b. transport costs

- c. feedback from the AP provider where the pupil is attending/receiving interim provision
(as mentioned earlier)
- d. group dynamics
- e. advice from other agencies where appropriate.

The meaning given to particular tools and the degree to which each of the tools were drawn upon was largely dependent on the construction of the object being worked on.

Tool-object relationship

In this section, I will explore the extent to which the different tools available were compatible with the different constructions of the object, in other words were they the right tools for what was being worked on. When working on the two constructions of fairness for the school, the traffic light rating system and pupil movement table were often drawn upon to determine who had already taken a pupil through the IYFAP in the current academic year, and which school was experiencing fewer difficulties with the cohort the pupil would be moving into. In some cases, these tools were seen as compatible with the object, with schools either offering to place the pupil because they had not taken a pupil that year, or because they were experiencing fewer challenges (i.e., the cohort was rated green). In other cases, they were seen as incompatible. For example, where every school had rated the same cohort as red, or there were multiple pupils to place in the same year group, the traffic light system was seen to be of little use as schools were asked to place pupils regardless. This had led some panel members to question whether they should continue to use the traffic light rating system:

“And then you clock them as a vulnerable admission or you have a red rated year group, but that’s only guidance and doesn’t actually affect the decision anyway so some colleagues would then say well what’s the point in doing it if the decisions going to be made despite those points that we put forward?” (Teacher 6, SLT, School J, Panel C)

However, the LA representatives countered this criticism by arguing that the traffic light rating system is helpful when having to make cross-panel decisions.

On occasion, schools also questioned the fairness of being asked to take a permanently excluded pupil when they had not excluded anyone that academic year (or for many years). During a discussion on this point at one of the IYFAPs, LA Officer 1 (ET) responded *“Well it's more about the ins [those who had been taken through panel] in terms of the fair access element.”* Teacher 26 (AP A) also described how it appeared that sometimes schools worked on *“historical fairness... as to who should take somebody”* particularly in panels where more pupils were moving through the IYFAP. The concept of historical fairness related not just to who had taken a pupil during the current academic year through the panel, but also concerned the movement between particular schools:

“... you definitely get kind of rivalries between schools, and schools that feel that other schools aren't pulling their weight or are being hard done by... and I suppose that's probably most prevalent in [Panel B], mainly because it sounds like they are under huge pressure... and that most of the schools are kind of oversubscribed... So, you know, all those schools are under pressure and there's certainly...people saying, 'Well, this school hasn't taken anybody for ages!' or 'We've taken three people from that school' or, you know, and that's part of the discussion when it goes round the table as to who can offer a place.” (Teacher 26, SLT, AP A)

In the quotation below Teacher 1 (SLT, School D, Panel A) explains how the concept of historical fairness does not sit well with her:

“I can't stand the whole 'I've taken Year 10s, I'm not taking Year 10s,' I think that's, it's about each child as an individual, and that makes me distrustful of the school, whereas I think if a school says look you know my Head of Year 9 is about to go on maternity leave, I cannot introduce this level of risk in, I think that's... the kind of conversations that I would like to see us having and I think equally [laughs] there's a lot of... pressure from the local authority that we should just take them at all costs and I'm like, well, the child hasn't been at school for however long so... attendance need to look at that, you've got an [Early Help Service] why aren't they looking at this you know, I just feel like all these problems are collated and tipped onto the IYFAP [In Year Fair Access Panel] table and that cannot be an effective way of dealing with all of this.”

The pupil placement referral form was variously used to work on the competing constructions of fairness. In relation to fairness for the school, the information provided in the form was used to determine if it would be suitable to place the pupil in a school given any existing challenges within the school and the needs of other pupils. Discussing how placement decisions are made in her school, Teacher 11 (SLT, School F, Panel B) commented:

“I think it's the context. So this week, Key Stage 3 [age 11 to 14] was drugs, violence or lies. To sort of summarise... so in terms of context, we know we've got lads in Year 8 [age 12 to 13] running for county lines, so drugs, no. Can't have any more... this is how our decision-making was based. Violence we're not a violent school, so we don't need somebody coming in and changing that dynamic thanks very much, so we'll take our chance with lies, but I think you've got to put your hand up and take your share. But again, it depends on which school year they're in for us, well and for every school, because we've got our Year 10 [age 14 to 15] settled, our Year 11s [age 15 to 16] are settled, we don't need somebody coming in with a puffed-up chest trying to go “look at me” and unsettle that balance at GCSE [General Certificate of Secondary Education].”

Concerns around the placement of a pupil destabilising another child, year group or school were voiced at a number of the IYFAP meetings. At times the impact of taking a pupil was linked to the size of the school, how many vulnerable pupils the school had already taken into a year group and/or how many pupils over the published admission number the school was at. Making the argument for why a particular school should take in one of the panel meetings, Headteacher 3 (School G, Panel B) stated:

“... it's about us making a decision and we had this lengthy discussion last meeting where we decided for various reasons that [School V] had taken more vulnerable admissions and because of the size of the cohort and group size, the actual percentage of that was going to be far more destabilising for the current cohort of Year 9s at [School V] and there are only two other viable options realistically for this child, we talked about that, so I don't think any of the systems or processes are going to change any of that, it is difficult and nobody likes it, but that is what our job is.”

The decision to place was further determined by the fact that there were two girls who both needed to be placed in Year 9. As one girl had already been placed at one of the “*two other viable options*”, the third school was asked to take. While working on the notion of fairness for School V and fair distribution, both of the schools who were asked to take felt that it was unfair (the first because the girl had already been on a managed move to the school which had been unsuccessful, and the second because they felt they had received a large number of vulnerable admissions) and both said that they would need to be directed by the Education and Skills Funding Agency (ESFA) (discussed further below). Difficulty arose where a large number of pupils were coming through panel who all needed to be placed in the same location (see discussion around geography below) and the same small number of schools were asked to offer places to multiple pupils.

Additionally, it had been decided by the panels that if a school was rated inadequate by Ofsted, they would be exempt from taking pupils who had been permanently excluded as it was understood that the school may not be in a position to meet the needs of the child and that admitting a pupil may have a disproportionate effect on the school. However, this also placed pressure on other schools. For example, reflecting on one of the smaller panels and two of the schools being in Ofsted category (graded inadequate), Teacher 23 (SLT, School A, Panel A) explained:

“... I think there's just some frustrations around some of the processes... people get frustrated with the [traffic light] rating when you [traffic light] rate and then because there's nowhere left to send them, you get them anyway. So, but I think that's... always perhaps going to be the case, particularly when you've got us and [School W] that can't take anyone as well... that's increased the pressure on everyone else, and I understand that.”

The above quotation also reiterates concerns over the utility of the traffic light rating system.

Finally, in determining the suitability of the placement, at times schools would discuss whether the pupil needing a place had existing relationships with other pupils in the schools

being considered. For example, if a school had already taken a pupil through panel from a particular school and they were being asked to take another pupil from the same school, they may ask whether they knew each other and if it would be appropriate to place them together.

LA Officer 21 (Educational Psychology, Panel A) explained:

“...they seem to be able to hold knowledge of who they’ve had, and this person knows that person, and they’ll be going to the same year group - so, unhelpful peer relations... So, there’s quite a lot of knowledge, actually, that’s within that decision-making that’s probably not on paper but is held by everybody.”

Equally, if the pupil had already attended a school, for example on a trial managed move and/or had existing relationships with members of staff at the schools being asked to place, the impact (negative or positive) of these experiences and relationships was also considered (though as discussed, was not always the deciding factor). As discussed in Chapter Six, the drive to reduce permanent exclusion figures in the LA meant that schools were encouraged to rescind and opt for a managed move instead. To counter the concerns raised in Chapter Six that opting for a managed move instead of a permanent exclusion might work against the child as *“they wouldn’t flag up high enough needs to warrant a specialist place”* (Teacher 18, School B), and encourage schools to continue to opt for managed moves, it was agreed that for the purposes of placement, if a permanent exclusion was rescinded in favour of a managed move but the child then went on to be permanently excluded, this would count as a second (or double) permanent exclusion and therefore the pupil would take up a long-term AP placement.⁴⁴

Turning to look at how the construction of fairness for the child was worked on, some of the same tools were used but to different ends. For example, the information recorded on the pupil placement referral form at times was used to ask whether it would be suitable to place the pupil in a school given the specific needs of the pupil and the capacity of the school to meet

⁴⁴ Although pupils who had been permanently excluded twice were mentioned at the IYFAPs, the role played by the panels in their placement was limited as they were largely automatically allocated a long-term AP place.

those needs. However, at times fair distribution was seen to trump these arguments, which left schools feeling that the decision was unfair for both them and for the child:

“... then it also then comes back to the school resources so as a small school you know we receive students, we’re open to the In Year Fair Access process and protocol and we engage I hope fully with that, but if a student’s struggling in a bigger school that’s got more supports how are they then going to be successful in our smaller school where we haven’t got the support? Um and then what do we then... when it continues to be wrong? Because they’ve had a second chance school, the panel have sort of voted... we then receive and some of those decisions it feels are based on geography because they are in [Town]” (Teacher 6, SLT, School J, Panel C)

The distance the pupil would have to travel featured heavily in the placement decision-making. As discussed earlier, the ‘pupil to place’ list included the five closest schools to where the child lived and each school in turn would be asked to give a response. At times schools would be asked to take a pupil due to proximity even if they had already taken a pupil that year. This was more likely if, as mentioned earlier, there were large numbers of pupils coming through the panel who all needed to be placed in the same town or area of the LA. However, this did not mean that the closest school always agreed to place the pupil:

“... but it does irritate me when. I mean what was that at the last one just total refusal to take a child that lives two minutes from the school, I mean. You know.” (Teacher 1, SLT, School D, Panel A)

On occasion, when no offers were made from the closest schools, the panel would look to schools further afield. Discussions in these cases would revolve around (1) if asking the pupil to travel a long distance would be “*setting [them] up to fail*” (Teacher 19, SLT, School E, Panel A) and relatedly, (2) what transport options were available. At times, when an offer was made from a school further away, the LA Admissions Officer would agree to the LA paying for a taxi for the remainder of the pupil’s school career. While this helped to meet the LA’s aim of placing pupils in a timely manner, questions were raised about whether this was the best

use of resources (it did not align with the local Protocol which outlined the need to avoid or minimise transport costs), and in the best interests of the child. Some panel members felt that, unless there were specific reasons not to, the principle should be that every pupil goes to their nearest school. Offers to place were not always accepted by the panel if they thought it would be too far for the pupil to travel and sometimes the pupil would be taken to be discussed at another panel if there was a school in another area that it was actually easier for the pupil to get to. In a small number of cases, pupils would come back to panel to be placed again when an offer had been made and the pupil stated that they did not want to go to the school due to the distance they would have to travel and/or safeguarding concerns had been identified.

While it was usually the case that the panel was looking to place a pupil as near to home as possible, based on feedback from parents and other professionals, at times a recommendation was made to ask a school in a different area to place the pupil as they felt this would offer the child a better chance at having a fresh start. For example, because it would help to remove them from an existing friendship group in a local area, or because of concerns around issues such as child criminal exploitation.

Discussing the merging of the Children Missing Education multi-agency group with the IYFAPs and the input of other professionals, Teacher 27 (SLT, AP B) remarked:

“It’s great that they are all coming back again. I think the more information that we have about a child around a table really should try and inform our decision. It shouldn’t hinder our decision... Knowledge shouldn’t stop us from making a decision, but the more information we have should be, should allow us to make the best decision for the child.”

However, as discussed in subsequent sections, a number of other factors influenced the extent to which the recommendations of the AP Academy and other services, and parental preferences, were followed. For example, there were a few cases where it was recommended that the pupil would benefit from remaining at the AP Academy for an extended period of time.

As shown in the following exchange, these suggestions were at times met with the response that the pupil is entitled to a ‘second chance’ mainstream school:

Teacher 27: And I'm just throwing a bit of a spanner in the works as well. She is making great progress with us, we have concerns about whether that focus will be sustained when she moves into a mainstream school, but that's just me sort of throwing a spanner in the works really.

LA Officer 1: She's entitled to a second chance school.

It could be argued that both Teacher 27 (SLT, AP B) and LA Officer 1 (ET) are working on different constructions of fairness for the child, however, the response from LA Officer 1 (ET) needs to be understood within the rules at play, for example the pressure to place pupils in a timely manner and the limited availability of AP places (discussed in detail later).

While it was agreed that placements tended to work best when the parent/carer was on board with the choice of school, at the same time the panels were reminded that there was no duty to comply with parental preference. For example, in one meeting LA Officer 1 (ET) noted:

“Equally with parents it's about saying do you know what, the child was PExed [permanently excluded] we lose some of our choices now and that is a hard conversation to have, and we always like to go with parental preference, but that you know.”

It could be argued that this may have worked against fairness for the child. However, in a small number of cases an argument was put forward to go against parental preference, as it was felt that the child was driving the agenda and that it would be in their best interests to be placed in a school other than the one they wanted. In one case for example, two offers were made, one from the school of choice and one from another school which the pupil had previously attended on a managed move trial. At the end of the trial, the boy and his parent had requested that he return to his previous school, which he was then subsequently permanently excluded from. In

the extract below Headteacher 3 (School G, Panel B) is arguing that the pupil should return to his school instead of the stated parental preference:

Headteacher 3: ... he came to us previously as a managed move, he self-sabotaged the managed move because he wanted to go back to his friends. [Panel member] knows him much better than me. My gut feeling is he has driven [his] own agenda for such a period of time, he's a very arrogant little young man and he manipulates his mum immensely, so he's the shot caller and I actually think for him being permanently excluded... is going to be a big learning curve for this young man. He didn't fail the managed move with us and that's really important for us to say, it wasn't anything that he did, he just decided that at the point when it was going to be successful, he started to sabotage it and drove the move back. And I said to Mum at that point, I don't think it's right that you go back to [previous school] I expect it's going to get worse da de da de da, he manipulated his mother, Mum took him back out which is the right of the parent, and here we are, but he was successful. As a child he's bright... he's got CAT [Cognitive Abilities Tests] scores of 118-120, I can put him in top sets, I can put him miles away from the children he then becomes very problematic with.

...

Teacher 29: Obviously we've been consulted as well, the mum has made contact with [School R], because she wants him to come to here.

Headteacher 3: Yeah but again it's being driven by the fact that he came to us and doesn't want to be there, and while the student voice and parent voice is important the panel has to make a decision about what's best for this young man, and I think if he's involved in where he goes next, I think it's likely to go south.

Interestingly, in meetings where there was more than one pupil to place, focus turned to which school might be the best fit for each child. Different schools were seen to offer suggestions as to why they would prefer to offer a particular pupil a place, for example, because they already had pastoral supports in place that they thought would meet the needs of that particular pupil. In one such meeting, Headteacher 3 (School G, Panel B) commented:

"... you have to consider them all holistically don't you, you can't just chomp off one at a time."

This finding is in contrast with an earlier report by The Office of the School's Adjudicator (2021:31) which found that in cases where large volumes of pupils are coming through panel for placement, 'decisions are sometimes weighted more towards ensuring allocations are shared equitably between schools and the needs of the school, rather than the needs of the individual.'

Reflecting on a slightly different but related point, LA Officer 21 (Educational Psychology, Panel A) said that it was good that all schools were *"learning that, at some point, they could be directed, so they all come to the table now knowing that they probably need to take one"* and *"they consider carefully which one they might need to take."* However, at the same time some panel members, including LA Officer 21 (Educational Psychology, Panel A), felt that at times schools cherry-picked those they considered might be easier and came *"with their argument ready in some respects"* (Teacher 27, SLT, AP B). While not quite the same as Pennacchia's (2024:331) tactic of pre-brokering, this is another way in which schools could be seen to 'take their fair share of pupils in terms of numbers, without necessarily taking their fair share in terms of perceived complexity':

"I suspect one reason they sometimes take people is because there's somebody worse on the agenda, and if they take the one they do take, they don't have to take that one. Actually, I mean, I... A colleague was telling me about an IYFAP [In Year Fair Access Panel] that he went to where... one particular school... whoever was chairing said, at the beginning, "Right, we'll go through this agenda in order," which is the obvious thing to do, and a representative from one of the schools said, "Right, we'll have that one, that one and that one," before anybody else could speak. So, she'd obviously worked out which were the least problematic amongst the people on the agenda and put her bid in first before anyone else got the chance to say. So, I suspect there's a fair amount of that goes on, actually." (LA Officer 15, Children Missing Education)

Some schools were also more likely to accept a request from the panel to take as opposed to others who would ask for a direction from the Education and Skills Funding Agency (ESFA):

“You know which schools are always going... to come along and say no, and you know which schools are always going to come along and say yes” (Teacher 27, SLT, AP B)

Reflecting on this, Teacher 21 (SLT, School N, Panel D) remarked:

“... there's some, one or two [schools], that are less um accepting... so when we talk about movement of students around the schools there's one or two that 'No, no, definitely not, can't meet their needs.' Well we're all in this together actually and we need to be supporting each other.”

Teacher 26 (SLT, AP A) also described how:

“It does often feel like... a headteacher has given an instruction to the person that's representing them at the meeting, you know, 'We're not taking that one!' or, you know, 'Don't accept anybody in this year group!' and it's often the same pattern of you go round the table and it's, 'No, we can't have them because...' , you know, 'We don't want them because...' The only times, I mean, some schools are, you know, will take a pupil and say that's just because that's the right thing to do, and that's quite a refreshing thing to hear because other times, it's kind of self-interest of well we know we've got to move this pupil on, so we'll take this other one, knowing that, you know, it's like horse-trading really... So, it's kind of rare, but refreshing, when you do actually hear somebody put their hand up and say, 'Well, nobody else is accepting this pupil, they need somewhere, we'll take them.' But that's relatively rare.”

Linked back to an earlier discussion, these different responses to both the way of working in the IYFAPs, and the placement of pupils who had been permanently excluded from school, may reflect the professional dispositions of different members of the panels and perhaps the culture of their schools.

Problems identified with the tools

The above section has shown how the IYFAP tools were used to work on the different constructions of fairness and highlighted incidences where the tools were considered unfit for purpose. In addition to the issues already raised, another problem highlighted by some of the panels was that forms were not always consistently and fully filled in, which made making an

informed decision difficult. Lack of detail in the pupil placement referral form was also seen as unhelpful in aiding the pupil's transition into their new school:

“... people can fill [a pupil placement referral form] in, but they always fill in what they want. And that's why, it's what you want people to know and there's specifically with that Year 8 child [age 12 to 13] that we're working with at the moment, the school didn't have any information on him at all. What then slightly concerns me, and then when we have a multi-agency meeting and say look you need to be here and then this, the information mysteriously appears, we're happy to take the children, just work with us on it. Like we understand, we have the same issues as you do, but we always try to be as transparent as possible so we do lots of pre check now prior to a child walking through the door. To gather as much information so we can be forearmed and preventative instead of just being a repeat of what's happened before.” (Teacher 16, SLT, School B, Panel A)

Additionally, it could be argued that the pupil placement referral form shaped the way that the child and the ‘problem’ were represented and may have therefore influenced placement decisions. For example, as described earlier, while the form asks schools to identify factors that may have caused/contributed to the pupil's behaviour, the examples are restricted to within-child factors, resulting in a decontextualised framing of behaviour. The language used within the panels when describing the child (e.g., as *“a thug... I would say probably out of all of those, [Pupil] is truly the most unpleasant”* (Teacher 11, SLT, School F, Panel B) or *“a naughty boy, but he wasn't anywhere near panel”* (Teacher 30, SLT, School S)), their behaviour, and the incident(s) leading to the permanent exclusion, seemed at times to influence whether interim AP in the AP Academy was seen as suitable, and how long it took to place the pupil, though this requires further exploration before any firm conclusions can be drawn. Reflective of the second tactic identified by Pennacchia (2024), it appeared that schools sometimes used the information provided about the child to strategize around and perform a case. In a competitive education system, it appeared that children who were presented as higher achieving or from more privileged backgrounds were more likely to be seen as the pupils to bid for:

“I think there's quite a bit of game play goes on that doesn't sit comfortably with me... we've now had a couple come through from private schools who it's supposed to be fair access and you know that boy from [Private School] recently got a place at [School X], no one can get a place at [School X] so you know like privilege plays out because of course the schools would rather take those children because they're you know not so much of a risk compared to others.” (Teacher 1, SLT, School D, Panel A)

In the following sections, I reflect further on other aspects of the activity system that either supported or constrained the work of the panels and the contradictions that arose, including the tension between schools simultaneously being positioned as collaborative IYFAP partners and in competition with one another.

Rules: What supports or constrains the work?

The rules of an activity system refer to ‘the explicit and implicit regulations, norms, conventions and standards that constrain action’ (Engeström and Sannino 2021:8). In this section, I will discuss four rules that informed the work of the IYFAPs.

The Protocol

The Protocol itself could be seen as a set of expectations guiding the activity of the IYFAPs. Panels are expected to identify the most appropriate schools to offer a place promptly and avoid gaps in the pupil’s education by managing transition without delay. However, as shown in this and following sections, at times attempted or actual ‘rule-bending’ (Warmington 2009:92) came into play. For example, while the aim was to place pupils as quickly as possible, a school was not always identified at the end of the first meeting and some pupils rolled over to subsequent panels (either the same or a different panel). There were different reasons for this, including: (1) the Governors’ Disciplinary Committee (GDC) having not yet taken place, (2) to aid the fair distribution of pupils, (3) to allow time for the AP Academy to work with and provide feedback on the child, and (4) to avoid having to refer the case to the Education and

Skills Funding Agency (ESFA). To avoid exclusion, the panels were encouraged to “*be creative*” (LA Officer 1, ET) to ensure that a child was offered a place, for example, offering funding to accompany the child or allotting one or more of the paid for AP days to the school to create a “*package*” (LA Officer 1, ET) for the pupil. In some cases, this meant that while a pupil was placed on a school roll, they were largely, if not fully, educated offsite. Attempts at being creative were not always successful. For example, in an attempt to avoid going through the ESFA referral route, and therefore a child being out of school for three months, LA Officer 1 (ET) asked during one panel meeting if it would be appropriate given it was the end of the academic year for a 14-19 school to offer to place a Year 9 pupil (age 13 to 14). The panel thought that this would not be appropriate and pursued the ESFA direction.

In some ways, the IYFAP process was actually seen to stifle schools’ ability to work creatively and in contradiction to the LA’s focus on reducing permanent exclusions. For example, offering to place a pupil through panel at times meant that a school no longer had the capacity to offer a managed move that they were in the process of arranging. Moreover, Teacher 6 (SLT, School J, Panel C) suggested that the pressures placed on schools taking pupils through panel, not just permanently excluded pupils but also those on managed moves and other vulnerable admissions, at some point might be the “*...straw [that’s] going to break [the] camel’s back*” and may lead to schools feeling that they “*have to contribute to the pot*” and “*put someone out to try and then continue.*”

Referrals to the Education and Skills Funding Agency

As discussed in the *Division of labour* section, academies cannot be directed to take a pupil by a panel. If the panel asks an academy to take and they refuse, the case is referred to the ESFA which can decide on whether or not to direct the school to admit the child. In the LA where the current study took place, the majority of secondary schools are academies, which meant that

the LA had limited powers to direct. While this provision arguably acts as a safeguard for schools and aligns with the construction of fairness for the school, ESFA referrals can prolong the amount of time a child spends in AP or out of education before being placed in a new school, which works against the aim of trying to ensure pupils receive their educational entitlement and are placed in a timely manner. Additionally, when a case is open with the ESFA it in effect acts as a block to asking that school to take any other pupils, which can put pressure on other schools. The below exchange from a meeting of Panel B illustrates the tensions between the school's right to refuse and the aim of getting pupils into provision quickly:

Teacher 11: *No, you can ask and the answer's no, so we'll take a direction, sorry [LA Officer 8].*

LA Officer 1: *So that puts this child out of education for longer. No AP [alternative provision].*

LA Officer 4: *As I say he's not got [Tutoring] at the moment.*

Headteacher 3: *Yeah but that is the process though [LA Officer 1], so that's what we just have to go through.*

LA Officer 1: *Sure, we've worked very, very hard on all of our processes and we're having a number of directions, which means that we're not really functioning how we should be functioning.*

LA Officer 8: *They are very slow, directions.*

LA Officer 1: *It's going to be three months probably and he's a vulnerable kid and we have nothing for him.*

Headteacher 3: *I understand that, but that is the process we can't, you know, unless the process changes, schools and school leaders have the right to refuse that place, the panel can't trump that.*

LA Officer 1: *Sure, but it kind of undermines.*

LA Officer 10 (Early Help) described schools stalling to put pupils on roll and described the risks this posed in terms of safeguarding. Aligned with the House of Commons Education Committee (2018) report they linked this issue to the lack of scrutiny in place:

“You know you can go to an IYFAP [In Year Fair Access Panel]... a school has been allocated a child, they will not put that child on roll. And you've got the local authority going to the State of Directory [sic] to get a child on roll. And it's bonkers because it, one minute we are trying to safeguard these children, but although all... this guidance is written down, in the guidance you have been advised you should or you can put this child on roll from date di di di, do they do that? No. Does anybody check on them? No.

There's not any scrutiny of the work that's in place that school can and can't do. The guidance is all good and well having it out there, but does that actually safeguard these children? No it doesn't."

Thus, working against both constructions of fairness for the child.

Commissioning

As discussed earlier and in Chapter Five, the LA is responsible for providing day six provision following permanent exclusion. In Chapter Five, I explained how the number of places that the LA was able to commission from the local AP Academy had been affected by an increase in cost. Fewer places had resulted in additional pressure to place pupils quickly and free up spaces. At points during my fieldwork, the LA funded places at the AP Academy became full, forcing the LA to commission additional external tutoring to meet its day six requirement. However, as the below quotation illustrates, there was no guarantee that the tutoring service would be able to do any reintegration work with the receiving school, and some schools were reluctant to place if the child had not been through a placement and been assessed by the AP Academy:

"So just for context we don't have any space currently at [AP Academy] for fulltime AP [alternative provision] in KS3 [Key Stage 3], so we are seeking tutoring for [pupil] at home and anyone who did take this child, we would try and make sure that there's some transition with that tutor... into the school, though that's not always 100% guaranteed it depends on the tutor company. They do try... and do that for us. But we do need to try and place this pupil quickly because they're currently at no provision." (LA Officer 1, ET)

As discussed earlier, the lack of AP places also meant that it was difficult to extend an AP placement or offer a long-term place for a pupil, even when this was the suggestion of the AP Academy or external agencies. The next sub-theme explains another tension that arose from the push to get pupils onto a school roll quickly.

Getting the pupil on a school roll: When one policy closes another one opens

In an earlier example, I explained how a pupil was brought back to panel to be re-placed because they were uncomfortable with the distance they would need to travel to get to school. However, this was not always the case. As the teachers below explain, often they felt pressure from the LA to put the child on roll so that it could meet its placement targets and then if the child did not attend pursue this as an attendance issue:

“... that's where there's a disconnect between... their [LA's] numbers and the children, because we all sit round that table at fair access for example and we know the kids and there's nobody sitting there going that child's horrendous... we don't want that child. Get rid of that child. Nobody is. Everybody is saying this child's got challenges. They've got a really tough environment which has caused them to behave like this. And the Local Authority's response to that is ok permanent exclusions happen, let's put them on your roll because they want to fulfil their statutory requirement of placing children. It's not about, how do we make it better for that child? And they might say, well, we'll give you three grand to help support for the parachute of that child, that might be helpful, but it's actually around the parents. It's around the work for that child. It's really difficult.” (Headteacher 3, School G, Panel B)

“So... through the In Year Fair Access Panel... there's supposed to be a system, whether that system is as effective as it should always be is difficult. So... there's a child... who has had a permanent exclusion I believe from one school... we're happy to have the child here for their second chance school, but the family don't want to send the child here. The approach is to be very punitive from the local authority, to say no, you must go there and... we'll follow... your lack of engagement as an attendance process rather than to try and work with the family to go to the best place possible. And that's where sometimes there feels like there's a friction between school and... local authority approach... So... the relationship can sometimes be strained, I think. Because of... differences of opinion on how the process should be run.” (Teacher 2, SLT, School C).

Here, in a sense we see the closure of the Fair Access Protocol and the opening of attendance policy. Teacher 6 (SLT, School J, Panel C) described the above as: *“opening up another can of worms.”* By converting the issue of placement into an attendance issue the LA also shifted responsibility to the parent and child with non-compliance possibly leading to the issuing of fines and attendance orders – arguably contradicting their role as champions of children and families. Additionally, Teacher 23 (SLT, School A, Panel A) explained how going *“through*

the attendance channels” placed additional pressure on already stretched school resources, which left schools feeling frustrated at the process.

As well as rules at the LA level, the competitive nature of the school system was also seen to influence the work of the IYFAPs.

Competition versus collaboration

In discussing their decision-making, a number of teachers described how external accountability pressures may influence a school’s decision as to whether or not to offer a place to a pupil. This was particularly the case for pupils in Key Stage 4 (age 14 to 16) where there was a reluctance to accept because of *“syllabus, exams, subjects”* (Teacher 21, SLT, School N, Panel D). Teacher 10 (SLT, School H, Panel B) explains:

“You can build relationships with people slowly, but at Key Stage 4 [age 14 to 16] particularly you're up against a time barrier there with passing an exam at the end of it and ensuring that everybody else passes exams at the end of it as well. So that's, you know, that's the real sticking point I think with, particularly with Key Stage 4 in year transfers is... you're going in and going ah I've got 18 months basically, even the start of Year 10 is only 18 months really. Um you know and that's the pressure put on the school then because we're results driven.”

Linked to earlier discussions in this chapter and Pennacchia’s (2024) study, Headteacher 2 (School H, Panel B) described the IYFAPs as *“a poker game where everyone's trying to protect their interests.”* With regards to pupils in Year 11 (age 15 to 16) specifically, the possible impact that admitting a child may have on a school’s Progress 8 score led to negotiations in the panel meetings around when the pupil would be admitted, namely before or after the January census:

“... sometimes... leadership teams will say "When's the census in January?" So they'll accept a child after that, possibly, because they don't count on the figures, so... you know, all of this kind of comes into play. I think we're deluded and naive if we think it doesn't” (Teacher 21, SLT, School N, Panel D)

“... so they'll be a huge hoo-ha in January about... whose books they're gonna sit on for the census. Because if you get them for the census then you get the money, but you carry their outcomes for Year 11. So you don't really, you'd almost lose the money to not carry their outcomes.” (Teacher 11, SLT, School F, Panel B)

While waiting to place after the January census was seen as being beneficial to the school, it worked against the aim to cut the amount of time between a pupil being permanently excluded and placed in a new school.

Competition and the configuration of schools was also, in some cases, seen to influence the extent to which the schools within the IYFAPs felt they were able to work collaboratively. For example, Teacher 16 (SLT, School B, Panel A) described how the majority of schools in the panel he attended were in the same multi-academy trust (MAT) and at times it felt like *“being back at school... like a gang up type of thing”* at the panel meetings. They explained:

“And then everyone goes quiet. And then because people talk to each other about specific children, so they know who's coming and there's all that pre-work. So, people won't say things and it all goes. You've got to have a very good poker face. That's where the breakdown comes, and it goes: ‘Well they've had this move, and they've had that move and they can't come here and they can't come there’ and I'm thinking well that's no choice then, is it? And we're not aware of that [the movement outside of panel] so yeah, I don't know. I think it's brilliant that they're using and working with each other, but it doesn't help the schools that aren't a part of that group and that trust.” (Teacher 16, SLT, School B, Panel A)

This example provides further insight into the types of practices that could fall under the tactic of pre-brokering as described by Pennacchia (2024; see also Hulme 2023).

Teacher 27 (SLT, AP B) also suggested that the panel-based system may be hindering cross-panel collaboration, with each panel acting as an island, and suggested the need for more joined-up work between the panels:

“... well, with regards to all the IYFAPs [In Year Fair Access Panels], they don't work well together, so none of them work well together as you've heard many a time. Every time a child comes from a different area, they pooh-pooh it and immediately push it back to the other area. So none of them, sort of play friends if you know what I mean which I think is... detrimental in some respects, and I think if there was some sort of...

cross area IYFAPs or they were brought together at some point at least yearly or something to try and get them to think about themselves as a bigger unit rather than just a small unit that would be good”

To explore the involvement of other agencies, I now turn to focus on the community aspect of the activity system.

Community: Who else is involved?

Engeström and Sannino (2021:8) describe the community as ‘the individuals and subgroups who share the same general object.’ Aside from the schools (voting members), there were a number of non-voting members who attended the IYFAPs, for example the AP representatives. While the local Protocol stated that the role of the AP provider was to ensure that information about pupils was used to inform decision-making about the most appropriate placement, the AP provider’s non-voting status meant that they had limited power over where a pupil would be placed, as described by Teacher 27 (SLT, AP B):

“It's hugely frustrating when we don't get decisions. It's hugely frustrating when we don't get actions. It's hugely frustrating when we sit there with long silences. I feel, within my own role, I feel very much sometimes like I should say something but I know, I can't... well, I say I can't, I probably could, but I don't want to rock the boat in some respects so, I equally have to be very choosy about sometimes the things that I say... if we're being open and honest sometimes [Pause] I, sometimes I would probably like to say... it would be best if that child stays at [AP Academy] for a long time. I know that's not an option at the moment, so I can't say that. Sometimes I'd like to say things like, ‘I think that that child should go to this school’, but you don't want to upset lots of schools within the room. And equally I'm not supposed to have a vote. I'm not supposed to have a vote on the panel, so that's quite difficult.”

Equally, Teacher 26 (SLT, AP A) felt that they could not comment as they are “*not part of the horse-trading... because, you know, we [type of provision] can't offer places and we can't, we're not going to exclude any pupils.*”

Additionally, as described earlier, at times the AP and external agencies' opinions on whether or not it was the right time for a pupil to move back into a mainstream school was superseded by competing demands, such as needing to free up AP spaces for other pupils.

Reflecting on the make-up of the panels, LA Officer 15 (Children Missing Education) stated:

"Another problem I know, with IYFAPs [In Year Fair Access Panels], is that the people attending don't...aren't given plenipotentiary powers, so that [laughing] they make decisions and then get overruled by their headteachers when they get back to school, which is absolutely absurd! And I don't...you know, I mean, you might as well just not send anybody [rather than] send somebody that's not got the power to make the decisions."

Teacher 26 (SLT, AP A) also described how:

"[i]t's interesting... who is sent along to these meetings as well because sometimes it is the inclusion lead, and other times, it's the sort of behaviour lead or... it's a deputy head, say, that hasn't got a particular focus on inclusion."

The issue of representatives not being given the power by their headteacher to make placement offers was an issue that was brought up in some of the panel meetings. LA Officer 1 (ET) noted: *"the terms of reference that are under review clearly say... if you come to the meeting you have to have the authority of your headteacher."* Headteacher 3 (School G, Panel B) explained how he thought that the person sent along to the IYFAP, or the consistent absence of a school representative, said a lot about the value placed on the process by the school and potentially its wider views on school exclusion:

"Well... the big problem is, so for example, when we're sat around that around, with the exception of me and [Teacher 29] who's off at the minute, we're the only two actual headteachers or heads of school, that sit at that meeting. And that right there in itself is a real problem. The fact that key decision makers don't value that process enough to even go... If that's their view, of I'm not even needed to go to that meeting and I'm sending somebody who I know is not particularly experienced enough or good enough, or I'm not letting make decisions, then what does that say about the ethos of behaviour"

in their school? Or what do they interpret? How do they then interpret national policy on permanent exclusions and fixed term exclusions?"

What becomes evident is that the meaning given to the IYFAPs by different panel members and the decisions made are likely 'mediated by, and nested in, the power-structures within their institutions' (Maguire et al. 2010:166). As well as differences between schools in the same panel, differences were also identified between panels, with Panel B for example requesting the most directions to place from the Education and Skills Funding Agency. Discussing why the panels worked differently, Teacher 27 (SLT, AP B) noted:

"I think they work differently based on their need. So as I say, [Panel D] is... not as needy as [Panel A] or not as needy as [Panel B]. They work very differently based on the people that are in them. Based on the characters that are within them and the level of challenge that they give back to the local authority. Um they work differently based on the knowledge in the, so within [Panel A] you've got a lot of people that have been on the panel for a really long time. Same as [Panel D]. [Panel B's] all pretty new. Although you've got some very big characters there. Um [Panel C's] very new... They, you know the size of the panel can make a difference. [Panel C] I think... will always be quite difficult because of the size of it and because of the areas that it's trying to cover."

Describing the different panels, LA Officer 8 (Admissions) said:

"Well, [Panel D] is collegiate. [Panel D] on the whole, deals with an area of the [LA] that is quite well-financed, you know, it's really...affluent... fairly heavily middle-class, but not entirely. There's certainly, problem areas... But that... group knit together and they will help each other and they see it like that... and it works quite well, and they're low excluders. And then you've got [Panel A] which has got significant problem areas in [Place] and [Place] and [Place] and so on... and they're quite collegiate actually, but they've got their problems with certain schools [being in Ofsted category, for example]. So, the key to that, I think, to it working better than, shall we say, [Panel B], is that the strongest schools, the ones that are most popular, are actually quite ready to work with everybody else... So, they provide the ballast really for that whole group and can provide leadership really. And it's quite small... And then you've got [Panel C], which is a much wider area, far more schools, and they're...they're quite collegiate... They're really not difficult with each other and [don't] have difficulty with the local authority on anything... And then you've got [Panel B], and [Panel B] at least aren't shouting at each other but [School Y] and [School Z] – they're in the same town – and there's a distinct tension between those two schools... And then you've

got the schools in [Town], and they're quite different, the two places, and they're quite a long way away from each other."

In Chapter Six, I argued that where you stand may influence where you sit in terms of school exclusion. The discussions so far in this chapter have suggested that this may equally be true with regards to fair access and have drawn attention to the need to take contextualisation seriously (Van Oers 1998) and at the same time understand 'how 'activity' is shaped and framed by broader layers of context and the dynamics between them' (Sellman et al. 2002:892). In the previous section, I have touched upon how different policies were seen to interact with and influence sense- and decision-making in the IYFAPs. In the final section of this chapter, I will turn to focus on one contradiction that was seen to arise between different policy systems.

Contradictory systems

In this section, I will draw on a single case to illustrate how contradictions can arise between different policy systems and lead to unintended consequences. The below example explains how contradictions arose between the Special Educational Needs and Disabilities (SEND), exclusion, and fair access systems and resulted in a pupil being without a school place and stuck in AP. In this case, the pupil had recently been issued an Education, Health and Care Plan (EHCP) and was receiving 25 hours of one-to-one support in a mainstream school. The pupil was due to be discussed at the Special Educational Needs Placement Panel (pseudonym), with the view to him moving into a special school, but before the date of the panel the pupil physically assaulted his one-to-one teaching assistant, and the decision was made to permanently exclude the pupil. The Special Educational Needs Placement Panel was held before the pupil's Governors' Disciplinary Committee meeting and the headteacher entered into discussions with the LA, in which they offered to rescind the permanent exclusion if a special school place was offered. Due to limited spaces and other pupils being identified as

having higher needs, the pupil was not offered a special school place and so the school proceeded with the permanent exclusion. As the pupil has an EHCP he was then not eligible to be placed through the IYFAP and so was returned to the Special Educational Needs Placement Panel and placed in interim AP. Headteacher 3 (School G, Panel B) explains:

“... so this child has now been out of education, I don't know what, probably six, seven months now and he hasn't got a... second school, which is supposedly the process for a permanently excluded child, but he's got an educational health care plan. He needs a special school place. He needs SEN [Special Educational Needs] panel to place him and they haven't got spaces to place him, so he's just sat at [AP Academy] holding one of those places which we then need for other children because he can't access, and then we're just letting him down, the whole education system is letting him down.”

Chapter conclusion

In this chapter, I have drawn on concepts from Activity Theory to provide a situated account of the local enactment of the Fair Access Protocol (FAP) and post-permanent exclusion placement decisions. The findings illustrate that where the intended outcome of the IYFAPs was the equitable and timely in-year placement of pupils, including those who had been permanently excluded, panel members adopted different constructions of the object – what was to be worked on to achieve the outcome – in this case, fairness. Tensions, contradictions, and conflicting demands were also seen to arise between the different constructions of the object and other aspects of the activity system. The findings add to Rayner et al.'s (2018:147) argument that ‘... it is not just single policies or suites of policies that generate challenges for professionals, but also, and in particular, the contradictions inherent in their complexity.’ In the next chapter, I will return to the ideas set out in Chapter Three and further discuss the utility of conceptualising *policy enactment as mediated activity*.

Chapter 8: Discussion and conclusions

Introduction

This thesis has examined how national school exclusion policy is interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency) and what contextual factors influence the enactment of school exclusion policy. The previous three chapters presented the findings of the study, showing how LA officers, teachers, and multi-agency groups made sense of school exclusion policy, and the related Fair Access Protocol (FAP), within the context of their activity systems and the object(s) they were working on, as well as their own histories, and has shown how *policy-as-artefact* (texts, discourses, and ideas) mediate action and are mediated by action. This chapter draws together these findings and situates them in relation to the literature and policy discourses set out in Chapters One and Two, the theoretical tools outlined in Chapter Three, as well as recent scholarly and policy developments.

The first part of the chapter contains six sections: (1) Interpreting the statutory guidance on school exclusion; (2) Translating (statutory) guidance into local policy; (3) Enacting school exclusion policy involves taking context seriously; (4) School exclusion policy enactment is influenced by a weaving together of context; (5) Enacting school exclusion and fair access policy involves navigating and negotiating complex stakeholder arrangements; (6) Enacting school exclusion and fair access policy involves continuously navigating and negotiating *policy paradoxes*. In the second part, I pick up where I left off in Chapter Three and evaluate the utility of the tools, existing and new, that I added to my theoretical toolbox for achieving the aims of this study. I then reflect on my methodology and research design and the limitations of my study before turning to the implications of the study, possible areas for future research, and concluding remarks.

Interpreting the statutory guidance on school exclusion

The findings from this study have shown that the statutory guidance on school exclusion and specific policy concepts, including for example ‘serious breach,’ ‘persistent breaches’ and ‘last resort’ are open to interpretation and the sites of ‘selective reconfiguration of certain practices of meaning’ (Singh et al. 2013:474). In line with previous studies, practitioners indicated that the different interpretations of these condensed codes within the instructional and moral frameworks of policy actors and organisations may go some way to explaining the different thresholds for exclusion being adopted by schools (Children’s Commissioner 2012; Kulz 2015; Ferguson and Webber 2015; Ferguson 2019; Timpson 2019). Indeed, both LA and school practitioners believed that national school exclusion policy could be read selectively to achieve particular ends or outcomes. In this way, school exclusion policy is understood to obtain particular meanings in relation to the goals and values of the agent as well as the object-motive of the activity.

Another example of this is the differing interpretations of steps to take before making the decision to exclude. For example, in Chapter Five where LA Officer 4 (ET) describes a scenario where they and the headteacher of a school held conflicting understandings of the strength of direction implied by the use of the modal verb ‘should’ – specifically in relation to the section in the statutory guidance which states that ‘[w]here a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review’ (DfE 2017a:11). While there was a general agreement within the LA Exclusions Team that within the LA they interpreted ‘should’ as ‘must’ and indeed this was written into the local framework for reducing exclusions discussed in Chapter Five, the view of the headteacher in conversation with LA Officer 4 was that they only had to consider whether an annual review should take place, and they had considered it unnecessary. Here again, we see the guidance being read with different objects in mind (i.e., preventing exclusion versus proceeding with exclusion). As well

as containing condensed codes that were open to interpretation, both LA and school practitioners also identified silences in the guidance, for example a lack of information around strategies to use to try to prevent exclusion, and it fell to schools, the LA, and partner agencies to flesh out the national policy and set out the local response – as illustrated by the work of the Action Group and development of the local framework for reducing school exclusions in Chapter Five, and the tools developed by schools described in Chapter Six.

Translating (statutory) guidance into local policy

As described in Chapter Three, the process of translation involves the recoding of policy into local texts and artefacts and putting them into action through the use of tactics, talk, and meetings (Ball et al. 2011b). In this study, I was interested in exploring the process of translation (how it is done) and the outputs/outcomes of this process (how the policy is changed, and local level policy is produced). In the section above, I explained how it falls to different policy actors within and outside of schools to operationalise and translate the national policy into local artefacts. The process of translation therefore takes places both within and between various settings and activities. The example of the work of the Action Group in Chapter Five offers a glimpse into how policy translation is done within multi-agency groups. Singh et al.'s (2013) work on the recontextualisation of policy and concepts from Activity Theory offered helpful tools for understanding the collective recontextualisation of the national statutory guidance on school exclusion into the local framework for reducing school exclusions. Translation of the national guidance involved continual negotiation of different interpretations of key terms within the national guidance; interpretations that were based on group member's own personal and institutional sense-makings and previous experience. The shared principles set out in the *Children in School Strategy* acted as the rules of engagement and were used by LA Officer 1 to direct members of the group to think differently about school

exclusion. The resultant framework was reflective of the strategy principles and represented ‘what is to be done’ locally (Ball et al. 2012:121), though there was no guarantee that the local framework for reducing school exclusions would mediate practice and become part of the ‘taken-for-grantedness’ of different organisations (Ball et al. 2012:121). Previous studies have highlighted how the enactment of texts, and the effectiveness of school disciplinary reform, rely on commitment and understanding of the policy objectives and the capability and resources to put these understandings into practice (Ball 1993; Deakin and Kupchik 2016). In line with Deakin and Kupchik’s (2016) work, albeit approaching from a different theoretical perspective, I argue that the extent to which new policy artefacts such as the framework for reducing school exclusions will mediate practice is dependent on whether the artefact is compatible with the object (what is being worked on) by the recipient organisation and the organisation’s institutional arrangements and priorities, or in other words other aspects of their activity system or context. Additionally, there was some suggestion in the data that the extent to which the local framework would be adopted was dependant on whether it was seen as a LA or shared initiative. This highlights power relations at play and indicates that different practitioners hold unequal authority and have differential capacity to influence, enforce meaning, and direct action (Yang 2007). Later in this chapter, I reflect further on how schools and LAs navigate the complex stakeholder arrangements between the LA and local academy schools.

As well as this multi-agency translation, in Chapter Six of this thesis, I outlined the role of different actors within the school in translating the national school exclusion guidance into their school level policy and the different tools and activities (e.g., meeting to discuss provision for at-risk pupils) they had developed in their schools. While teachers reported that school level exclusion policy texts were based on the statutory guidance, where they could differ between schools was the list of possible reasons for exclusion. As discussed in Chapter Six, what was seen to warrant exclusion was somewhat dependent on different contextual dimensions – a

point I reflect on further later in this chapter. Finally, when discussing tools such as the local framework for reducing school exclusions or those created in individual schools, some respondents described how the tools could once again be used in different ways to achieve different things and cautioned against unintended consequences (see Chapters Five and Six).

Enacting school exclusion policy involves taking context seriously

While school practitioners felt that the statutory guidance on school exclusion was in many ways procedurally clear, and there was some consensus over when a permanent exclusion may be warranted (i.e., to protect the safety of others), doing school exclusion policy was not seen to be black and white. The interview data revealed how schools negotiated complex considerations and contextual factors when enacting school exclusion policy and in making decisions to exclude. The need to ‘take context seriously’ (Ball et al 2012:19) appeared to have a double application when it came to the enactment of school exclusion policy, with a number of interviewees talking about the need to take a flexible approach and consider individual circumstances and wider contexts when deciding on exclusion, as well as describing how different contextual factors ‘weave together’ (Cole 1996:135) in complex assemblages to inform a school’s approach to school exclusion or in other words where they sit.

In Chapter Three, I explained that policy texts ‘rely on surrounding texts (or...their context) to assist in the determination of their meaning’ (Gale 1999:399), and that the ‘enactment of one may inhibit or contradict or influence the possibility of the enactment of others’ (Ball 1993:19). This thesis has shown that the enactment of school exclusion policy is entangled with the enactment of a school’s behaviour policy and often influenced by other policies including Special Educational Needs and Disabilities (SEND) and safeguarding policies. While a small number of respondents felt that school exclusion policy should be used in an undifferentiated way with all pupils and had zero-tolerance policies in force around

particular incidents for example, those involving drugs, some adopted a more nuanced approach and applied discretion when making the decision to exclude. That said, there was a general consensus across schools that the decision to exclude permanently was often taken to ensure the safety of others in the school.

Moreover, while a number of the school practitioners I spoke to described taking a contextualised and discretionary approach, this was somewhat in contrast to the views of the LA officers where they described schools as focusing in on the ‘headteacher’s right to exclude’ and forgetting about other aspects of the guidance including for example, conducting an assessment of a child’s SEND needs or a multi-agency assessment, and their duties under the Equality Act 2010. Some of the LA officers linked this to the opaqueness of the guidance (as described in the *Interpreting the statutory guidance on school exclusion* section) and because the various guidance documents that practitioners were expected to engage with were not joined up. This reflects an earlier finding by Ferguson (2019) who found that because the Department for Education and Association of Chief Police Officers (ACPO) drug advice for schools guidance is separate to the school exclusion statutory guidance and is not mentioned within it, schools were adopting zero tolerance exclusion policies on drugs where the formal position is that ‘exclusion should not be the automatic response... and permanent exclusion should only be used in serious cases’ (DfE and ACPO 2012 in Ferguson 2019:16). It is interesting to note that throughout my fieldwork, the DfE and ACPO (2012) guidance was not mentioned by a single participant as a policy which informs their decision-making and some schools within the study stated that they do have a zero-tolerance exclusion policy on drugs. This suggests that work is needed to ensure the different policies are aligned and cross-referenced.

As shown in Chapter Six, other wider education policies around for example attainment and attendance were also seen to influence the use of school exclusion and alternatives to

exclusion, and in some cases created perverse incentives to exclude formally or informally. Reflective of Connor's experience described at the start of this thesis, in this study 'informal, less visible and undocumented policy practices' were found to sit alongside 'official enactments' (Maguire et al. 2015:487). The findings from this thesis align with previous work (Timpson 2019; Partridge et al. 2020; Daniels et al. 2019) which has highlighted the effects of perverse incentives on school exclusion. It also contributes insight into the different rationales behind the use of informal and unlawful exclusions. In line with studies focused on off-rolling (e.g., Children's Commissioner 2013a; Done et al. 2021), the analysis in this study suggests that schools may sometimes disregard or circumvent particular formal positions due to perverse incentives and prioritising the best interests of the school but may also in some circumstances do so under the (mis)perception that it is in the best interests of the child. This latter finding aligns somewhat with Ferguson and Webber's (2015) earlier work.

School exclusion policy enactment is influenced by a weaving together of context

Drawing on the four contextual dimensions identified by Braun et al. (2011) in Chapter Six, I identified several contextual factors that are seen to influence the enactment of school exclusion policy. While some respondents noted how a school's situated context, including the school catchment area, demographics, and local issues can affect a school's tolerance level or threshold for permanent exclusion others believed that it is not necessarily the case that schools in similar locations with comparable student profiles will adopt similar stances towards school exclusion, but rather it depends on elements of the professional context, including the school leadership's position and ethos, and approach to behaviour management. This finding aligns with Deakin and Kupchik's (2018) work on school preferences for adopting either exclusionary or restorative policies and Maguire et al.'s (2010) earlier study on the enactment of behaviour policy in English secondary schools where they found that variability and distinctiveness was

likely to characterise policy enactments even within similarly positioned schools. It also adds weight to the arguments set out in Strand and Fletcher's (2014) quantitative longitudinal analysis which found that while school and LA levels accounted for significant variation in rates of fixed period exclusion, very little of the variation was explained by the school characteristics and suggested that instead it may be sociocultural and school policy dimensions driving variability in exclusion rates.

Leadership decisions and approaches to behaviour were seen to be informed by personal beliefs and values as well as the location of the school in terms of its improvement journey (e.g., Ofsted rating), which in turn impacted the school's material context (e.g., ability to attract good teachers). Schools in more stable positions noted how they were better able to resist dominant policy discourses and pressures, for example to increase the number of pupils entered for the English Baccalaureate (and the perverse incentives emanating from the external context) and focus on relational practice rather than strict behaviour management (though this does not mean that other behaviour management approaches were not used in more stable schools). This finding somewhat resonates with Johnson and Sullivan's work (2016:169) and the factors they identified as helping primary schools to go against the tide and enact respectful student behaviour policies. As implied by the use of the term journey, a school's approach to enacting school exclusion policy is not fixed but can change as the school's circumstances and priorities change.

In addition to the other policy pressures mentioned in the previous section, there were several consistent pressures arising from both the material and external contexts mentioned by practitioners in this study, namely the knock-on effects of austerity and sustained underfunding across local services as well as the high thresholds to access support and lack of specialist provision. While there was a strong desire within the LA and schools to work more proactively and preventatively (i.e., through early intervention) stretched services made partnership

working and ‘contextual decision making’ (Social Finance 2020:3) challenging – a point picked up in the next section.

These findings both challenge and build on earlier theories of school exclusion, such as Rustique-Forrester’s (2003) contextualised theory which depicts the influence of a number of embedded contexts on schools, by suggesting that it is a complex weaving together of context which informs a school’s position on school exclusion. Related to this point, the findings also suggest that the clear differences in organisational characteristics of higher excluding and lower excluding schools by Rustique-Forrester (2003 – see Chapter Three) may be too simplistic and that different combinations of factors may result in higher or lower exclusion rates. This has implications for how we understand exclusion figures. Again, there is a need to take a contextual approach to understanding a particular school’s figures and the drivers behind them, which I discuss in more detail in the implications section.

Enacting school exclusion and fair access policy involves navigating and negotiating complex stakeholder arrangements

A contribution of this thesis is that I provide further insight into how school exclusion policy is enacted within the increasingly fragmented education landscape in England, and the changing role, and professional discourses and expertise, of LA exclusions officers in the exclusion process (see Chapter Five). In doing so, I also pick up on the ‘degree and quality of LA support’ aspect of the *external context* outlined by Braun et al. (2011), and somewhat address Ferguson and Webber’s (2015) call for researchers to explore how LA culture may interact with and influence school culture and decision-making around permanent exclusion. While Ferguson and Webber (2015) previously identified LA exclusions officers as the main source of advice for all parties involved in the exclusion process, this thesis has depicted a mixed picture. While some schools were contacting the LA exclusions officers for support and

advice around the legal aspects of the exclusion process, the officers felt that they were being contacted at the point of exclusion rather than being called upon at an earlier stage to help try to prevent exclusion. Additionally, while they were asked to provide advice around processes such as conducting a Governors' Disciplinary Committee (GDC) and training to governors, they were not always invited to attend GDCs by academies, and in line with the desire to try to shift from reactive to proactive working had decided that they would no longer routinely attend. As the LA found themselves in the incongruous position of being held to account for school exclusion figures within the LA and responsible for permanently excluded pupils yet having no power over the exclusion process and decision to exclude, the LA was focusing on rebuilding relationships with academies and re-establishing its authority. Thus, alongside the LA officers' roles as advisors and lay lawyers and policy navigators, they also adopted the role of police but not judge, in which they provided both challenge and support. While some schools welcomed the challenge, others, at times, felt that they were being criticised by people who were not working on the ground.

To meet the local aim of reducing exclusions as set out in the *Children in School Strategy* the LA was trying to move towards working more proactively with schools and reorienting its role from signposting schools to other services to providing direct support. This reorientation was also partly a response to reduced capacity in other extended services. However, an increased workload due to higher numbers of permanent exclusions in the LA coupled with staffing pressures acted as barriers to this transition. For a number of the LA exclusions officers the majority of their time was spent on securing day six provision for permanently excluded pupils to meet their statutory duty and preparing for the In Year Fair Access Panels (IYFAPs). In one area of the LA where permanent exclusions were lower, the LA exclusions officer was able to do more proactive and multi-agency working and the IYFAP had been able to orient themselves to more strategic working. This once again highlights how

the situated and material context that practitioners are working in can inform the enactment of school exclusion policy and the Fair Access Protocol (FAP).

At times the LA exclusions officers experienced a feeling of ambiguity in their role and questioned if they were working for schools or children and families. It could be argued that by trying to work more preventatively with schools and challenging them to ensure the legality of their exclusion decisions as well as brokering alternatives to exclusion, the LA officers were trying to balance and navigate this complex stakeholder arrangement. Aspects of the Fair Access Protocol (FAP) policy may have also compounded the ambiguity felt by LA officers. While seeing themselves as champions of children and families, there is no duty under the FAP to comply with parental preference, with parents and child seen to lose the power of choice following permanent exclusion. Moreover, while trying to secure a school place for every child, the LA has no power to direct an academy to place a child on its school roll. This means that in some cases young people can spend protracted periods in AP or out of education as they await the results of the referral process. The tensions underpinning the FAP process, particularly in relation to achieving fairness for the child or fairness for schools is returned to in the next section.

The AP commissioning model in the LA was also identified as a key barrier to working more preventatively. The change in costs mid-financial year by the main AP provider and consequent reduction in LA funded places had led to a strain on resources. School exclusion rates were seen to be rising partly due to the lack of alternative and specialist provisions available to pupils requiring extra support in the LA, which in turn put pressure on the AP places available. In response, and to fill the gap in provision, the LA had begun to diversify its commissioning model and secure day six provision from other providers (e.g., tutoring services). The data presented in Chapter Seven shows that the strain on AP places alongside the LA's focus on reducing the time taken to place pupils, affected placement decisions. Some

schools felt that they were being asked to place children who may not be ready for reintegration and would benefit from a longer placement in AP and that some decisions were taken to place a pupil on roll simply to meet targets and release places at the AP provider even when it was clear that the placement would not be successful due to the distance the child would be required to travel. While guided by the principle that every child has a right to a ‘second chance’ school, the other pressures placed on the LA and schools may have meant that fairness for the child became a secondary consideration.

Multi-agency working was at times seen to be impinged by conflicts of professional concern and practitioners having to navigate the conflicting demands of the agency they work for and the demands of other stakeholders (Singh et al. 2013; Thompson et al. 2021). Negotiation took place between the LA and schools to see what could be offered to avoid a permanent exclusion. Often this was led by the LA, but in a small number of cases school and AP professionals also reporting having to go through with the threat of permanent exclusion in order to try to secure additional support for a child; though as shown in Chapter Seven this tactic for negotiation was not always successful due to wider structural challenges (e.g., no places being available in specialist settings). With the retraction of LA and extended services, schools were also finding themselves having to work collaboratively and encouraged to provide school-to-school support, however, as shown in Chapters Six and Seven, this school-to-school support often operated within multi-academy trusts (MATs) (e.g., brokering managed moves and setting up shared provision), with smaller or standalone trusts at times feeling isolated and limited in their ability to access support from other schools. In a bid to promote collective responsibility, schools and other services, such as social care were being encouraged through initiatives such as the Action Group and resultant framework for reducing school exclusions to understand the statutory guidance and challenge schools on their exclusion decision-making.

While the focus in the present study was on the LA, future studies would benefit from focusing on the role played by MATs, as the new middle tier, in the enactment of school exclusion policy and the FAP. Additionally, while the present study has focused on teachers and LA officers (predominantly exclusions officers), it would be fruitful in future studies to also focus on other stakeholders, including other LA teams and external agencies as well as parents/carers and young people in the enactment of school exclusion policy, and their experiences of navigating and negotiating complex stakeholder arrangements.

Enacting school exclusion and fair access policy involves continuously navigating and negotiating policy paradoxes

In Chapter Two, I identified five somewhat interrelated *policy paradoxes* from my review of previous policy studies and primary sources, which I described as opposing discourses, positions, and agendas that can be moved between, but also at times held or proposed simultaneously, even when seemingly in contradiction. The five *policy paradoxes* were:

1. welfarist – punitive
2. contextualised – individualised
3. rights of the child – rights of the school
4. inclusion – raising standards
5. localised – centralised governance

The analysis presented in Chapters Five to Seven indicates that in enacting school exclusion and fair access policies these *policy paradoxes* are continuously navigated and negotiated by different policy actors. The previous section provides insight into the negotiation and navigation of the fifth paradox, so in this section I will focus primarily on the first four.

In this study, LA officers and teachers identified mixed messages and positions within the national discourse, with the headteachers' right to exclude and maintaining strong discipline promoted in one breath and a focus on preventative working in another. In line with the national focus to improve the quality of AP for children who cannot be educated in the mainstream, many also described the need for more and varied AP in the LA. While there was an ambition to move towards more preventative working and some schools had introduced their own internal provisions to try to avoid permanent exclusion, the current commissioning and accountability models were making it difficult to take a strategic approach to providing early intervention. Increased need in the school population coupled with a local deficit in special school places and overspend of the council's SEND budget, had led some schools to invoke the categorisation of children being "not mainstream" as a way to justify their decision-making. This categorisation works to individualise the problem and conjures a particular understanding of who belongs in a mainstream school and moves away from a discourse of inclusion for all. A mixture of individualised and contextualised understandings of behaviour and responsibility were identified within the talk of practitioners, with some falling more to one side seeing behaviour as either choice or communication, and others – reflective of the findings from Stanforth and Rose's (2020) – oscillating between the two.

As discussed in the *Enacting school exclusion policy involves taking context seriously* section, some schools described taking a discretionary and contextualised approach to school exclusion decision-making, even when they ostensibly had zero-tolerance policies in place. However, a tension was apparent between balancing the rights of the individual child with the rights of the school – with the rights of others in the school, and particularly their safety, often being the deciding factor in the decision to permanently exclude. At times decisions to exclude were linked to maintaining the reputation of the school and pressures, in a competitive education system, to attract parents and pupils. Related to the fourth policy paradox of *inclusion*

– *raising standards*, some respondents also described how there was a lack of incentive for schools to include pupils. This was for two reasons, (1) school accountability frameworks being geared towards academic performance, and (2) lack of accountability for schools when it comes to permanent exclusion (i.e., schools relinquishing all responsibility over the child to the LA). Balancing the rights of the child and rights of the school – or more specifically fairness for the child and fairness for the school, were also found to influence placement decision-making in the IYFAPs, with fairness for the school often prevailing. In line with Pennacchia’s (2024) study, schools found themselves caught between being local partners for inclusion, while at the same time in competition with one another.

Mirroring Gewirtz (2006:69) work around justice in schools, what the findings from this thesis show is that the ways in which school exclusion policy is enacted is mediated by other norms and constraints that motivate actors (i.e., dominant discourses or power relations, or legal or economic constraints which agents have little control over), which in turn are ‘differentially shaped by the levels and settings in which the actors are operating.’ In the sections that follow, I will reflect on the theoretical tools that I used in this study and provide further commentary on the ways in which school exclusion policy mediates action and is mediated by action.

Reflections on my theoretical toolbox

I started Chapter Three with a quotation from Stephen Ball (1993), which stated that the complexity and scope of policy analysis precludes the possible of single theory explanations and instead what is needed is a toolbox of diverse concepts, theories, or thinking devices to help explore the different facets of policy. In this section, I will provide a brief recap of the rationale behind the choice of the tools used in this study before reflecting on their utility for achieving the study’s aims.

When designing this study, I wanted to explore the suggestion put forward in Chapter One that “*Policy is one thing and what happens in practice can be slightly different as we all know.*” In searching for a theoretical framework to help guide the study, the theory of policy enactment (Ball et al. 2012) appeared to be a natural fit, with its focus on how policies are interpreted and translated by diverse policy actors working in different settings and acknowledgement that ‘putting policies into practice is a creative, sophisticated and complex process that is always also located in a particular context and place’ (Braun et al. 2010:549). I therefore intentionally included the key concepts of interpretation, translation, recontextualisation, and enactment, and a focus on contextual factors, in my overarching research questions. While helpful for understanding how policy actors decode and recode policy in different settings, the theory, though recognising that policies are sets of texts, events, and practices (Ball et al. 2012), provides few tools for exploring the enactment of policy at the activity level. As I wanted to explore how policy enactment takes place within and between settings and activities I therefore looked to the tradition of sociocultural research, and Activity Theory, for additional tools.

In Chapter Three, I explained that defining policy is important as it avoids ‘theoretical and epistemological dry rot’ being built into analytical structures (Ball 1993:11). The theory of policy enactment works across the definitions of *policy-as-text* and *policy-as-discourse* and explores policy as process. In this way, policy is seen to be both ‘texts and ‘things’ (legislation and national strategies) but also discursive processes that are complexly configured, contextually mediated and institutionally rendered.’ Through reviewing the literature, it became increasingly apparent that a dialectical relationship exists between discourse and action with each in turn mediating and being mediated by the other. While exploring policy as process captures this dialectical relationship to a certain extent, I saw that there may be value in adopting an alternative definition of *policy-as-artefact*, which is explicitly informed by the sociocultural concept of mediation, in order to address my research questions. In my definition

of *policy-as-artefact* adopted in this study, I therefore defined policy as both material and ideal, as well as a cultural and historical product that becomes manifest in concrete situations and is continually in development, and both mediates and is mediated by action. One benefit of adopting this definition was its compatibility with other concepts within the sociocultural tradition, and Activity Theory, which I wanted to draw on to explore policy enactment at the activity level.

Combining enactment theory with sociocultural sensibilities

In Chapters One through Three, I presented previous research which has indicated that schools adopt differing thresholds for exclusion (e.g., Children's Commissioner 2012; Kulz 2015; Ferguson and Webber 2015; Ferguson 2019; Timpson 2019). By drawing on the concept of interpretation, in this study I have been able to explore further the extent to which national school exclusion policy is open to interpretation and the different ways in which actors in different settings make sense of the policy. In Chapter Three, I introduced the eight different roles played by enactors in the process of policy work as identified by Ball et al. (2012) and described in particular how I wanted to explore how LA officers, as policy *outsiders*, were involved in the processes of interpretation and translation of school exclusion policy and monitoring of practice. While describing policy *outsiders* as involved in the processes of interpretation and translation, the theory of policy enactment does 'not offer insights into the generative principles of power and control that structure either policy positions (what can be said) and the policy talk (what is spoken)' (Singh et al. 2013:470). In order to elaborate the specifics of the interpretational and translation work of different actors, I therefore drew on Singh et al.'s (2013) work on the recontextualisation of policy to explore what aspects of policy texts are privileged by different actors and how knowledge is selected and distinctly reorganised as an instructional and regulative or moral discourse as it is moved from one

context to another. This enabled me to identify, in Chapter Five for example, how the Action Group on Reducing School Exclusions decoded and recoded the school exclusion statutory guidance within a moral framework aimed principally at protecting the best interests of the child.

Additionally, through adopting a sociocultural position whereby I understand interpretation as part of sense-making, I have been able to explore how interpretation of school exclusion policy, and the related Fair Access Protocol (FAP), are influenced by different value positions, and how policy actors negotiate and navigate *policy paradoxes* when enacting school exclusion policy. In combining the existing tool of interpretation with sociocultural sensibilities, I was able to provide a more nuanced understanding of the taking and making of the role of LA officers as they both made sense of policy and policy made sense of them in an increasingly autonomous education system. Substantively, what this showed was that while LA exclusions officers may at one time have been seen as the main source of advice for all parties involved in the exclusion process (Ferguson and Webber 2015), a much more complex picture now exists.

Relatedly, Singh et al.'s (2013) work led me to consider how conflicting priorities and demands held by and placed on multiple actors and stakeholders within and across agencies in the recontextualising field can affect how policy is interpreted and enacted. While in Singh et al.'s study the positioning of the mid-level policymakers meant that their decoding and recoding of policy guided teachers' practice, I found that at times LA officers' interpretations of the guidance were challenged by school practitioners. Moreover, by drawing on concepts from Activity Theory, I identified that the use of policy translations, (i.e., local policy documents and related artefacts/tools) may be dependent on authorship (i.e., who produced them/is seen to have produced them), compatibility with the receiving organisation's rules (including their instructional and regulative or moral discourse), and the object(s) they are

working on. This study adds to Ball et al.'s (2012:125) understanding that translated artefacts may be 'mediated by other (perhaps residual or antagonistic) discourses,' or disregarded, and identifies how relational and situated aspects of power influence policy enactment. In this way, the tools adopted have helped to provide a more detailed description of the LA support aspect of the external context.

Utilising the contextual dimensions outlined by Braun et al. (2011) helped me to further explore the social and material aspects of policy enactment and consider how wider policy pressures and commitments can affect the enactment of school exclusion policy. In combining the heuristic once again with a sociocultural lens, I have been able to examine how different contextual factors (situated, professional, material, and external) 'weave together' (Cole 1996:135) to influence how school exclusion policy is 'done.'

In the following section, I explore how adopting a definition of policy influenced by the sociocultural theory of mediation, enabled me to further explore how (national and local) policy mediates action and is mediated by action before focusing specifically on the contribution made in this thesis through conceptualising policy enactment as mediated activity.

School exclusion policy-as-artefact

By framing policy-as-artefact, I was able to account for different understandings of school exclusion policy as both *material* policy documents for example the national school exclusion statutory guidance and related policies which comprise the school exclusion policy ensemble including the Fair Access Protocol (FAP), as well as *ideal* – including mixed discourses (e.g., the headteacher's right to exclude versus the need to reduce exclusion) and ideas, and explore how the material and ideal mediate practice and are mediated by practice. Through probing whether practice ever informs policy, I was able to identify what participants referred to as unwritten/unspoken policies which were seen to be developed and learned through interactions

with others, or the product of policy antecedents or past professional practice. For example, in Chapter Five, LA Officer 4 explains that while certain practices may no longer be written in policies, they continue to be followed and enacted as they are seen as either good practice or just the way we do things (until we are told otherwise). Therefore, identifying policy as a cultural and historical product.

Relatedly, and in line with Ball's (1993:12) observation that key actors can be 'relied upon by others to relate policy to context or to gatekeep' there was some indication in the study that policy, including "*unspoken norms*" and "*unwritten interpretations*" (Teacher 15, SLT, School I) are learned through activity. For example, practitioners spoke of learning the IYFAP policy through participation in the panel meetings. In other words, school exclusion policy and the FAP was seen to become manifest in concrete situations.

While the material national school exclusion policy (statutory guidance and underpinning legal framework) was seen to *mediate action* (i.e., the procedural aspects of the school exclusion process), it was also *mediated by action* as practitioners asked of the policy "what does this mean to us?" In the case of the LA exclusions officers this question interacted with broader questions around what their role is and should be in a system where they have been simultaneously marginalised and responsibilised when it comes to school exclusion and the education of excluded pupils.

Different discourses around school exclusion were also seen to mediate practice. For example, practice in the LA was very much informed by recent reports, such as those by Timpson (2019) and Ofsted (2019c; 2019d) and the need to take a contextualised approach. While these discourses were also mentioned by some schools, and schools seemed to be aware that this was the LA's position, as described earlier in this chapter other discourses including for example, the headteacher's right to exclude, high expectations and standards, and

maintaining order, control, and safety were also seen to inform practice and exclusion decision-making.

By adopting the definition of *policy-as-artefact*, I was also able to build on studies that have looked at policy as process and show how school exclusion and fair access policy are continually in a process of development as they are (re)interpreted, (re)translated and recontextualised, or renegotiated and reconfirmed, in different spaces and through time. When used in conjunction with other concepts from Activity Theory – as well as some of the tools outlined in the previous section – it is clear that policy becomes through its enactment within and across different activity systems and contexts, each comprised of their own histories, rules, actors, interests, objects, and power relations. To make this clearer in the definition of *policy-as-artefact*, in future studies it may be fruitful to add ‘in context’ to the end of the definition.

Policy enactment as mediated activity

A theoretical contribution of this thesis is that by conceptualising policy enactment as mediated activity, I have provided a language to explain policy enactment at the activity level. As described in the *Translating (statutory) guidance into local policy* section of this chapter, in this thesis I was interested in exploring how policy enactment is ‘done,’ both in terms of process, and outputs/outcomes (how it is changed). By combining my definition of *policy-as-artefact* with a conceptualisation of *policy enactment as mediated activity*, I have been able to explore policy as both a mediating artefact and mediated artefact. In Chapter Five, by drawing on concepts from Activity Theory I was able to explore the process of translation and production of the local framework for reducing school exclusions as a mediated artefact and offered initial insights into the possibility of the framework’s use as a mediating artefact to achieve the outcome of reducing school exclusions in future action/activity. While the analysis presented in Chapter Five combined the use of different theoretical tools, in Chapter Seven I

drew predominantly on Activity Theory concepts to explore the enactment of the Fair Access Protocol (FAP). By focusing on the object of the activity, I was able to uncover different constructions of fairness being worked on and was then able to examine whether the translated policy artefacts/tools that had been created to aid the panel in its decision-making were compatible with or in contradiction to the different constructions of fairness. By drawing on the second generation of Activity Theory, I was also able to explore how other aspects of the activity system – rules (explicit and implicit regulations, norms, conventions, and standards), the community, and division of labour – interacted with the object being worked on and affected post-permanent exclusion placement decisions. In this way, I was able to take contextualising seriously and explore how policy becomes manifest in activity, or as described by Spillane et al. (2002) different sense-making contexts. In Chapter Three, I explained that by adopting a second-generation stance I was foregrounding the activity system in my analysis, however, in line with my understanding as context as something that ‘weaves together’ (Cole 1996:143) and power as both situated and relational, I was conscious of how activity is shaped by broader layers of context (Sellman 2002). In future studies, it may be fruitful to explore how the contextual dimensions outlined by Braun et al. (2011) could be mapped onto the activity system to further explore the situated, material, and relational aspects of policy enactment work. For example, it may be productive to take the school as the activity system and explore how national school exclusion policy as a mediating artefact informs practice and how it is changed through the process of recontextualisation.

In this study, I examined the Action Group and IYFAPs as single activity systems, however the analysis identified conflicting interpretations of policy based on individual members’ personal and institutional positions. Future studies may wish to adopt a third-generation style analysis to look at how constellations of activity systems (e.g., LA, schools, and IYFAPs) come together to work on a shared object (for example, as was the case in Chapter

Five, a shared understanding of the statutory guidance on school exclusion) and the contradictions between the different systems and the shared object. This would add to current understandings of how policy is enacted within and between different agencies. Finally, while I gained some preliminary insights into how the local framework for reducing school exclusions was being used, future studies may wish to adopt a research design and theoretical tools in which the process of the production of policy and its subsequent use could be followed and the outcomes explored.

Reflections on my methodology and research design

I now turn to the methodological contributions of this thesis. Whereas previous studies of school exclusion policy had largely focused on single stakeholder groups or level of analysis, by adopting an embedded single-case design in this study I have been able to simultaneously explore the process of enacting school exclusion and the related Fair Access Protocol (FAP) within and between different settings and activities (LA, schools, and multi-agency). Moreover, where previous studies have provided insights into the influence of wider education policy discourses and reforms on school exclusion, in this study I have examined how the statutory guidance on school exclusion was itself understood and enacted as well as the influence of broader exclusion and education policy discourses on the process of enactment. The exploratory, largely ethnographic, embedded single-case study design enabled me to explore the interpretations and actions of different stakeholders in context. The emergent research design allowed me to incorporate observations of previously unexpected, but highly relevant, activities including the Action Group on Reducing School Exclusions, which helped to further address my research questions. By utilising multiple methods within a single qualitative paradigm, I have been able to provide rich description and insights into the enactment of school exclusion policy (how it is done and how the policy is changed). By retaining context within

the analyses, it is hoped that readers will be able to evaluate the applicability of the findings and make connections and comparisons with their own settings.

Through combining observation and interview methods with document analysis, I was able to triangulate the data. In interviews I was able to ask participants to expand and reflect on particular events, interactions, and cases that I had earlier observed, which aided my understanding and helped me to explore their sense-making. Being in the field for an extended period also enabled me to identify consistent and reoccurring patterns and check my understanding of different processes. Through being a consistent presence at the In Year Fair Access Panels (IYFAPs), I was able to build trust with the participants, which resulted in a large interview sample, and to my knowledge the largest collection of data on IYFAPs. The complexity of the research design, and the process under study, also meant attending to different literatures and the use of different theoretical tools during analysis. In doing so, I have been able to adopt a theory building structure in the thesis with each chapter revealing new parts of the theoretical argument being made (Yin 2018). In answering the how and what research questions in this study, I have revealed propositions for further inquiry, which I reflect on in the future studies section later in this chapter.

Returning to my overarching research questions

In this thesis, I set out to answer three overarching research questions:

- (1) How is national school exclusion policy interpreted, translated, recontextualised, and enacted at the local level in and across different settings and activities (LA, school, and multi-agency)?
- (2) How does school exclusion policy mediate action and how does action mediate school exclusion policy?

(3) What contextual factors influence the enactment of school exclusion policy?

In this section, I will reflect on each of the research questions in turn and the extent to which I have been able to answer them. As discussed in the sections above, by adopting an embedded single-case design and the theoretical tools outlined in Chapter Three, I have shown in this thesis how national school exclusion policy was interpreted, translated, recontextualised, and enacted in and across different settings and activities on one LA, namely by the LA Exclusions Team and local secondary schools, and in the Action Group on Reducing School Exclusions. The analyses presented in this thesis provide insight into the processes of interpretations, translation, and recontextualisation, and provide examples of how local policy was produced by different policy actors. The analysis presented in Chapter Seven also offers a first look into the ways in which the Fair Access Protocol (FAP) was enacted within the LA, and how the multi-agency panels negotiated different constructions of fairness in their decision-making. To address my sub-questions, the decision was taken to analyse and present the data collected from each setting, group, or activity separately in the thesis. While helpful for exploring policy enactment within different settings and activities, looking across the datasets for cross-cutting themes may have helped to further address how policy enactment takes place between different stakeholders, settings, and activities, and further answered my first overarching research question.

My second overarching research question was informed by my review of existing theory outlined in Chapter Three, specifically what I saw as a false dichotomy between the definition of *policy-as-text* and *policy-as-discourse*. In line with my definition of *policy-as-artefact* and conceptualisation of *policy enactment as mediated activity*, I wanted to explore how school exclusion policy (material and ideal) mediates action and is mediated by action. Throughout the thesis, I have provided examples of the ways in which the statutory guidance

on school exclusion (specifically the legal requirements set out in the policy), as well as the mixed discourses around exclusion, informed practice (i.e., policy mediating action). At the same time, I have also provided examples of situations where different local policy actors spoke back to policy, either through circumventing formal positions, or changed the policy through local and collective decoding and recoding (i.e., action mediating policy). While the thesis provides an account of how the statutory guidance on school exclusion was recontextualised and the local framework for reducing school exclusions was produced, due to the scope of the research, I was unable to follow how the local framework was then used in practice and the extent to which the framework mediated action. Exploring how local action is able to inform changes at the national level was also outside the scope of this research, however, as discussed earlier, it would be a fruitful avenue for future studies.

By speaking to different stakeholders, including school staff from 16 state secondary schools, and drawing on the four contextual dimensions (i.e., situated, professional, material, and external) outlined by Braun et al. (2011), I have been able to answer my third overarching research question and have built on previous studies (e.g., Deakin and Kupchik 2018; Daniels et al. 2019; Timpson 2019; Partridge et al. 2020; Power and Taylor 2021) to provide further insight into the contextual factors that may influence the enactment of school exclusion policy. The analyses suggest that it is a weaving together of different contextual factors which informs a school's approach to school exclusion and their decision-making. In the following two sections, I will reflect on the limitations of the current study and suggest areas for future development and research.

Limitations

The decisions I have taken throughout each stage of the research process have informed the arguments presented in this thesis; from the selection of research settings and participants to

the methods of data collection and analysis, and the questions I asked of the research participants and of the data. I collected a vast amount of data, and I had to make decisions about which knowledge to use and include to construct a particular argument. While the thesis provides one situated example of how national school exclusion policy is enacted at the local level in England, by being transparent about my theoretical position and the choices I have made, I have sought to meet the quality criteria for qualitative and case study research set out in Chapter Four and enhance the possibility of analytical or theoretical generalisability (see Chapter Four).

That said, there remain several limitations to the research. In my research design, I included two schools as embedded units within the study. Due to covid-19 restrictions, my data collection period was cut short in the schools. In reviewing the data collected from the schools, and the gaps that remained, I made the decision not to present the two schools as individual embedded cases as planned in my original design, but to combine the data collected from all school practitioners who took part in the study into a single dataset to explore how schools ‘do’ school exclusion policy. This analysis identified that different contextual factors appear to ‘weave together’ (Cole 1996:135) to inform a school’s approach to school exclusion and their exclusion figures. However, as discussed in the previous section, I have not been able to provide examples of how different factors weave together for particular schools and how this affects their approach to exclusion and exclusion figures. This provides an opportunity for future research, as discussed later in this chapter. I also experienced difficulty in accessing other spaces where the enactment of school exclusion takes place, namely Governors’ Disciplinary Committees (GDCs) and IRPs. Though I was able to attend one GDC and the first half of an Independent Review Panel (IRP), due to the sensitivity and partiality of the data, and concerns over how to effectively anonymise the cases discussed and stakeholders involved, I chose not to include the data collected in the analysis presented in this thesis.

While my interview sample (n = 60) is relatively large for a qualitative study, and I was able to identify both commonalities and negative cases within the data suggesting a breadth of views, I cannot be certain that the interpretations of the national guidance presented in this thesis are representative. I do not know for example if those who declined to take part in the study, held different views. There are also other missing voices in the study, namely parents/carers and young people who themselves may play a role in the enactment of school exclusion policy, and feel the effects of its enactment.

Finally, the study is limited by place and time. In terms of place, while the study provides insights into the relational dynamics and contextual factors affecting school exclusion and fair access policy enactment, the study was bounded in one LA, which may not be reflective of other LAs in England. In terms of time, when the fieldwork for this study was completed, the 2017 statutory guidance on school exclusion and 2012 guidance on *Fair access protocols* were in place. Both guidance documents have subsequently been updated (see DfE 2021b; DfE 2022b). However, the central two-limb test for school exclusion remains the same in the updated statutory guidance and school exclusion continues to be framed as an essential behaviour management tool for headteachers that should be used as a ‘last resort’ (DfE 2022b, updated 2023), therefore it is likely that many of the study findings still resonate. That said, there is a possibility that the changes that have been made to the guidance, discussed later, may have changed how school exclusion policy is ‘done’ and thus warrants future investigation.

Implications and links to recent policy proposals and changes

The aim of this study was to explore how national school exclusion policy is enacted at the local level during a time when school exclusion rates in England continue to rise. The study adds to the growing body of literature which moves away from techno-rational studies of policy implementation and acknowledges the complexity of policy enactment. The study draws

attention to the need for researchers, policymakers, and practitioners to take context seriously in three ways.

First, to understand differences in rates of school exclusion and varying thresholds between schools, the contextual conditions affecting schools and influencing exclusion decisions must be understood. To reduce school exclusion, identifying the contextual pressures faced by schools is necessary so that effective support can be provided, and conditions improved. In this study, practitioners identified cuts to early intervention services, reduced funding and capacity across services, increased need – arguably made worse by the Covid-19 pandemic and cost of living crisis (Commission on Young Lives 2022a) – as well as AP and SEND systems under pressure, as factors that may have led to an increase in school exclusion.

Recently, the need for increased early intervention to reduce the number of preventable exclusions has been acknowledged in the 2022 Government SEND Review: *Right support, right place, right time*, and subsequent improvement plan (HM Government 2022; 2023). In the SEND Review a three-tier model for AP, starting with (1) targeted support in mainstream schools through to (2) time-limited placements in external AP and (3) transitional placements in AP schools has been proposed to ‘move the system’s emphasis upstream [and] away from expensive longer-term places’ (HM Government 2023:25) though as of yet, little progress in introducing the reforms has been made. Organisations including the Commission on Young Lives and Centre for Social Justice have suggested that implementation of the improvement plan must be accelerated and coupled with significant investment, and the findings from this study support these views.

The need to take context seriously when exploring school exclusion figures also holds a second meaning. This study has shown that formal exclusion figures may not adequately capture the full range of exclusionary practices (including informal and unlawful) in use in schools. This means that any conclusions drawn from official figures alone should be treated

with caution. Additionally, with the updated statutory guidance (2023b) encouraging schools to opt to try alternatives to exclusion, such as off-site directions to AP and managed moves (DfE 2023b) clear reporting and quality assurance systems are needed to monitor these provisions and the effects of their use (see also Timpson 2019).

Finally, the call to take context seriously when making the decision to exclude was clearly articulated by different stakeholders in this study. Over the course of this study, others have also called for a more contextualised approach to understanding young people's behaviour and school exclusion decision-making (e.g., Arnež and Condry 2021; Children's Rights Alliance for England and Just for Kids Law 2021; Lamrhari et al. 2021). Based on the findings from this study, in my response to the *Consultation on the revised behaviour in schools guidance and suspension and permanent exclusion guidance* held in 2022, I raised concern about the use of blanket one size fits all policies, and suggested the need for policies that support flexibility in practice. In line with other studies I have been part of, I argue that 'contextual decision-making in which the background and emergence of barriers to effective progress are considered in the formulation of interventions, and enactment of policies' is needed (Tawell et al. 2020:18).

As companion pieces, the revised *Behaviour in schools guidance* (DfE 2024b) and *Suspension and permanent exclusion guidance* (DfE 2023b) do place increased emphasis on taking a contextualised approach, however as I discuss later, arguably more could be done. Based on recommendations from the *Timpson review of school exclusion* (2019) and *Review of children in need* (DfE 2019e), the revised *Behaviour in schools guidance* (DfE 2022c, updated 2024b) includes sections encouraging schools to (1) 'take account of any contributing factors that are identified after a behaviour incident has occurred' (DfE 2024b:16), (2) consider if a child's behaviour gives cause to suspect that they are suffering or likely to suffer harm, (3) make reasonable adjustments and consider alternative arrangements for sanctions on a case-

by-case basis, and (4) view disciplinary action and providing appropriate support not as mutually exclusive but as concurrent actions. The revised *Suspension and permanent exclusion guidance* (DfE 2023b) also now includes a section on preventative measures to be considered prior to permanent exclusion, including off-site directions, and managed moves. Additionally, new legislation makes clear that ‘if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH [Virtual School Head], as applicable’ and they should be invited to make representations at Governors’ Disciplinary Committees and Independent Review Panels (DfE 2023b:8). The guidance suggests that if a child is the subject of a Child in Need (CIN) Plan, Child Protection (CP) Plan or is a looked-after child (LAC) and at risk of formal exclusion, their social worker and/or the Virtual School Head (VSH) should be notified and involved as early as possible in conversations with the headteacher, Designated Safeguarding Lead (DSL), designated teacher for looked after children and parents/carers, as applicable (DfE 2023b). Finally, Ofsted’s *School inspection handbook* now includes a section which outlines that:

Inspectors will consider whether the school is developing the use of alternative strategies to exclusion and taking account of any safeguarding risks to pupils who may be excluded. Inspectors will recognise when schools are doing all that they can to support pupils at risk of exclusion, including through tenacious attempts to engage local support services. (Ofsted 2024, pt. 312)

While these are welcome amendments, the most recent school exclusion figures show that following a dip during the covid-19 lockdowns, school exclusion figures are rising once more, and the same groups continue to be overrepresented (see DfE 2023c). Moreover, recent evidence suggests that pupils experiencing extra-familial harm such as child criminal exploitation are being excluded for reasons that are strongly associated to their experiences of extra-familial harm (e.g., possession of drugs or a weapon) in the name of safeguarding others in the school (Lloyd 2024). Coupled with the findings presented in Chapter Six of this thesis,

this suggests that to truly tackle school exclusion and safeguard our most vulnerable young people, school exclusion needs to be seen as a safeguarding issue (Graham 2021; Lloyd 2024) and future guidance developed to help schools to understand the effects of extra-familial harm on behaviour and ways to safeguard young people. This is a line of enquiry that I plan to pursue in future research.

In line with findings from the *Timpson review of school exclusion* (2019), in this study, gaps in the 2017 statutory guidance were highlighted by LA officers and teachers and some practitioners suggested that there needed to be closer join-up between policies (see Chapters Five and Six). The new *Suspension and permanent exclusion guidance* makes clear that the guidance should not be read in isolation and provides a list of other key policies that it should be read alongside, including the *Behaviour in schools guidance*, *Keeping children safe in education* guidance, *Mental health and behaviour in schools* guidance and *Understanding your data: A guide for school governors and academy trustees*. In my response to the consultation on the guidance, I noted other areas where stronger links could still be made, including with the *DfE and ACPO drug advice for schools guidance* (DfE and ACPO 2012), mentioned earlier in this chapter, and with the *Fair access protocols (FAP)* guidance and *School admissions code*. As it stands the reintegration of young people post permanent exclusion is silenced in the exclusion guidance.

The study has also drawn attention to the need to explore the *policy paradoxes* and perverse incentives currently in play in the English education system and consider any unintended consequences when introducing new policy or making changes to existing policy. To achieve a reduction in school exclusion and improve the educational and life experiences of all children and young people there needs to be a shared vision and volitional desire to do so and a coherent policy agenda, shared across government departments and agencies. In this study, there was a strong suggestion that there is a need for shared responsibility over school

exclusion, however current system challenges were identified as acting as barriers to effective local, strategic, and multi-agency partnership working. To foster collective responsibility, there is a need to clarify the role of LAs, schools, multi-academy trusts (MATs) and other partners in school exclusion processes and local partnership work around inclusion, and consider how changes to current accountability systems and commissioning models may alleviate power imbalances and remove perverse incentives to exclude (see also Timpson 2019). In line with recurrent suggestions in policy and research reports (see Chapter Two), some practitioners in this study suggested that the focus on academic performance in school accountability frameworks should be balanced with a stronger focus on inclusion (see also Commission on Young Lives 2022a, 2022b; Centre for Social Justice 2024).

Future studies

The findings and limitations of this study suggest several possibilities for future research. While the findings in this study are based on observations, document analysis, and interviews with education professionals working in a single LA in England, the themes discussed highlight important factors to be explored further in larger scale studies. In order to further explore how school exclusion policy is enacted at the institutional (school) level, multiple case studies could be conducted to map how different contextual factors ‘weave together’ (Cole 1996:135) to influence formal and informal exclusion rates in different schools (types and stages) over time and in LAs with different configurations of maintained and non-maintained schools. As well as exploring the enactment of school exclusion policy across different LAs, future studies could also explore how school exclusion policy is enacted in and across different MATs. Additional theoretical tools, for example Bernstein’s (2000) work on classification and framing, could be adopted to help conduct this type of research and analysis and understand how different policy positions, discourses, and aspects of school exclusion guidance become foregrounded or

neglected within different contexts. Additionally, the factors identified could be included as items in a country wide survey, which seeks to explore what contextual factors affect school exclusion rates.

The changes made to the statutory guidance on school exclusion (DfE 2023b) also open up new lines of enquiry. In order to further interrogate school exclusion as a safeguarding issue, research is needed to (1) explore how Designated Safeguarding Leads (DSLs), social workers and Virtual School Heads (VSHs) are being involved in the school exclusion process, and (2) how schools understand safeguarding issues, including those related to extra-familial harm, and are able to work with statutory partners to reduce the likelihood of harm and ultimately avoid school exclusion. These are lines of enquiry I plan to pursue.

With the continued overrepresentation of certain groups of young people in exclusion figures, future studies should also further interrogate how structural harms (social structures which prevent people meeting their basic needs such as racism, ableism, sexism, and classism) influence the enactment of school exclusion policy and lead to systemic harms including school exclusion itself (Lloyd 2024).

Future studies could also investigate how the increased guidance around preventative measures to try before exclusion as a ‘last resort’ are mediating practice and influencing the enactment of school exclusion policy at the local level. Monitoring the use of and effects of alternatives to exclusion is another important area for future enquiry.

In this study, I have provided insight into how post-permanent exclusion placement decisions are made. As there is no set way for IYFAPs to be run, future studies may wish to explore other models and the tools used to aid placement decisions in other areas. In 2021, the national guidance on *Fair access protocols* was updated (DfE 2021b). In the updated guidance children who have been permanently excluded are specifically listed as a group who should be considered under the FAP, and the updated guidance introduced a requirement that children

placed through the FAP must now be placed within 20 school days (DfE 2021b). Future studies may wish to explore how this requirement is affecting decision-making and to what extent this requirement is being met. Future studies may also wish to focus on the outcomes of placement decisions and the enablers and barriers to successful reintegration.

Finally, in the *Implications* section, I suggested the need to develop a shared vision and shared responsibility around school exclusion. To support this, interventionist Developmental Work Research (DWR) could be conducted with key stakeholder groups to explore more effective ways of early intervention and multi-agency working to reduce school exclusion. Adopting a DWR approach would enable the researcher and stakeholders to jointly investigate current work practices, identify contradictions, and co-design new ways of working on a shared object that brings about change (Warmington 2009).

In all of the above lines of enquiry, it will also be paramount to engage with parents/carers and young people themselves to further explore processes of exclusion and how best to create a more inclusive education system.

In closing

‘Ultimately, the task of critical policy analysis is one of problematising rather than problem-solving’ (Stacey and Mockler 2024:257).

In concluding this thesis, it is my hope that alongside adding to the literature on policy enactment, school exclusion, and the fair access process, I have offered insights which provoke critical reflection from policymakers and practitioners into how school exclusion and fair access policy is being done at the chalkface, the *policy paradoxes* that practitioners are having to continually navigate and negotiate, and the issues that are seen to drive decisions to exclude including perverse policy incentives. I also hope to have opened up new avenues for research,

which in themselves will continue to problematise the ‘doing’ of school exclusion and help to work towards creating fairer and safer school systems for all children and young people.

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Appendices

Appendix A: Governors' Disciplinary Committee and Independent Review Panel recruitment and observations

As described in Chapter Two, after a permanent exclusion has been issued the governing board of the school must convene a Governors' Disciplinary Committee (GDC) within 15 school days of receiving notice of the exclusion. If the governors decide to uphold the decision, the parent/carer of the pupil has the right to request that the Local Authority (LA) or Academy Trust convene an Independent Review Panel (IRP) to review the governing board's decision to uphold, again there is a 15-day window from when the parent has received written notice of the GDC's decision for the IRP application to be made.

The tight timeframes around these processes meant that seeking approval to attend was extremely difficult. Often by the time I became aware of the permanent exclusion a few days had already passed and sometimes I did not find out about the permanent exclusion until the following IYFAP by which time the GDC had already been held or was happening imminently. Though all schools are required to submit a notification of permanent exclusion form to the LA Exclusions Team on the first day of the exclusion, academies are not required to invite a representative from the LA to the GDC. This meant that while the exclusions officers were aware of all permanent exclusions in the LA, they did not always have full details of the GDCs, at least straight away. When I did follow up with the exclusions officers about recent permanent exclusions that had been discussed at the IYFAPs, they were extremely helpful in directing me to the person to contact (often in the first instance the clerk of the panel) to request access. The only way I was able to find out about upcoming IRPs was through the exclusions officers, and again they kindly shared this information with me along with the relevant contact details. Unfortunately, the difficulties in gaining access did not end at timing. In total, I attended one

GDC, and the first half of an IRP (for a primary pupil⁴⁵). I enquired about attending 11 other GDCs, and one other IRP, but either received no response or was refused access. In one case my request was declined on the basis that the parent would not be in attendance (this was despite my consent process – see below – covering this eventuality). In another case, the GDCs had already taken place. While parents and two of the governors gave consent in a further case, I received a phone call on my way to the GDC to let me know that other members of the panel had declined and so I would not be able to attend. Finally, another school responded to say that due to the sensitive nature of the meetings it would not be possible for me to join.

In all instances, the process of gaining permission to attend involved, often with the help of the exclusions officers, contacting the clerk of the panel, the governors who would be sitting on the panel, the school (and the representatives who would be in attendance), the parents/carers, and any other parties who would be present. This usually involved contacting the key person organising the panel to first seek their approval, and to ask if they would be happy to circulate information sheets and consent forms to all attendees, aside from the parents/carers, who, again with the help of the exclusions officers, I arranged to talk to over the phone to explain the project and sent the information sheet and consent form to directly. I explained that I would only attend the GDCs/IRPs if all parties were in agreement that they were happy for me to attend. Assent would also be sought from the pupils if they were in attendance.

In the case of the GDC that I attended, the parent and pupil decided not to attend, but the parent agreed that I could. She signed and returned a consent form to me to confirm this. Before the hearing began, I spoke with each party present to check that they were happy for me to be in attendance and answered any questions they had. The governors asked me if it was

⁴⁵ While I had decided to focus on secondary school age pupils for the reasons outlined earlier in this chapter, due to the limited number of cases that get to the Independent Review Panel (IRP) stage, when an opportunity arose to attend and gain an insight into the process, I decided to take it albeit the hearing was for a primary school pupil.

essential that I audio-recorded the session. I said that I could take handwritten notes instead, and they agreed that they were happy for me to take notes but did not want to be recorded. The clerk also kindly offered to share a copy of the minutes from the GDC with me, however, after the session she contacted me to say that I would in fact need to request the minutes from the parent. I contacted the parent, and she shared the minutes with me. The exclusions officer for that area also shared with me the final decision letter and the note they had sent to be read out at the GDC.

The same process was followed for the IRP. I first contacted the clerk, who circulated my information sheet and consent form to all panel members, and I spoke with the parent about my project over the phone. She informed me that, due to his age, her child would not be attending the hearing. All parties gave consent for me to attend, but as at the GDC, they did not want the hearing to be audio-recorded, so I typed notes instead. As mentioned earlier, I only attended half of the session as on the day of the hearing I was asked to leave with the other parties before the panel made its deliberations. This meant that I was not present for the end of the session where the final decision was made. By chance, many months after the IRP and while working on another research project, I crossed paths with the Special Educational Needs and Disabilities Information Advice and Support Services (SENDIASS) representative who had supported the parent during the IRP. After our conversation that day, I contacted her to see if I could have a conversation with her about the IRP process. She agreed and subsequently directed me to speak to another of her colleagues, a former clerk of appeals, about decision-making in the IRPs.

I made hand-written fieldnotes during the GDC, and typed notes during the IRP. In the case of the GDC these notes were later compared to the minutes produced by the clerk. This helped to improve the accuracy of the recorded information. In the case of the IRP, I also contacted the chair after the IRP for clarification on one of the points he made during the

hearing, and he responded and sent me an excerpt from the guidance he had relayed to the panel. As I was only able to (partially) attend one of each panel, no firm conclusions can be drawn from the data collected and as mentioned in the *Design iterations* section, the decision was made to exclude the data from the analyses presented in this thesis.

Governors' Disciplinary Committee and Independent Review Panel information sheets and consent forms (staff and parent/carer)

UNIVERSITY OF OXFORD
 DEPARTMENT OF EDUCATION
 Address: 15 Norham Gardens, Oxford, OX2 6PY
 Supervisors: Professor Harry Daniels and Dr Rachel Condry
 Researcher: Alice Tawell (DPhil Candidate)
 Email address: alice.tawell@education.ox.ac.uk
 Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET

Ethics Approval Reference: ED-CIA-19-063

1. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools. The study hopes to answer two overarching research questions:

- How has national school exclusion policy been shaped in England since 2010?
- How is school exclusion policy recontextualised and enacted at the local and organisational level in and across different settings (Local Authority and schools)?

2. *Why have I been invited to take part?*

You have been invited because you are a [member of staff/governor at a school/will be participating in the GDC/IRP etc.] in the Local Authority being studied.

3. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you will be retracted and deleted, and will not be included in the final analysis or write up.

4. *What will happen to me if I take part in the research?*

As part of the research project, the researcher will attend relevant meetings in the Local Authority, as well as Governors' Disciplinary Committee (GDC) Hearings and Independent Review Panels (if permission is granted). If you agree to participate in the research project, the researcher will attend the [GDC hearing/IRP] being held at [School/LA offices] on [Date], and you will be asked to agree to the [hearing/panel] being audio-recorded (if appropriate) and/or notes being taken during the [hearing/panel]. All other people involved in the [GDC hearing/IRP] (including the pupil and their parents/carers) will also be asked to give their consent for the researcher to attend. The researcher will introduce the research project to you and give you the chance to ask any questions. If you are happy to take part, you will then be asked to sign a consent form.

5. *Are there any potential risks in taking part?*

There are no known risks to you taking part in this research.

6. *Are there any benefits in taking part?*

There are a number of benefits to taking part in the research, namely the opportunity to help to develop a better understanding of how national school exclusion policy is being put into practice by schools in England.

7. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you can be identified (e.g. your name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your **personal data** will be stored in a separate file. Only the researcher will have access to the data you provide.

The pupil spoken about during the GDC hearing will be given a unique identifier (ID), and all recorded information will be anonymised at source and stored securely in compliance with GDPR. At the GDC hearing the researcher will focus on the decision-making process. The pupil's name and ID number will be stored in a separate encrypted document on the researcher's password protected computer for reference only. Neither you nor the pupil or other participants at the GDC hearing will be named in any research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

8. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of

Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and participant names will be replaced with pseudonyms. In addition to her DPhil thesis, the researcher hopes to be able to publish the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

9. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Dr Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

10. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

11. *Who do I contact if I have a concern about the study or I wish to complain?*

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: REDACTED] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

Chair, Social Sciences & Humanities Inter-Divisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD.

12. *Data protection*

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest.

Further information about your rights with respect to your personal data is available from <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

13. *Further information and contact details*

If you would like to discuss the research with someone beforehand (or if you have questions afterwards), please contact:

Alice Tawell

Department of Education, University of Oxford
15 Norham Gardens, Oxford, OX2 6PY

alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET

Ethics Approval Reference: ED-CIA-19-063

1. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

2. *Why have I been invited to take part?*

You have been invited because you are a parent/carer of a pupil who has received a permanent exclusion from a school in [LA].

3. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself and/or your child from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you/about your child will be retracted and deleted, and will not be included in the final analysis or write up.

4. *What will happen to me if I take part in the research?*

The researcher will be attending Governors' Disciplinary Committee (GDC) Hearings at different schools, along with other relevant meetings within the Local Authority including Independent Review Panels. If you agree to participate in the research, the researcher will attend the [GDC Hearing/IRP] being held for your child, and you will be asked to agree to the [Hearing/Panel] being audio-recorded (if appropriate) and/or notes being taken during the [Hearing/Panel]. All other people involved in the [GDC Hearing/IRP] will also be asked to give their consent for the researcher to attend.

The researcher will introduce the research project to you and give you the chance to ask any questions. If you are happy to take part, you will then be asked to sign a consent form.

5. *Are there any potential risks in taking part?*

There are no known risks to you or your child in taking part in this research.

6. *Are there any benefits in taking part?*

There are a number of benefits to taking part in the research, namely, the opportunity to help to develop a better understanding of how national school exclusion policy is being used by schools in England.

7. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you or your child can be identified (e.g. name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your **personal data** will be stored in a separate file. Only the researcher will have access to the data that you provide/is gathered at the GDC Hearing.

Your child will be given a unique identifier (ID) and any information about them will be anonymised at source and stored securely in compliance with GDPR. At the GDC Hearing the researcher will focus on the decision-making process. Your child's name and ID number will be stored in a separate encrypted document on the researcher's password protected computer for reference only. Neither you nor your child will be named in any research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your and your child's data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you or your child will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

8. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you/the GDC Hearing in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and your name, your child's name, and the name of the school will be replaced with a pseudonym. In addition to her DPhil thesis, the researcher hopes to be able to publish

the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

9. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Dr Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

10. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

11. *Who do I contact if I have a concern about the study or I wish to complain?*

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: [REDACTED]] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

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Further information about your rights with respect to your personal data is available from <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

13. *Further information and contact details*

If you would like to discuss the research with someone beforehand (or if you have questions afterwards), please contact:

Alice Tawell
Department of Education, University of Oxford
15 Norham Gardens, Oxford, OX2 6PY
[REDACTED]
alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM (STAFF)

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my taking part in this study. I give permission for these individuals to access my data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐

11 I agree to take part in the study.

☐

Optional: I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I cannot be identified.

☐

Optional: I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies.

☐

Name of participant

dd / mm / yyyy
Date

Signature

Name of person taking consent

dd / mm / yyyy
Date

Signature

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM (PARENT/CARER)

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation is voluntary and that I am free to withdraw myself and/or my child at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my/my child taking part in this study. I give permission for these individuals to access my/my child's data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project. I understand that all information provided by/about me and my child will be anonymised.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to my child's [Governors' Disciplinary Committee Hearing / Independent Review Panel] being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐

- 11 I agree to the researcher attending my child's [Governors' Disciplinary Committee Hearing/Independent Review Panel] and accessing information relevant to the [Hearing/Panel] for use in her research project. ☐
- 12 I agree to take part in the study. ☐
- Optional:** I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I cannot be identified. ☐
- Optional:** I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies. ☐

Name of parent/carer Date dd / mm / yyyy

Signature

Name of researcher Date dd / mm / yyyy

Signature

Appendix B: LA formal invitation documents

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



[Date]

Dear [Name]

My name is Alice Tawell. I am a DPhil (PhD) candidate, and Research Officer for the Excluded Lives Research Group at the Department of Education, University of Oxford. I am writing to you to ask if your Local Authority would be interested in participating in my DPhil (PhD) research - *Enacting national school exclusion policy at the local level in England: An embedded single-case study* - which aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England, through an ethnographic case study of one LA and its constituent schools.

Having established such a good working relationship with the [Exclusions Team] at [LA] in the past, through the Excluded Lives project: *'Disparities in rates of permanent exclusion from school across the UK'*, I would welcome the opportunity to continue to collaborate with [LA] on my DPhil study.

Participation is voluntary, and all data gathered will be anonymised and securely stored to ensure confidentiality. I have attached an information sheet and consent form which contain further details about the study and what it will involve. I am hoping to commence my fieldwork as soon as possible and would be happy to discuss the logistics of this with you further.

If you are interested in participating in this study or in learning more about it, my contact details are: alice.tawell@education.ox.ac.uk / [REDACTED]. My supervisor, Professor Harry Daniels, can also be contacted via email: harry.daniels@education.ox.ac.uk or phone: 01865 274041.

Thank you for taking the time to read this letter. I very much look forward to hearing from you.
Yours sincerely,

Alice Tawell

ESRC DPhil Candidate

Department of Education, University of Oxford 15 Norham Gardens, Oxford, OX2 6PY

Tel: [REDACTED]

Email: alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET (LA)

Ethics Approval Reference: ED-CIA-19-063

1. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools. The study hopes to answer two overarching research questions:

- How has national school exclusion policy been shaped in England since 2010?
- How is school exclusion policy recontextualised and enacted at the local and organisational level in and across different settings (Local Authority and schools)?

2. *Why have I been invited to take part?*

You have been invited because you are a member of staff at the Local Authority which has been chosen for the study.

3. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you will be retracted and deleted, and will not be included in the final analysis or write up.

4. *What will happen to me if I take part in the research?*

As the research is ethnographic, it will involve the researcher locating themselves in the Local Authority for up to 12 months, with the aim of observing everyday practice and engaging with practitioners to explore how school exclusion policy is interpreted and translated within the Local Authority. This may include the researcher attending relevant meetings including, but not limited to, In Year Fair Access Panels meetings and Governing Body Hearings. If you are happy to take part in the research, you will be asked to consent to the audio-recording of meetings, and fieldnotes being taken during activities/interactions, in which the researcher is present. Additionally, the researcher may ask you to fill in a short questionnaire, and to interview you about school exclusion policy (both national and local). Interviews should take approximately one hour.

Prior to commencing the research, the researcher will arrange a meeting with all staff members who have been invited to participate in the study to talk through the study procedures and give you the chance to ask any questions. If you are happy to take part, you will then be asked to sign the consent form attached to this letter.

5. *Are there any potential risks in taking part?*

There are no known risks to you taking part in this research.

6. *Are there any benefits in taking part?*

There are a number of benefits in taking part in the research, namely, the opportunity to discuss school exclusion policy and reflect on your practice, and the potential for two-way knowledge exchange. The researcher may be able to point to helpful resources/other pieces of research being conducted in the area of school exclusion which are of interest to you, while you participate in the current research.

7. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you can be identified (e.g. your name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your personal data will be stored in a separate file. Only the researcher will have access to the data you provide.

All pupils spoken about during the meetings will be given a unique identifier (ID). The data will be anonymised at source and stored securely in compliance with GDPR. The focus of the observations is on the decision-making process, rather than the pupils themselves. The names of the pupils will only be used to track cases that are discussed over several meetings, and certain cases may be referred to during the interviews. The ID numbers and pupil names will be stored in a separate encrypted document on the researcher's password protected computer for reference only. No pupils will be named in the research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

8. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The

thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and participant names will be replaced with pseudonyms. In addition to her DPhil thesis, the researcher hopes to be able to publish the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

9. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Dr Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

10. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

11. *Who do I contact if I have a concern about the study or I wish to complain?*

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: [REDACTED]] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

Chair, Social Sciences & Humanities Inter-Divisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD.

12. *Data protection*

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest.

Further information about your rights with respect to your personal data is available from: <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

13. *Further information and contact details*

If you would like to discuss the study with the researcher beforehand (or if you have questions afterwards), please contact:

Alice Tawell

Department of Education, University of Oxford

15 Norham Gardens, Oxford, OX2 6PY

[REDACTED]
alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM (LA)

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation, and the participation of my staff, is voluntary and that I/we am/are free to withdraw at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my taking part in this study. I give permission for these individuals to access my, and the Local Authority's, data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐
11	I agree to take part in the study.	☐
		☐

12 I agree to the Local Authority participating in the study.

Optional: I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I cannot be identified.

☐

Optional: I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies.

☐

Name of participant

dd / mm / yyyy

Date

Signature

Name of person taking consent

dd / mm / yyyy

Date

Signature

Appendix C: LA information sheet and consent forms

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET (LA)

Ethics Approval Reference: ED-CIA-19-063

14. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools. The study hopes to answer two overarching research questions:

- How has national school exclusion policy been shaped in England since 2010?
- How is school exclusion policy recontextualised and enacted at the local and organisational level in and across different settings (Local Authority and schools)?

15. *Why have I been invited to take part?*

You have been invited because you are a practitioner working in the Local Authority in which the study is based.

16. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you will be retracted and deleted, and will not be included in the final analysis or write up.

17. *What will happen to me if I take part in the research?*

As the research is ethnographic, it will involve the researcher locating themselves in the Local Authority for up to 12 months, with the aim of observing everyday practice and engaging with practitioners to explore how school exclusion policy is interpreted and translated within the Local Authority. This may include the researcher attending relevant meetings including, but not limited to, In Year Fair Access Panel meetings, Governors' Disciplinary Committees, and Independent Review Panels. If you are happy to take part in the research, you will be asked to consent to the audio-recording of meetings, and fieldnotes being taken during activities/interactions, in which the researcher is present. Additionally, the researcher may ask you to fill in a short questionnaire, and to interview you about school exclusion policy (both national and local). Interviews should take approximately one hour. Prior to commencing the research, the researcher will arrange a meeting with all staff members who have been invited to participate in the study to talk through the study procedures and give you the chance to ask any questions. If you are happy to take part, you will then be asked to sign the consent form attached to this letter.

18. *Are there any potential risks in taking part?*

There are no known risks to you taking part in this research.

19. *Are there any benefits in taking part?*

There are a number of benefits in taking part in the research, namely, the opportunity to discuss school exclusion policy and reflect on your practice, and the potential for two-way knowledge exchange. The researcher may be able to point to helpful resources/other pieces of research being conducted in the area of school exclusion which are of interest to you, while you participate in the current research.

20. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you can be identified (e.g. your name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your personal data will be stored in a separate file. Only the researcher will have access to the data you provide.

All pupils spoken about during the meetings will be given a unique identifier (ID). The data will be anonymised at source and stored securely in compliance with GDPR. The focus of the observations is on the decision-making process, rather than the pupils themselves. The names of the pupils will only be used to track cases that are discussed over several meetings, and certain cases may be referred to during the interviews. The ID numbers and pupil names will be stored in a separate encrypted document on the researcher's password protected computer for reference only. No pupils will be named in the research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

21. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The

thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and participant names will be replaced with pseudonyms. In addition to her DPhil thesis, the researcher hopes to be able to publish the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

22. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Professor Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

23. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

24. *Who do I contact if I have a concern about the study or I wish to complain?*

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: [REDACTED]] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

Chair, Social Sciences & Humanities Inter-Divisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD.

25. *Data protection*

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest.

Further information about your rights with respect to your personal data is available from: <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

26. *Further information and contact details*

If you would like to discuss the study with the researcher beforehand, or if you have questions afterwards, please contact:

Alice Tawell
Department of Education, University of Oxford
15 Norham Gardens, Oxford, OX2 6PY
[REDACTED]
alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM (LA)

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my taking part in this study. I give permission for these individuals to access my data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐
11	I agree to take part in the study.	☐
Optional:	I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I cannot be identified.	☐

Optional: I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies.

☐

Name of participant

dd / mm / yyyy
Date

Signature

Name of person taking consent

dd / mm / yyyy
Date

Signature

Appendix D: In Year Fair Access Panel information sheet and oral consent forms

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET (IYFAP)

Ethics Approval Reference: ED-CIA-19-063

14. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools. The study hopes to answer two overarching research questions:

- How has national school exclusion policy been shaped in England since 2010?
- How is school exclusion policy recontextualised and enacted at the local and organisational level in and across different settings (Local Authority and schools)?

15. *Why have I been invited to take part?*

You have been invited because you are a member of staff at a secondary school [wording amended for other members of the IYFAP] in the Local Authority being studied.

16. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you will be retracted and deleted, and will not be included in the final analysis or write up.

17. *What will happen to me if I take part in the research?*

In the first stage of the research, the researcher will be located in the Local Authority and will attend relevant meetings including, but not limited to, In Year Fair Access Panel meetings and Governing Body Hearings. If you are happy to take part in the research, you will be asked to consent to the audio-recording of meetings, and fieldnotes being taken during activities/interactions in which the researcher is present. Additionally, the researcher may ask you to fill in a short questionnaire, and to interview you about school exclusion policy (both national and local) and the discussions/decisions taken within the meetings she has attended. Interviews should take approximately one hour.

The researcher will introduce the research project at the beginning of the first meeting she attends and give you the chance to ask any questions. If you are happy to take part, you will then be asked to sign the consent form attached to this letter.

After an initial period of being based in the Local Authority, the researcher will then ask two secondary schools in [LA] to participate as case study schools. If your school is selected and chooses to participate, the researcher will conduct observations of relevant activities, gather school policy documents and other demographic details, and interview key stakeholders. You may be invited to take part in additional interviews at this stage.

18. *Are there any potential risks in taking part?*

There are no known risks to you taking part in this research.

19. *Are there any benefits in taking part?*

There are a number of benefits to taking part in the research, namely, the opportunity to discuss school exclusion policy and reflect on your school's approach to school exclusion.

20. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you can be identified (e.g. your name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your **personal data** will be stored in a separate file. Only the researcher will have access to the data you provide.

All pupils spoken about during the meetings will be given a unique identifier (ID). The data will be anonymised at source and stored securely in compliance with GDPR. The focus of the observations is on the decision-making process, rather than the pupils themselves. The names of the pupils will only be used to track cases that are discussed over several meetings, and certain cases may be referred to during the interviews. The ID numbers and pupil names will be stored in a separate encrypted document on the researcher's password protected computer for reference only. No pupils will be named in the research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

21. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and participant names will be replaced with pseudonyms. In addition to her DPhil thesis, the researcher hopes to be able to publish the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

22. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Dr Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

23. *Who has reviewed this study?*

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

24. *Who do I contact if I have a concern about the study or I wish to complain?*

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: [REDACTED]] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

Chair, Social Sciences & Humanities Inter-Divisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD.

25. *Data protection*

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest.

Further information about your rights with respect to your personal data is available from <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

26. *Further information and contact details*

If you would like to discuss the research with someone beforehand (or if you have questions afterwards), please contact:

Alice Tawell
Department of Education , University of Oxford
15 Norham Gardens, Oxford, OX2 6PY
[REDACTED]
alice.tawell@education.ox.ac.uk

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



**Enacting national school exclusion policy at the local level in England: An
embedded single-case study
Researcher record of oral consent template**

Interviewee Name or Number (if anonymous participant):

Date:

Location (City / Region):

Project Explained (Yes/No):

Interview recorded, or notes taken:

Participant agreed to direct quotes? (Yes / No):

Participant agreed to quotes which would not identify them? (Yes/No):

Participant is not to be quoted at all (Yes/No):

Signature of Researcher:

(Signed in the presence of the interviewee to confirm oral consent)

Appendix E: In Year Fair Access Protocol written consent form

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM (IYFAP)

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my taking part in this study. I give permission for these individuals to access my data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐
11	I agree to take part in the study.	☐

Optional: I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I cannot be identified.

☐

Optional: I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies.

☐

Name of participant

dd / mm / yyyy
Date

Signature

Name of person taking consent

dd / mm / yyyy
Date

Signature

Appendix F: School recruitment information

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Dear [Name],

I hope this email finds you well.

I am contacting you regarding my DPhil study - *Enacting national school exclusion policy at the local level in England: An embedded single-case study* – which I introduced briefly at the [Action Group] on [Date]. Having spent a number of months based in the Local Authority offices and attending various meetings, I am now looking to recruit a number of secondary schools in [LA] to work with from [Date] as case study schools. As you have been involved in the [Action Group], I would be delighted if it were possible to continue to collaborate with you and your school.

I have attached the information sheet and consent form which I gave to you at the [Action Group]. The letter outlines what the research will involve and how the data will be stored and used. If you are happy for [school] to participate as one of my case study schools, I would like to visit on a number of occasions from [Dates]. The aim would be to observe relevant activities, gather school policy documents, statistics and other demographic details, and interview staff members, in order to try to understand how national school exclusion policy is interpreted, translated and enacted at the school level. Participation is voluntary and consent would be sought from all relevant parties. It would be very helpful if I could spend a few days getting to know your school better before I start the main research. Do you think this would be possible?

If you are interested in participating in my study or in learning more about it, perhaps we could find a time to have an initial meeting? I would be happy to come into [school] or alternatively I could give you a call.

In the meantime, if you have any questions about the study please feel free to email me, alice.tawell@education.ox.ac.uk or call on [REDACTED]. My supervisor, Professor Harry Daniels, can also be contacted via email: harry.daniels@education.ox.ac.uk or phone: 01865 274041.

Thank you for taking the time to consider my request. I very much look forward to hearing from you.

Yours sincerely,
Alice Tawell

ESRC DPhil Candidate
Research Officer for the Excluded Lives Research Group
Department of Education, University of Oxford
15 Norham Gardens, Oxford, OX2 6PY
Tel: [REDACTED]

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT CONSENT FORM

CUREC Approval Reference: ED-CIA-19-063

Purpose of Study: To understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

Please initial each box

1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation, and the participation of my staff and students, is voluntary and that I/we am/are free to withdraw at any time, without giving any reason, and without any adverse consequences or academic penalty.	☐
3	I understand that research data collected during the study may be looked at by designated individuals from the University of Oxford where it is relevant to my taking part in this study. I give permission for these individuals to access my, and my school's, data.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐
7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded.	☐
9	I understand how audio recordings will be used in research outputs.	☐
10	I give permission to be quoted directly (anonymously) in the research publications.	☐
11	I agree to take part in the study.	☐

12 I agree to my school participating in the study.

☐

Optional: I agree for research data collected in this study to be deposited in the UK Data Service Archives and made available to researchers for use in other research studies. I understand that all data will be fully anonymised so that I/my school cannot be identified.

☐

Optional: I agree for my personal data to be kept in a secure database for the purpose of contacting me about future studies.

☐

Name of participant

dd / mm / yyyy
Date

Signature

Name of person taking consent

dd / mm / yyyy
Date

Signature

Appendix G: Opt-out forms for school staff and parents/carers

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Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

PARTICIPANT INFORMATION SHEET (STAFF)

Ethics Approval Reference: ED-CIA-19-063

1. *What is the purpose of this research?*

The DPhil (PhD) study aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in England through an ethnographic case study of one Local Authority and its constituent schools.

2. *Why have I been invited to take part?*

You have been invited because the school you work for [School] has been chosen as a case study school for the above named research study.

3. *Do I have to take part?*

No. You can ask questions about the research before deciding whether or not to participate. If you do agree to participate, you may withdraw yourself from the study at any time, without giving a reason, by advising the researcher of this decision. If you decide to withdraw from the study, all information gathered from you will be retracted and deleted and will not be included in the final analysis or write up.

4. *What will happen to me if I take part in the research?*

The researcher will visit your school on a number of occasions between [Dates] and observe various activities relevant to the research study. This may include lessons, assemblies, staff meetings, staff training sessions and meetings about behaviour and exclusions. The researcher will ask your permission before attending sessions where you will be present, and will take fieldnotes during the visits. Additionally, you may be asked to take part in a short interview (approximately one hour long). The parents of the pupils in your school will also be asked if they are happy for their children to participate in the study.

5. *Are there any potential risks in taking part?*

There are no known risks to you taking part in this research.

6. *Are there any benefits in taking part?*

There are a number of benefits to taking part in the research, namely, the opportunity to discuss school exclusion policy and reflect on your school's approach to school exclusion.

7. *What happens to the data provided?*

The information you provide as part of the study is the **research data**. Any research data from which you can be identified (e.g. your name, date of birth, audio recording), is known as **personal data**. It does not include data where the identity has been removed (anonymous data). The researcher will minimise the use of personal data in the study as much as possible. The digital **research data** will be stored confidentially on an encrypted memory stick, and the researcher's password protected computer. All printed/handwritten documents/data will be stored in a locked cabinet at the University of Oxford. All of your responses will be anonymised, and your **personal data** will be stored in a separate file. Only the researcher will have access to the data you provide.

All pupils spoken about during any meetings will be given a unique identifier (ID). The data will be anonymised at source and stored securely in compliance with GDPR. The names of the pupils will only be used to track cases that are discussed over several meetings, and certain cases may be referred to during the interviews. The ID numbers and pupil names will be stored in a separate encrypted document on the researcher's password protected computer for reference only. No pupils will be named in the research publications.

All research data will be stored for at least three years after the publication of the researcher's DPhil thesis. Your data may be retained and stored for an additional period of time as necessary for the purposes of the study, and for further research.

As part of the researcher's funding requirements, where appropriate, anonymised data from the study will be deposited into the UK Data Service Archive, for use by other researchers. These data files will be encrypted using PGP – Pretty Good Privacy. All personal information that could identify you will be removed or changed before information is deposited or the results of the study are made public. If you do not wish for the information you provide to be deposited please indicate this to the researcher.

8. *Will the research be published?*

The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers and practitioners to the full text of freely available theses, thereby increasing the likely impact and use of that research.

The current research will be written up as a thesis. On successful submission of the thesis, it will be deposited both in print and online in the University archives, to facilitate its use in future research. The thesis will be openly accessible. With your permission, the researcher would like to use direct quotes from the information gathered from you in her DPhil thesis and subsequent publications. All direct quotes will be anonymised, and participant names will be replaced with pseudonyms. In addition to her DPhil thesis, the researcher hopes to be able to publish the results of the research in other academic outputs, including for example in journal articles, conference papers and book chapters.

9. *Who is organising and funding the research?*

This research is being conducted as a requirement of the degree of Doctor of Philosophy (DPhil/PhD). The research student is a member of the Department of Education at the University of Oxford and is

being overseen by two supervisors: Professor Harry Daniels (Department of Education, University of Oxford) and Professor Rachel Condry (Centre for Criminology, University of Oxford). The researcher is fully funded by the Economic and Social Research Council.

10. Who has reviewed this study?

This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: ED-CIA-19-063).

11. Who do I contact if I have a concern about the study or I wish to complain?

If you have a concern about any aspect of this study, please speak to the researcher [Alice Tawell: [REDACTED]] or her supervisor [Professor Harry Daniels: 01865 274041], who will do their best to answer your query. The researcher should acknowledge your concern within 10 working days and give you an indication of how they intend to deal with it. If you remain unhappy or wish to make a formal complaint, please contact the relevant chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter in a reasonably expeditious manner:

Chair, Social Sciences & Humanities Inter-Divisional Research Ethics Committee; Email: ethics@socsci.ox.ac.uk; Address: Research Services, University of Oxford, Wellington Square, Oxford OX1 2JD.

12. Data protection

The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.

The University will process your personal data for the purpose of the research outlined above. Research is a task that we perform in the public interest.

Further information about your rights with respect to your personal data is available from <http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/>.

13. Further information and contact details

If you would like to discuss the research with someone beforehand, or if you have questions afterwards, please contact:

Alice Tawell
Department of Education, University of Oxford
15 Norham Gardens, Oxford, OX2 6PY
[REDACTED]
alice.tawell@education.ox.ac.uk

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Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

OPT-OUT FORM (STAFF)

Ethics Approval Reference: ED-CIA-19-063

If you **DO NOT** want to participate in the above-named research study please fill out the form below and return it to the researcher (Alice Tawell) by [Date]

If we do not receive an opt-out form from you by this date, your child may be invited to take part in this study, as described in the accompanying information sheet.

I, the undersigned, hereby **DO NOT** wish to take part in the study titled: **Enacting national school exclusion policy at the local level in England: An embedded single-case study**.

Name: _____

Signature: _____

Date: _____

Name of researcher: _____

Enacting national school exclusion policy at the local level in England: An embedded single-case study



Information about a research project taking place in your child's school

[Date]

Hello

My name is Alice Tawell. I am a PhD Student at the Department of Education, University of Oxford. I am writing to you to tell you about a research project I am completing, which your child's school has agreed to take part in.

You may have seen in the news that rates of permanent exclusion from school have risen in England over the last few years. My research is investigating how schools understand and use school exclusion policy, and the factors that affect their decision-making.

What will the project involve?

I will visit your child's school on a number of occasions between [Dates] and conduct interviews with different members of staff. I will also attend staff meetings, and a number of lessons and other sessions which your child may be in. I will write notes about these meetings, lessons and sessions, which may include information about your child or conversations involving your child.

Your child's teachers will plan and run their normal lessons. The lessons will not be changed in any way for the research. Your child will not be asked to do anything that they would not normally do.

I may also talk to your child about their thoughts on school exclusion and write down their responses.

How will the collected information be stored?

All information will be stored safely and securely on a password protected laptop and memory stick. I will also maintain confidentiality consistent with current UK law. Your child's school will not have access to the information, and no one other than me, and my supervisors, will see the information. The information will be kept for a minimum of 3 years after the publication of the findings, and will then be deleted.

How will the collected information be used?

The information I collect will only be used for my research project. The results of the study will be reported in my PhD thesis (an 80-100,000 word report) which will be submitted to the University of Oxford. Once approved, the thesis will be made available online. I will send a summary of the thesis to your child's school at the end of the project, and you are welcome to see this. I may also give talks about my findings and publish the results in academic articles or book chapters.

Will my child's name be used?

No, your child, and their teachers and school, will not be named in any of the research publications or presentations.

How is this research funded?

This research is being funded by the Economic and Social Research Council.

Are there any advantages or disadvantages to my child taking part?

I hope that the findings from my research will be able to inform policy changes and work towards reducing the number of young people who are excluded from school. There are no known risks to your child taking part in the research.

Who is supervising the research?

I have two supervisors who are experienced researchers: Professor Harry Daniels and Professor Rachel Condry. They check my research on a regular basis. My research has also been approved by the ethics committee at the Department of Education, University of Oxford. My research will be conducted with care and sensitivity, and meet the strict ethical guidelines set by my university.

Does my child have to take part?

No, your child does not have to take part; it is completely up to you and your child. If you do not want your child to be involved in the research project, please fill in the opt-out consent form provided and return to [Name] by [Date] If you decide that you do not want your child to take part, I will not record any information about/from them during my visits to their school.

What if we change our minds?

If you, or your child, change your mind, that's fine, you can stop being part of the research at any time. Just let me know if you would like to do this. I will delete any information I have collected from/about your child.

How can I contact you?

If you would like to ask me anything about the research project, I would be happy to arrange a time to talk to you. To arrange a time, you can send me an email: alice.tawell@education.ox.ac.uk Or write to me:

Alice Tawell
Department of Education,
University of Oxford,
15 Norham Gardens,
Oxford,
OX2 6PY

How can I contact your supervisors?

If you would like to talk to my supervisors about my study, or if you are unhappy about any aspect of my research and would like to make a complaint, please email: harry.daniels@education.ox.ac.uk or rachel.condry@crim.ox.ac.uk

Thank you!

UNIVERSITY OF OXFORD

DEPARTMENT OF EDUCATION

Address: 15 Norham Gardens, Oxford, OX2 6PY

Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study

OPT-OUT FORM (PARENT/CARER)

Ethics Approval Reference: ED-CIA-19-063

If you **DO NOT** want your child to participate in the above-named research study please fill out the form below and return it to the school by [Date].

If we do not receive an opt-out form from you by this date, your child may be invited to take part in this study, as described in the accompanying information sheet.

I, the undersigned, hereby **DO NOT** give permission for my child to take part in the study titled: Enacting national school exclusion policy at the local level in England: An embedded single-case study.

Name of child: _____

Name of parent/guardian: _____

Signature: _____ Date: _____

Name of researcher: _____

Appendix H: Pupil leaflet

A study on school exclusion policy



Information about a research project taking place in your school

[Date]

Hello

My name is Alice Tawell. I am a PhD Student at the Department of Education, University of Oxford. I am writing to you to tell you about a research project I am completing at your school.

You may have seen in the news that rates of permanent exclusion from school have risen in England over the last few years. My research is investigating how schools understand and use school exclusion policy, and the factors that affect their decision-making.

What will the project involve?

I will visit your school on a number of occasions from [Dates] and interview different members of staff, including teachers, and the pastoral team. I will also attend staff meetings, and a number of lessons and other sessions which you may be in. I will write notes about these meetings, lessons and sessions and the things that are said.

Your teachers will plan and run their normal lessons. The lessons **will not** be changed in any way for the research and you **will not** be asked to do anything that you would not normally do.

I would also be interested to hear your thoughts on school exclusion, so may ask you about this and write your answers down.

How will the collected information be stored?

All information will be stored safely and securely on a password protected laptop and memory stick. I will also maintain confidentiality consistent with current UK law. Your school **will not** have access to the data, and no one other than me, and my supervisors, will see the data. The data will be kept for a minimum of 3 years after the publication of the findings, and will then be deleted.

How will the collected information be used?

The information I collect will only be used for my research project. The results of the study will be reported in my PhD thesis (an 80-100,000 word report) which will be submitted to the University of Oxford. Once approved, the thesis will be made available online. I will send a summary of the thesis to your school at the end of the project, and you are welcome to see this. I may also give talks about my findings and publish the results in academic articles or book chapters.

Will my name be used?

No, your name **will not** be used in any research publications or presentations. Your classmates, teachers and school **will not** be named either.

How is this research funded?

This research is being funded by the Economic and Social Research Council.

Are there any advantages or disadvantages to taking part?

I hope that the findings from my research will be able to inform policy changes and work towards reducing the number of young people who are excluded from school. The research provides an opportunity for you to give your thoughts on school exclusion. There are no known risks to you taking part in the research.

Who is supervising the research?

I have two supervisors who are experienced researchers: Professor Harry Daniels and Professor Rachel Condry. They check my research on a regular basis. My research has also been approved by the ethics committee at the Department of Education, University of Oxford. My research will be conducted with care and sensitivity, and meet the strict ethical guidelines set by my university.

Do I have to take part?

No, you **do not** have to take part; it is completely up to you and your parents/guardians. If you **do not** want to be involved in the research project, just tell me or [Name]. If you decide that you do not want to take part, I will not record any information about/from you during my visits to your school.

What if I change my mind?

If you, or your parents/guardians, change your mind about you taking part in the research, that's fine, you can stop being part of the research at any time. Just let me know if you would like to do this. I will delete any notes where you are involved in the conversation. Information about the research project has also been sent to your parents/guardians.

How can I contact you?

If you would like to ask me anything about the research project, I would be happy to talk to you. Please ask your teacher to contact me to arrange a time, or stop me if you see me around school.

Thank you for reading this information. I look forward to visiting your school!

Appendix I: Interview topic guides

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Supervisors: Professor Harry Daniels and Dr Rachel Condry

Researcher: Alice Tawell (DPhil Candidate)

Email address: alice.tawell@education.ox.ac.uk

Tel: [REDACTED]



Enacting national school exclusion policy at the local level in England: An embedded single-case study INTERVIEW TOPIC GUIDE

Research aims

1. To examine changes in school exclusion policy levers, drivers, discourses and legislative frameworks in England, since 2010.
2. To understand how national school exclusion policy is recontextualised and enacted at the local and organisational level in and across different settings (LA and schools) in England.

Research questions related to second research aim:

How is school exclusion policy recontextualised and enacted at the local level in and across different settings (LA and schools)?

- a. How does school exclusion policy (as discourse) mediate action? i.e. policy shaping practice?
- b. How does action mediate school exclusion policy (as text)? i.e. agentic practice shaping policy?
- c. What other contextual factors affect the enactment of school exclusion policy in schools?

Demographics

To begin with please can you tell me a little bit about your job role and the organisation/ school that you work for?

Name:

Job position:

Organisation:

National policy

- Which national school exclusion policy documents do you know about/have you read?
- What do you think are some of the strengths and limitation of the current national school exclusion policy in England?
- What do you think are the main drivers behind school exclusion policy in England?
- How would you describe the current view of and approach to behaviour in schools?
- What do you think is the purpose/goal of school exclusion?

LA	<i>This section is about how national school exclusion policy is translated and interpreted at the local level.</i> • How similar is the school exclusion policy in the LA to the national policy? ○ Who has played a role in interpreting and translating the national policy for the LA? • How is school exclusion policy used in your LA? ○ How would you describe your LA's stance towards school exclusion? ○ How have you adjusted to local circumstances/priorities? ○ Is the policy always used in the same way/the same procedures followed? ○ How much room do you think there is for manoeuvre? Prescriptive/flexible? • What role do you play in the school exclusion process? (Prompts: GDCs, IRPs, IYFAPs etc.) • What do you think schools' think your role/the LA's role is? • Can you tell me how you/the LA works with schools before and after a pupil is excluded? ○ At what point do you get involved/are you informed? ○ What do you expect schools to do (before they contact you)? • In previous conversations you have mentioned how you work with different teams within the LA and external agencies, can you tell me a little bit more about that? ○ Who do you work with? (SEND, children's social care, Educational Psychologists, Virtual School, Youth Offending Team, Parents, AP etc.) ○ What supports and/or constrains interagency/multi-agency working? Barriers to collaboration? ○ Do you ever find that you have a different understanding/interpretations of school exclusion to your colleagues within the LA and from the other agencies you work with? • How do you think schools/teachers use and interpret the national/local school exclusion policy? • How well do you believe schools and governors understand the law behind school exclusions?
Schools	• How would you describe the LA's policy on school exclusion? • How similar is the school exclusion policy in your school to the national (or local) policy? ○ Who has played a role in interpreting and translating the national policy for your school? • How is school exclusion policy used in your school? ○ How would you describe your school's stance towards school exclusion? ○ How have you adjusted to local circumstances/priorities? ○ When would you use a fixed period exclusion/permanent exclusion?

	○ Is the policy always used in the same way/the same procedures followed? ○ How much room do you think there is for manoeuvre? Prescriptive/flexible? ● What role do you play in the school exclusion process? (Prompts: GDCs, IRPs, IYFAPs etc.) ● What role do you think the LA play? ● [For Headteachers/Senior Leaders] Can you tell me about the last time you excluded a pupil? ○ What factors affected your decision to exclude the pupil? ○ Can you tell me about the exclusion process? What took place before and after? ● [For school staff] Can you tell me how you/your schools works with the LA before and after a pupil is excluded? ● Do you also work with other external agencies? If so, who and when would you involve them? ○ What supports and/or constrains interagency/multi-agency working? Barriers to collaboration? ○ Do you ever find that you have a different understanding/interpretations of school exclusion to your colleagues within the school and from the other agencies you work with? ● How well do you believe school governors understand the law behind school exclusions?
<i>Additional questions for embedded schools</i>	● How would you describe your school? ○ Culture ○ Leadership style ● What are the priorities in your school? ● How would you describe the behaviour in your school? ● How does the structure of your school affect your capacity to respond to pupils at risk of exclusion? What supports do you have available? Goals of supports. ● Can you tell me about your behaviour and exclusions policy(ies)? ● Who in your school would work with pupils at risk of exclusion? ● What alternatives to exclusion are used in your school? ○ How do you decide which provisions to use? ● Can you tell me about the exclusion figures for your school? ● Can you tell me about a year when the exclusion numbers were different in your school - what was different then?
<i>Factors affecting the use of school exclusion</i>	● We know that school exclusion rates have risen nationally and locally, what do you think may lie behind the rising rates? ○ What do you think are the main reasons/factors behind school exclusion? ● What factors do you think influence a school's decision to exclude? (Prompts: beliefs and values; available resources;

	culture/tradition/ethos; school governance/leadership; curriculum-assessment; incentives) • Do you think any other policies effect how school exclusion policy is used? If so, which ones and in what ways? (Prompts: Academisation (isolation), SEN Code of Practice, Assessment, Accountability...?) • Do you think schools have different approaches to school exclusion? • Can you compare a higher and a lower excluding school? What are the differences? • Do you get a sense that informal exclusions are taking place in the LA? Why might a school decide to informally exclude? • What does/would help to prevent exclusion? • Who do you think is ultimately responsible for pupils who are excluded from school?
<i>IYFAP and strategic meetings</i>	• What is the purpose of the IYFAP meetings? • How do exclusion rates for the [area] compare with the other three areas? ○ What do you think is behind the difference in exclusion numbers? • How would you describe the culture of the [area] IYFAP? • Can you compare two schools who have two different approaches to exclusion? • What is the purpose of the strategic meetings?
<i>[Action Group]</i>	• How did the [Action Group] come about? • What were the aims of the [Action Group]? • How do you think schools and other agencies are using the [framework for reducing school exclusions]? • [For those not in attendance] Are you aware of/have you used the local [framework for reducing school exclusions]?
<i>Is there anything else you would like to add that I haven't covered?</i>	

Appendix J: CUREC ethics application

CENTRAL UNIVERSITY RESEARCH ETHICS COMMITTEE (CUREC)

Form CUREC 1A Checklist for the Social Sciences and Humanities



The University of Oxford places a high value on the knowledge, expertise, and integrity of its members and their ability to conduct research to high standards of scholarship and ethics. The research ethics clearance procedures have been established to ensure the University is meeting its obligations as a responsible institution. They start from the presumption that all members of the University take their responsibilities and obligations seriously and will ensure that their research involving human participants is conducted according to the established principles and good practice in their fields and in accordance, where appropriate, with legal requirements. Since the requirements of research ethics review will vary from field to field and from project to project, the University accepts that different guidelines and procedures will be appropriate.

- Please check "[Where and how to apply for ethical review](#)" and the [CUREC flowchart](#) first to see if you need ethics approval.
- Please complete this form using a word processor and email it, together with your [supporting documents](#), to your [Departmental Research Ethics Committee \(DREC\)](#) (if applicable). If you don't have a DREC please email this form to ethics@socsci.ox.ac.uk using your official ox.ac.uk email address. **Only type-written, emailed applications will be accepted.**

SECTION A: Filter for CUREC 2 application		
This section determines whether your study raises more complex issues requiring the completion of a full application for ethical review, known as the CUREC 2 application. (Please mark 'X' in the Yes/No column.)		
1. Are research participants classed as people whose ability to give free and informed consent is in question ? (This may include under 18s (although see " competent youths "), prisoners, or adults "at risk".) Your attention is drawn to the University's Safeguarding Code of Practice and its implications for researchers involving children or adults at risk. This includes the need for the work to be risk assessed and for researchers to undertake related training. (Note: If any of your participants are aged 16 or under, answer 'Yes' here and also answer question 5 below.)	Yes ☒	No ☐
2. By taking part in the research, will participants be at risk of criminal prosecution (e.g. by providing information on drug abuse or child abuse)?	Yes ☐	No ☒
3. Does the research involve the deception of participants?	Yes ☐	No ☒
4. Does your research raise issues relevant to the Counter-Terrorism and Security Act (the Prevent duty) , which seeks to prevent people from being drawn into terrorism? Please see advice on this on our Best Practice Guidance web page .	Yes ☐	No ☒
If you answered 'No' to <u>all</u> the questions above, go to Section B . If you answered 'Yes' to <u>any</u> question above, continue to question 5 below.		
5. Is your project covered by a CUREC Approved Procedure (formerly known as "CUREC Protocols")?	Yes ☒	No ☐
If yes, give the specific Approved Procedure number(s): P15 and P25		
If you answered 'Yes' to ANY of questions 1-4, and answered 'No' to question 5, stop completing this checklist and do not submit it for ethical review . Instead, complete the CUREC 2 application form from the CUREC website, then submit that for ethical review. If you answered 'Yes' to ANY of questions 1-3, and answered 'Yes' to question 5, go on to Section B .		

SECTION B: Contact details and project description	
Contact details:	
1. Principal investigator OR supervisor (if student research) (give title and full name)	Professor Harry Daniels
2. Name of student (if student research)	Miss Alice Tawell
3. Degree programme (if student research), e.g. BA, BSc, MSc, MPhil, DPhil	DPhil in Education
4. Department or Institute name	Department of Education
5. Address for correspondence (if different from above)	Department of Education, University of Oxford, 15 Norham Gardens, Oxford, OX2 6PY
6. University (not private) e-mail address and telephone number	alice.tawell@education.ox.ac.uk
7. Name and status of others taking part in the project (e.g. third year undergraduate; postdoctoral research assistant)	N/A

Project description:	
8. Title of research project	Enacting national school exclusion policy at the local level in England: An embedded single-case study
9. List of location(s) where project will be conducted	
10. If your research involves overseas fieldwork or travel and your department requires a travel risk assessment, will you have completed and returned a risk assessment form beforehand? (This must be approved by your department before you travel. If you are travelling overseas, you are strongly advised to take out University travel insurance .) Please also address any physical or psychological risks for Oxford researchers and local fieldworkers in Section 16 below and discuss with your safety officer.	Yes ☐ No ☐ Not required in this instance ☒
11. Anticipated duration of overall research project	months or 2 years (maximum 5)
12.a) Anticipated start and end dates of the part of the research project involving human participants and/or personal data	From: (01/01/2019) To: (01/01/2021) Note: You will need ethics approval before you start your research. CUREC 1As may take up to 30 days to process. Retrospective ethics approval cannot be granted.
12. b) In the case of international or collaborative research, will you submit or have you submitted this project for ethical review or consideration	N/A Yes ☐

elsewhere (e.g. collaborator's/local ethics committee, or other local approval)?	No ☐ If 'Yes', please attach ethics or other approvals and give more details below. If 'No', please explain your reasons below. Please also refer to the Best Practice Guidance on Ethical Review of social-sciences based research conducted outside the UK (BPG 16), which includes an Ethics Issues Checklist for International Research (Appendix A)
13. External organisation funding the research (if applicable)	My DPhil is fully funded by the Economic and Social Research Council.
14. a) Title and brief description of research (about 150 words) in lay language. When describing the research, include your methodology, how you are applying professional guidelines, and the use to which results/data will be put. Please also declare any conflicts of interest here.	
Title: Enacting national school exclusion policy at the local level in England: An embedded single-case study Description: My DPhil research aims to understand how national school exclusion policy is interpreted, translated and enacted at the local level in and across different settings in England. The research will comprise of two phases. In the first phase, analysis of national school exclusion and wider education policy since the beginning of the Coalition Government period (2010 onwards) in England will be conducted. Having explored the prominent policy drivers, levers, warrants and changes at the macro-level over this period, the second phase will then involve exploring how the national school exclusion policy is enacted at the local (meso and micro) level through a broadly ethnographic, embedded single-case study of one Local Authority and a sample of its constituent schools. Research aims: RA1: To examine changes in school exclusion policy levers, drivers, discourses and legislative frameworks in England, since 2010. RA2: To understand how national school exclusion policy is recontextualised and enacted at the local level in and across different settings (Local Authority and schools) in England. Research questions: 1. How has school exclusion policy been shaped in England since 2010? a. What are the key school exclusion policy levers, drivers (including aims and values) and warrants in England? b. What are the current political discourses and legal frameworks underpinning school exclusion policy in England? c. What other policies/policy discourses interact with and influence school exclusion policies? 2. How is school exclusion policy recontextualised and enacted at the local and organisational level in and across different settings (Local Authority and schools)? a. How does school exclusion policy (as discourse) mediate action? i.e. policy shaping practice b. How does action mediate school exclusion policy (as text)? i.e. agentic practice shaping policy c. What other contextual factors affect the enactment of school exclusion policy in schools? Methodology: The research will take place over a one-year period. In the first four-five months (period has been extended), the researcher will locate herself solely in the Local Authority offices and observe In Year Fair Access Panel (IYFAP) meetings, Governing Body/Disciplinary Committee Hearings, Independent Review Panel Meetings	

as well as other relevant meetings. These meetings will be audio-recorded and fieldnotes will be written (where appropriate and consent has been sought).

A number of schools will be identified from these meetings, who will become the embedded case studies. Observations will also take place within these case study schools.

Semi-structured interviews will be conducted with different stakeholders throughout the research, including, but not limited to: Local Authority Officers, School Governors, (Deputy)Headteachers/Senior Leaders, and Special Educational Needs Co-ordinators. Documents (including school and LA school exclusion policies will also be gathered). The interviews will cover a number of general topics, including: interpretation of national school exclusion policy, conflicts/tensions between school exclusion policy and other education policies, current practice and provision, and factors that affect the enactment of school exclusion policy. The questions will be refined throughout the fieldwork, and informed by the national policy analysis, and fieldwork observations. A speculative topic guide is provided in **Appendix A**.

All interviewees will also be asked a series of demographic questions, and will be asked to fill in a short questionnaire developed by Daniels et al. (1996) to gauge the regulative discourse (Bernstein 1996) of the school/LA (see **Appendix B**). This will help to contextualise the data. During the interviews conducted with members of the IYFAP, a stimulated recall method will also be used, whereby discussions, and decisions made, within the meeting will be reflected on with the practitioners.

In the case study schools, ethnographic observations will be completed. The researcher will visit each school on a number of occasions and observe relevant activities, for example, pastoral meetings, as well as lessons in both mainstream classes and alternative provisions within the school. The focus of the observations in the classroom settings will be on behaviour management. The researcher will also gather school policy documents, statistics and other demographic details, and interview staff members, in order to try to understand how national school exclusion policy is interpreted, translated and enacted at the school level. Pupils will not be interviewed formally, but information about their interactions with teachers and other pupils may be written up, and they may engage in informal conversations with the researcher during her visits to the school. These interactions/conversations will be recorded in the form of fieldnotes.

What will happen to the results/data? The research findings will be written up in the researcher's DPhil thesis. The data may also be published in academic publications and/or presented at academic conferences. As part of the researcher's ESRC funding requirements, where appropriate, the anonymised data will be deposited into the UK Data Service Archive. Lastly, research briefings may be produced from the data for the participating LA and schools.

Professional guidelines: Whilst preparing the documentation for this research project I reviewed a number of different ethics guidelines to ensure that the study/documentation meets all of the relevant ethical standards. For example, reducing the risk of unanticipated harm to the participants, ensuring anonymity and confidentiality of data, gaining informed and written/oral consent, respecting the participants' privacy and avoiding the use of deception. The guidelines used are indicated in Section D. Additionally, I referred to information on the CUREC website. In particular, I used the consent form, and information sheet templates on the CUREC website to guide the creation of the consent forms and information sheets for this study.

There are no conflicts of interest.

14.b) Description of participants and how you will [obtain informed consent](#) to take part in the research (about 200 words in total)

1. Description of participants **and** your criteria for inclusion/exclusion

Criteria for inclusion:

Choice of Local Authority – I have chosen to conduct the current study in [removed]. As I have an established relationship with the LA and local schools/AP providers through my work on the [removed] projects, access is likely to be granted.

Choice of schools – Following the first four-five month period of fieldwork in the LA, a number of secondary schools will be selected as embedded case study sites. Attending the IYFAP meetings will allow me to gain an understanding of all of the secondary schools in [removed], and data gathered from the meetings will help me to select my sites. At present, I plan to choose two high excluding, and two low excluding school as the embedded cases. I am also considering the importance of school performance, Ofsted ratings, and locality (rural/urban). The focus will be on secondary schools, as 1. IYFAPs do not exist at the primary stage (they have recently been introduced but not in the same format), and 2. Pupils are most likely to be formally excluded in Years 9 and 10.

In ethnographic research of this kind, the researcher seeks to observe as many relevant places and interview as many people as available, therefore, it is hard to confirm an exact sample size. In terms of the IYFAP meetings, [removed] is divided into four areas, and an IYFAP meeting is held in each area every month, therefore, over my 12 month fieldwork period, I will be able to observe up to 48 meetings. All of the panel members will be invited to be interviewed (There are [removed] secondary schools and [removed] special schools with secondary provision in [removed], so this could result in [removed] interviews – though it is unlikely that all will agree). A snowballing approach will also be used to identify other relevant stakeholders (particularly in the embedded case studies).

The researcher will also attend as many Governing Body/Disciplinary Committee Hearings and Independent Review Panel Meetings as possible. All meetings that are scheduled will be potentially included in the research. The final number will depend on access and permission being granted from all attendees.

All teachers and pupils in the case study schools will be invited to participate.

2. Your method(s) of recruitment

1. Email invitations
2. Phone calls
3. Letters circulated via schools

See section 3 below for full details.

3. Your processes for obtaining consent from participants

Processes of consent:

In the first instance, I will write to the head of the Local Authority to invite them to participate in the research (see **Appendix C**). Written permission will be sought from them to conduct my ethnographic fieldwork, including attending IYFAP meetings and Governing Body Hearings (see **Appendix D**).

Through my work as a Research Assistant in the Department of Education, I have already established relationships with members of the [removed] Team at [removed], who have agreed in principle to participate. Prior to commencing the fieldwork (and having secured consent from the LA Head) I will arrange a meeting with the full team and any other relevant stakeholders to provide full details of my study. Staff members will be provided with an information letter (see **Appendix E**). Oral consent to participate will be sought from the practitioners on a recurrent basis (see **Appendices F and G**).

Before attending the IYFAP meetings, Governing Body/Disciplinary Committee Hearings and Independent Review Panel Meetings, I will ask the practitioner who convenes the meetings to consult with the panels and distribute an information letter (see **Appendix H**). At the beginning of my first observation I will explain my research to all of the panel members and seek oral consent (see **Appendices F and G**). I will assure the panel members that the fieldnotes/recordings I collect will be anonymised at source to ensure that no individual pupil can be identified. Oral consent will be sought at the start of each meeting to account for changes in membership.

Before attending Governing Body/Disciplinary Committee Hearings and Independent Review Panel Meetings, as well as contacting the practitioner who convenes the meetings to consult with the panels and distribute an information letter (see **Appendix I**), I will also work with a Local Authority officer to contact the parent(s)/carer(s). Initially contact will be made through a phone call, and then information will be sent to the parent(s)/carer(s) as follow-up (see **Appendix J**). All stakeholders will have the option to either provide written consent or oral consent (See **Appendices D, F and K**). Having both options is necessary because:

1. The parent(s)/carer(s) may not be in attendance at the meeting, but the researcher will still require their consent to attend. In this case written consent would be required.
2. Following a permanent exclusion from school, there is a 10 day window before the meeting takes place, this is quite a tight timeframe to be able to send out information and for participants to return forms. The researcher may not find out about the arranged meeting until just a few days before. In this case oral consent may be more appropriate. The phone call is therefore a critical element of the consent process, as it will be important for the researcher to explain the research so that participants are able to make an informed decision regarding their participation. Regardless of whether or not written consent forms have been completed by all parties, the researcher will explain her research again at the beginning of the meeting and ask for oral consent.

If the child who has been permanently excluded is in attendance, I will also explain the research to them and make clear to them that they can withdraw their participation at any time.

After I have identified suitable schools for the embedded case studies, I will write to the headteacher/senior leader to ask for written consent to observe relevant activities, conduct interviews with staff members, and collect documentary data in their schools (see **Appendix C and Appendix D**). Written consent will be sought from each stakeholder at the beginning of the semi-structured interviews (see **Appendix D**).

I will therefore send information sheets/leaflets and opt-out consent forms to all teachers and parents/carers (see **Appendices L, M, N and O**), and explain my research during school briefings if possible. I sought advice from [Name] on this matter. He has confirmed that opt-out consent is suitable (in line with Approved Procedures 15 and 25). Information leaflets will also be given to the pupils in the school and they will be made explicit that they can withdraw their participation at any time (see **Appendix P**). As I will be located in the school for a period of time, and do not know in advance who will be in attendance in lessons/meetings, the information sheets and consent forms will be sent to all members of the school community and their parents/carers. I will work with the safeguarding or behaviour lead in each school, who will identify a number of children who are at-risk of exclusion. I will attend the lessons these children are in, but the focus will be on the whole class and the teacher, not just the identified pupils.

Participants will be asked if they are happy for the meetings and interviews to be audio-recorded. If any member of the meetings opts out of the research, the information provided by them will not be transcribed or used during the analysis. All participants will be informed of their right to withdraw without reason from the study at any time. They will be assured of no adverse consequences of doing so. If they do decide to withdraw all data collected from them will be retracted and destroyed.

Please attach separate supporting documents (in Word) if appropriate for your research (English language versions only). Tick those you are submitting below. If appropriate supporting documents are not submitted, you will be asked to provide these separately, which may delay the ethical review process. ☒ Recruitment and advertisement material (e.g. a poster, social media recruitment text, or brief invitation letter/ email) ☒ Information for participants to read (or hear) before they agree to take part (e.g. written information or, if applicable, an outline oral information script). ☒ A document to record informed consent. Templates for written consent forms and/or oral information scripts (in case of an oral consent process) are available from the CUREC website ☒ Questions to be asked of participants (e.g. interview questions, or a preliminary scope of questions, or a sample questionnaire) ☐ (If relevant) debriefing document after participants have taken part ☐ If you feel the above approaches are not appropriate for your study, provide details on how you will obtain consent from participants ☐ Please complete section 15 if you cannot obtain informed consent
<i>Please add any further details here.</i> N/A
15. If you cannot obtain informed consent from participants according to CUREC guidelines and good practice in your discipline, please give a brief explanation and justification of this decision below. N/A
16. What are the ethical issues connected with your research and what steps have you taken to address them? Please do not answer 'none'. We need to see evidence that you have identified potential ethical issues with respect to your research and have taken steps to address them. If applicable, please address: • Participant burdens and/or risks

Risk to families/children

Exclusion from school is a sensitive issue and the exclusion process can be a traumatic experience for both children and parents/carers. Though the meetings the researcher will be attending are sensitive, the children and their parents/carers may find engaging in the research process beneficial, as their experience of the Governing Body/Disciplinary Committee Hearings and Independent Review Panel Meetings will be explored as part of the research, and may help to inform change. All parents/carers and children invited to participate in the research will be fully informed about the aims of the research and their right to withdraw at any time.

Unexpected discoveries

Being immersed in an institution for a prolonged period of time means that unexpected discoveries about that institution are likely to arise. Consequently, the original focus of the research often broadens. While I will clearly state the intentions of my research during the recruitment process, this description will ultimately be provisional. To overcome this problem, I will ensure that consent is gained from my participants on a recurrent basis as the research progresses. The principle of ethics in practice will also be adhered to, whereby conducting ethically and morally sound research is understood as a 'sustained challenge' (Scales 2012:3) and ongoing process which 'takes into account the rights, the safety, and the wellbeing of every person that is affected by the research' (*ibid*).

Informal/illegal exclusions

There is a chance that I will become aware of informal/illegal exclusions through attending the IYFAP meetings. However, one of the reasons that the meetings are hosted by the LA is to ensure that schools are held to account, and practices/decisions are challenged. Therefore, it is likely that these instances, if they do arise will be dealt with by the LA.

- Your own physical and psychological safety as a researcher or of fieldworkers you may employ (see the [University's](#) and [Social Science Division's Safety in Fieldwork guidance](#))

There are no known risks to the physical and psychological safety of the researcher.

- Data protection/ confidentiality (also see Section 18).

All recorded interviews and transcripts will be securely stored on an encrypted memory stick and the researcher's password protected laptop. Both place and participant names will be replaced with pseudonyms. Data collected from the IYFAP meetings, Governing Body/Disciplinary Committee Hearings and Independent Review Panel Meetings will also be anonymised at source (see answers to section 18 below for further details).

For more guidance on ethical issues, please see <http://researchsupport.admin.ox.ac.uk/governance/ethics/resources>

Discuss other ethical issues here

N/A

17. Will your research involve discussing sensitive issues?

This could be information relating to race or ethnic origin, political opinions, religious beliefs, physical/mental health, trade union membership, sexual life or criminal activities.

Yes ☒

No ☐

If you answered 'Yes', make sure you include some supporting information (as directed in Section 14 b.) above, showing the range of questions covering these issues.

During both the meetings that will be observed, and interviews, participants will discuss school exclusion cases, including the reasons behind the pupils being excluded. This data is sensitive in nature and will remain strictly confidential.

18. Management and handling of personal and other research data

For the purpose of completing this section, all information provided by participants is considered **research data**. Any research data from which participants can be identified is known as *personal data*; any personal data which is sensitive is considered *special category data*.

Management of [personal data](#) and [special category data](#) of human participants, either directly or via a third party, must comply with the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018, as set out in the [University's Guidance on Data Protection and Research](#). In answering the questions below, please also consider the points raised in the [Data Protection Checklist](#). For advice on research data management and security, please consult with the University's Research Data Team (researchdata@ox.ac.uk) and/or your local IT department, and the University's [web pages on research data management](#).

a.) Please mark 'X' against the data you will collect for your research

Consent records (written consent forms, audio-recorded consent, assent forms (for research involving minors) including participant name)	☒
Online consent (may be anonymous)	☐
Opt-out forms	☒
Contact details for research purposes only (destroyed when no longer needed for this research)	☒
Contact details kept for future studies	☒
Audio recordings (preferably using PIN-protected audio recorder and stored on device's hard drive)	☒
Video recordings	☐

Transcript of audio/video recordings	☒
Photographs	☐
Task results (e.g. paper/online tasks, diary completion)	☐
Questionnaire answers	☒
Field notes	☒
Other (please specify below)	☐
b.) For each of the types of data selected above, state how this will be physically transferred from where it is collected to a local secure storage site (and backed up as necessary). This includes paper records and data captured electronically. Personally identifiable data will be collected through the observations and interviews conducted and documents provided by the participating institutions. The data collected will remain strictly confidential, subject to normal legal requirements. As advised by the University of Oxford IT department, and in line with the guidance provided by CUREC/IDREC, the data will be stored securely, and in line with the Data Protection Act, on both the researcher's password protected computer and an encrypted memory stick. Digital files will be transferred to the University of Oxford's dedicated and secure network drive on the institute's server, which is backed up nightly. The transfer will be done via wired connection or using The University of Oxford's [removed] file transfer system. The files will be deleted from the portable drive at this point. All data on my laptop will be backed up regularly to an encrypted memory stick (see section e below for further details). A final round of quality checks on scripts/datasets will be undertaken prior to archiving. Data files for deposit with the UK Data Service will be encrypted using PGP – Pretty Good Privacy.	
c.) How and where will each type of data be stored during the research (until the end of all participant involvement)? Describe the arrangements for ensuring confidentiality, i.e. location of storage (e.g. Nexus 365 OneDrive for Business, SharePoint), security arrangements and de-identification of such data. Do not store unencrypted data in freely available cloud services or unprotected USB drives. Written consent forms, hand written fieldwork notes, questionnaires and printed interview transcripts will be stored in a locked cabinet at the Department of Education, University of Oxford during the study period. Following the study period, these documents will be scanned and stored on an encrypted memory stick, and on the researcher's password protected computer for up to three years after the completion of the research (see sections g and h below). Audio recordings will be immediately transferred from the researcher's Dictaphone to an encrypted memory stick. Digital transcripts and fieldnotes will also be stored on the same memory stick and the researcher's password protected computer. Only the researcher will have access to the password for the memory stick. The memory stick will be locked away at the Department of Education when not in use. Place and participant names will be replaced with pseudonyms (see section d below for further details). The data will be stored for three years following the completion of the researcher's DPhil study (latest submission date: 31/12/2021)	

d.) Will you use a unique participant number on research data instead of a participant name? If yes, state whether or not you will retain a list of participant names against numbers (i.e. pseudonymisation via a linkage list). Where will the list be stored, and when will it be destroyed? All pupils spoken about during the meetings will be given a unique identifier (ID). The data will be anonymised at source and stored securely in compliance with GDPR. A data sharing policy will be set up with the LA, so a list of all pupils who will be discussed at each meeting can be given to the researcher. The focus of the observations is on the decision-making process, rather than the pupils themselves. The names of the pupils will only be used to track cases that are discussed over several meetings, and for use during the stimulated recall interviews. The ID numbers and pupil names will be stored in a separate encrypted document on the researcher's password protected computer for reference only. All participants will be given pseudonyms, which will be used both when transcribing the data and writing up the findings. A separate list will be created matching the pseudonyms with the participant names. Like the case above, this list will be saved in an encrypted document on the researcher's password protected computer for reference only.		
e.) Who will have access to the research data? Only the researcher will have access to the personally identifiable data.		
f.) If research data is to be shared with another organisation, how will it be transferred / disclosed securely? N/A		
g.) When and how will identifiable data (including audio/video recordings & photos) be destroyed or deleted? Note: Records of consent should be retained for a minimum of three years after publication or public release. Some funders may require longer periods (see http://www.dcc.ac.uk/resources/policy-and-legal/overview-funders-data-policies). If you wish to retain contact details in order to re-approach participants about future studies, you must detail this in information provided to them and obtain specific consent for this. The personally identifiable data will be destroyed three years after the researcher has completed her DPhil study. The encrypted memory stick storing the data will be reset thereby deleting all digital data files. Paper copies of any fieldnotes/transcripts will be shredded through the University's confidential data shredding service. A statement has been included on the written consent forms (see Appendices D and K) asking participants if they are happy for their contact details to be retained, and for them to be contacted regarding future studies.		
h.) Please confirm that you will store other research data safely for at least 3 years after final publication or public release and adhere to any additional research funder policies. For more information about the University policies, please see the University's web pages on research data management.		Yes ☒ No ☐
If 'Yes', please give details of who will store the data and on storage format, location and security. Note that open science is encouraged. If 'No', please provide further details below.		
Other research data will be stored safely on an encrypted memory stick and the researchers password protected computer for three years after the study. All data will be anonymised and remain confidential. All paper copies of information collected during the study will be locked in a secure cabinet at the Department of Education, University of Oxford. The data will also be backed-up on the University of Oxford's dedicated and secure network drive on the institute's server (see answer to question 18b).		
i.) Does your research involve the use of secondary (i.e. previously collected) data? Common sources of secondary data include censuses, information collected by government departments, organisational records and data that was originally collected for other research purposes		Yes ☒ No ☐

(If "No", please go to section 19.)			
j.) Do you have data access agreements for the use of this secondary data? (If so, please attach these.)		Yes ☐	No ☒
k.) Is your use of this secondary data compatible with what data subjects/participants agreed that their data should be used for?		Yes ☒	No ☐
l.) Could this data be linked back to an individual or individuals? If yes, address how securely any personally identifiable data will be transferred to you, and where and for how long it will be stored during or after the research. Who will have access to it?		Yes ☒	No ☐
Data source: Local Authority Exclusion Figures Yes, the data provided will include school names. The data will be sent to the researcher using the secure/encrypted data transfer software [name removed]. Once the data has been received, the schools will be given unique identifiers and the names will be removed from the dataset. A master copy of names and corresponding ID numbers will be saved separately and stored on an encrypted memory stick, and only the researcher will have access to the document. The Local Authority have agreed in principle to the researcher accessing the data, but a formal data agreement may need to be created.			
19. Publication and dissemination of research data			
How will you disseminate and feedback project outcomes at the end of the research?	The research findings will be written up in the researcher's DPhil thesis. The data may also be published in academic publications and/or presented at academic conferences. As part of the researcher's ESRC funding requirements, where appropriate, the anonymised data will be deposited into the UK Data Service Archive. Lastly, research briefings may be produced from the data for the participating LA and schools.		

SECTION C: Methods and procedures to be used	
Method used: Please ensure you have addressed any potential ethical issues related to these methods in Section 14 and in your Participant Information Sheet	Please mark 'X'
1. Analysis of existing records	☒
2. Snowball sampling (recruiting through contacts of existing participants)	☒
3. Use of casual or local workers e.g. interpreters	☐
4. Participant observation	☐
5. Covert observation	☐
6. Observation of specific organisational practices	☒
7. Participant completes questionnaire in hard copy	☒
8. Participant completes online questionnaire or other online task	☐
9. Using social media	☐
10. Participant performs paper and pencil task	☐
11. Participant performs verbal or aural task (e.g. for linguistic study)	☐
12. Focus group	☐
13. Interview	☒
14. Audio recording of participant (you will generally need specific consent from participants for this)	☒
15. Video recording of participant (you will generally need specific consent from participants for this)	☐
16. Photography of participant (you will generally need specific consent from participants for this)	☐
17. Others (please specify below)	☐

SECTION D: Professional guidelines and training		
1. In this section, please mark 'X' against at least one of the following professional guidelines you aim to adhere to. You should use the principles listed in your chosen guideline(s) in conducting your own research. Note: this is not an exhaustive list.		Please mark 'X'
Research specialism/ methodology	Association and guidance document	
Anthropology	Association of Social Anthropologists of the UK and Commonwealth	☐
Computer Sciences	ACM Code of Ethics and Professional Conduct	☐
Criminology	http://www.britisoccrim.org/ethics/	☐
Education	British Educational Research Association Ethical Guidelines for Educational Research	☒
Geography	Association of American Geographers Statement on Professional Ethics	☐
History	Oral History Society of the UK Ethical Guidelines	☐
Internet-based Research	British Psychological Society: Conducting Research on the Internet Association of Internet Researchers Ethics Guide ACM Code of Ethics and Professional Conduct Also see our Best Practice Guidance on internet-based research	☐
Law (Socio-Legal)	Socio-Legal Studies Association: Statement of Principles of Ethical Research	☐
Management	Academy of Management's Professional Code of Ethics	☐
Political Science	American Political Science Association (APSA) Guide to Professional Ethics in Political Science	☐
Politics	Political Studies Association. Guidelines for Good Professional Conduct	☐
Psychology	British Psychological Society Code of Ethics and Conduct	☐
Social Research	Social Research Association: Ethical Guidelines	☐
Sociology	The British Sociological Association: Statement of Ethical Practice	☒
Visual Research	ESRC National Centre for Research Methods Review Paper: Visual Ethics: Ethical Issues in Visual Research	☐
Other professional guidelines. Please specify the other guidelines used here:		☐
2. Please indicate what training in research ethics (or research methodology) the researchers involved with this study have received, e.g. the title of the course and date completed (online training available at http://researchsupport.admin.ox.ac.uk/support/training/ethics), or discussions between researchers and supervisors, if applicable. The researcher has received ethics training as part of her undergraduate degree in Sociology at the University of Bath, and master's training at the Department of Education, University of Oxford. In addition to this, she has worked as a Research Assistant on a number of projects at the Department of Education, University of Oxford and is fully conversant with the ethical procedures and guidelines of the University of Oxford. Additionally, the researcher has a DBS check and is registered on the DBS Update Service. She has also completed safeguarding training through the Oxfordshire Safeguarding Children's Board. Before conducting the research, the researcher will also complete the University of Oxford's, Research Integrity: Social and Behavioural Sciences online course.		

SECTION E: Signatures or email endorsements (The SSH IDREC Secretariat accepts either option below. If you have a DREC, check which signature option it prefers.)

- **Option 1:** Email confirmations from a University of Oxford email address can be accepted. Separate emails should come from each of the relevant signatories as outlined below, indicating acceptance of the relevant responsibilities. **Pasted images of signatures cannot be accepted.**
- **Option 2:** Handwritten (wet-ink) signatures. Please scan them and the rest of the checklist pages to create a single PDF document and email to us.

Please ensure this checklist is signed by:

For staff research:	For student research:
1. Principal investigator	1. Principal investigator (project supervisor)
2. Head of Department (or nominee)	2. Head of Department (or nominee)
	3. Student researcher

1. Principal Investigator signature/supervisor signature (if student research)

I understand my responsibilities as [principal investigator](#) as outlined in the CUREC glossary and guidance on the CUREC website.

I declare that the answers above accurately describe the research as presently designed, and that a new checklist will be submitted should the research design change in a way which would alter any of the above responses so as to require completion of CUREC 2 (involving full scrutiny by an IDREC). I will inform the relevant IDREC if I cease to be the principal investigator on this project and supply the name and contact details of my successor if appropriate.

Signature (or email endorsement using the above declaration):

Print name (block capitals): ...PROFESSOR HARRY DANIELS..... **Date:** 12/12/2019.....

2. Departmental endorsement signature

I have read the research project application named above. On the basis of the information available to me, I:

- (i) consider the principal investigator to be aware of her/his ethical responsibilities in regard to this research;
- (ii) consider that any ethical issues raised have been satisfactorily resolved or are covered by relevant professional guidelines and/or CUREC approved procedures, and that it is appropriate for the research to proceed (noting the principal investigator's obligation to report should the design of the research change in a way which would alter any of the above responses so as to require completion of a CUREC 2 full application);
- (iii) am satisfied that: the proposed project design and scientific methodology is sound; the project has been/will be subject to appropriate [peer review](#); and is likely to contribute to existing knowledge and/or to the education and training of the researcher(s) and that it is in the [public interest](#).

Signed by Head of Department or nominee (example nominees for student research include the Director of Graduate Studies/ Director of Undergraduate Studies):

Signature (or email endorsement using the above declaration):

Print name (block capitals): **Date:**

3. Student signature (if student research)

I understand the questions and answers that have been entered above describing the research, and I will ensure that my practice in this research complies with these answers, subject to any modifications made by the principal investigator properly authorised by the CUREC system.

Signature by student (or email endorsement using the above declaration):

Print name (block capitals): ...ALICE TAWELL..... **Date:** 12/12/2019.....