

Department for Education Consultation on Revised Behaviour in Schools Guidance
Response from the Royal College of Speech and Language Therapists (RCSLT)

Summary

- There is a strong association between speech, language and communication needs (SLCN) and behaviour, which is recognised in both government policy and academic research.
- The RCSLT is concerned that the draft Behaviour in Schools guidance includes no mention of SLCN; this is particularly concerning given that SLCN often go unidentified and unsupported in pupils with behavioural problems.
- The guidance does not mention supporting language and communication as a proactive approach to improving behaviour, or early intervention to identify and support SLCN as a preventative approach.
- Without addressing these issues, the guidance will not be successful in achieving its aims of supporting schools to improve behaviour and supporting all pupils to meet high expectations of behaviour.
- We make a number of specific recommendations for amendments to the guidance which could help it to deliver on its ambitions.

1. Recognising speech, language and communication needs as an underlying cause of behaviour

We are concerned that the draft guidance includes no mention of speech, language and communication needs (SLCN). There is a significant body of research and professional consensus to demonstrate that SLCN are strongly associated with behavioural problems and may represent an underlying cause. This consensus includes:

- The Department for Education's Guidance on [Mental Health and Behaviour in Schools](#) which states: "Where there are concerns about behaviour, the school should instigate an assessment (as set out in paragraph 3.14) to determine whether there are any underlying factors such as... difficulties with speech and language" (p.16).
- The [Timpson Review of School Exclusion](#) which recognises SLCN as "an underlying cause of poor behaviour" (p. 68)
- A meta-analysis of 22 studies which found that 81% of children with emotional and behaviour disorders had below average language abilities, with the mean comprehensive language score being significantly below average.¹

It should also be noted that SLCN are not rare – they are the most common type of special educational need, numbering almost 250,000 pupils in England.² Moreover, the number of children with identified SLCN is an under-representation of the true figure: prevalence studies show that 7.6% of children have developmental language disorder (DLD), which equates to two in every classroom of 30 pupils.³ Many children with other types of need will also have SLCN as a secondary or co-occurring difficulty, including those with learning difficulties, hearing impairment and autism.

2. A hidden disability

“SLCN can be a ‘hidden disability’, because it is often not visible or obvious and young people can become adept at hiding the true nature of their difficulties. Young people with SLCN can often come across as “intelligent and articulate”, which can make it harder to identify them.” Joint guidance by the Youth Justice Board and RCSLT.⁴

The absence of communication needs in the guidance is especially concerning given the evidence that SLCN are not well understood, and often not identified, particularly in children who present with poor and disruptive behaviour.

The meta-analysis mentioned above found that, of the 81% of children with behavioral and emotional disorders who had below average language abilities, none had previously been assessed for speech or language problems.¹

If the guidance is not amended, it is likely that schools will sanction children with underlying SLCN, but these sanctions will not result in improved behaviour. A child with communication difficulties may appear to be uncooperative, disobedient or oppositional, when in fact they simply do not understand the rules, or the instructions that have been given to them. Schools need to be advised to recognise this and adapt their behaviour management policy and approaches accordingly.

3. Reducing the risk of exclusion

There is a risk that pupils with SLCN may be excluded from school without their needs being recognised. In their 2020/21 Annual Report, Ofsted state: “More than half of children with SEND who are in AP have social, emotional and mental health issues as a primary need. It is understandable that schools supporting children at risk of exclusion use this category on the SEND register. However, there is a risk that these children’s other needs, especially relating to speech, language and communication, are not on the radar and are not addressed.”⁵

Case study - Q

Q was in Year 9 in a mainstream school. He did not understand instructions in class including task instructions and vocabulary. As a result, he would react with disruptive behaviour such as getting out of his seat or shouting out. Q was sanctioned for this regularly but didn’t understand the verbally mediated behaviour resolution tactics the school employed so continued the disruptive behaviours when back in class. His SLCN was not identified and his behaviours punished, leading to escalation to the point of permanent exclusion. Upon entering the Pupil Referral Unit, his language skills were assessed to be equivalent to a 7-year-old child.

The importance of providing communication support to pupils who have been excluded is recognised by the Department for Education’s Alternative Provision Specialist Taskforce programme, which is embedding specialists such as speech and language therapists in alternative provision settings to provide intensive support to the young people there.

Case study - Z

Z was permanently excluded from school. Upon entering the pupil referral unit (PRU) he had a speech and language therapy assessment. This indicated significant attention issues as well as difficulties understanding and expressing himself, with communication skills significantly below his chronological age. Z didn't understand why he had been excluded and was isolated from the process of getting back into education. Without support he would likely have had either an unsuccessful placement move or remained in the PRU.

Instead, the speech and language therapists in the PRU were able to adapt the paperwork about his exclusion and planning his move to a different mainstream school so Z understood them. They also advocated for him at meetings with his new school to ensure his needs were accurately supported early on to maximise his chances of successful placement.

4. Missed opportunities

In its current form, the guidance represents a missed opportunity for schools to take a proactive approach to high standards of behaviour, by taking interventions which are known to contribute to positive behaviour. The Education Endowment Foundation (EEF) guidance on Special Educational Needs in Mainstream Schools (2020) states:

“There is strong evidence that a proactive, positive, and supportive approach to behaviour will benefit all pupils and can reduce the amount of challenging behaviour they exhibit.”⁶

Such approaches could include supporting the development of speech, language and communication skills. Good communication skills are a protective factor for children and young people: analysis of data from the Millennium Cohort Study found that verbal cognitive ability appeared to be a powerful protective factor against the development of childhood conduct problems, substantially reducing the likelihood among both boys and girls of being on any of the three higher risk pathways. The effect was particularly marked in relation to the 'persistent high problems' pathway.⁷

The guidance also misses opportunities for schools to identify children who are at risk of poor behaviour and intervene early to support their need before more significant behavioural problems develop. The EEF guidance mentioned above also states:

“If a pupil requires individualised support, a good first step is to understand the reasons behind the pupil's behaviour and what the school could do to address these. For example, disruption to a lesson could indicate that a pupil struggles to communicate when a lesson has become difficult to understand. In this situation, the pupil might benefit if the teacher was to break down a task into smaller steps using clear, unambiguous language.”

Early identification and provision of appropriate support for SLCN could help to mitigate the risk of poor behaviour, and reduce the risk of exclusion from school. This in turn could reduce the risk of young people becoming involved in the criminal justice system. Research has shown that 66-90% of young offenders have below average language skills, with 46-67% of these being in the poor or very poor range.⁸

5. Amending the guidance

We recommend that a number of amendments to specific sections of the guidance should be made. Suggestions for new or additional wording are underlined throughout. Without these changes, the guidance will not achieve its aims of supporting schools to effectively improve standards of behaviour and supporting all pupils to meet high expectations of behaviour.

- **Communicating the behaviour policy**

Schools should take steps to ensure that all pupils can access and understand their behaviour policy, including those with SLCN. This should include providing the policy in an accessible format (for example, Easy Read) and training staff how to communicate the policy in an accessible way. If extra support isn't given, pupils may not adhere to the policy and teachers interpret this as willful noncompliance warranting punishment, rather than a misunderstanding of the policy and the consequences of breaking it.

Speech and language therapists can advise schools on how to make their policies communication accessible, for example, through the use of simple language and visual support.

- **The national minimum expectation of behaviour**

“disruption is not tolerated, and pupil behaviour does not normally disrupt teaching”
(paragraph 12)

There is a risk that schools will interpret this as a zero-tolerance policy to disruptive behaviour, putting themselves at odds with their duties under the Equality Act 2010 to make reasonable adjustments to policies, practice, and criteria for disabled pupils. This includes accepting a wider range of non-disruptive but atypical behaviours associated with SEND, for example, fidgeting as part of ADHD. The guidance should make clear that school staff should take into account any contributing factors, such as SEND.

Research suggests that pupils from Black Caribbean and Mixed White & Black Caribbean pupils are disproportionately identified as having behavioural difficulties, and are also disproportionately more likely to be excluded from schools. Schools should be given guidance on how to ensure their policies do not have a disproportionate effect on pupils from any particular ethnic groups, including making sure that pupils from these ethnic backgrounds receive speech and language therapy assessment proportionate to their needs.

- **The role of school leaders**

“Schools will also wish to ensure that their staff have adequate training on matters such as how certain special educational needs, disabilities, or mental health problems may at times affect a pupil’s behaviour.” (paragraph 26)

Given the evidence above, SLCN should be listed as a specific training need. This would be in line with recommendation 5 of the Timpson Review.

The statement should also be strengthened to make it clear that schools should ensure their staff have adequate training on matters that may affect pupil’s behaviour.

In order to achieve its stated aim of providing schools with practical advice, the guidance could include an appendix of training resources – for example, the RCSLT has produced a free e-learning package for the children’s workforce to support understanding of the links between SLCN and social, emotional and mental health needs – see

<https://www.rcslt.org/learning/mind-your-words/>

- **The role of pupils**

“Special provision should be made for all new pupils to ensure they understand the school’s behaviour policy and wider culture. Where it is necessary, extra support and training should be provided for pupils who arrive at the school with characteristics or circumstances” (paragraph 30)

We welcome this statement, which could be strengthened further if practical advice were included about the extra support and training that should be provided. This could include, for example, explicit teaching and reinforcement of school behaviour expectations with visual support, in line with pupils’ language abilities

- **Behaviour expectations and pupils with SEND**

“Some behaviours are more likely to arise from types of SEN or disabilities, such as a pupil with a specific learning difficulty such as dyslexia who may seek to distract from the fact that they find it difficult to access written material.” (paragraph 34)

It is unhelpful to frame this as a deliberate act that a child knowingly takes. Children with SEND develop strategies to cope when their needs are either not identified or not supported. This statement should be re-worded to avoid this implication.

A more constructive example that would support increased understanding could be ‘such as a pupil with speech, language and communication needs who may not understand a verbal instruction’.

“Schools need to manage pupils’ behaviour effectively, whether or not the pupil has underlying needs. And they owe duties (for example, over safety) not just to the individual pupil, but also to the other pupils and to staff. These are imperatives.” (paragraph 35)

Where a child has underlying needs, the most effective way to manage their behaviour is to identify and support their needs. The Education Endowment Foundation states: “It is crucial to look for the underlying causes of any behaviour and/or emotional state, and aim to support these, rather than just dealing with the presenting behaviour.”⁹

A sanction will not improve the behaviour of a child with SLCN who does not understand why they have been sanctioned. A more effective approach would be to provide training to school staff to enable them to create a communication-friendly environment, and to ensure that pupils receive support to understand what behaviour is required of them, develop reasoning and problem-solving skills, and acquire the communication skills they need to behave well.

*“As part of meeting any of these duties, where appropriate, schools should anticipate likely triggers of misbehaviour and put in place support to prevent these.”
(paragraph 37)*

We recommend adding an example that relates to SLCN, for instance: Training for staff in communication needs, including on providing differentiation and visual support, the effects of being literal, and how to teach language for self-regulation and emotional literacy.

- **Responding to incidents of misbehaviour and sanctions**

*“Where appropriate, staff should take account of any contributing factors that are identified after an incident of misbehaviour has occurred: for example, if the pupil... has needs including SEN or a disability (including any not previously identified)”
(paragraph 41)*

We welcome the recognition that contributory factors, such as SEND, should be taken into account when responding to incidents of misbehaviour. However, it is unclear how schools should interpret this, given the next paragraph which states:

“Sanctions should be applied clearly and consistently to reinforce the routines, expectations and norms of the school’s behaviour culture. Consequences such as sanctions should be administered as consistently as possible to maximise their predictability”. (paragraph 42)

We suggest replacing the second sentence as follows: “While sanctions should be administered consistently, they should also be administered fairly, to take into account any contributory factors, as outlined above.”

“When appropriate, staff should make time for a pastoral discussion to ensure the pupil understands why they received the sanction and what they need to do in the future to improve their behaviour.” (paragraph 43)

We welcome this statement – it would be helpful to add that checking understanding will be particularly important for pupils with SLCN. Advice should also be provided on how to check that a pupil has understood, and what to do if a pupil has not understood. We would suggest adding the following:

“Staff should check whether the pupil has understood by asking them to explain in their own words why they have received the sanction. Where a pupil has difficulties with receptive language, staff should use appropriate strategies to support understanding. These may include:

- Using simple vocabulary where possible
- Explaining words they may not understand using more familiar language
- Using shorter sentences
- Avoiding idioms or non-explicit language
- Supporting spoken language with visuals such as pictures and diagrams. This can be particularly useful where information is more complex (e.g. a sequence of events)
- Using visual aids to demonstrate the thoughts and feelings of those involved”

if a pupil has SEND, this discussion should include reasonable adjustments to make the session accessible for example, providing information on the content in advance, Easy Read materials or having an advocate present.

- **Pupils with SEND: the use of sanctions**

“All schools should consider whether a pupil’s SEN or disability has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil. To do this schools should consider whether the pupil understood the rule or instruction and whether the pupil was unable to act differently as a result of their SEN or disability.” (paragraph 53)

Schools should also be encouraged to consider this for pupils without an identified SEND – and whether an assessment, for example for SLCN, would be appropriate.

“The school should also consider whether any reasonable adjustments need to be made to the sanction in response to any disability the pupil may have. It is also important for the schools to seek to try and understand the underlying causes of behaviour and whether additional support is needed.” (paragraph 54)

We would recommend adding SLCN as an example here: “It is also important for the schools to seek to try and understand the underlying causes of behaviour, for example speech, language and communication needs, and whether additional support is needed.”

- **Detentions**

“At the end of the detention, where appropriate the pupil should receive further guidance about what they did wrong, the impact of their actions, how they can do better in the future and what will happen if their behaviour fails to improve. They could also be offered support where necessary or given the opportunity to inform the school of any perceived obstacles to their improvement, such as their home circumstances.” (paragraph 57)

If the child has SLCN, this information should be provided in accessible format, not just verbally mediated. Pupils with SLCN may need extra support to be able to express to the school if there are any perceived obstacles to their improvement.

- **Supporting pupils following a sanction**

“Following a sanction, in order to support pupils to meet the behaviour expectations of the school, strategies should be considered to help pupils to understand how to improve their behaviour.” (paragraph 77)

If a pupil receives a sanction, this should be a trigger to consider whether there could be an unidentified SLCN which is contributing to the pupil’s behavior. To bring this guidance in line with the guidance on mental health and behaviour in schools we would suggest adding a new paragraph as follows:

“When a child has received a sanction, the school should consider whether it would be appropriate to instigate an assessment to determine whether there are any underlying factors such as undiagnosed learning difficulties, difficulties with speech and language, child protection concerns, or mental health problems.”

- **Governance of removal**

“Schools should consider additional approaches to support pupils who are frequently removed from the classroom such as meeting with mentors and use of teaching assistants. Schools may wish to collect and monitor data to identify who is being removed from the classroom regularly and consider if they may benefit from these additional and alternative approaches.” (paragraph 84).

When a pupil is frequently removed from the classroom, this should also be a trigger to consider whether there could be an unidentified SLCN, or other underlying factor, which is contributing to the pupil’s behavior.

“When dealing with individual removal cases, headteachers and teachers should: a) consider whether any assessment of underlying factors of disruptive behaviour is needed” (paragraph 86).

As above, to bring this guidance in line with the guidance on mental health and behaviour in schools, we would suggest adding a specific reference to SLCN, along with other factors which are known to be associated with disruptive behaviour. We recommend amending the paragraph as follows:

“consider whether any assessment of underlying factors of disruptive behaviour is needed, such as undiagnosed learning difficulties, difficulties with speech and language, child protection concerns, or mental health problems”

- **Suspension and permanent exclusion**

“Headteachers can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following inschool sanctions and interventions.” (paragraph 89)

Given the seriousness of the consequences for pupils who are suspended or permanently excluded, schools should be encouraged to ensure all appropriate steps to identify and support any underlying factors have been tried.

- **Initial intervention following behavioural incidents**

“Interventions can be for targeted groups of pupils and examples schools can consider include... engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills” (paragraph 98)

We would suggest adding ‘communication skills’ as a challenge that local partners and agencies can support schools to address.

Schools should also be aware that many interventions, such as coaching and anger management, rely heavily on a child’s ability to use language to identify goals, articulate the difficulties and emotions they are experiencing, reflect on their behaviour and regulate their own emotions and interactions. There is therefore a need to consider children’s language and communication ability in order to plan and deliver effective targeted interventions.

“Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.” (paragraph 99).

This statement assumes that pupils will already have had their SEND identified; in the case of SLCN, evidence demonstrates this is often not the case. We recommend amending the paragraph as follows:

“Initial intervention to address underlying factors leading to misbehaviour should include a) consideration of whether there may be any unidentified SEN or disability that require an assessment and b) consideration of whether appropriate provision is in place to support any identified SEN or disability that a pupil may have.”

- **Re-integration**

“Schools should have a strategy for re-integrating pupils following removal from the classroom, time spent in an in-school unit, or suspension. This may involve reintegration meetings between pupils, parents and if relevant, other agencies. Schools should consider what support can help the pupil return to mainstream education and meet the expected standards of behaviour.” (paragraph 108)

Additional support or an extended re-integration period should be provided for pupils with SEND if appropriate. For example, a pupil with SLCN may need an assessment from a speech and language therapist to identify the support needed to reintegrate successfully, and to support the pupil to understand how to meet the expected standards of behaviour.

- **Child-on-child sexual violence and sexual harassment**

Schools should consider whether there may be underlying factors contributing to the behaviour, for example, not understanding social rules or the meaning of words. Where this is the case, explicit teaching on acceptable behaviour can be provided.

Schools should also be aware that pupils with SLCN may be particularly vulnerable to sexual violence and harassment because their communication needs may impact on their ability to tell others about the behaviour they have experienced.

6. About the Royal College of Speech and Language Therapists (RCSLT)

The RCSLT is the professional body for speech and language therapists, speech and language therapy students and support workers in the UK. Speech and language therapists (SLTs) provide life-improving care for children and adults who have difficulties with communication or swallowing.

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References

- ¹ Hollo, A., Wehby, J. H. & Oliver, R. M. (2014). Unidentified Language Deficits in Children with Emotional and Behavioural Disorders: A Meta-Analysis. *Exceptional Children*, 80(2): 169-186)
- ² Department for Education (2021). Special educational needs in England: January 2021. Online: <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england>
- ³ Norbury, C. F., Gooch, D., Wray, C., Baird, G., Charman, T., Simonoff, E., Vamvakas, G. & Pickles, A. (2016). The impact of nonverbal ability on prevalence and clinical presentation of language disorder: evidence from a population study. *Journal of Child Psychology and Psychiatry*, 57(11), 1247–1257
- ⁴ Youth Justice Board (2015). Practice advice: speech, language and communication needs (SLCN) in the youth justice system. Online: <https://www.gov.uk/government/publications/speech-language-and-communication-needs-in-the-youth-justice-system/practice-advice-speech-language-and-communication-needs-slc-in-the-youth-justice-system>
- ⁵ Ofsted (2021). Ofsted Annual Report 2020/21: education, children's services and skills. Online: <https://www.gov.uk/government/publications/ofsted-annual-report-202021-education-childrens-services-and-skills>
- ⁶ Education Endowment Foundation (2020). Special Educational Needs in Mainstream Schools: Guidance report. Online: <https://educationendowmentfoundation.org.uk/education-evidence/guidance-reports/send>
- ⁷ Centre for Mental Health (2018). Children of the millennium: Understanding the course of conduct problems during childhood. Online: <https://www.centreformentalhealth.org.uk/publications/children-new-millennium>
- ⁸ Bryan, K., Freer, J. and Furlong, C. (2007), Language and Communication Difficulties in Juvenile Offenders. *International Journal of Language and Communication Disorders*, 42 (5), 505-520.
- ⁹ Education Endowment Foundation (2021). Special Educational Needs in Mainstream Schools: Plotting overlapping needs for pupils with SEND. Online: https://d2tic4wvo1iusb.cloudfront.net/eef-guidance-reports/send/EEF_Plotting_overlapping_needs_for_pupils_with_SEND.pdf?v=1635355222