

**Children, Young People and Education Committee**  
**Inquiry into Education Otherwise than at School (EOTAS) provision**  
**January 2020**

1. The NASUWT welcomes the opportunity to submit written evidence to the Children, Young People and Education (CYPEC) committee inquiry into school funding ahead of the oral evidence session on 5 February 2020.
2. The NASUWT is the largest teachers' union in Wales representing teachers and school leaders.

**GENERAL COMMENTS**

3. The NASUWT notes that in its submission to this Inquiry ESTYN set out that:

*'In January 2019, there were 2,286 pupils in Wales receiving their education through EOTAS provision... half of these pupils were not on roll at a maintained school and they received their education solely through EOTAS provision. Almost 44% of pupils whose main education is other than at school were enrolled at pupil referral units, 14% in independent schools and 11% in further education. About 14% were in receipt of individual tuition and almost 2% were awaiting provision or not currently in provision.*

*Many of the pupils who attend EOTAS have either been excluded from mainstream education or are at risk of exclusion ...largely because of challenging behaviour associated with social and emotional behavioural difficulties.'*<sup>1</sup>

**Levels of financial support available**

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<sup>1</sup> Estyn evidence to the National Assembly Children, Young People and Education Committee, EOTAS 03  
<http://senedd.assembly.wales/mgConsultationDisplay.aspx?id=359&RPID=1518989776&cp=yes>

4. The NASUWT is clear that the funding, resourcing and organisation of education should reflect its status as a human right and a public good.
5. The human rights dimension of education is about ensuring that every individual child and young person can achieve, succeed and be the best person they can be.
6. Children and young people with special needs and placed in EOTAS provisions are among the most vulnerable members of the community. Meeting their needs and ensuring their rights are respected is a hallmark of any civilised society.
7. Arrangements need to ensure that all children educated otherwise than in specified settings can access their legal entitlement to benefit from a broad, balanced, relevant and engaging education provided in a safe and caring environment.
8. Local authorities have a duty to ensure that all children receive an education suitable to their age, ability, aptitude and any special educational needs they may have.
9. It is essential that it also takes full account of their fundamental rights, as confirmed in Article 29 of the United Nations Convention on the Rights of the Child, to an education 'directed to the development of [their personalities], talents and mental and physical abilities to their fullest potential'.<sup>2</sup>
10. The public good dimension of education is about recognising that a high-quality education system generates benefits that go beyond those that accrue to the individual. Public education is established, in large part, to secure important social, economic, cultural and civic benefits for the wider community.
11. NASUWT has many members across Wales working the dedicated workforce in EOTAS, home tuition, PRUs and other alternative provision.

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<sup>2</sup> UN General Assembly (1989). *Convention on the Rights of the Child*. Art. 29, United Nations, Treaty Series, vol. 1577, p. 3. Available at: (<http://www.refworld.org/docid/3ae6b38f0.html>),

The NASUWT remains clear that high-quality education requires the deployment of appropriately qualified, trained and supported teachers.

12. Evidence obtained by the NASUWT and casework undertaken by the Union has highlighted that many teachers working in these services are poorly paid. In some cases, such as home tutors this amounts to 'zero hour contracts', where staff are not paid for travel and go unremunerated if pupils assigned to them do not attend or are not at home at the appointed times.
13. To meet the needs of the service adequate levels of overall funding and resources must be made available. The NASUWT remains clear that current levels of resourcing for special and additional needs, of EOTAS services and PRUs in Wales are not adequate and need to be increased as a matter of urgency.
14. It is necessary to recognise in this context the years of underinvestment in per-pupil funding that has blighted education provision across Wales, the reduction in special schools, PRU and EOTAS provision, including home tuition and Children and Adolescent Mental Health Services (CAMHS), which has resulted in a postcode lottery in terms of access to such specialist provision, and the demanding and sometimes harrowing nature of the work involved at the point of delivery within these specialist areas.
15. Because resources to provide public goods will always be scarce, it is important that they are used efficiently so that they maximum benefits for learners and their teachers.
16. Evidence from a comprehensive survey of teachers and headteachers undertaken by the NASUWT in 2018 confirms that in many cases, the resources made available to support special and additional needs are inadequate. These concerns centre on at least four key issues:
  - the overall sufficiency of special and additional needs funding;
  - how resources are allocated between local authorities;

- how available resources are distributed between, and within, schools; and
  - the extent to which the organisation of the education system promotes the efficient use of resources.
17. It is also evident that demands on high need resources continue to increase.

### **Support available for pupils at risk**

18. The NASUWT maintains that the focus on the quality of the curriculum available and the difficulties in providing a full curriculum within EOTAS provision across the sector is an argument of both convenience and political expediency, as the approach seeks to shift responsibility onto those at the point of delivery rather than addressing the fundamental issues of the sufficiency of funding, the adequacy of staffing levels and expertise, and the lack of access to, and availability of, appropriate and relevant continuing professional development (CPD) for those working in this highly demanding sector.
19. There are cases where pupils have forfeited their right to remain at a particular school because they present a danger to staff and/or other pupils, and/or their continued presence at the school would prejudice the education and life chances of other pupils.
20. If schools continue to believe that there are grounds to seek the exclusion of pupils in such cases, they must proceed using the statutory process.
21. Local authority EOTAS provision, if available, should be sourced if a school considers that the service that can be provided, including home tuition, placement in a PRU and access to CAMHS, is in the best interests of the pupil in need and those of the other pupils at a school.
22. The Union is clear that the educational merits of such placements, in relation to the individual needs of vulnerable learners and those of other mainstream pupils, including the health, safety and welfare of pupils and the education workforce in mainstream schools, and, for that matter, in

'Alternative Provision', must be the over-riding factors in determining access to such provision, rather than a narrow focus on the pursuit of inclusion in mainstream education and/or the associated costs of appropriate placements.

### **Responsibilities and accountability**

23. The NASUWT continues to have significant concerns about the dismantling of previous systems and structures designed to facilitate multi-agency working between children and young people's services.
24. In circumstances where the quality of inter-agency partnership working is poor or non-existent, wasteful duplication of provision by different services is evident. The lack of co-ordination between services too often results in the omission of critical provision, particularly that related to early intervention, resulting eventually in increased costs, as well as adverse consequences for children and young people, that result from a failure to ensure support and care at the earliest possible stage.
25. Lack of inter-agency co-ordination results in ineffective decisions about how available resources should be deployed. In addition, the relatively low level of joint commissioning in many localities results in the availability of less, but more expensive, provision available to meet children and young people's needs.
26. In the clear majority of cases, single local authorities are too small to organise and provide efficiently the often complex and expensive range of services required to meet the full range of special and additional needs that children and young people may present.
27. Many local authorities are dependent, often for historical reasons, on out-of-authority residential provision, much of which is located in the independent and non-maintained sectors.
28. It is essential to recognise that the teachers and other staff that work in such settings have high levels of skill and experience and have a critical role to play in meeting some of the most complex needs that children and young people can present. The NASUWT is clear that there is an

important role for residential special and alternative provision within the context of a genuinely inclusive education system.

29. However, local authorities are often required to secure out-of-authority or residential places on a traded service basis, in which fees and other costs are unregulated and are the subject of bilateral negotiations.
30. It is evident that there can be significant variation between different providers in the fees they charge for comparable places. There is also evidence that individual providers charge different fees to different local authorities for the same provision.
31. An education system that operates on the basis of principles that reflect the importance of the public service ethos would encourage, and expect, schools to collaborate in the interests of all local children and young people. Current models of accountability and school organisation militate against achievement of these aims as a deliberate intention of policy. As with other forms of collaboration, schools working together, sharing resources and expertise, can generate the most efficient and coherent use of scarce resources.
32. However, systems and structures in place to promote collaboration between schools are not effective. Current incentives in the system and the responses of many schools to these incentives, lead to circumstances in which schools are liable to act self-interestedly rather than in the interests of all children and young people in their local area.
33. The current school accountability regime prompts some schools to focus on ensuring that they can secure a pupil population that will maximise their chances of meeting externally-established measures of effectiveness based on pupil assessment outcomes. This approach leads to schools seeking to exclude, off-roll or fail to admit pupils with special and additional educational needs, leaving others in the system, including other schools, to ensure that these needs are met.

34. Although outside the scope of this current inquiry, the NASUWT notes that some schools continue to pressurise parents of children with special educational needs and disabilities to home educate.
35. The NASUWT has therefore welcomed proposals by the Welsh Government to reform the accountability system in Wales.
36. Nevertheless the Union has significant reservations regarding the involvement of the regional consortia in fostering collaborative and partnership working with local schools.

### **Support for EOTAS pupils and Professional Development support for staff**

37. A comprehensive survey of teachers working with pupils with special and additional educational needs and in alternative provisions undertaken by the NASUWT in 2018 underlines the scale of the issues. In particular, more than two-thirds of teachers reported that they never, rarely or only sometimes receive the support they need to teach pupils with special and additional needs effectively. Teachers also report that staffing and support for SEN have reduced, while access to special and alternative needs-related training and support has also declined.
38. The survey also highlighted the implications for the workforce of inadequate allocation of resources to meet special and additional needs at school level.
  - Support for learners has decreased in the last five years.
  - Learners who do not have a Statement of ALN or Individual Development Plan (IDP) struggle to access specialist support.
  - Some external agencies are adopting strategies to control or limit the number of learners who are assessed and who receive support. 'Inclusion' is open to interpretation, meaning that there is often lack of clarity around thresholds for support.
  - More than two thirds of teachers report that they never, rarely or only sometimes receive the support they need to teach learners with ALN effectively.

- In the last five years, specialist teaching and support-staffing posts have been cut.
- The demands on the roles of ALNCOs have increased, with many reporting that their general teaching responsibilities have also increased.
- Teachers are not always equipped with the knowledge, skills and expertise to meet the needs of learners with ALN. Increasing pressures and workloads, including those arising from other education reforms, have consequences for teacher morale, teacher wellbeing and teacher retention.

### **Training and CPD**

- Many respondents report significant difficulties accessing high-quality, effective ALN-related training or CPD. In particular, class teachers struggle to access ALN-related training or CPD.
- Many teachers report that they undertake training/CPD outside the working day.
- There is enormous variation in the quality of training/CPD.
- Almost three quarters of respondents who received ALN -related training or CPD in the last two years received just one day or less in total.
- Most training/CPD is delivered by a member of school staff. Local authorities are still a major provider of CPD/training but, increasingly, schools are obtaining CPD/training from consultants and private providers. This is often expensive and there are concerns that programmes are 'glitzy' rather than focused on what teachers need.

### **Abuse and violence**

39. In the case of ALN teachers and teachers working in special schools, alternative provision, PRUs and EOTAS centres, many have raised concerns that abuse and violence is seen as 'part of the job'.



- Well over half of teachers have experienced physical assault. Almost all ALN teachers report that they experience low-level disruption and three quarters report experiencing verbal abuse.
- In some schools, teachers are told that physical assault and other abuse is 'part of the job'.
- Some SEN teachers report that staff are hit, spat on and verbally abused on a daily basis.