

Children, Young People and Education Scrutiny Panel Briefing

Date of meeting	<u>18th January 2021</u>
To	<u>Children, Young People and Education Scrutiny Panel</u>
Title	<u>Secondary School Exclusions</u>
Project Sponsor	<u>Peter Nathan, Director of Education</u>
From	<u>Mervin Cato, Head of Secondary Behaviour Support Service Jo Fear, Head of Admissions and Attendance</u>
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Purpose of briefing	This briefing provides an update on secondary exclusions in Enfield, together with information about the NEXUS project.

Background

The Secondary Exclusions Scrutiny Panel last met in March 2020. Members have asked for an update on exclusions across and Enfield and information about the NEXUS project.

Since the last meeting of the Secondary Exclusions Scrutiny Panel, the Secondary Behaviour Support Service has produced its annual report in relation to their work with young people and schools in the Borough. A copy of the report is attached for your information (appendix1). A copy of the primary behaviour support service annual report is also included (appendix 2).

Exclusions Levels in Enfield

The Secondary Behaviour Support Service Annual Report includes the DfE published data in relation to exclusions for the 2018/19 academic year as well as information about the work of NEXUS. I am pleased to report that the DfE data in relation to permanent exclusions has shown that in relation to the 2018/19 academic year, the permanent exclusion rate in Enfield was below the national average. In relation to London, Enfield's permanent exclusion rate was, in fact, the fourth lowest.

Given the introduction of lockdown mid-way through the 2019/20 academic year, it is difficult to provide any analysis of exclusions in Enfield or other LAs. At the present time, the DfE has not provided any view as to how the data will be published in 2021 and there may, in fact, be a decision not to publish the usual analysis. For your information, Enfield's unvalidated data shows that there were 19 permanent exclusions from schools in the Borough in 2019/20.

Specific responses to Exclusions Scrutiny Report & further issues raised by Scrutiny Panel.

A number of key questions were raised by Scrutiny last year in relation to exclusions and some of the actions and/or explanations are provided below.

i) There are relatively few exclusions in primary schools as opposed to secondary and members have asked why this is the case. There are a range of reasons for this. One of the factors is age related in that teenage children are much more likely to challenge authority and parents/carers have less influence over a child's actions. A second key factor is the difference in organisation between a primary school and a secondary school – in primary schools, pupils are likely to have only one or two teachers ensuing some consistency in approach and usually a better knowledge of a child's individual needs. In secondary schools, a pupil is likely to have many teachers and there is a general expectation that as children are older, they should take more responsibility for their actions. There is also considerable pressure to achieve in secondary schools and this can influence the behaviour of some children who struggle to cope with this. Members will also be aware that that a range of national reports (such as the Timpson review) have identified that social class, SEND, gender (boys) and ethnicity (and also the interlinking of these factors) have an impact on the likelihood of a child being excluded from school.

ii) Support for parents - attached with this report are two advice leaflets provided by the council giving information to parents/carers about the exclusions process (fixed term and permanent). This includes possible options regarding support for them and their children. In terms of fixed-term exclusions unless a service is already involved with a pupil, support for parents can be difficult to provide. Most fixed term exclusions are short (1-3 days) and children return to school quite quickly with parents involved in the reintegration meeting. One of the reasons for the reduction in permanent exclusions, however, has been the involvement of the Secondary Behaviour Support Service and the service's positive relationship with headteachers and with FAP (Fair Access Panel). Because of the service's role in mentoring pupils, working with local community groups and working with parents (through NEXUS) for example, parents can be supported in making the best decisions for their children and can be supported in the exclusions process or rather avoiding exclusions.

iii) The exclusions scrutiny report from last year highlighted the importance of speech and language therapy as a preventative measure and expressed concerns about waiting times. A further investment of £150K was provided at the start of the autumn term to the SALT service to ensure statutory duties were being met. Schools Forum have also recommended to fund an additional £500K per year from the DSG High Needs block for preventative work with schools to reduce the need for some children to have EHCPs to access this support. This should also have a longer term impact on the exclusions level.

iv) Some suggested improvements were made in the exclusions' scrutiny report regarding governor training. An external legal provider has been previously used which although thorough, has not been able to effectively utilise local resources and examples of good practice to support the training. For this reason, the training for governors is being brought in house this year using local expertise and knowledge of the exclusions process. This will enable relevant case studies to be used to support the training provided.

v) There have been several well publicised national reports over a number of years concerning the over-representation of BAME pupils, particularly those pupils that self-identify as Black in exclusions data. Data in relation to BAME pupils is included in the SBSS annual report which shows particularly in terms of permanent exclusions, there is no specific evidence of over representation of BAME groups. This is similar when one looks at ethnicity data for fixed term exclusions although by looking within the broad BAME data categories, there is over representation for Black Caribbean heritage and Gypsy/Roma pupils. Because of this, the Enfield Learning Excellence partnership have commenced some work focusing on the achievement of these disadvantaged groups looking at effective and impactful practice although this is in its early stages currently.

vi) The Exclusions Scrutiny report commented on the use of terms such as "exclusions" and also some aspects of the work of the FAP. The local authority and schools do work within a legal framework, however, governing the exclusion process which makes changing the language around exclusions problematic and potentially confusing. This is also true around the working of the fair access process/protocols

which do need all schools to engage in what is a challenging process. Often quite a large number of children need to be considered in quite a short timeframe but in what must be a fair process. In Enfield this has generally worked well with all schools cooperating with the process.

vii) Detailed information about the NEXUS report can be found in the SBSS annual report included with this report.

Return of Schools – September 2020

Although schools remained open to provide education for students of key worker children, those who were considered vulnerable and those with an Education, Health and Care Plan, there was no formal requirement for children to return until the beginning of the 2020/21 academic year. The Department for Education acknowledge that this would be a challenging time for schools and children and asked schools to revisit their behaviour policies. Please see appendix 2.

When schools opened in September, students returned to completely different routines and processes. Many have also had to cope with periods of remote learning following an identified contact in relation to COVID. Behaviour was not reported as a major area of concern early on in the term, but schools are beginning to experience more challenge amongst the student body. A high level of support is being provided by the Secondary Behaviour Support Service to avoid exclusion and so far, only two students have been subject to permanent exclusion since the beginning of term. Other LAs have reported a similar pattern but have not been able to put in similar levels of intervention and have seen a higher rate of permanent exclusion amongst schools.

Fair Access and Managed Moves in Enfield

Given that each school is responsible for its own behaviour policy, it is unlikely that it will be possible to achieve commonality amongst schools in Enfield and there will be circumstances that will lead to a decision taken by a Head Teacher to permanently exclude that might not have been the case at a different school. We are, though, clear that we want to have in place a system that is fair for all students and schools.

Following discussion with Head Teacher colleagues, it was agreed that we would trial an alternative process for our fair access panel at the start of the new academic year. This is outlined in appendix 3. It became clear before the half term break that this was not as effective, and the decision was made to revert to the original fair access arrangements as all schools needed to share responsibility for decisions made in relation to our students.

We are aware that the DfE is intending to produce new guidance in relation to fair access and we will review our arrangements when this is published.

Future Developments

At previous meetings of the Scrutiny Panel, discussion took place about the possibility of broadening the remit of Orchardside, the secondary pupil referral unit in Enfield. No firm plans can be made, however, because this provision is still categorised as “requires improvement” by Ofsted. Whilst the Authority is confident that the provision offered by Orchardside is no longer in this category, we need to wait for them to resume their inspection regime before we can proceed further.

Appendix 2

Extract from DfE Guidance

“Guidance for Full Opening of Schools,” – last document update 5.11.20

Behaviour Expectation

Schools should consider updating their behaviour policies with any new rules, and consider how to communicate their updated policies clearly and consistently to staff, pupils and parents. They should set clear, reasonable and proportionate expectations of pupil behaviour. Further details are available in the guidance on [behaviour and discipline in schools](#). Schools should set out clearly at the earliest opportunity the consequences for poor behaviour and deliberately breaking the rules. They should also set out how they will enforce those rules including any sanctions.

This is particularly the case when considering restrictions on movement within school and new hygiene rules. Schools will need to work with staff, pupils and parents to ensure that behaviour expectations are clearly understood and consistently supported, taking account of individual needs. They should also consider how to build new expectations into their rewards system.

Adverse experiences or lack of routines of regular attendance and classroom discipline may contribute to disengagement with education upon return to school, resulting in increased incidence of poor behaviour. Schools should work with those pupils who may struggle to reengage in school and are at risk of being absent or persistently disruptive, including providing support for overcoming barriers to attendance and behaviour and to help them reintegrate back into school life.

We acknowledge that some pupils will return to school having been exposed to a range of adversity and trauma including bereavement, anxiety and in some cases increased welfare and safeguarding risks. This may lead to an increase in social, emotional and mental health concerns and some children, particularly vulnerable groups such as children with a social worker, previously looked-after children who left care through adoption or special guardianship, and young carers, will need additional support and access to services such as educational psychologists, social workers and counsellors. Additionally, provision for children who have SEND may have been disrupted during partial school closure and there may be an impact on their behaviour. Schools will need to work with local services (such as health and the local authority) to ensure the services and support are in place for a smooth return to schools for pupils.

To assist all school leaders and staff in welcoming back all pupils, we have published a [tool for mainstream schools to support the re-engagement of pupils](#) and the return to orderly and calm environments in which all pupils can achieve and thrive.

The disciplinary powers that schools currently have, including exclusion, remain in place. Permanent exclusion should only be used as a last resort and must be lawful, reasonable, and fair. Where a child with a social worker is at risk of exclusion, their social worker should be informed and involved in relevant conversations.

Schools, should, as far as possible, avoid permanently excluding any pupil with an education, health and care (EHC) plan, or a looked-after child. Where a looked-after child is at risk of exclusion, the designated teacher should contact the relevant authority's virtual school head as soon as possible to help the school decide how to help the child and avoid exclusion becoming necessary.

Where a previously looked-after child is at risk of exclusion, the designated teacher should speak with the child's parent or guardian and seek advice from their virtual school head.

Pre-empting that a pupil may commit a disciplinary offence, and thus not allowing a pupil to attend school, is an unlawful exclusion.

Schools should have arrangements in place to support attendance and engagement which consider what additional support children and young people need to make a successful return to their full time education. For more information see [annex B](#).

Any disciplinary exclusion of a pupil from a school, even for short periods of time, must follow the statutory procedure. This includes sending a pupil home for poor behaviour, whether or not remote education is provided. 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off' for part of the day are unlawful, regardless of whether they occur with the agreement of parents or carers.

Schools should be mindful that it is unlawful to punish a child for the actions of their parents, and to consider this when applying sanctions (for example refusing to allow a pupil to class because their parents did not attend a meeting or because the parents brought the pupils to school late would be unlawful).

Ofsted will continue to look for any evidence of off-rolling. Off-rolling is never acceptable. Ofsted is clear that pressuring a parent to remove their child from the school (including to home educate their child) is a form of off-rolling. Elective home education should always be a positive choice taken by parents without pressure from their school.

Appendix 3

Fair Access Panel - Arrangements for Autumn Term, 2020

Given the recent DfE guidance on the reopening of schools to all pupils, the managed move process as we know it is likely to be very difficult to maintain. A system of bubbles, blended learning and possible quarantine for year groups or even whole schools are all challenges schools will face during the next academic year.

The priority for the Autumn Term is to ensure that learners are not lost in the process and that safeguarding is at the centre of our arrangements. We have, therefore, reviewed FAP and propose the following temporary changes for next term.

- For most students, the managed move process should not be used during the first half of the Autumn Term. Schools should continue to support students on their own site. We recognise, though, that this will not always be possible, and a student may benefit from a period away from the home school.
- We are proposing a temporary change in the referral process for Orchardside and that for the Autumn Term only, the PRU accept students for a six week intervention programme, after which time the student returns to their home school. The latest date for a student to start at the PRU to ensure a complete 6 week placement will be 16th November.
- During the student's placement at Orchardside, the home school will be expected to provide access to their VLE and this will be supported by staff at Orchardside. Regular contact must be maintained between the home school and Orchardside.
- In cases where there has been a one-off incident, no previous concerns around behaviour and a student's placement at the home school can no longer be maintained, a "swap" between schools will be considered. In these cases, it is essential that the receiving school accept full responsibility for the student concerned. For this arrangement to be compliant with the legislation, the swap will need to be agreed through a FAP process.
- In addition to the Orchardside offer, the Secondary Behaviour Support Service has agreed to provide up to 10 places at REACH for students who are struggling with the return to school.

How will cases be considered?

- During the Autumn Term membership of Fair Access Panel will be reduced although this will be reviewed at half term. We propose that the following meet virtually every two weeks to discuss pupils:

Tammy Day	Headteacher Bishops Stopford C.of E. School
Celeste Fay	Headteacher Orchardside
Mervin Cato	Head of Secondary Behaviour Support Service
Police (Safer Schools Rep)	
Jo Fear	Head of Admissions
Headteacher to be confirmed	

- Schools will use the managed move paperwork for referrals to the Panel and this will be circulated in advance to the smaller Panel. Each request will be considered on a case by case basis, for example, there may be circumstances that would mean a temporary placement at the PRU would not be in the student's best interests.
- Referrals to the REACH project will be to FAP

Current Managed Moves

We have reinstated the FAP meeting scheduled for 9th July and will hold this virtually. We are asking schools review their managed moves and update on progress. Some students maybe ready for sign off, others may need to return to their home school.

We are proposing that any managed moves that were in place when schools closed, must come to an end by October half term, either by being taken onto the roll of the receiving school or a return to the home school.

Next Steps

1. We would like feedback on the proposed temporary arrangements. If we proceed, we ask that another Head join the Virtual Panel.
2. The temporary arrangements to be reviewed at half term.

Tammy Day, Celeste Faye, Mervin Cato, Jo Fear

5.7.20