

| Children and Young People Select Committee | | | |
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| Title | In-depth review of exclusions from school – Evidence Session 2 | Item No | 4 |
| Contributors | Scrutiny Manager | | |
| Class | Part 1 | Date | 6 December 2018 |

1. Purpose of paper

- 1.1 As part of its work programme the Committee has agreed to undertake an in-depth review of exclusions from school, the scope of which was agreed at the meeting on 5 September.
- 1.2 This paper presents evidence to the Committee in response to some of the Key Lines of Enquiry (KLOE). The first evidence session was held at the last meeting on 17 October. Further evidence will be presented at a final evidence session on 13 March 2019.

2. Recommendations

- 2.1 The Select Committee is asked to consider and comment on the evidence presented.

3. Policy context

- 3.1 The Council's overarching vision is "Together we will make Lewisham the best place in London to live, work and learn". In addition to this, ten corporate priorities and the overarching Sustainable Community Strategy drive decision making in the Council. Lewisham's corporate priorities were agreed by full Council and they remain the principal mechanism through which the Council's performance is reported.
- 3.2 The Council's corporate policy of "Young people's achievement and involvement" promotes raising educational attainment and improving facilities for young people through working in partnership. The Council's Sustainable Community Strategy's priority of "Ambitious and Achieving" aims to create a borough where people are inspired and supported to achieve their potential.
- 3.3 The Children and Young People's Plan 2015 – 2018 also sets strategic vision and a key aspect is "Raising the attainment of all Lewisham children and young people" and this has a number of specific outcome areas:
 - AA1: Ensuring there are sufficient good quality school places for every Lewisham child.

- AA2: Ensuring all our children are ready to participate fully in school.
- AA3: Improving and maintaining attendance and engagement in school at all key stages, including at transition points.
- AA4: Raising participation in education and training, reducing the number of young people who are not in education, employment or training (NEET) at 16-19.
- AA5: Raising achievement and progress for all our children at Key Stages 1 – 4 and closing the gaps between underachieving groups at primary and secondary school.
- AA7: Raising achievement and attainment for our Looked After Children at all Key Stages and Post 16.

4. Revised Key Lines of Enquiry

4.1 At the meeting on 5 September, the Committee agreed the scope and terms of reference of the review. The revised Key Lines of Enquiry are attached at Appendix A.

5. Evidence relating to disproportionality

5.1 The Centre for Research in Race and Education at the University of Birmingham has recently published the findings of a national review of the “Exclusion of Black Caribbean and Mixed: White/Black Caribbean students”. A copy of the review is at Appendix B.

5.2 The review focused on above average exclusion rates (both permanent and fixed term) for Black Caribbean and Mixed White/ Black Caribbean students (collectively referred to as Black for the purposes of the review). It found that Black students are more likely to be overrepresented in exclusions throughout school, from the Early Years to the end of Key Stage 4.

5.3 Shockingly, the review reports that “In the last three years of secondary school (Year 9 to Year 11 inclusive) more than *one in three* Black Caribbean students experienced at least one temporary exclusion”.

5.4 The review found that:

- Institutional racism, unconscious bias, negative stereotyping and low teacher expectations account for this overrepresentation of Black students in exclusions.
- Black students experience negative teacher expectation regardless of class or gender but Black boys experience it most acutely
- Teachers see Black students as more likely to cause trouble than to excel academically
- The cumulative effect of disciplinary sanctions against Black students for minor disruption that might go unpunished for other ethnic groups.

- Rates of Black exclusion have reduced the most where schools have been encouraged to find alternative ways of dealing with less serious behaviour
- Ofsted no longer looks at race equality when inspecting schools and this has had “a profoundly damaging impact”.
- “Good teacher education is vital. Initial teacher education is especially important and should be required to address the decades of evidence-based understanding and good practice that has built up in this field”.

5.5 Teach First, one of the providers of Initial Teacher Training (ITT) in Lewisham, provided this response when asked whether ITT covers specific training to make new teachers aware of the disproportionate impact of exclusions on male, Black, SEND, Free School Meals pupils.

- “We do emphasise the impact of lack of privilege; intersectionality and the structural and systemic barriers to equality of opportunity.
- We don’t cover exclusion and the groups most at risk through any discrete teaching, as the policies and data may be different in each employing school.
- We expect our teachers to work within the policies of their schools, especially as early career teachers – the emphasis is not influencing or changing these policies.
- However, it is key to our vision and mission as a charity that education is inclusive and the disadvantaged have the best opportunities possible, so this ethos runs throughout the content and the structure of our programme.

For example:

- National Teaching Standards 1 and 7 would be assessed regarding any issues of exclusion – do our teachers show high expectations? Are they appropriately and safely managing any issues relating to this?
- Teaching Standard 5 would cover aspects of differentiation for groups of learners, especially those with SEND.
- We do have a module (in January – May of the first year of the programme) which focuses on reducing barriers to learning in class. Then in second year, the teachers do a further module that builds on this, with focus then being on extending their impact and influencing others. Theoretically, this could focus on the groups you have identified, and/or exclusion. However, as it is dependent on the teachers’ individual contexts, we do not specify the area of focus.”

5.6 Further work into disproportionality is ongoing.

6. Evidence from Glasgow

6.1 At the last meeting, the Committee was presented with evidence from Glasgow as an example of an authority that has significantly reduced exclusions. It was agreed that that evidence would be scrutinised at this meeting. The Head of Public Protection and Safety will attend to answer

questions on the evidence gathered on her recent visit to Glasgow. A summary report of the presentation that was made at the last meeting is attached at Appendix C.

7. Responding to the Key Lines of Enquiry (KLOE)

- 7.1 This evidence session will consider a range of evidence in response to the following KLOE:
- What does successful early intervention look like? How early is early enough?
 - What examples are there of innovative practice in behaviour management?
 - What alternatives are there to exclusion and what evidence exists as to their effectiveness?
 - What support is there for mental health, and what evidence is there that this support is working?
 - What is the practice in Lewisham schools in relation to behaviour management and early intervention? What evidence is there that these practices work?

8. Alternatives to Exclusion

- 8.1 The main alternatives to permanent exclusions are:
- Restorative Justice
 - Internal Exclusion
 - Managed Transfer to Alternative Provision
 - Managed Move to another Lewisham school or a school outside the borough

Restorative Justice

- 8.2 This approach prioritises conflict resolution over punishment. According to the Restorative Justice Council (RJC), best known for its work in the criminal justice system bringing offenders face to face with victims, restorative justice in the context of schools includes a range of strategies that can be used to foster good relationships and resolve conflicts in a way that enhances insight and understanding in pupils and shapes better future behaviour.

Internal Exclusion

- 8.3 Provision varies between schools. Some have a designated unit where pupils that have been excluded from the school population spend their day, others do not. Some schools support pupils to remain in the classroom with the support of a learning mentor. In July this year, the House of Commons Education Committee (HoC-EC) published a report entitled “Forgotten children: alternative provision and the scandal of ever increasing exclusions”.ⁱ It considered in-house alternative provision (AP) as an alternative to exclusion. In summary, the committee found that in house AP can be used successfully to prevent exclusion and support pupils where the provision is of a high quality and is used appropriately.

- 8.4 “Learning Support Units (LSUs) were introduced in schools from 1999 as part of the Excellence in Cities partnerships and Education Action Zone partnerships. Funding was provided to schools with the intention to improve behaviour and reduce exclusion. Ofsted found that the while a quarter of units didn’t help pupils learn effectively, it did find that most LSUs were successful in reducing exclusions and promoting inclusion”
- 8.5 The HoC-EC found that the best in-house AP was staffed by qualified and engaged teachers, provided high quality learning opportunities, maintained connectivity with the school, employed the use of mentors and played a support role. Where a ‘sin bin’ the approach was used, the results were less successful and could have a damaging effect on the pupil. Even good quality in-house AP was found to be unsuitable for some pupils, particularly those with medical or mental health needs.

Managed Transfer

- 8.6 “A Managed Transfer is an offer of early help and intervention for a family whose child is at risk of exclusion and where the school has exhausted the ‘graduated response’. This offer does not contravene the Government Statutory Guidance on permanent exclusions. This means that, where a family cooperate with the intervention, their child will be considered for a Managed Transfer. This is then presented to the Lewisham Fair Access Panel regarding the appropriateness of the Managed Transfer and the child will be offered an alternative provision placement to assess need, ensuring access to an appropriate curriculum to meet need. Pupils are not permanently excluded and will be monitored, in alternative provision, on a regular basis to consider and arrange reintegration into a mainstream school if and when appropriate.”ⁱⁱ
- 8.7 In the case of a Managed Transfer, the pupil comes off the school roll immediately. The benefit of this approach is that the child avoids exclusion and received regular reviews with a view to quick reintegration into mainstream.

Managed Move

- 8.8 A Managed Move (MM) is a voluntary agreement between schools, parents/carers and a pupil, for that pupil to change school. It is increasingly being used as an alternative to exclusion as it has the benefit to the pupil of not formally logging an exclusion on the pupil’s education record. A MM can only be implemented with the agreement of all involved.
- 8.9 A MM may be suitable where:
- a pupil refuses to attend their current school;
 - a pupil is at risk of permanent exclusion from their current school;
 - a pupil is posing a risk to the welfare of others at their current school;
 - a pupil has Special Educational Needs (SEN) and the school is unable to meet the pupil’s needs
 - the relationship between the school, the pupil and the family has broken down and the pupil would benefit from a fresh start.
- 8.10 There is no statutory provision for a MM. This is a voluntary agreement that the local authority supports. If the MM has complex factors, schools are

encouraged to ask for support from Fair Access Panel (FAP). The decisions of FAP are binding. Whether or not FAP is involved, schools are asked to notify the local authority when a MM is made. Where a MM occurs, the pupil remains on the roll of the school they have left until both schools agree the move has been successful, up to a maximum of 12 weeks. If the MM breaks down, the pupil will likely be permanently excluded.

- 8.11 To avoid vulnerable pupils being passed around schools, the local authority expects that no student should have more than one MM during secondary education and one during primary.
- 8.12 A MM can be deferred. This means that the move will only happen if the pupil fails to keep to their side of an agreement. In this case there needs to be a clear plan in place that sets out what the pupil is expected to do and what will happen if they fail to do so.

9. Evidence from FAP

- 9.1 At the last meeting, the committee considered evidence regarding Fair Access. To better understand how the Fair Access Protocol (attached at Appendix D) works in practice, members were given the opportunity to observe a Primary Fair Access Panel (FAP) and a Secondary FAP.
- 9.2 Councillors Jacq Paschoud and Caroline Kalu attended the Primary FAP.
- 9.3 Councillor Octavia Holland and Monsignor Nicholas Rotheron attended the Secondary FAP.
- 9.4 They are invited to share their observations with the committee, while being reminded of the need for confidentiality regarding the sensitive information that was discussed.

10. Evidence from Independent Review Panellists

- 10.1 At the last meeting, the committee considered evidence regarding the appeal process following a permanent exclusion, and the role of the Independent Review Panel.
- 10.2 Councillor John Paschoud observed an independent review panel hearing. He is invited to share his findings with the committee.
- 10.3 Additionally, written submissions have been received from panellists and are attached at Appendix E.

11. Evidence from school visits

- 11.1 Members of the committee have visited three Lewisham secondary schools. Evidence will be continued to be gathered by visiting further schools and will be shared at the 13 March meeting.

11.2 At the time of writing, two out of three of the secondary school visits had been conducted. A summary of these visits is attached at Appendix F. Any Member that attended the visit to Prendergast Ladywell School is invited to share their observations with the Committee.

12. Officer evidence

12.1 Ruth Griffiths, Service Manager Access, Inclusion and Participation will give a brief presentation reporting on:

- the work of the Reducing Exclusions Group;
- an action plan for the development and implementation of the Lewisham Inclusion Strategy;
- an initial deep dive into children referred to primary phase alternative provision during 2017/18; and
- an initial deep dive into Year 9, 10 and 11 permanent exclusions from Lewisham schools during 2017/18.

13. Further implications

13.1 At this stage there are no specific financial, legal, environmental or equalities implications to consider. However, each will be addressed as part of the review.

Appendices

Appendix A – Key Lines of Enquiry

Appendix B – CRRE University of Birmingham Exclusions Review

Appendix C - findings from visit to Glasgow

Appendix D – Fair Access Protocols (Primary and Secondary)

Appendix E – Submissions from Independent Review Panellists

Appendix F – summary of school visits

Background Papers

- Annual Report on Attendance and Exclusions, report to CYP Select Committee, 5 September 2018
- Exclusions from school – an in-depth review, report to CYP Select Committee, 5 September 2018
- In-depth review: Exclusions from school – first evidence session, report to CYP Select Committee 17 October 2018

ⁱ <https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/34202.htm>

ⁱⁱ

<http://councilmeetings.lewisham.gov.uk/documents/s59002/CYP%20Lewisham%20Attendance%20and%20Exclusions%20FINAL.pdf> para 9.3

