

Exclusion of Black Pupils: Priority Review

Getting it. Getting it right.

September 2006

Introduction

- In November 2005 the Department's High Level Group on Race Equality identified exclusions of Black pupils as a priority area for action.
- It was decided that a PMDU-style Priority Review should be undertaken by the Ethnic Minority Achievement Unit (EMAU) with support from the London Challenge Team and overseen by Peter Wanless.
- In preparation for the Priority Review:
 - senior officials undertook visits to organisations that work with those who have been excluded from schools, and had face-to-face conversations with excluded Black young people;
 - a literature/statistical review was compiled by the Schools Analysis and Research Division;
 - conversations with key opinion formers and stakeholders in this area were undertaken.
- In February 2006 a Review Team (comprised of officials, Headteachers, representatives of LAs and the National Strategies and other stakeholders) met for three days, including visits to two schools, to discuss the issue and identify possible solutions.

The Migrant Experience:

From High Hopes to Low Expectations.

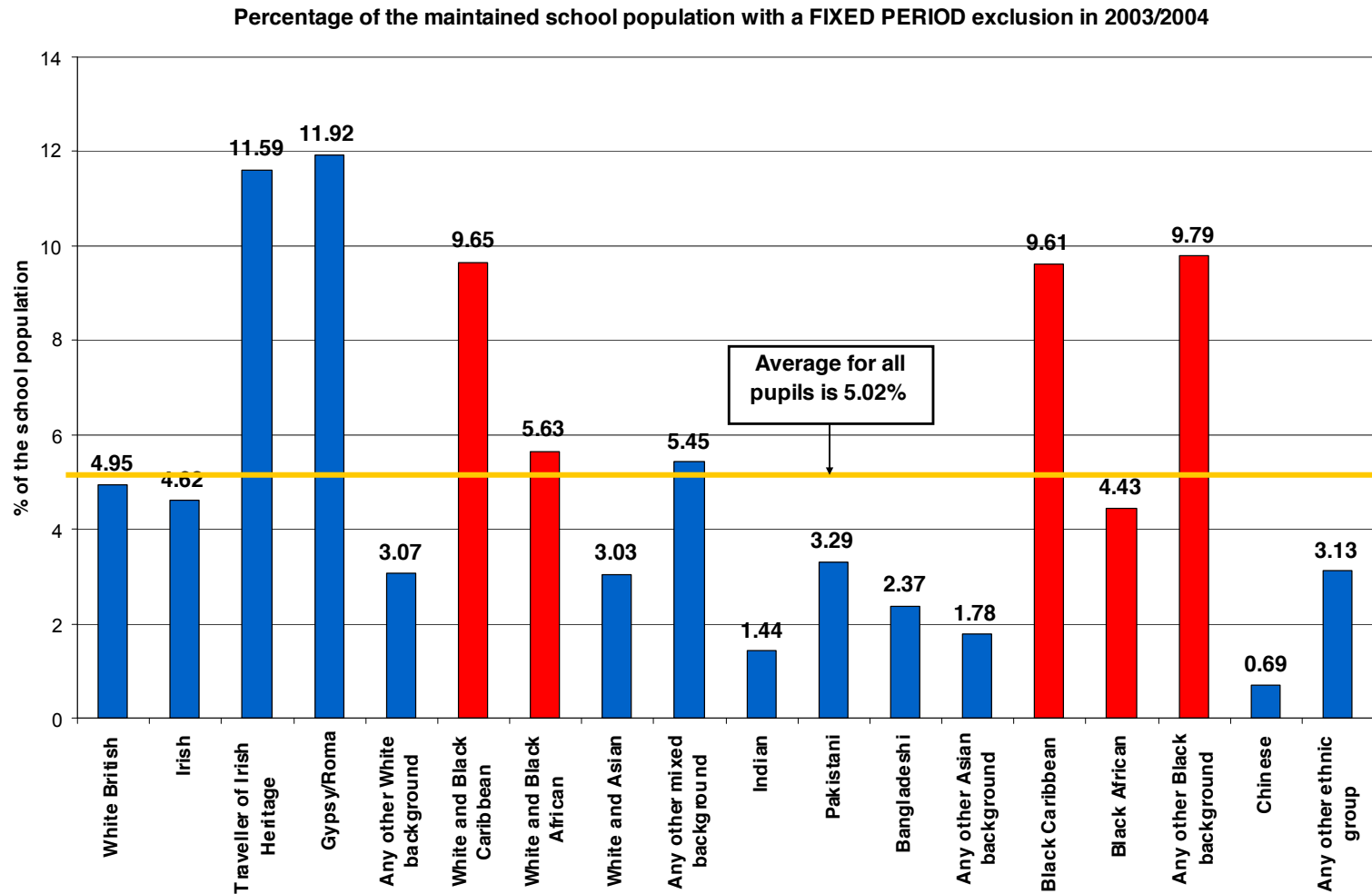
- In the 1950s and 60s, tens of thousands of Black people came to Britain from the former British colonies in the Caribbean and Africa. Most of Britain's Black population consists of these migrants and their descendants.
- The majority of these migrants (particularly those from the Caribbean) came to fill low-paid jobs in industries such as manufacturing, communications, transport and healthcare, where there was a labour shortage. However, social histories recount that they came with greater aspirations for their children and that many hoped that by settling in the UK, they would secure a better education for them.
- The reality of British education for migrant children was in stark contrast to the high hopes of their parents. They faced open racism from staff and other pupils, discrimination in teacher assessment and culturally biased testing, and were frequently excluded from the mainstream after being deemed 'Educationally Sub-Normal' [Coard 1971]
- Whilst overt racism (at least on the part of staff) is now unusual in schools, discrimination against the grandchildren and great grandchildren of the early Black migrants persists in the form of culturally unrepresentative curricula and low expectations for attainment and behaviour on the part of staff. Many argue that the disparity in exclusion rates for Black pupils (the "exclusions gap") is a modern manifestation of the same process that saw so many Black pupils classified as 'Educationally Sub-Normal' in the past.

A point of clarification

- To avoid confusion, it should be made clear at this point that the focus of the Priority Review was flexible.
- The most acute manifestation of the problem we looked at is the disparity between permanent exclusions from secondary school of Black Caribbean boys and those for other pupils. Consequently, this manifestation of the “exclusions gap” was the main focus for the Priority Review.
- However, since the disparity is reflected (to a greater or lesser extent) in permanent exclusions rates for Black African and Black Other groups, Black girls, and Black pupils in primary schools, and also in the rates of fixed-period exclusions, the Priority Review also considered the issues surrounding the main focus.
- For the most part, this paper refers generally to the “exclusions gap”. This should be read as concerning the disproportionate exclusion rates for Black pupils, with a particular focus on permanent exclusions from secondary school of Black Caribbean boys.

The exclusions gap

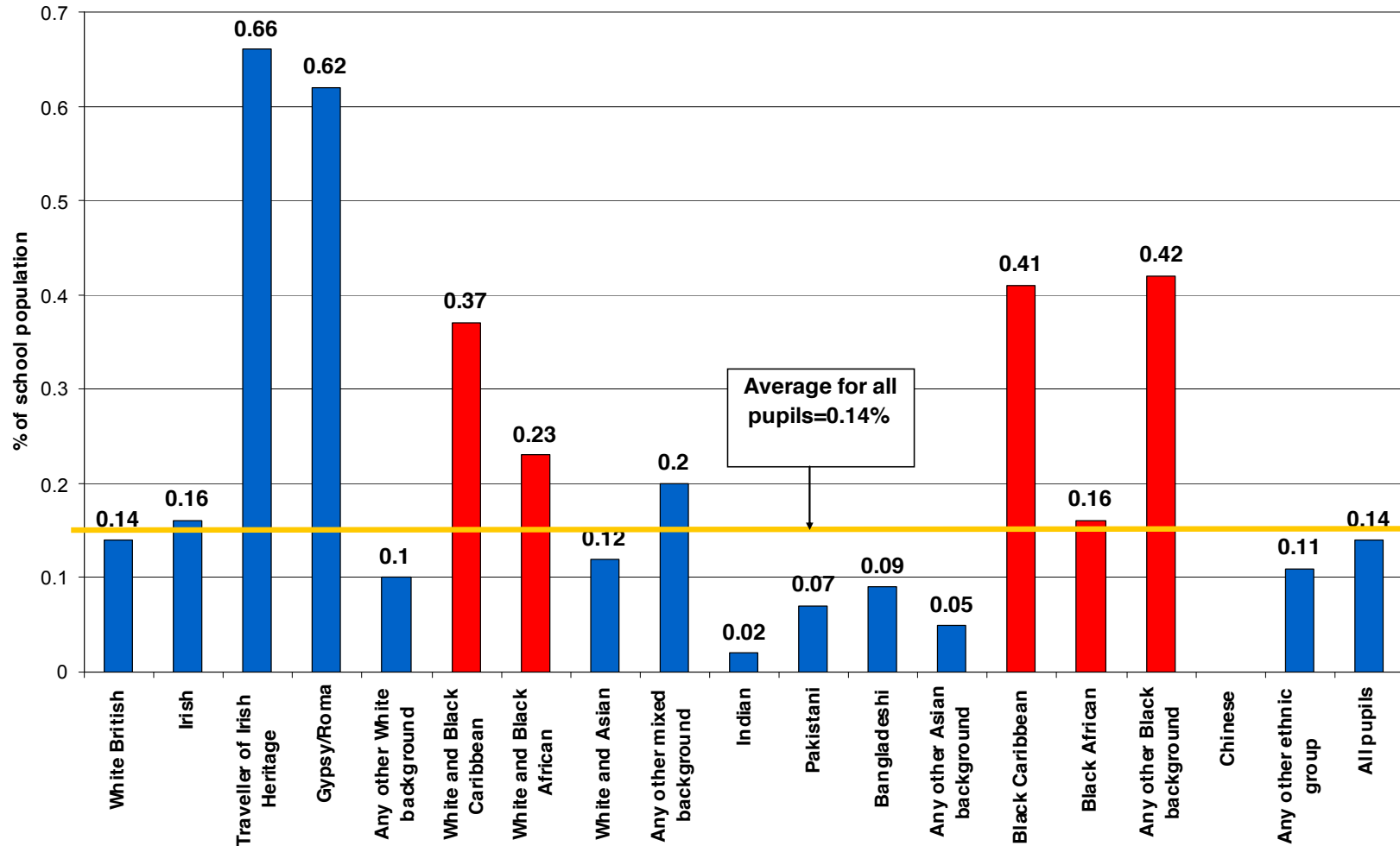
- Rates of exclusion are much higher for Black young people than for any other groups apart from Traveller groups



Total Black FT Exclusions = 24,830

The exclusions gap

Percentage of the maintained school population
with a PERMANENT exclusion in 2003/2004

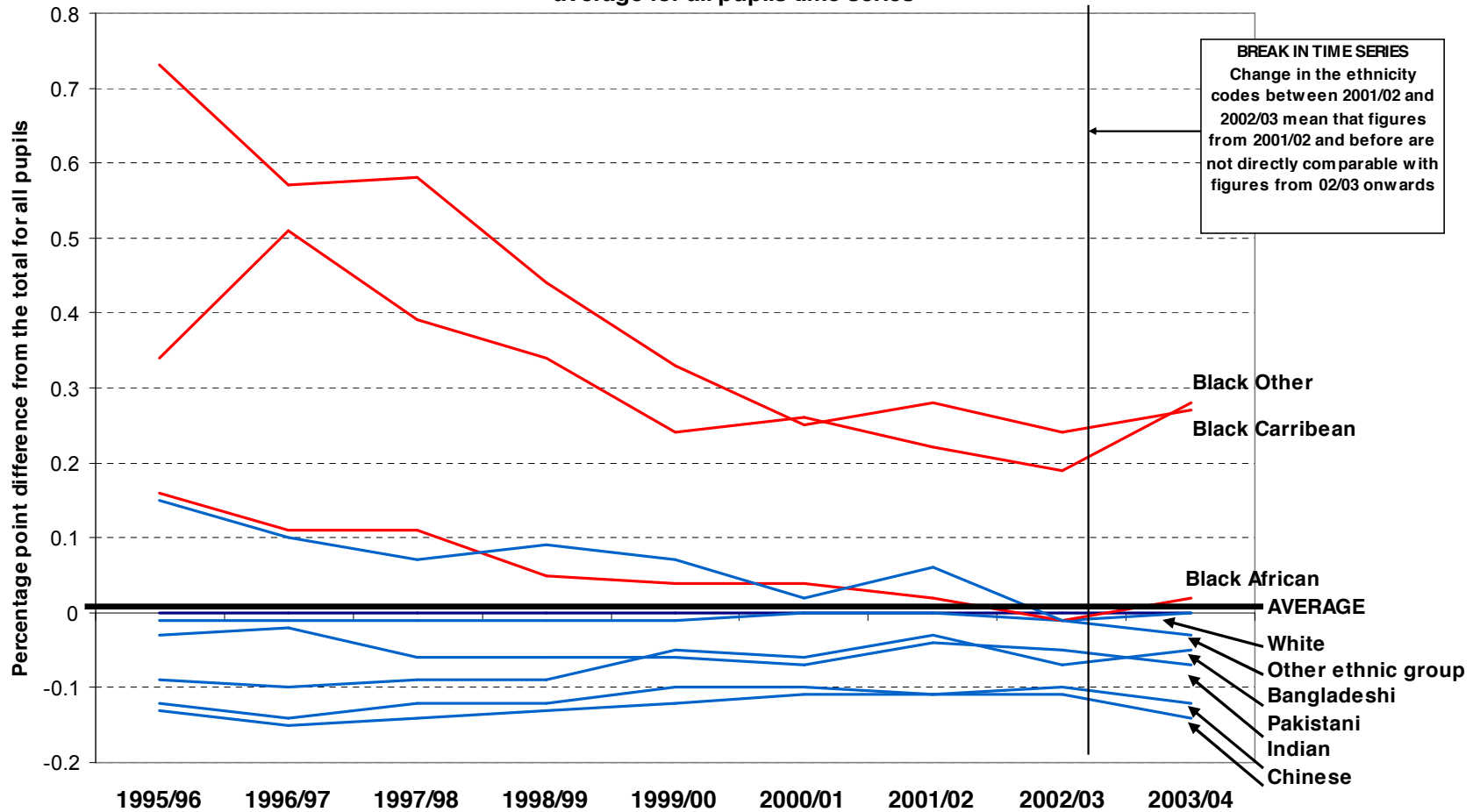


Total Black perm Exclusions = 1,000

The exclusions gap

- Between 1995 and 2000 there was a decline in exclusions, and the gap between exclusion rates for Black pupils and others closed significantly. However, the gap persists and shows no sign of disappearing. In fact, since 2000, the proportion of Black pupils excluded has increased, and more rapidly than for any other group.

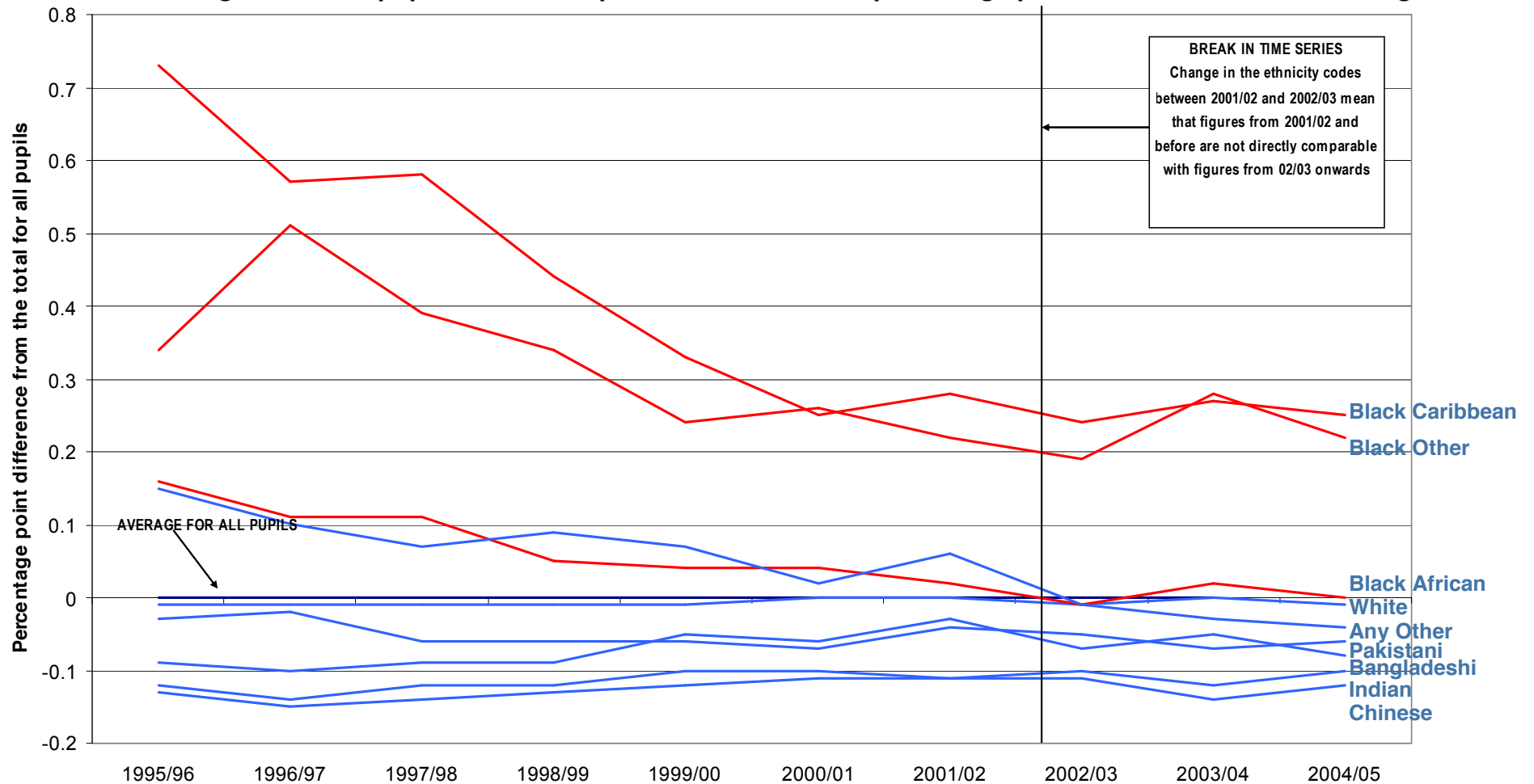
Percentage of school population with a permanent exclusion: percentage point difference from the average for all pupils time series



The exclusions gap

- Between 1995 and 2000 there was a decline in exclusions, and the gap between exclusion rates for Black pupils and others closed significantly. However, the gap persists and shows no sign of disappearing. In fact, since 2000, the proportion of Black pupils excluded has increased, and more rapidly than for any other group.

Percentage of school population with a permanent exclusion: percentage point difference from the average



The exclusions gap

- When considering the quantitative data on exclusions, it is important to note the large body of qualitative and anecdotal evidence for the existence of “unofficial exclusions” – instances where schools use other methods than official exclusion to get pupils off the roll (eg. persuading parents to remove them from school), or where they simply do not report exclusions. It has been argued that official exclusions data mask a wider unofficial exclusions gap, and perhaps that decreases in official exclusions mask increases in unofficial exclusions.

Why is there an exclusions gap?

- In 2004, a DfES-commissioned study reported that Black Caribbean pupils are **3 times** more likely to be excluded from school than White pupils.
- When FSM and SEN were taken into account, Black Caribbean pupils were still **2.6 times** more likely to be excluded from school than White pupils.
- Also, excluded Black pupils are less likely to fit the typical profile of excluded White pupils (such as having SEN, FSM, longer and more numerous previous exclusions, poor attendance records, or criminal records or being looked after children). [Ofsted, Parsons et al.]
- **This evidence challenges the assumption that racial inequalities in education are merely a reflection of socio-economic inequalities in society. It makes a compelling case for the existence of an “X-factor”, related to ethnicity, which explains the exclusions gap.**
- It also supports what academic commentators [Blair, Gillborn, etc.], qualitative researchers and Black communities have been saying for over 20 years: that the education system treats Black pupils differently from others.
- Whilst there is much common ground, the academic opinion on this subject diverges in its emphasis. Some commentators focus on **in-school factors** (policy and practice in schools and the wider education system that produce different exclusions rates outcomes for Black and White pupils despite similar behaviour), whilst others focus on **out-of-school factors** (issues in the wider community, which cause Black pupils to behave worse or differently).

Why is there an exclusions gap?

A focus on **in-school** factors

- The argument for focusing on in-school factors maintains that schools exclude Black pupils in circumstances where they would have been less likely to exclude a White pupil [Gillborn *et al*, Majors, etc.]. It maintains that the exclusions gap is due to **institutional racism** – decisions made by schools and their staff which have the cumulative effect of producing a racist outcome.
- This discriminatory behaviour in schools is not said merely to manifest itself at the point of exclusion. Reference is made to a wealth of qualitative evidence which suggests: that Black pupils are disciplined more frequently, more harshly and for less serious misbehaviour than other pupils; that they are less likely to be praised than other pupils; that this differential treatment by school staff can be observed very early on in a child's education; and that such a differential approach is likely to be unwitting on the part of teachers.
- It is argued that this unintentional racism stems from long-standing social conditioning involving negative images of Black people (particularly Black men), which stereotype them as threatening. Such conditioning is reinforced by the media portrayal of Black 'street culture'. It encourages school staff to **expect** Black pupils to be worse behaved and to perceive a greater level of threat and challenge in their interactions with individual Black pupils.
- Using this analysis, it is possible to explain the statistical evidence that Black pupils are more likely to be excluded for violent incidents. Whether to classify a pupil's actions as 'violent' is necessarily a subjective decision, and such a disproportionality is entirely consistent with perceptions of Black pupils as more threatening.
- Commentators who support a focus on in-school factors tend to argue either that Black pupils do not exhibit 'culturally different' behaviours (ways of walking, talking, dress), or that such behaviours are only relevant to the question of the exclusions gap in that schools fail to accommodate cultural difference, and infer an unintended threat from such behaviours (due to their subconscious negative expectation of Black pupils). In the conversations with stakeholders comparisons were drawn with 'White' methods of sub-cultural expression (eg. Goths), which are seen as strange and different but not met with the same hostility by teachers.

Why is there an exclusions gap?

A focus on **out-of-school** factors

- The argument for focusing on out-of-school factors maintains that Black pupils, particularly boys, are subjected to influences outside school which cause them to behave more aggressively in school [Sewell, etc.]. On the face of it, this view is supported by the statistical evidence that Black pupils are most likely to be excluded for “violence against a pupil” (whilst other groups are most likely to be excluded for “persistent disruptive behaviour”) and more likely than average to be excluded for “violence against a member of staff”.
- It is argued that the populist portrayal of young Black men suggests only one cultural type to aspire to. The portrayal of images heavily dominated by the experience of Black Americans has encouraged growing levels of aggression and a view that violence is a product of poverty and disempowerment. Such cultural factors have encouraged young men to posture aggressively as a means of ‘getting respect’ and resolving conflict. This is seen as symptomatic of the search for a new Black masculinity, a breakdown of community consciousness in Black communities, an acute sense of social exclusion and victimisation by mainstream society, a lack of positive male role models due to high rates of absentee fathers and the positive portrayal of violence in ‘Black’ cultural media.
- Disaffected Black boys, it is argued, have a tendency to engage negatively with schools in comparison to disaffected White boys, who disengage from the system through truancy, etc.
- It is not the case that proponents of a focus on **out-of-school** factors always deny the existence of institutional racism. However, they maintain that the education system must actively offer alternative lifestyle choices to the anti-academic ‘street culture’ that Black boys find so persuasive.

Why is there an exclusions gap?

Drawing conclusions

- It should be reiterated that there is much shared ground between the proponents of the two schools of thought.
- For the most part, proponents of a focus on out-of-school factors do not oppose the simultaneous development of solutions to in-school factors.
- Similarly, proponents of a focus on in-school factors are keen for schools to recognise cultural differences, provided that this is put in the context of the need for schools to respond positively to these differences. However, the adoption of an out-of-school focus is seen as problematic for the following reasons:
 - Whilst a compelling case can be made for the existence of “institutional racism” in schools, there is a comparatively weak evidential basis for arguing that ‘street culture’ has a *more* persuasive influence on Black young people than it (or any other anti-academic youth culture) has on other young people. Out-of-school factors might explain the background to many individual exclusions, but it is harder to demonstrate their contribution to an exclusions *gap*.
 - Any government acceptance (or perceived acceptance) of the view that out-of-school factors are the major cause of the exclusion gap would involve implying that Black boys are more likely to be excluded because they are worse behaved than other children. This would be regarded by many as a racist viewpoint.
 - The promotion of the view that cultural factors in Black communities are to blame for bad behaviour in schools (a “deficit model”) is likely to be used to legitimise both overt and subconscious racist perceptions of Black young people.
- **Any strategy to address the exclusions gap will need to be backed up by a clear picture of the causes. Both in-school and out-of-school factors seem to make a contribution to the picture of Black exclusions. However, in seeking a solution to the exclusions gap, a focus on out-of-school factors has very real drawbacks (lack of an evidence base, risk of locating the problem with Black communities and thereby excusing inaction by the system). Consequently, a focus on in-school factors seems preferable.**

The issue

- Traditionally, exclusions have been the yardstick by which Black communities have judged the success (or the failure) of the education system. Whilst Black commentators are often keen to stress that the exclusions gap is the tip of an iceberg – a symptom of widespread discrimination through the system – they have highlighted it as an iconic issue. For Black communities, exclusions are to education what stop-and-search is to criminal justice.
- In 2002 the Mayor of London held a conference, *Towards a Vision of Excellence: London Schools and the Black Child*, which was attended by over 1000 Black parents and other stakeholders. A survey of attendees confirmed the status of exclusions as a key issue.

What issues are most important for different groups?



The issue

Why does this issue matter so much to Black communities?

- Racial inequalities in the education system do not just mirror the inequalities in society, they entrench them, passing them on to another generation. In the words of Black commentator Bernard Coard (2004):
“Discriminatory provision of education to different classes or ethnic or other groups within a society is... the single most powerful tool for subjugating and marginalising those who are denied any, or inferior education.”
- Exclusion from school represents the most stark and absolute denial of education. Even with the best efforts to improve provision for excluded pupils, the continued existence of the exclusion gap means that Black pupils are disproportionately denied mainstream education and the improved life chances that go with it.
- The iconic status of this issue for Black communities cannot be ignored if we are to honour our White Paper *"Higher Standards, Better Schools for All - More Choice for Parents and Pupils"* (2005) commitment to “ensure that every school receives advice and support to meet the aspirations of BME parents and pupils”.

The issue

Why should it matter to Government?

- Exclusion from school is widely recognised as a driver for wider social exclusion. It is highly correlated with unemployment and involvement in crime. In the words of Martin Narey, Director General of HM Prison Service (2001):

“The 13,000 young people excluded from school each year might as well be given a date by which to join the prison service some time later down the line”
- The clear message of the literature is that, to a significant extent, the exclusions gap is caused by largely unwitting, but systematic, racial discrimination in the application of disciplinary and exclusions policies. Many cite this as evidence of Institutional Racism. The Department has a legal duty to eliminate such discrimination under the Race Relations (Amendment) Act 2000.
- There are wider implications of not tackling this discrimination, of tolerating its existence in the education system. In addition to the exclusions gap, commentators have pointed to numerous examples of where unintentional, systematic discrimination has produced differential outcomes for Black pupils.
 - **Example: The Foundation Stage Profile.** Under the old Baseline Entry tests, Black pupils significantly *outperformed* their White peers. When the teacher-assessed Foundation Stage Profile replaced these tests the pattern was reversed [Gillborn].
 - **Example: Gifted and Talented.** Research into the roll-out of the G&T strand of Excellence in Cities showed that Black pupils were up to **5 times less likely** than White pupils to be identified as G&T*. [Gillborn]
 - Looking at these examples, it is hard not to conclude that teachers underrated the ability of Black pupils due to the same sub-conscious stereotyping of Black pupils that contributes to the exclusion gap.
- **The exclusion gap is the most obvious manifestation of an effect that seriously threatens to undermine the Department’s efforts to extend opportunity to all children and learners. Left to its own devices, the system will conclude that Every Child Matters, but that Black children’s failure and social exclusion is to be expected – that they matter a little bit less. Personalisation could empower Black pupils to fulfil their true potential, but not whilst teachers’ view of the person is conditioned by subconscious prejudice.**

* The Gillborn quote on G&T has been drawn selectively from the findings of the 'Minority Ethnic Pupils and Excellence in Cities: Final Report' (INFER 2005). The real picture is more complex. The report went on to say that differences were much less marked for Year 9 students in 2002 and, by 2003, Black African pupils were the highest proportion within EiC G&T populations.

Why does the exclusions gap persist?

Availability of Best Practice examples?

- Some schools have acted to reduce their exclusions gap. The Priority Review team discussed and observed some of the successful approaches that have been developed by schools, and which represent **best practice** in the area.
- Best practice in schools tended to be characterised by the following features:
 - Strong leadership on race equality and behavioural issues from senior management.
 - Effective use of data and IT to: track the progress of individual pupils through the disciplinary process; identify those at risk of exclusion at an early stage; analyse trends by ethnicity; and identify weaknesses in the application of behaviour polices by staff.
 - Proper training on race equality for staff and making new staff aware of the needs of the individual ethnic groups in the schools through the induction process.
 - ‘Restorative’ and ‘preventative’ approaches to behaviour management that seek to mediate the root causes of conflict rather than simply punishing, accompanied by a sense that exclusion is undesirable, a last resort and, to some extent, a failure on the part of the school.
 - Active and continuous involvement of pupils in shaping the school rules and disciplinary process, allowing them to have input on its fairness and appropriateness to different ethnic groups of pupils. Measures such as pastoral mentors, counsellors and advocates to ensure that individual pupils have a voice in the disciplinary – and, if necessary, the exclusion – process.
 - Involvement of Black parents and communities in shaping the school community (for example, at key points such as when pupils start secondary school). Effective communication with parents about standards for behaviour, and early involvement of parents as partners in the disciplinary process.
- Much of this best practice has been known about for a long time, and there seems to be no reason why it should not be applied to all schools. However, it has not spread sufficiently despite the fact that the exclusions gap has been a key issue for Black communities for over 30 years. **It would seem that a lack of identifiable best practice is not a significant barrier to tackling the exclusions gap. There is no “secret” as to what works.**

Why does the exclusions gap persist?

Sufficient legislative base?

- Since the Race Relations (Amendment) Act 2000 came into force, section 71(1) of the Race Relations Act 1976 has required schools, LAs and the Department to “have due regard to the need” to:
 - eliminate unlawful racial discrimination;
 - promote equality of opportunity between different racial groups; and
 - promote good race relations between different ethnic groups.
- The CRE’s Statutory Code of Practice advises schools on how they might meet this general duty as well as the specific duties imposed on them by the Race Relations Act 1976 (Statutory Duties) Order 2001.
- The Code specifically mentions the need to assess the impact of behaviour, discipline and exclusion policies on different ethnic groups. It suggests that, to meet their duties under the Act, schools should make effective use of data and involve minority ethnic pupils, parents and communities in policy making, consulting them about their needs and opinions.
- It has been suggested that this represents the strongest and most far-reaching race relations legislation applied to schools anywhere in the world.
- **It follows that the failure of some schools to address their exclusions gaps is not due to the lack of a sufficient legislative base. In fact, it seems that schools which have not adopted the best practice identified in this area are likely to be in breach of their duties under the Act.**

Why does the exclusions gap persist?

The Race Relations policy context

- Despite the existence of identified best practice in schools and a set of seemingly strong legislative requirements, national policies have, to date, failed to eliminate the exclusions gap.
- A number of factors have militated against the success of these policies, even those that were successful in their wider aims, such as the policies that produced the reduction in exclusion rates in the late 1990s. They include:
 - The marginal status of Race Equality in schools and the wider education system.
 - A general tendency towards “one size fits all” approaches, which do not recognise issues specific to sub-groups of the pupil cohort.
 - An assumption that universal policies (eg. those targeted at exclusions *per se*, or those targeted at socio-economically deprived groups) will deliver equal outcomes for all ethnic groups.
 - The same “Institutional Racism” that is a cause of the exclusions gap, manifesting itself in the attitudes of organisations and individuals who do not see the exclusions gap as a problem.
- Perhaps the key factor, and one that is highly related to all the other factors, has been the marginal status of Race Equality.

Getting it.

The Marginal status of Race Equality.

- Race equality has traditionally existed as a minority issue on the margins of mainstream policy and practice, regarded variously as desirable but tangential to core business, important but somebody else's problem and politically correct nonsense. Those charged with promoting race equality have often found themselves on the periphery of their organisation attempting to influence things from the outside [Blair].
- In common with other organisations, the response of many schools and LAs and parts of the DfES to the requirements of race equality legislation has ranged from grudging minimum compliance to open hostility. In fact, it has been suggested by some commentators [eg. Gillborn] that schools have been comparatively poor at embracing the most recent wave of legislative measures.
- The CRE's *Evaluation of the Public Duty to Promote Race Equality and Good Race Relations* (2003) painted a concerning picture of the response by schools to their new duties under the Race Relations (Amendment) Act 2000.
 - Schools were significantly less likely to respond to the CRE's survey than other public authorities.
 - Of those that responded, more than half had not identified clear goals or targets for improvement.
 - Only 65% of schools that responded believed that race equality work had produced positive benefits, compared with 74% in criminal justice and policing, 80% in HE and 89% in central government.
 - Respondents working in education were least likely to express a need for further guidance.
- Gillborn speculates that this response reflects a feeling amongst schools that they are too busy responding to the existing range of targets and priorities to see race relations as important.

Getting it.

Implications for future progress.

- Despite overwhelming evidence of unequal outcomes, the response of many organisations when asked about race equality is: “we treat everybody the same”. Whether they are motivated by indifference, complacency or a mistaken belief that recognising ethnic difference is inconsistent with affording equal value to all people, such ‘colour-blind’ approaches act as a major barrier to progress in promoting substantive (as opposed to just formal) race equality.
- In terms of race equality, individuals and organisations can broadly be categorised as either **those that ‘get it’**, or **those that ‘don’t get it’**. A risk inherent in any policy to tackle racial inequalities is that those that ‘get it’ will act on the policy (if they are not doing so already), whilst those who ‘don’t get it’ will view the policy as an unfair/pointless/bureaucratic burden and will respond by:
 - completely ignoring it;
 - attempting to deflect requests for action by stating what existing action and policy might be deemed relevant to addressing inequalities;
 - complying with minimum requirements to ‘show willing’ rather than thinking through what would actually be required to reduce or eliminate inequalities; or
 - objecting to the policy because it requires accepting that there are different ethnic groups with different needs.
- **Those schools that ‘get it’ are already taking their statutory responsibilities seriously, have already identified the exclusions gap as a problem and have already sought out examples of best practice to inform their own approaches.**
- **The main barrier to an effective closing of the exclusions gap is the need to engage the co-operation of those schools who have not ‘got it’ yet.**

Getting it.

Where are we now?

- Black Caribbean pupils significantly more likely to be permanently excluded - 3 times more likely than White pupils.
- Still 2.6 times after controlling for FSM and SEN.
- Black pupils are: routinely punished more harshly, praised less and told off more often.
- Black Caribbean pupils 1.5 times as likely as White British pupils to be identified with behaviour related SEN types.
- Under Baseline Entry tests, Black pupils *outperformed* their White peers at the start of school. Observation-based Foundation Stage Profile reversed this pattern.
- Black pupils are disproportionately put in bottom sets.
“Whilst many teachers... believed setting to be based solely on ability, data indicated that African Caribbean pupils were sometimes relegated to lower sets due to their behaviour, rather than their ability.” (Source: Aiming High evaluation)
- Black pupils are only 0.3 times as likely to be on NAGTY’s register of Gifted and Talented pupils as the average.
- 22% of NQTs described their course as “poor” at preparing them to teach pupils from minority ethnic backgrounds. Only 35% rated their courses as “good” or “very good” in this respect, compared to 60% when asked about teaching pupils of different abilities. (Source: TDA 2005)

The cost of inaction

- Every year 1000 Black pupils are permanently excluded and nearly 30,000 receive a Fixed Period Exclusion.
- On average, these pupils will:
 - be one third less likely to achieve 5 A*- C at GCSE;
 - be 3% more likely to be unemployed;
 - experience a reduction of £36,000 in lifetime earnings;
 - be more likely to commit crimes, commit serious crime and to re-offend;
 - be more likely to smoke, drink and take drugs.
- These costs, both to the individuals excluded and to society, are difficult to quantify without further research, and it is difficult to say to what degree exclusion is a causal factor.
- However, the experience of those on the front-line tells us that the disproportionate exclusions for Black pupils impact on their performance as a group: too many Black pupils are missing out on school because they have been excluded.

“While BME pupils have made significant improvements in the last year, the progress of African Caribbean and Dual Heritage pupils is detrimentally affected by the disproportionate amount of exclusions”

An urban LA in Yorkshire

Getting it right.

Our Vision

A system where personalised learning empowers Black pupils to fulfil their true potential. Where our view of acceptable outcomes for Black pupils is not biased by subconscious prejudice.

Our Aim

To close the exclusions gap.

Although the exclusions gap is symptomatic of wider institutional problems, we have the opportunity to use it as an effective 'way in'.

Tackling the gap is a good place to start. We have the opportunity to act on an issue that has always been of key importance to Black communities, but which the system plays down. This in itself represents a shift in the way we approach race equality.

Our Objectives

Instead of warm words, we **can** make a real difference for those Black pupils who are worst failed by the system. Our analysis of the problem suggests that with the right targeted interventions we could expect a **significant closure of the gap by 2010.**

1. We give the exclusions gap the same weight as Black communities.

2. School leaders and staff are equipped with the knowledge and understanding to deliver.

3. Compliance mechanisms challenge failure to address exclusions gaps.

Getting it right.

1. System gives the exclusions gap the same weight as Black communities.

- In order to raise the stakes, we will undertake a **campaign**, aimed at all teachers and headteachers, which will:
 - discuss the way the system treats Black pupils, **NOT** just the exclusions gap;
 - set out our vision for the system;
 - make links between failure on the exclusions gap and wider issues such as the RRAA, the Standards agenda, personalisation and ECM;
 - give the exclusions gap and behaviour management issues centre stage within the wider context of the campaign;
 - tell the story, making effective use of media to communicate the human impact of the gap;
 - link our message with 'credible external' supporters;
 - explain how schools can do better for their Black pupils;
 - explain how a fairer deal for Black pupils will produce a fairer deal for all.
- Target the **20 LAs** where we have the greatest concern about the exclusions gap (in terms of size of gap and numbers of Black pupils). The gap would be raised in APA priority meetings with these LAs with an expectation of significant closure of the gap in each LA by 2010.

Fine tuning our message

- The Department's message about the exclusions gap must be challenging if it is to avoid either: (a) falling prey to the pressures that have marginalised other race equality policies; or (b) being 'drowned out' by the range of other, more 'mainstream' requirements that the Department makes of schools. **The way we phrase our message is crucial.**

KEY DECISION: Using the R-word

- Many commentators have cited **Institutional Racism** in schools and the education system as a cause of the exclusions gap.
- By this they mean that decisions made by people, who themselves may not be consciously racist, have the unintentional and cumulative effect of producing a racist outcome (one that has a disproportionately negative impact on one or more ethnic groups).
- Properly understood, Institutional Racism is not such a "scary" thing for an institution to admit to. Admitting its existence is merely an acceptance that the institution is subject to the same sub-conscious conditioning as the rest of society. However, in the public arena it is a highly charged term.
- Should the DfES use this term in guidance we issue, or should we use a term that has less inflammatory potential?
 - There is a risk that the use of the term "racist" will be read out of context – as implying that overt racism on the part of individual school staff is responsible for the disparity. Staff who believe that they are being accused of overt racism are likely to: (a) assume the message does not apply to them; or (b) quickly take offence and refuse to engage with the message.
 - Conversely, it could be argued that, in the words of the Macpherson Report, institutional racism "persists because of the failure of the organisation openly and adequately to address its existence and causes by policy, example and leadership". Perhaps an inflammatory term is needed to tackle the complacency and intransigence that has led to the existence of institutional racism in the education system.
- **If we choose to use the term "Institutional Racism", we need to be sensitive to the likely reception by schools.**
- **Similarly, if we choose not to use the term, we will need to make sure that the tone of our message remains sufficiently challenging.**

Getting it right.

2. School leaders and teachers are equipped with the knowledge and understanding to deliver.

- We will identify 100 schools to receive support through the National Strategies, using a formula that combines both: the disproportionality in Black exclusion rates over a 3-year period; and absolute numbers of Black pupils excluded. Evidence suggests that these schools are responsible for much of the exclusions gap.
- The National Strategies intervention will contain the following strands, targeted at key points on the timeline to exclusion:
 - improving systems for managing behaviour within the school so that exclusion is used only as a last resort (this could build on the existing Conflict Management materials);
 - work at the **primary/secondary transition** (such as summer schools) with a pastoral focus;
 - a main focus on addressing disengagement in **Year 8** (again, existing materials might be used here);
 - intensive support to ‘turn-around’ pupils **at risk of exclusion**.
- To ensure that our gains in the 100 schools are embedded sustainably throughout the system, we will:
 - work with NCSL to create a **module for NPQH** covering the impact of judgement and discretion on pupil outcomes, including a focus on race equality;
 - work with TDA to ensure that **ITT** providers give greater priority to these issues, and improve their record on preparing teachers for a diverse classroom as measured by NQT Survey;
 - target support from the National Strategies Behaviour field force in the 10 LAs and encourage greater synergy between the Inclusion field force;
 - develop guidance and support the development of materials for all schools to access covering issues of behaviour, exclusion and disengagement in a race aware manner.

Guaranteeing compliance

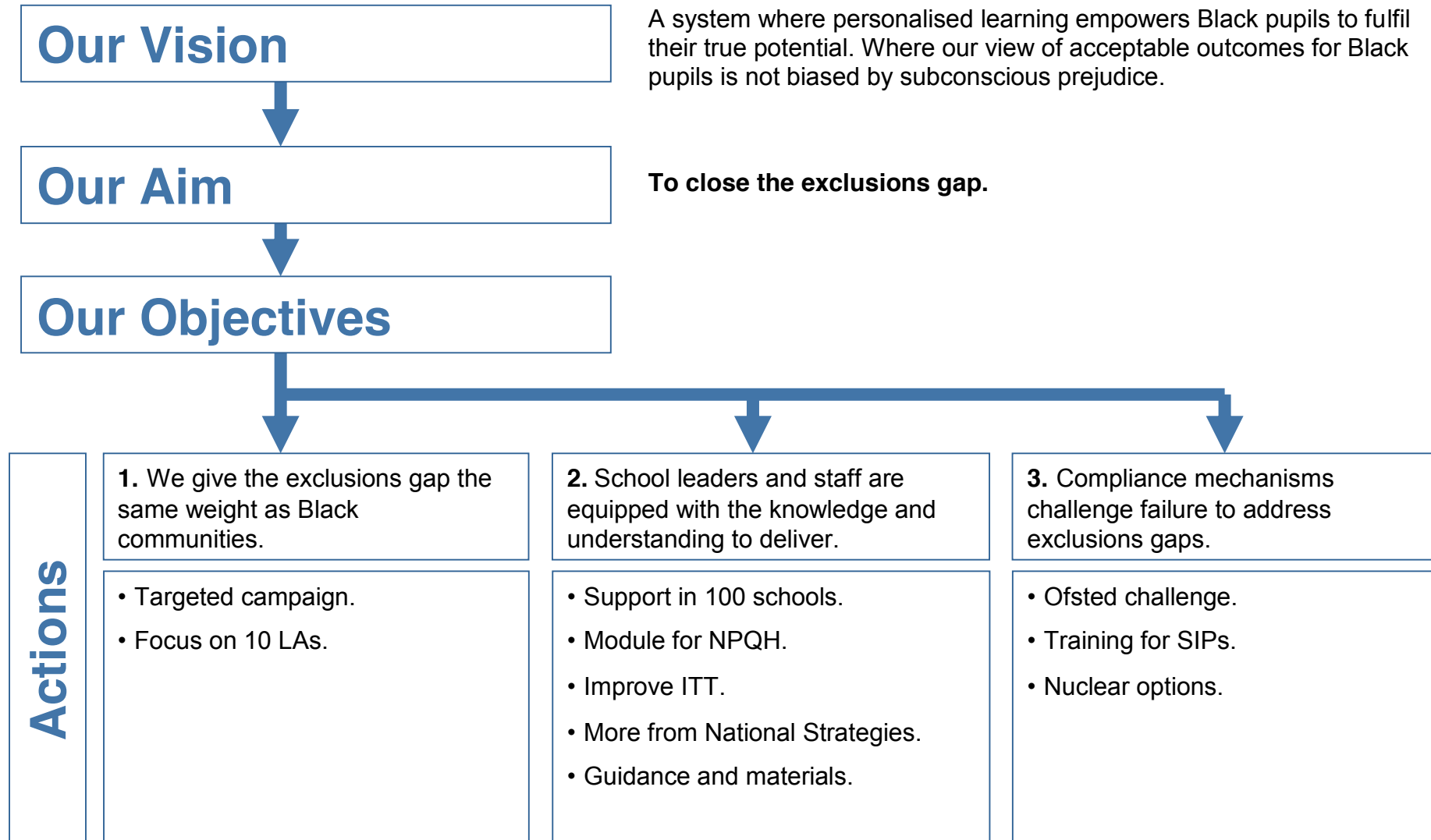
- We know there is a risk that, even with leadership and clear guidance from the highest level, best practice will spread only to the schools where the Headteacher already 'gets it' when it comes to race equality.
- In a significant number (perhaps the majority) of schools and LAs, there is a danger that a policy to reduce the exclusions gap will:
 - (a) be ignored as unimportant/undesirable;
 - (b) be met by a 'box-ticking' approach to indicate minimum compliance; or
 - (c) result in schools doing *something*, but not relating their efforts to a tangible reduction in the exclusions gap.
- Our policy response must 'turn up the heat' enough to ensure genuine compliance from those schools that are predisposed not to engage fully with a policy like this.
- At the very least existing levers such as the Ofsted inspection process, SIPs and LAs will need to operate more effectively, with a specific focus on Race Equality included in SEFs and exclusions data used as a key measure of success in this area.
- **LAs should lead the policy response at a local level.** This would form part of their existing duty under the RR(A)A and their new role, set out in the Education and Inspections Bill, of ensuring that every child fulfils his or her potential. LAs are in a unique position to challenge, support and, where necessary, intervene to tackle exclusions gaps.
- Some commentators have recommended the creation of a Race Relations Act **Compliance Unit** with the combined statutory powers of DfES, Ofsted and the CRE. However, such a unit is likely to be seen as heavy handed by schools, and consequently, might struggle to elicit a constructive response. It might be criticised as a process-led solution, requiring schools to undertake a bureaucratic exercise in order to comply, rather than actually engaging with race equality issues. Given the existence of Ofsted, critics are also likely to ask why the Department needs to create another inspectorate.
- Nevertheless, there was a widespread feeling amongst the stakeholders involved in the Priority Review that Ofsted are currently not doing enough in this area. **A much more robust response from Ofsted (in terms of both policy and on the ground practice) will be needed if they are to be an effective lever.**

Getting it right.

3. Compliance mechanisms challenge failure to address exclusions gaps.

- **Ofsted** have expressed willingness to challenge schools more robustly on this issue, but we will need to pin down how exactly they will do this and how we will monitor their progress.
- **SIPs** are the key lever for challenging individual schools on a regular basis, but there are serious concerns over whether SIPs have the knowledge and understanding to challenge on race equality issues. We will provide training to SIPs on the role of judgment and discretion in general and the exclusions gap specifically.
- In order to *ensure* compliance, we need a '**nuclear deterrent**' to be invoked only in the most extreme circumstances, where a school had consistently failed to tackle its exclusions gap despite challenge from Ofsted/SIPs. Special Measures, LA Warning Notices and other measures that lead to the closing of a school are not appropriate here: realistically, we would never invoke them over an exclusions gap alone. We will explore the possibility of asking the CRE to issue a Compliance Notice for 'persistent offenders', using their existing powers under the RR(A)A.

Getting it right.



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