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## **Children's rights, school exclusion and alternative educational provision**

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This paper examines findings from a recent study in Wales of school exclusion and alternative educational provision. Many, but not all, children in alternative provision have been excluded from school. The most recent statistics reveal that nearly 90% of pupils in alternative provision have special educational needs, nearly 70% are entitled to free school meals (free school meal entitlement is often used as a proxy indicator for poverty in the UK) and three quarters are boys (Welsh Government 2012a). The paper focuses on analysis of findings about young people's experiences of exclusion and alternative provision, and how these experiences may be contextualised within a discussion of children's rights. This analysis suggests that young people's experience is highly variable; that inappropriate curricula are still common, pastoral support uneven, and that few opportunities exist for success or for successful re-integration into education. In the most disturbing examples, young people were found to have experienced physical restraint and the use of isolation as punishment. The paper concludes with an indication of changes now required in mainstream school and alternative educational provision in order to ensure that children's rights are placed at the heart of the system in practice as well as in theory.

**Key words:** exclusion, alternative provision, children's rights

### **Introduction**

The trend towards inclusion in school has been the hallmark of much educational change in recent years. Underpinning the commitment to inclusion has been a commitment to children's rights increasingly integrated into international and national legislation and policy. In Wales devolution took place in 1997 and from the outset, the newly independent Government committed itself to the promotion of children's rights. It was the first, and to date the only UK Government to enshrine the UNCRC in national legislation, formally adopting the Convention in 2004. In 2009, it announced a five year plan for developing an Action Plan for children's rights in Wales, 'Getting It Right' based on its seven core aims to ensure that all children and young people:

- have a flying start in life
- have a comprehensive range of education and learning opportunities

- enjoy the best possible health and are free from abuse, victimisation and exploitation
- have access to play, leisure, sporting and cultural activities
- are listened to, treated with respect, and have their race and cultural identity recognised
- have a safe home and a community which supports physical and emotional wellbeing
- are not disadvantaged by poverty.

(Welsh Assembly Government 2000, 1)

In 2011, the Rights of Children and Young Persons (Wales) Measure received unanimous cross party support in Government, and the Children's Rights Scheme was introduced. It 'strengthens and builds on the rights based approach of the Welsh Government to making policy for children and young people in Wales' (2012b, 2), setting out arrangements for compliance with UNCRC in the development of all new and existing legislation and policy. In 2013, the 'Getting it Right Update' (Welsh Government, 2013b) reported on progress on each of the targets identified in 2009. In this update, priorities included: improving learning achievement; supporting emotional wellbeing for all children and young people; participation in decision-making; and addressing physical punishment. The commitment to children's rights in national policy, then, seems robust and thorough. These priorities map closely on to issues that have long been central to debates about exclusion and the use of alternative provision. There is evidence of sustained attention to children's rights and a focus on ensuring that policy meshes with Government efforts in respect of inclusion, social justice and addressing social and economic disadvantage at large. This sets a standard to which many other countries might aspire.

However children and young people in Wales as in the rest of the UK, can still be officially, legally excluded from school for reasons associated with disruptive behaviour. Most are re-admitted to school but others are barred from returning and only able to continue their education outside the school setting. Children and young people who experience exclusion are more likely to have additional or special needs, to live in families affected by poverty, ill health and/or trauma, and are more likely to be male than female (Riddell and McCluskey, 2012). Recent attempts to improve alternative provision in England (Taylor, 2012) have also drawn attention to these common characteristics. The number of children and young people excluded from school in Wales is small,

but their needs are often great. It is well known that the outcomes for learners educated outside mainstream school are poorer than for their peers (e.g. Pirrie et al. 2009) and the penalty for failing to provide education of the highest quality for learners with the greatest support needs is often much higher; research consistently points to the relationship between the economic and social costs of such failure (Evans, 2010; Parsons 2009; The Prince's Trust 2007).

Although there has been some research focused on children's rights in the newly devolved Wales, none to date has examined the intersection of school exclusion and children's rights. In the past, research has tended to focus on England and Wales together, and often more on England than its much smaller neighbour. Recent research has begun to redress this balance and to explore the context in Wales itself, but has so far been concerned with broader issues of children's rights, through for example, the work of the Children's Commissioner (Thomas et al. 2010), questions for youth justice (Williams 2013, Hollingsworth 2008), children's views on government and participation (Drakeford 2009), and childcare and social work (Roche 2005). An important exception is the large survey of children's rights in Wales undertaken by Funky Dragon (The Children and Young People's Assembly for Wales, 2007); a peer led survey of 12,000 young people aged 11-18 and over 2,000 children aged 7-10. Its findings revealed that children and young people had great anxieties about bullying and about discipline in school, that many were critical of typical teaching methods and that they were very unlikely to know about their rights under the UNCRC.

In terms of exclusion and alternative provision, and of pressing concern in the debate about children's rights and exclusion, are findings from recent reports from the national schools' inspectorate, voluntary agencies and the Government itself. These have repeatedly drawn attention to issues related to safeguarding, child protection, behaviour management and use of physical restraint and isolation, excessive use of punitive rather than preventative approaches as well as concerns about the quality of alternative education provision in terms of referral processes, curriculum breadth and depth and strategies for reintegration (Estyn 2012, 2011, Butler 2011, Welsh Assembly Government 2011, Welsh Assembly Government 2008). The cumulative power of these reports and the evidence amassed suggests a deep disjuncture between the aspirations of Government and the experiences of children and young people. This paper therefore offers a

necessary analysis at an important point in the debate about connections between children's rights, school exclusion and alternative provision.

### **Research design**

The findings reported here form part of a larger study commissioned by Welsh Government (McCluskey et al. 2013), which examined the processes of exclusion from school in Wales and the delivery, planning and commissioning of education provision for children and young people educated outside the school setting. This alternative provision is often known as 'EOTAS' (education otherwise than at school). For ease of use, the term EOTAS is used in this paper.

The larger study had four major strands: analysis of policy and administrative statistics, telephone interviews with local authorities, in-depth face to face interviews with key informants, and eight case studies of young people in alternative provision. Policy documents relevant to the process of exclusion and EOTAS were analysed. The statistical analysis examined publicly available national data on additional learning needs, exclusions, and provision made for pupils on the 16th day after exclusion and provision in EOTAS, drawing on the Pupil Level Annual School Census (PLASC) in Wales. In some local authorities the research team was also able to draw on local data on exclusion and EOTAS. To provide context and an indication of current issues, face-to-face individual interviews were undertaken with 16 key informants who had a national and/or specific and relevant perspective. This included members of the national school inspectorate, Welsh Government, the Children's Commissioner, voluntary organisations, and advocacy groups. Telephone interviews were conducted with 26 representatives from 21 of the 22 local authorities<sup>1</sup>. The interview questions were sent out in advance by email to the officer with responsibility for exclusion and alternative provision in each local authority. As might be expected, roles and responsibilities differed across local authorities and this strand of the research involved repeated contacts and occasionally involved two separate interviews. Face to face interviews with nine local authority officers were also carried out in order to explore some questions in greater depth.

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<sup>1</sup> One local authority did not respond to requests to participate.

From the interviews with key informants and local authority officers, the research team identified a number of EOTAS settings where aspects of good practice were developing well. These formed the basis for eight case studies of young people's experience in EOTAS, aiming to take account of a range of dimensions including differences relating to social advantage and disadvantage, rural and urban locations and provision targeted at specific groups, for example, young parents or young people with mental health issues. Information on the different case study settings is given in the table below.

Table 1: Interviews with children, families and professionals in EOTAS

EOTAS	Pseudonym	Provision	Number of pupils	Age range	Focus of provision
1	Carn Menyn	14-19 Network	80-100	14-17 years	Individualised education packages aiming to re-engage young people in education and training.
2	Cadair Idris	Pupil referral unit	48	Primary	Re-integration into mainstream where seen as practical.
3	Yr Wyddfa	Pupil referral unit	66 in 2011/12 in 6/7week blocks	14-16 years	Rapid reintegration to mainstream school
4	Carnedd	Pupil referral unit	Up to 85 in different centres	14-16 years	Varies according to identified needs. Re-integration into mainstream where seen as practical.
5	Cwm silyn	Pupil referral unit	30	15-16 years	Preparation for college and/or work.
6	Hirnant	Charity run education centres	up to 75 in 7 different centres	14-16 years	Individualised learning based on charity's curriculum. Personal and social support for young people and their families
7	Cwm Coch	Pupil referral unit	34	15-16 years	Qualifications for young people unlikely to return to mainstream school.
8	Pen y fan	Individual educational pathways	up to 110	14-16 years	Academic and workplace learning. Personal and social support for disengaged or excluded young people.

As can be seen from the table, the case studies gathered information about pupil referral units, home tuition, voluntary sector provision, provision that included work experience in one instance and college attendance in another. Several of the settings provided a combination of these.

In total fifteen parents/grandparents were interviewed, twelve face to face and three by telephone. In addition one parent who was unable to meet the research team wrote a letter to express her very positive views about the EOTAS provision for her child. Forty-eight children and young people were interviewed either individually, in pairs or in small groups. Interviews also took place with a range of teachers, head teachers and other professionals such as educational psychologists, social services staff, youth offending teams and voluntary sector workers. Overall, 156 people were involved in the formal interviews for this study. Questions for children, young people and families focused on their direct experience of the exclusion process, their experience of EOTAS, the curriculum and academic aspirations, discipline and sanctions used, their views of the support offered, the availability of advocacy services and opportunities for pupil participation and active involvement in decision making. These interviews were conducted informally, drawing on a topic guide used flexibly to encourage the flow of conversation and to enable participants to initiate discussion of areas of priority to them. Interviews were recorded with the consent of those taking part and guarantees were made of anonymity. A very small number preferred not to be recorded.

The qualitative data were then analysed, summarising key themes from each case study. Caution should always be taken in generalising from a small sample such as this, but the experiences of young people and their families nonetheless offer a very helpful set of insights into policy and practice in terms of exclusion and children's rights, as well as a useful set of reflections on the other data gathered in the study. The findings on exclusion policy and process are discussed in detail in McCluskey et al. (forthcoming) while this paper focuses on young people's own experiences of exclusion and alternative provision, and how these experiences may be contextualised within a discussion of rights.

## **Findings**

Welsh Government published new guidance on exclusion from school in October 2012. This guidance emphasises that schools' general approach should be in line with the UK's Equality Act 2010 and the UN Convention on the Rights of the Child (1989). According to this revised Guidance, policy and practice on exclusions should promote,

The wellbeing of pupils, advance equality of opportunity between pupils and tackle inequalities and discrimination.

(Welsh Government 2012,7).

The rates of permanent exclusion from school and of fixed term exclusions have decreased over recent years (Welsh Government 2013a). However, the rates of pupils educated outside the school setting (for reasons associated with behaviour) have remained largely unchanged over the same period and may actually represent an under-estimate because of inconsistencies in the data. The most recent statistical release indicated that 2,577 pupils were being educated 'other than at school' (Welsh Government 2012a). This compares with 4,254 pupils in special schools in the same period. The rate of pupils educated in EOTAS has remained largely constant in recent years at around 2.2 per 1,000 pupils. Just under 90 per cent of EOTAS pupils were recorded as having special educational needs. Pupil referral units were the most frequently-used form of alternative provision accounting for almost 40 per cent of all enrolments. Three quarters of pupils in EOTAS were boys and the largest number 15 years old. Nearly 70% of pupils were entitled to free school meals (Welsh Government 2012).

Analysis of the study's findings looks first to the views of children and young people in EOTAS, seeking to understand their experiences and perspectives on exclusion and EOTAS. These experiences are then contextualised within discussion of the patterns and trends across Wales, and the views of key informants and local authority officers.

#### *Young people's views on exclusion and EOTAS*

Many of the young people and families interviewed were fulsome in their praise of the academic experience and pastoral care within their current EOTAS placement and compared this with



previous experience, sometimes in other EOTAS provision but more often with their earlier experience of education in mainstream schools. One young woman aged 16 said;

‘Within school, they treat you as if like you’re not your age. As if you’re a lot younger than what you are. They don’t treat you with as much respect’.

She continued,

‘If I had a problem one day and I come in [here], like one a’ the staff would come talk to you for five minutes. Have a word. You’d go back into the class and you’d be fine. In school it’s “carry on and get on with it”. But I don’t find that’s the way it should be. It should always be... take at least, what, a minute outta your time to make, you know, just to make sure the child’s okay’.

Another young person in a different setting explained,

‘They will go that extra mile. They don’t just think, waste of our time’.

Yet another commented,

‘He’s kind. He doesn’t shout. He doesn’t put you under pressure’.

The themes of listening and support were strong ones in the accounts of young people. They talked about school as a place where they had been seen as a ‘waste of time’ and EOTAS as a place where teachers ‘don’t, like, shout at you, they try to explain first’, and where they ‘got on with the people and staff’. When they were critical of EOTAS, it was when it seemed to repeat the problems of previous educational experience. One young man in a college based pupil referral unit commented, ‘The only time they get in touch is when you’ve done something wrong’. Such comments were rare however. More often the young people spoke with pride about achievement, and especially so when talking about academic achievement;

I got my B Tec and my GCSEs here. I have done more here than any other school I have been in’.

One young woman drew a contrast between the opportunities for success in EOTAS and the problems associated with re-integration and finding success back in school:

‘[In school] we had a test. It’s like a test fortnight, and I hadn’t been there, and she still made me do it. I’d rather be here, the teachers, like, explain stuff’.

One mother commented;

If it weren’t for the staff here he would never have got to where he got. They give them a lot of time... they focus on what they’re best at. They’ve got a lot of time for parents as well. They always contact you. The welcome is nice, really nice’

Being in EOTAS had also helped alleviate family tensions for some;

‘My mam’s glad I am here. They text our parents every night to say how many points we’ve got and how we’ve behaved’.

Another reflected openly on her son’s challenging behaviour, but also on the dedication of staff in the EOTAS provision where ‘they never excluded him’. One set of grandparents who were carers for a young boy with autism, spoke with relief about the PRU as the first place willing to listen to their views on good ways of working with their grandson. Overall, the children and young people in the case studies summed up their experiences very positively in EOTAS. They felt valued because they were given time to talk, they appreciated the non-judgemental attitudes of staff but also the clear boundaries set. They liked the way that teachers and others working with them kept in touch with home and shared the positive achievements rather than merely their misdemeanours. They talked about how helpful it was when teachers explained carefully, did not belittle their efforts, and made space for them to learn at their own pace. For the young people of age 13 -16, they especially valued the ways in which in they were treated ‘more like an adult’.

In the interviews with head teachers, teachers and other professionals working in these eight EOTAS settings it was clear that there were some highly dedicated staff, committed to bringing on and bringing out the best in children and young people living with some very difficult circumstances

and displaying some very challenging behaviour. A large number of the older young people had alcohol or drug issues and many also had involvement with youth justice. Their very positive experiences in EOTAS indicate that although exclusion itself has negative impact, alternative provision can be compatible with a commitment to children's rights, ensuring the 'best interests of the child', that 'respects children's dignity', where 'their views are taken seriously' and which offers a place to develop the 'personality, talents, mental and physical abilities of the child' (UNCRC 1989). It is important to bear this in mind as the analysis now turns to the questions illuminated by consideration of broader patterns and trends in EOTAS provision.

### *Patterns and trends in EOTAS*

This analysis of broader patterns and trends in EOTAS considers first the problem of terminology. It then moves to discuss the quality and quantity of education on offer in EOTAS; issues of leadership and management and finally, the crucial issue of behaviour management and relationships.

There are difficulties in making sense of the patterns and trends for EOTAS. At a national level, discussion of EOTAS statistics is made challenging by the Government's use of different terms across different datasets. These terms currently include 'other than at school', 'outside of school', 'EOTAS', 'home tuition', 'individual tuition' and 'group tuition'. The research team's requests to Government to offer definitive understandings of these terms unearthed confusion and a sense that some Government departments communicated but rarely with each other. This imprecision in definition was also found at local authority level so that, for example, 'home tuition', was found in practice to include education offered in public buildings such as libraries or community centres, while the term 'PRU' (pupil referral unit) was used sometimes to refer to provision based on a single site but at other times to education offered across a range of locations. This is further complicated by the way in which some PRU provision focused on support for one age group, but elsewhere on a range of age groups. In some areas, PRUs were full-time and in others only part-time. The research team found the navigation of these terms problematic, but the multiplicity of terms and lack of clear definition of the terms raises a much more important question about the experience of children and families, often in an already stressful situation, as they attempt to find their way into and through the system, understand their options and exercise their rights.

The range of EOTAS provision itself was also found to be varied and variable. Its main focus was always on education provision for children and young people with identified behavioural, social and emotional difficulties but there was no clear and commonly agreed national referral process. Much provision was aimed at pupils aged 14-16 seen as disaffected/disengaged from school but at the same time there was found to be no agreement on whether children in primary schools could or should not be excluded from school (despite significant evidence of the negative impact of doing so). Many children and young people in EOTAS had experienced exclusion but not all. As well as PRUs, provision included individual alternative curriculum programmes, usually involving work-based learning providers or voluntary organisations, '14-19 Pathways' (so called because they support pupils aged 14-19 years old), work experience and college placements. Policy on EOTAS provision was found to be under review in many local authorities, often in response to the kinds of criticism and issues identified in the reports referred to earlier from Barnardos, the Children's Commissioner etc. Until very recently, young women who were pregnant or new mothers were de facto excluded from school and educated in EOTAS, although this is changing and most such young women are now maintained in their own school community. Similarly, EOTAS in Wales has traditionally taken referrals for children identified as school phobic or school refusers. This too seemed to be changing so that such young people were increasingly likely to receive support from Child and Adolescent Mental Health Services whilst remaining on the roll of mainstream school. There are clearly a number of strengths in having flexibility and one key stakeholder who commented on the variety of provision, argued;

'It is not a one size fits all, nor should it be because actually we are talking about kids with multiple needs and they are all individual. What might appear good practice in one authority in one authority might not necessarily be the same in another authority'.

However one local authority officer challenged this;

'The debate has been going on for years hasn't it? I remember saying, 'What's a PRU?' And the answer was anything which is other than a school'.

There was also found to be wide variation in terms of the quality and quantity of education children and young people received in EOTAS. It proved difficult to establish from the statistics how many hours education pupils received in alternative provision per week. Interviews with local authority officers and key informants revealed that while a small number of authorities had made significant progress in guaranteeing the legally required 25 hours per week, a majority had still not done so. Some were still offering very limited hours, particularly of home/individual tuition, which could be as little as two hours a day. Curriculum offerings were also variable, with some EOTAS offering a full and balanced curriculum, with opportunities for achievement and certification, while others were offering only a very basic curriculum. This variation and variability points to one of the key dilemmas in EOTAS; that in trying to meet the individual and local needs of children and young people in flexible and child-centred ways, the likelihood of inconsistency, unevenness and hence inequality increases.

There were also a number of criticisms of EOTAS management structures, particularly of PRUs. PRUs do not have a head teacher but instead have a management committee. Although some individual managers were held in high regard, the role and structure of the management committee was a concern among some of the local authority staff and key informants interviewed. They talked about the lack of relevant training for managers and the lack of scrutiny and support of these roles. Gatekeeping was also found to be an issue, with one key informant expressing a view that PRUs were still often regarded as a 'dumping ground', while another saw a need to

'clarify what needs to be registered as a PRU and how it should be inspected if not'.

One local authority officers summed up his view of the complexity and confusion surrounding PRU provision as follows,

'The debate has been going on for years, hasn't it? I remember saying "What's a PRU?" And the answer was anything which isn't a, which is other than a school. But you know the definition of a PRU is both a school and not a school. Our PRU looks very like a school and...the teaching day is very much like a school'.

He went on to express a concern that some local authorities preferred to call some EOTAS provision a 'service' rather than register as a PRU because, in his view, the inspection regime was stricter for the latter.

Some key informants felt that although slowly changing, EOTAS provision still tended to be forgotten in terms of access to new developments, for example, in curriculum. Many noted that the outcomes for children and young people in EOTAS were still poor. There were calls for Government to clarify what was meant by a PRU.

Finally, and perhaps most serious of all the concerns to emerge from the study, were questions about behaviour management and relationships. Some key stakeholders expressed very strong reservations about widespread approaches to behaviour management in mainstream schools and EOTAS provision. This concern has now been raised in several reports on provision in Wales, as noted earlier, and is also the subject of public concern and current media attention. One key stakeholder noted the lack of a standard approach to behaviour management in EOTAS provision. Others referred to their own direct knowledge of widespread use of punitive isolation. One local authority interviewee argued strongly for the need to review policy and practice on 'seclusion', 'isolation', and 'detention', noting the need for a 'common language and understanding of what we mean'. Another was concerned about the lack of focus on preventative work, so that staff had 'got into the habit of using the "calming room" '. He advocated the need to 'remind people of the need for training on preventative approaches rather than punitive responses'. The same interviewee thought it would be helpful to train some staff in de-escalation techniques only, in an effort to avoid moving too quickly through de-escalation processes to the use of physical restraint;

'Where people may have got into the habit of using the calming room, let's look at a training package to remind people what the middle intervention is. You've got your normal sanctions. What else could we be using? communication skills...'

A few local authority staff talked about restorative justice and said it was 'encouraged' but this often seemed to be limited to formal conferencing at times of crisis and was not part of

initiatives to build a positive ethos in general. All young people and their families in the study were asked about their experience of advocacy. A small number had received support from advocacy rights groups and had found this very helpful, but most were unaware that they had a legal right to advocacy support in dealing with exclusion processes.

Some young people interviewed talked about the use of physical restraint, isolation and time-out in their current placement, although it should be noted that some of the case study settings did not use time out/seclusion at all. Most of the young people who had been in mainstream school or other EOTAS provision (usually older pupils) readily recalled experience of such interventions. In the eight case study EOTAS settings, where there was time-out, this was sometimes used as a voluntary escape for young people needing a space or when they needed to calm down although in two settings visited, it was also used for compulsory confinement. This did not simply reflect the difficulty of the pupils' behaviour or the kind of pupil population, as it was clear that some settings with extremely challenging young people still chose not to use time-out in this way. The implications for children's rights are urgent and grave in this context.

In summary then it is clear that despite being a relatively small country with a small population, children's experience of school exclusion and EOTAS is highly variable. Findings from the interviews with children and young people suggested that in the best of practice, this gave professionals opportunities to provide flexible and imaginative education taking full account of the wishes and needs of the pupil and her/his family, clearly informed by a concern for children's rights and focused on re-integration, progress and achievement. However findings also revealed a looseness of scrutiny and high levels of local variation leading to situations where children and young people experienced inappropriate and poorly developed curricula, little pastoral support, few opportunities for success, or for successful re-integration into school or on to college, and in the most disturbing examples, included the use of physical restraint and the use of isolation as punishment.

#### **Discussion: What needs to change?**

The views of young people in the study were found to be overwhelmingly positive, whether they were in a pupil referral unit, a college placement or had an individualised education package. Although their circumstances were often difficult when they entered EOTAS and continued to be so, they felt welcomed, valued and were able to be proud of their successes, often for the first time. The parents, grandparents and other carers interviewed in the study were also very strongly supportive. The variety and flexibility of EOTAS provision on this test, seems to be a strength indeed.

However, the study also drew on national statistics and policy, interviews with key informants, and with those working in EOTAS and in the local authorities themselves. These findings were often in sharp contrast with the positive views expressed by these young people and their families. The outcomes for children and young people who are educated outside mainstream school in Wales and in the UK overall are still very poor. The quantity of education and the quality of education in EOTAS might be described as a 'postcode lottery' it varies so widely across the country. The leadership and management systems across EOTAS are uneven, lack scrutiny, and in the case of PRU provision have been widely criticised. Reintegration rates are low and there remain serious issues about the use of inappropriate behaviour management techniques, the use of physical restraint and punitive isolation.

The call for change is therefore based on a profound disquiet. Children and young people who are excluded from school, and those referred to EOTAS provision are already among the most vulnerable in society; the majority live in families affected by poverty and they are highly likely to have special or additional learning needs. They and their families are not well positioned to have influence on policy and practice. Their advocates are few and sadly they too often have limited impact. Therefore any change must be directed not only to ensuring the rights of individual children who experience exclusion and EOTAS but must also vigorously challenge the disconnections between policy and practice in the exercise of children's rights overall. Change must seek to improve *all* provision to improve the situation for the most vulnerable. The rights set out by the UNCRC affect all aspects of a child's life but, arguably, impact most directly on questions of school exclusion and alternative provision through the following: Article 3, which focuses on the best



interests of the child; Article 12, which states that ‘every child has the right to say what they think in all matters affecting them and for their views to be taken seriously’; Article 19 focusing on the right to protection from abuse and violence; Article 28, which includes the statement that ‘discipline in schools must respect children’s dignity’; and Article 29, which refers to the need to develop ‘the personality, talents, mental and physical abilities of the child to their fullest potential’ (UNCRC 1989). Article 12 is often seen as a gateway right because without it, children and young people have great difficulty in exercising their other rights and therefore is especially pertinent to this discussion.

In thinking about change this may then lead to the suggestion that the views of young people gathered in this study cannot be helpful; that their views are worth hearing, but in the end are too partial, too particular, to form a basis for change either of mainstream school or of alternative provision. It might be argued that their positive views of EOTAS are a sad consequence of the extremely poor experience they have endured previously in mainstream schools, often involving exclusion, whether official or unofficial. Or because the case studies in this research specifically focussed on good and promising practice and so it is unsurprising that the children and young people interviewed were so positive. Or because EOTAS provision itself is changing for the better, albeit slowly, and so pupils are beginning to benefit from that.

However, it is important not to lose sight of the substance, the core points being made by the children in the study. The findings from the interviews reveal that the aspects of EOTAS which these children praised so highly often mapped closely on to the children’s rights framework; they felt valued; this resonates with Article 28, they had new opportunities for achievement (Article 29); they felt they were listened to (Article 12).

Change is urgently needed across mainstream and alternative provision and the evidence suggests that communication and relations between the two sectors should have a much stronger focus if children and young people are to benefit. Change should usefully focus therefore on the following:

- Development of a national strategy to support staff training, communication and development in positive behaviour management, children’s rights and wellbeing.

- Clear national guidance on the use of isolation in mainstream schools and EOTAS, in which unacceptable practices such as forced isolation, are clearly specified and renounced.
- Much wider sharing and promotion of good practice in EOTAS. This could include sharing of examples of curricula and of effective child-centred behaviour management approaches.
- Efforts to reduce exclusion from school through building the capacity, skills and confidence of staff in mainstream school in using for example, restorative practices, to nurture relationships and improve behaviour in schools.
- Advocacy and mediation services which are more widely publicized and used to support pupils and their families.
- Gathering and disseminating data on reintegration, on education outcomes and post-school destinations of excluded pupils and those educated outside the schools setting
- Government clarification and harmonization of terminology used in policy and statistical reports relating to school exclusion and alternative provision.

The UNCRC makes clear that all children have equal rights to a fulfilling education that respects their dignity. This is not a privilege to be awarded to some, and it does not depend on where a child lives, their family circumstances or even their behaviour. Reflecting finally on the comments made by children and young people, however, it is apparent that the security and confidence that these children should have in a children's rights framework is entirely missing. The tenor of their comments was often of gratitude, relief and perhaps even surprise, that education might not always see them as a 'waste of time'. Their voices reveal their lack of confidence in their right to have a 'place' in education but also their lack of confidence in those around them who should be duty bearers. The views of young people cannot easily be reconciled with the other key findings from the study, but that tension highlights precisely why change is needed now.

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