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## **Overview and Scrutiny**

### **Children and Young People Select Committee**

#### **Exclusions from school**

June 2019

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#### **Membership of the Children and Young People Select Committee in 2018/19:**

**Councillor Luke SORBA (Chair)**

**Councillor Liz JOHNSTON-FRANKLIN (Vice-Chair)**

**Councillor Andre BOURNE**

**Councillor Octavia HOLLAND**

**Councillor Coral HOWARD**

**Councillor Caroline KALU**

**Councillor Hilary MOORE**

**Councillor Jacq PASCHOUD**

**Councillor John PASCHOUD**

**Gail EXON (Church Representative)**

**Monsignor Nicholas ROTHON (Church Representative)**

**Lilian BROOKS (Parent Governor Representative)**

**Kevin MANTLE (Parent Governor Representative)**

**Kate WARD (Parent Governor Representative)**

#### **Membership of the Children and Young People Select Committee in 2019/20:**

**Councillor Luke SORBA (Chair)**

**Councillor Caroline KALU (Vice-Chair)**

**Councillor Colin ELLIOTT**

**Councillor Octavia HOLLAND**

**Councillor Coral HOWARD**

**Councillor Liz JOHNSTON-FRANKLIN**

**Councillor Paul MASLIN**

**Councillor Hilary MOORE**

**Councillor Jacq PASCHOUD**

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**Lilian BROOKS (Parent Governor Representative)**

**Kevin MANTLE (Parent Governor Representative)**

**Kate WARD (Parent Governor Representative)**

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## **Chair's Introduction**

[To be inserted once the Committee has made its recommendations]

Photograph of Chair

Councillor Luke Sorba  
Chair of the Children and Young People Select Committee

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## Executive Summary

[To be inserted when the Committee has made its recommendations. It will include key findings of the review]

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## **Recommendations**

The Committee would like to make the following recommendations:

[Recommendations to be proposed and agreed at meeting on 12<sup>th</sup> June]

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## 1. Purpose and structure of review

- 1.1 At its meeting on 28 June 2018, the Children and Young People Select Committee resolved to scrutinise exclusions from school.
- 1.2 The Committee agreed the scope and Key Lines of Enquiry on 5 September 2018. The following key lines of enquiry were agreed:

### ***What does good practice look like in preventing and managing exclusions and how can this be successfully embedded and emulated?***

#### **Evidence from outside Lewisham**

- 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 are the lowest excluding schools and local authorities doing to reduce their exclusion rate?
- Why are some groups more likely to be excluded than others and what can schools and the local authority do to address this?

#### **Evidence from Lewisham**

- What is the council's role in respect of school exclusions?
- What is the practice in Lewisham schools in relation to behaviour management and early intervention? What evidence is there that these practices work?
- What support is there for mental health, and what evidence is there of that this support is working?
- What happens when a pupil is excluded – what process is followed, what right of appeal does the pupil/ parents have, what support is available?
- What can we learn from pupil and parent experiences of exclusion in Lewisham?
- What does best practice look like in engaging parents and pupils effectively in the exclusions process?
- What evidence is there of unofficial exclusions, including off-rolling, in Lewisham schools?
- What are the drivers behind the variation in the exclusion rates between schools with a similar intake?
- Why is the fixed term exclusion rate from Lewisham special schools high, and what is being done to reduce it?
- What is the role of managed moves and what evidence is there of their success?
- How are excluded pupils supported through reintegration, whether to the school they were excluded from, or a when starting a new school?
- How are excluded pupils supported to reduce their risk of further exclusions?
- What are Lewisham schools doing to reduce inequalities in school exclusion, in particular looking at:
  - Ethnicity

- Gender
- Those eligible for Free School Meals
- Children and young people with SEND.

1.3 The timeline of the review was as follows:

1.3.1 **First evidence session** (17 October 2018)

- Case study evidence of good practice in reducing exclusions
- Expert evidence on how to reduce inequalities in exclusions
- Officer report setting out the council's role in respect of school exclusions

1.3.2 **Visits** (October – February 2018)

- Visit to Addey & Stanhope school – 12 November 2018
- Visit to Bonus Pastor Catholic College - 12 November 2018
- Visit to Prendergast Ladywell school – 27 November 2018
- Visit to Abbey Manor College (Pupil Referral Unit) – 14 January 2019
- Visit to Myatt Garden Primary School – 17 January 2019

1.3.3 **Observations**

- Primary Fair Access Panel – 30 October and 11 December 2018
- Secondary Fair Access Panel – 22 November 2018
- Independent Exclusions Appeal panel hearing – 21 November 2018

The intention had been to visit other boroughs, however none of the boroughs approached were responsive.

1.3.4 **Second evidence session** (6 December 2018)

- Officer report summarising the evidence gathered on visits

1.3.5 **Third evidence session** (13 March 2019)

The review was originally scheduled to report in March 2019 but the timetable was extended due to the volume of evidence. This extension allowed for an additional evidence session that looked exclusively at disproportionality – why exclusions affect Black children more than any other ethnic group, and how to eliminate this.

## 2. Policy context

2.1 The Council's Corporate Strategy 2018-2022 sets out seven corporate priorities which drive decision making in the Council. Lewisham's corporate priorities were agreed by full Council and they are the principal mechanism through which the Council's performance is reported.

2.2 The Council's corporate policy of "Giving children and young people the best start in life" seeks to ensure that every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.

2.3 The Children and Young People's Plan 2015 – 2018 (currently being updated) also sets the strategic vision "Together with families, we will improve the lives and life chances of the children and young people in Lewisham". Six specific areas have been prioritised to raise the attainment and achievement of secondary age pupils and young people as follows. All six priority areas are underpinned by the Special Educational Needs and Disabilities (SEND) Strategy to deliver outstanding and inclusive improvement

- 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.

2.4 One of the key targets under priority AA3 is to reduce exclusions from Lewisham secondary schools to be in line with the London average by 2018.

### ***Lewisham Inclusion Board***

2.5 In April 2016, the Children and Young People Directorate completed a review of the strategy, structures and systems for Alternative Provision at all Key Stages. The review aimed to improve the Alternative Provision model over three years (2016-19) to better meet the needs of children and young people in Lewisham, and made a number of recommendations, including:

- **Key Action 1:** to reduce the number of fixed term and permanent exclusions from Lewisham secondary schools.
- **Key Action 2:** to increase the number of children and young people who are reintegrated back in to Lewisham Schools.
- **Key Action 3:** to improve levels of attendance of children and young people attending Lewisham Alternative Provision.

2.6 The Lewisham Inclusion Board was created and tasked with monitoring progress against these recommendations, receiving 6-weekly updates.

### 3. National context

- 3.1 Exclusion rates in England are rising. According to the most recent Department for Education figures<sup>1</sup>, the exclusion rate in England rose by 15% in the academic year 2016-17. This equates to an additional 1000 permanent exclusions in the school year 2016/17, taking the total to 7,700 permanent exclusions across primary, secondary and special schools. Some 40 pupils per day were permanently excluded - more than a whole class each day.
- 3.2 Nationally, by far the majority of exclusions occurred in secondary schools (83%), and the most common reason given was persistent disruptive behaviour. Persistent disruptive behaviour was the category with the most growth, and there was also a sharp rise in those permanently excluded for physical assault against another pupil.
- 3.3 Nationally, the rate of permanent exclusions from state funded schools has followed a downward trend since 2006/07 but began to rise in 2012/13, although it is still lower than it was at its peak in 2006/07.
- 3.4 There are concerns that the national rise is due to cuts to school budgets resulting in less individual support available in the classroom for early intervention and behaviour support. Cost pressures may result in exclusions taking place that could be averted if sufficient resource was available for preventative work. At the same time, cuts to council funding means that support services for vulnerable families are being scaled back, putting additional pressure on schools. Schools also face pressure to improve exam results and boost their position in league tables.
- 3.5 A study by the Institute of Public Policy Research estimates that excluding a child from school costs the taxpayer £370,000 in the long term<sup>2</sup>. This would place the cost of exclusion in England in 2016/17 at around £2.8bn.
- 3.6 Recently, Ofsted has highlighted the practice of illegal or inappropriate “off-rolling” of pupils as a growing issue. Off-rolling is the term used to describe where pupils are removed from the school roll. Ofsted defines off-rolling as:

*‘the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil... There are many reasons why a school might remove a pupil from the school roll, such as when a pupil moves house or a parent decides (without coercion from the school) to home-educate their child. This is not off-rolling. If a school*

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1

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/726741/text\\_exc1617.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726741/text_exc1617.pdf)

<sup>2</sup> Making the Difference: Breaking the Link between school exclusion and social exclusion. IPPR, October 2017

*removes a pupil from the roll due to a formal permanent exclusion and follows the proper processes, this is not off-rolling.'*

- 3.7 The problem is that nationally, in a rising number of cases, the pupils essentially "disappear" from the school where they were enrolled and often for unlawful reasons. Examples of this may be just before GCSE examinations or prior to an Ofsted Report. Ofsted recently revealed that from 2016 to 2017, 19,000 pupils were off-rolled. Pupils with special educational needs (SEN) are particularly vulnerable. According to Ofsted, around 30% of pupils who leave their school between years 10 and 11 have SEN. Pupils eligible for free school meals, children looked after by local authorities and some minority ethnic groups are also more likely to leave their school ahead of GCSEs. As part of the review, Members wanted to examine what safeguards were in place to prevent these practices in Lewisham schools.

#### 4. National research and findings on the impact of Exclusion

“Children who are taught in alternative settings, rather than in mainstream education, have terrible prospects. Just 1.1 per cent of this group get five good GCSEs.”

*UK Poverty 2017: Ladders of opportunity keynote speech by Robert Halfon MP*

- 4.1 For the child that is excluded, the impact of exclusion is significant and can have lifelong implications. School exclusion is linked to poor outcomes in terms of:
- mental health – national research by University of Exeter found high incidences of deliberate self-harm among excluded young people. They also found that poor mental health can lead to exclusion, and exclusion can trigger new onset mental illness and exacerbate existing conditions<sup>3</sup>
  - educational attainment – nationally, just 1% of excluded young people achieve five good GCSEs including English and maths. The majority of excluded children are not enrolled in the two core GCSEs of English and maths.<sup>4</sup>
  - employment - without qualifications, employment prospects are significantly reduced. A DfE report<sup>5</sup> from February 2018 highlighted that young people who had attended alternative provision were more likely to be long term NEET.
  - criminal behaviour – the majority of UK prisoners were excluded from school. According to a study by the Ministry of Justice in 2012, 63% of prisoners reported being temporarily excluded from school, and the 42% had been permanently excluded. Excluded prisoners were more likely to be repeat offenders than other prisoners.<sup>6</sup>

<sup>3</sup> University of Exeter, Parker et al 2016

<sup>4</sup> DfE 2017

<sup>5</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679535/Characteristics\\_of\\_young\\_people\\_who\\_are\\_long\\_term\\_NEET.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679535/Characteristics_of_young_people_who_are_long_term_NEET.pdf)

<sup>6</sup> [www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51605.htm#n33](http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51605.htm#n33) and Summerfield A (2011) Children and Young People in Custody 2010–11. London: HM Inspectorate of

- 4.2 As well as impacting on the excluded child, there is a significant financial cost to the public purse. The Institute of Public Policy Research in its 2018 report on exclusions entitled “Making the Difference”, found that “after taking into account likely poorer outcomes throughout their lives, each excluded child is estimated to cost the state £370,000 each in extra education, benefits, healthcare and criminal justice costs – equivalent to £2.1bn for last year’s cohort of excluded pupils.”<sup>7</sup>
- 4.3 When deciding whether to exclude a child, the school must balance the needs and rights of the child against those of the rest of the class and the safety and welfare of staff in the school. According to a report by Barnardo’s entitled “Not present and not correct: understanding and preventing school exclusions”:
- “Occasionally exclusion is a necessary disciplinary measure which, used sparingly, could shock a child into behaving better and temporarily resolve problems in the classroom.”
- 4.4 However, there is a wealth of evidence<sup>8</sup> that in many cases, rather than improving behaviour, exclusion creates further problems or exacerbates existing issues, such as the excluded pupil feeling social isolated when returning to school, making relationship problems with teachers or peers worse, falling behind on work, worsened attitude towards school.
- 4.5 Exclusion is especially detrimental to those with chaotic family lives – for some children, school is the only stability they have. Time out of school while alternative provision is arranged can give young people more opportunity to get involved in gang activity and risk-taking behaviour. Research shows links between time out of school and offending behaviour<sup>9</sup>
- 4.6 Exclusion itself does little to help the child/young person to recognise the consequences of their behaviour, and can give the message that it is ok to give up and walk away, which is particularly unhelpful if the pupil is already demotivated or struggling academically.

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Prisons and Youth Justice Board (referenced in [www.centreforsocialjustice.org.uk/publications/no-excuses](http://www.centreforsocialjustice.org.uk/publications/no-excuses) )

<sup>7</sup> <https://www.ippr.org/news-and-media/press-releases/excluded-school-children-more-than-twice-as-likely-to-have-unqualified-teachers-new-analysis-shows>

<sup>8</sup> Barnardos (2010), Daniels et al (2003), DCSF (2003), Hayden and Dunne (2001), Berridge et al (2001), McAra and McVie (2010), Parsons (1999) (2009)

<sup>9</sup> McAra, L (2004), Berridge et al (2001)

“For children who really struggle at school, exclusion can be a relief as it removes them from an unbearable situation with the result that on their return to school they will behave even more badly to escape again. As such, it becomes an entirely counterproductive disciplinary tool as for these children it encourages the very behaviour that it intends to punish. By avoiding exclusion and finding other solutions to poor behaviour, schools can help children’s mental health in the future as well as their education.”

*Professor Tamsin Ford, child and adolescent psychiatrist, University of Exeter*

## 5. What is exclusion? A quick guide to the law

- 5.1 Excluding a pupil from school, either temporarily or permanently is a behaviour sanction available to head teachers. There are two types of exclusion: fixed term and permanent.
- 5.2 A **permanent exclusion** (‘being expelled’) is sanctioned by the head teacher as a last resort where he or she is sure that:
- the pupil has seriously breached the school's discipline policy
  - if the pupil remains in school, it would seriously harm the education or welfare of the pupil or others in the school.
- 5.3 The local authority has a statutory obligation to arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.
- 5.4 A **fixed term exclusion** (‘being suspended’) applies for a specified number of days, and if a fixed term exclusion is set for a period exceeding 5 days, the local authority must ensure access to appropriate full time educational provision. Fixed term exclusions cannot exceed 45 days per academic year in total.
- 5.5 Where a head teacher decides to exclude a pupil – either permanently or for a fixed term – the statutory guidance<sup>10</sup> must be followed.
- 5.6 However, there are other ways in which pupils can, in effect, be excluded from school. **Unofficial exclusions** are illegal, even with parental consent. This is where a child is kept away from school without following official exclusion policies. It may be presented as favourable to parents and children. Examples of unofficial exclusion could be:
- a pupil has had a fixed term exclusion and is not allowed back to school until a reintegration meeting has been arranged, which may take some time
  - a pupil is asked to stay at home during a school inspection
  - a pupil is asked to go on an extended and inappropriate period of study leave
  - a parent being inappropriately recommended to educate their child at home
  - a pupil being sent home to ‘cool off’

<sup>10</sup> “Exclusions from maintained schools, academies and pupil referral units – A guide for those with legal responsibilities in relation to exclusion” (September 2012 Updated 2017).

- inappropriate use of part-time timetables.

- 5.7 **Part-time timetables** - Schools have a statutory duty to provide full time education for all pupils, irrespective of ability, aptitude, any special educational needs they may have.
- 5.8 In some cases, if a pupil has been out of school, unwell or excluded, a part-time timetable may be used as a short-term measure towards achieving full reintegration. This should be time limited, agreed between the school/ parents or carers/ all agencies involved and formally documented through a Pastoral Support Plan (PSP).
- 5.9 There are many legitimate reasons for taking a child off a school roll and strict guidelines on when this is and not appropriate, linked to child safeguarding. **Off-rolling** (as defined by Ofsted (see 3.6 above )) is a form of unofficial exclusion. Off-rolling is the practice of removing children from the roll of a school, especially in order to maintain or improve exam results.
- 5.10 Schools have the power to direct pupils to off-site provisions for reasons of behaviour, or to provide alternative education to meet specific needs while keeping them on the school roll. The placement must be kept under review and involve parents/ carers and the pupils in the assessment of his/her educational needs.

## 6. Responsibilities of the local authority

- 6.1 The legislative requirements on local authorities regarding provision of education are extensive. To summarise, the government expects schools and local authorities to ensure that every pupil has access to full-time education to which they are entitled, and to promote good attendance and reduce absence, including persistent absence. The DfE provides a comprehensive guide to the legislation that governs the exclusion of pupils from local authority maintained schools, academies and pupil referral units<sup>11</sup>.
- 6.2 Head teachers and governing bodies must take account of their statutory duties in relation to special educational needs when administering the exclusion process. Schools must also comply with the Equality Act 2010. Schools can exclude pupils with protected characteristics<sup>12</sup>, but not because of those protected characteristics.

### ***Legal duties when a child is excluded***

- 6.3 Details of the legislation relating to exclusions can be found at Appendix 1. In the case of both permanent and fixed term exclusion, the school must set and mark work for the first five school days.
- 6.4 The parents must keep the child indoors during school hours, or face a fine of up to £1000.

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<sup>11</sup> <https://www.gov.uk/government/publications/school-exclusion>

<sup>12</sup> The protected characteristics under the Equality Act 2010 are: sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.

- 6.5 School governing boards are responsible for arranging education for fixed term exclusions longer than five days.
- 6.6 For permanent exclusions, the local authority must arrange full-time, supervised education from the sixth consecutive school day onwards. Full-time education means offering English and maths as part of 21 to 25 hours of guided learning per week.
- 6.7 In reality, it is rarely possible for alternative provision to be in place on the 6<sup>th</sup> day.

***Time to place***

- 6.8 The Review was told that it took between two - three weeks to place Lewisham's excluded pupils into alternative provision, calculated from the exclusion date to the start date at the provision. The interview and risk assessment for referred pupils as part of the admissions process at Abbey Manor College (AMC), are carried out on separate days, which causes a delay. The pupil usually starts the following week. It is not uncommon for parents to delay their child's admission to the PRU in the hope they will be successful in overturning their child's exclusion at the Governors' Discipline Panel.
- 6.9 When a pupil is permanently excluded, they are referred to the local authority in the first instance. Each case is looked at by the Fair Access Panel on an individual basis to assess:
- Current academic levels, potential GCSEs/ other qualifications
  - Reason for exclusion, and any resulting safeguarding issues (eg gang affiliation)
  - Any risk posed to the pupils currently attending AMC (or other alternative provision if AMC is not suitable)
  - Links with Youth Offenders Service (YOS), Children's Social Care (CSC) or other services
  - Whether a managed move might be a possible alternative. More on managed moves at paragraph 14.10.
- 6.10 Some 79% of pupils excluded from Lewisham schools were referred to Abbey Manor College, Lewisham's Pupil Referral Unit (PRU) in 2017/18. A further 21% of pupils were referred to other provision including the Greenwich PRU, Bromley Trust Academy, Ilderton Motors, Bromley Tutorial Foundation, the Croydon PRU, Arco Academy, The Lewisham Hospital Outreach Programme, Education My Life Matters and the Southwark PRU. A list of alternative providers can be found at Appendix 2 – Lewisham Alternative Education Provision Directory.
- 6.11 Pupils are referred to other Alternative Provision for various reasons including gang associations, bail restrictions (assessed in partnership with Youth Offending Service and the Serious Youth Violence Team), the pupil lives out of borough and is referred to their home local authority.

### **Fair Access**

6.12 Lewisham operates a Fair Access Policy<sup>13</sup>, implemented by a primary and a secondary Fair Access Panel (FAP). The purpose of these panels is to ensure that children who are not on the roll of a school are placed quickly in appropriate provision, to equitably distribute pupils with challenging needs across all schools, and limit the amount of time children spend out of education. See paragraph 14- Alternatives to Exclusion.

### **Evidence from FAP**

- 6.13 Members of the committee were given the opportunity to observe a primary and a secondary FAP. They noted that both primary and secondary FAPs were well run and presented lots of good examples of schools working together. The FAPS handled extremely difficult cases with great sensitivity.
- 6.14 FAP is a forum for heads to discuss complex cases.
- 6.15 New arrivals to Lewisham are considered by FAP for needs to be assessed to ensure they are placed in the right education setting, and with links to post-16 opportunities. The family has an input and FAPs recommendation can only be implemented with parental consent.
- 6.16 Year 11 cases always go to FAP as it is an important year when students sit their GCSEs
- 6.17 Members of the committee noted that some schools appeared more inclusive than others, noting that one school had asked FAP to consider a situation where a pupil was struggling with learning rather than behaviour, and that some heads appeared “protective of their territory”
- 6.18 Committee members noted a lack of BAME representation on the primary FAP.

### **Governors' Discipline Panel**

- 6.19 A school's governing board has a duty to consider parents' representations following a decision to exclude.
- 6.20 The panel of three to five of the school's governors ensures scrutiny of the head teacher's decision to exclude by considering the views of the school, parent and child and, having due regard to the Statutory Guidance on School Exclusion from June 2012, deciding whether the exclusion should be upheld or overturned.
- 6.21 For permanent exclusions, and fixed term exclusions that involve the pupil missing a public exam or more than 15 school days in a term, the Governors' Discipline Panel must meet within 15 school days of the date of the exclusion. In Lewisham this timescale is not always met.

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<sup>13</sup> <https://lewisham.gov.uk/myservices/education/schools/school-admission/fair-access-policy-for-school-admissions>

### ***Independent Review Panel***

- 6.22 If the exclusion is upheld and the parents apply within the legal time frame, the local authority or, in the case of an academy, the academy trust must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.
- 6.23 The Independent Review Panel (IRP) does not have the power to compel the school to rescind its decision and readmit a pupil who has been permanently excluded. Instead there are three options available to the panel:
1. uphold the decision to permanently exclude
  2. recommend that the governing body reconsider its decision; or
  3. direct the governing body to reconsider its decision.
- 6.24 Parents also have a right to request the attendance of an SEN expert at a review, regardless of whether the school recognises that their child has SEN.
- 6.25 The most common reason for directing a governing body to reconsider its decision is procedural error. Even if it is found that a governing body has acted inappropriately, if the governors refuse to reinstate the child, the only sanction is that the school can be fined. The decision to exclude would stand.

### ***Evidence from the IRP***

- 6.26 The Committee received evidence from Independent Appeal Panellists, as well as observing a panel hearing. It found that IRPs have limited positive outcomes for parents and pupils as the tests for decision-making are based on the grounds of Judicial Review ie illegality, irrationality, proportionality. This is strongly biased in favour of the head teacher's decision to exclude, with panellists commenting on the scarcity of cases where the panel recommends that the governing body reconsiders reinstatement. Parents do not always understand that the IRP cannot force the pupil's reinstatement. In reality, few parents have sufficient understanding of the system or the means to initiate judicial review proceedings.
- 6.27 The IRP is an additional layer of protection for the decision maker, but does little to benefit the excluded pupil. One panellist acknowledged that the process has "limited positive outcomes for Parents and Pupils but [is] paid for by the Council, and consumptive of much effort by Governance Support staff."
- 6.28 Being a panellist provides a unique insight into the life and culture of the school, and also into the pupil's life. From this perspective, panellists offered the following observations and suggestions for improvement:
1. Medical professionals are not consulted at an early enough stage. One panellist revealed "I have been told many times of the pastoral/medical care that would be available to a pupil but not very much about how the school has attempted realistically to encourage the parents and pupils to accept such assistance."
  2. There is insufficient recognition of or support for mental health problems
  3. Historically, some schools' management and/or care systems have been inadequate, and the introduction locally of Exclusions Guidance has been a welcome effort to improve this.

4. Secondary school induction materials should include general mention of exclusions and the serious implications for the pupils who are excluded
5. Intervention does not happen early enough.
6. The weight of evidence is usually poor from the parent, and is often founded on an emotional argument. In contrast, schools are able to present a portfolio, with comparatively extensive paperwork evidencing relevant events throughout the pupil's career.
7. Information packs that support decision making at governor body level is not always as robust as it should be, indicating some rubber stamping of the head teacher's decision without appropriate challenge. In contrast, the secondary schools that the committee visited were confident that they supply extensive, detailed supporting evidence including behaviour logs, previous sanctions, interventions, etc.

## 7. Exclusion rates in Lewisham

- 7.1 Lewisham has 73 primary schools, 14 secondary schools and 6 special schools educating approximately 41,000 pupils.
- 7.2 Pupil-level exclusion data for primary and secondary school is collected once per term via the Department for Education (DfE) School Census data collection return and published in a Statistical First Release (SFR).
- 7.3 The national exclusion data outlined below is published in the DfE SFR in July 2018 and shows the annual exclusion data for the academic year 2016/17.

### Most recently available nationally reported data on exclusions 2016/17

- 7.4 2015/16 was Lewisham's worst year for exclusions. In 2016/17, work began to address the rise in exclusions. The most recently available nationally reported data relates to the academic year 2016/17 when there were 63 permanent exclusions and 1,436 fixed term exclusions from Lewisham's secondary schools and 232 fixed term exclusions from primary schools.
- 7.5 The table below expresses these figures as a 'rate' which is calculated as a percentage of the number of pupils (headcount) in January 2016, and compares the rate with rates across Inner London, London as a whole and England.

| <b>Exclusion rate 2016/17</b>     |                 |                     |                   |                |
|-----------------------------------|-----------------|---------------------|-------------------|----------------|
| <b>Type of Exclusion</b>          | <b>Lewisham</b> | <b>Inner London</b> | <b>All London</b> | <b>England</b> |
| <b>Permanent (secondary only)</b> | 0.43            | 0.21                | 0.19              | 0.2            |
| <b>Fixed period - primary</b>     | 0.91            | 0.92                | 0.83              | 1.37           |
| <b>Fixed period - secondary</b>   | 9.71            | 8.27                | 7.5               | 9.4            |

### ***Permanent exclusions***

- 7.6 Lewisham's primary and special schools do not permanently exclude pupils, nor do Lewisham secondary schools permanently exclude pupils with an Education, Health

and Care Plan (EHCP), although Lewisham secondary pupils receiving SEN support can be permanently excluded. All of Lewisham’s permanent exclusions, therefore, were from mainstream secondary schools.

7.7 In 2016/17 The permanent exclusion rate for Lewisham secondary schools was 0.43 percent which was worse than England 0.20 per cent, London 0.19 per cent, Inner London 0.21 per cent. Lewisham was the highest excluding inner London borough, permanently excluding 63 pupils during the course of the academic year.

**Fixed term exclusions**

7.8 Fixed term exclusions are measured in sessions missed, where each school day is split into two sessions – morning and afternoon.

7.9 Lewisham primary schools, secondary schools and special schools all use fixed period exclusion as a behaviour sanction available as part of a graduated response.

7.10 In 2016/17 Lewisham secondary schools had a higher rate of fixed period exclusions than the inner London, London and national rates.

7.11 During the same academic year, the rate of fixed period exclusions in Lewisham’s primary schools was broadly in line with the inner London average, and below the national rate.

**Fixed term exclusions from Special Schools**

7.12 The table below shows the published rate of fixed period exclusion in Lewisham special schools in 2016/17.

| <b>Rate of fixed term exclusions from special schools in 2016/17</b> |                     |                   |                |
|--|---------------------|-------------------|----------------|
| <b>Lewisham</b>  | <b>Inner London</b> | <b>All London</b> | <b>England</b> |
| <b>28.82</b> (published)   | 17.31               | 15.51             | 13.03          |
| <b>14.06</b> (actual)  |                     |                   |                |

7.13 The rate appears to be more than double the national rate, however it was quickly established at the start of this review that an administrative error in the reporting system of New Woodlands special school had erroneously inflated the figures. Whereas 164 sessions were recorded on [www.gov.uk](http://www.gov.uk) as having been missed to fixed term exclusions from special schools, the actual number of missed sessions was 80, a rate of 14.06.

7.14 The number of fixed term exclusions from Lewisham’s special schools has been falling year on year since 2014/15. In 2017/18 some 57 sessions were missed to fixed term exclusions.

7.15 This puts the rate of fixed term exclusions from Lewisham’s special schools as below the London average, and therefore fixed term exclusions from special schools have not been a focus area for this review.

## Locally collected data - permanent exclusions (secondary schools) 2017/18

7.16 Locally collected indicative data is available for the academic year 2017/18. Finalised figures will be available in the SFR for 2017/18.

7.17 In 2017/18 there were **43** permanent exclusions from Lewisham secondary schools, down **31.8%** from 2016/17 and **45%** from 2015/16. This brings Lewisham figures much more in line with England, London and Inner London averages and bucked the national upward trend. In 2018/19 from September to March, there were 10 permanent exclusions from Lewisham secondary schools.

7.18 In addition there were 25 permanent exclusions of Lewisham children from out of borough schools in 2016/17 and 21 in 2017/18, the majority of which were in Southwark. These figures will not be attributed to the Lewisham data in the 2017/18 Statistical First Release, but are of concern. Council officers liaise extensively with out of borough schools, ensuring that they know who to contact at an earlier stage to try to prevent exclusions, but this is challenging in a very fragmented system.

### School by school permanent exclusions 2013/14 to 2017/18

| School name                                    | PEX 2017/18       | PEX 2016/17 | PEX 2015/16 | PEX 2014/15 | PEX 2013/14 |
|--|-------------------|-------------|-------------|-------------|-------------|
| Addey & Stanhope School                        | 3 /572<br>=0.5%   | 5           | 5           | 3           | 4           |
| Bonus Pastor Catholic College                  | 1 /793<br>=0.1%   | 6           | 6           | 9           | 4           |
| Conisborough College                           | 3 /884<br>=0.3%   | 4           | 1           | 2           | 4           |
| Deptford Green School                          | 3 /901<br>=0.3%   | 4           | 4           | 3           | 1           |
| Forest Hill School                             | 4 /1090<br>=0.3%  | 5           | 3           | 3           | 3           |
| Haberdashers' Aske's Hatcham College (Academy) | 1 /1089<br>=0.09% | 6           | 10          | 3           | 5           |
| Haberdashers' Aske's Knights Academy           | 7 /959<br>=0.7%   | 8           | 4           | 3           | 7           |
| New Woodlands School                           | 0 /28=<br>0%      | 2           | 0           | 0           | 0           |

|                             |                 |           |           |           |           |
|-----------------------------|-----------------|-----------|-----------|-----------|-----------|
| Prendergast Ladywell School | 6 /739<br>=0.9% | 5         | 9         | 6         | 7         |
| Prendergast School          | 0 /614<br>=0%   | 2         | 0         | 1         | 0         |
| Prendergast Vale School     | 2 /570<br>=0.3% | 1         | 2         | 4         | 3         |
| Sedgehill School            | 5 /828<br>=0.6% | 5         | 18        | 14        | 11        |
| St Matthew Academy          | 3 /682<br>=0.4% | 6         | 12        | 4         | 8         |
| Sydenham School             | 0 /1124<br>=0%  | 1         | 3         | 1         | 2         |
| Trinity Lewisham CE School  | 5 /575<br>=0.8% | 3         | 1         | 6         | 3         |
| <b>TOTAL</b>                | <b>43</b>       | <b>63</b> | <b>78</b> | <b>62</b> | <b>62</b> |

\* With percentage of exclusions against school roll (summer census 2018)

## 8. Reasons for exclusion

### Permanent exclusion reasons - Lewisham schools only

| <b>Reason</b>                             | <b>2017/18</b> | <b>2016/17</b> | <b>2015/16</b> |
|---|----------------|----------------|----------------|
| Drugs                                     | 2              | 6              | 6              |
| Offensive weapons / knives                | 11             | 13             | 23             |
| Persistent disruptive behaviour           | 22             | 22             | 28             |
| Verbal/ Physical assault on another pupil | 3              | 15             | 21             |
| Verbal / physical assault on an adult     | 5              | 2              | 0              |
| Sexual misconduct                         | 0              | 4              | 0              |
| Racist abuse                              | 0              | 1              | 0              |
| Damage                                    | 1              | 1              | 0              |
| Drug                                      | 1              | 0              | 0              |
| Theft                                     | 1              | 0              | 0              |

8.1 The most common reason for permanent exclusion is Persistent Disruptive Behaviour.

8.2 Exclusions for bringing an offensive weapon or a knife into school have reduced since 2015. In the last academic year, 11 pupils were permanently excluded for bringing a weapon or a knife to school. 'Weapon' includes objects other than knives that can be used to cause harm, for example a hammer or a BB gun.

### ***Offensive Weapons Protocol***

8.3 The introduction of an Offensive Weapons Protocol in September 2017 is thought to have contributed to the reduction in permanent exclusions. A copy of the Offensive Weapons Protocol is attached at Appendix 3.

8.4 The Offensive Weapons Protocol was agreed with schools and moves away from a blanket approach of automatically excluding for weapon possession that was previously in force. Schools are now required to refer any incident involving a weapon to the local authority in the first instance. There is a degree of discretion in how the school can respond to these incidents, recognising that, for example, a frightened Year 7 child who has taken a penknife to school for protection, with no intention of using it, should be handled differently to an older child with known gang affiliations taking a large blade to school, with the intention of causing harm.

8.5 Schools have broadly been receptive to the introduction of this policy, and recognise that in some circumstances a variance in approach can be appropriate. All schools agree that first and foremost they have to be places of safety and give the clear message that weapons have no place in school.

8.6 Support for the Offensive Weapons Protocol is not unanimous. One head teacher that the committee spoke to felt that in light of the rise in knife crime and the murder of a young boy in close proximity to the school, a "zero tolerance" approach needed to be taken and that they would not consider accepting a pupil on a managed move where a knife had been involved.

8.7 The Head's view was that the message against weapons in school needed to be strengthened and that managed moves for students caught carrying a knife could give the message that the only repercussion for endangering fellow students was a managed move (see paragraph 14.10 for more on managed moves) to another school.

## **9 Off-rolling and Elective Home Education**

9.1 It is difficult to accurately understand the extent to which 'off-rolling' (as defined by Ofsted) is happening as by its very nature it is hard to capture. One proxy is to look at how many Year 10 and 11 (GCSE years) pupils come off the school roll to be electively home educated. The decision to electively home educate may be a genuine parental choice with no pressure from the school but it could indicate unresolved problems at school: most families with a strong ideological commitment to home education do not remove their child from school during the GCSE years.

9.2 The table below shows the number of students taken off roll by parents to be electively home educated during the academic years 2016/17, 2017/18 and this academic year to Feb 19.

| <b>Sept 2018 – Feb 2019</b>  | <b>2017-2018</b>  | <b>2016- 2017</b>   |
|--|---|---|
| <b>Y10 = 5</b><br>2 – Abbey Manor College<br>1 – Knights Academy<br>2 – Out of Borough | <b>Y10 = 10</b><br>3 – Sedgehill School<br>1 - Bonus Pastor<br>1 – Deptford Green<br>1 – Sydenham<br>1 – Prendergast Ladywell<br>3 – Out of borough | <b>Y10 = 5</b><br>1 – Forest Hill<br>1 – Bonus Pastor<br>1 – Sedgehill School<br>2 – Out of borough |
|  | <b>Y11 = 2</b><br>1 – Knights Academy<br>1 – Out of borough   | <b>Y11 = 2</b><br>1 – Abbey Manor College<br>1 – Out of borough                                     |

9.3 When a school notifies the local authority of a student electing to home educate, the EHE Officer follows up with the school and the family (where possible) to understand the reasons behind the decision. Any poor practice is challenged with the individual school by senior managers within the local authority.

## 10. Who is excluded?

10.1 Lewisham’s secondary school cohort in 2017/18 totalled 10,748 pupils. The information that follows compares the profile of permanently excluded pupils from Lewisham schools against the Lewisham secondary school population as a whole.

### ***Exclusion by year group***

10.2 Most of the exclusions for 2017/18 came from Year 9 and 10 pupils, and the number of Years 7 and 8 exclusions dropped:

| <b>Year group</b> | <b>2017/18</b> | <b>2016/17</b> | <b>2015/16</b> | <b>2014/15</b> | <b>2013/14</b> |
|-------------------|----------------|----------------|----------------|----------------|----------------|
| Year 7            | 2              | 4              | 9              | 10             | 8              |
| Year 8            | 2              | 14             | 20             | 10             | 12             |
| Year 9            | 13             | 19             | 13             | 17             | 21             |
| Year 10           | 13             | 19             | 21             | 13             | 12             |
| Year 11           | 13             | 8              | 15             | 12             | 9              |
| <b>Total</b>      | <b>43</b>      | <b>63</b>      | <b>78</b>      | <b>62</b>      | <b>62</b>      |

### ***Permanent exclusions by gender***

10.3 In general, more boys are excluded than girls. This is consistent with previous years and is a national phenomenon.

| <b>Gender</b> | <b>2017/18</b> | <b>2016/17</b> | <b>2015/16</b> | <b>2014/15</b> | <b>2013/14</b> |
|---------------|----------------|----------------|----------------|----------------|----------------|
| Male          | 30             | 51             | 60             | 50             | 45             |
| Female        | 13             | 12             | 18             | 12             | 17             |
| <b>Total</b>  | <b>43</b>      | <b>63</b>      | <b>78</b>      | <b>62</b>      | <b>62</b>      |

10.4 However, the population of Abbey Manor College (Lewisham's Pupil Referral Unit) at the time of writing is roughly 50/50 boys/girls. This reflects the number of girls excluded from outborough schools attending AMC and the use of AMC for 'intensive intervention places' (short term placements).

### **Special Educational Needs and Disabilities (SEND)**

10.5 The overall percentage of pupils in Lewisham secondary schools receiving SEND support was 1192 or 11.1% (2017/18 spring census). Of the 43 students permanently excluded in 2017/18, 3 or 6.9% were receiving SEN support.

| <b>2017/18</b>                                     |  |                           |
|--|--|---------------------------|
| Cohort number / % of pupils receiving SEND Support | Overall cohort = 10,748<br>Cohort number / % of overall cohort | % of permanent exclusions |
| 3/ <b>0.25%</b>                                    | 1192<br><b>11.1%</b>   | <b>7%</b>                 |

10.6 Some excluded pupils have behavioural or social, emotional and mental health (SEMH) needs that have not met the threshold for an EHCP or have yet to be formally diagnosed. Where appropriate, pupils receive SEN support in school to support additional needs.

### **Ethnicity**

10.7 The table below shows the cohort by ethnic group, the ethnic profile of excluded pupils, and percentage of exclusions by ethnic group:

| <b>2017/18</b>             |                                   |  |  |
|----------------------------|-----------------------------------|--|--|
| <b>Ethnicity</b>           | Cohort number / % of ethnic group | Overall 11-16 cohort = 10,748<br>Cohort number / % of overall cohort | <b>% of permanent exclusions by ethnic group</b> |
| Any other Ethnicity given  | 2 / <b>0.6%</b>                   | 334<br><b>3.2%</b>   | <b>5%</b>  |
| Any other Mixed background | 1 / <b>0.2%</b>                   | 509<br><b>1.0%</b>   | <b>2%</b>  |
| Any other white background | 1 / <b>0.1%</b>                   | 1012<br><b>9.4%</b>  | <b>2%</b>  |
| Black African              | 3 / <b>0.13%</b>                  | 2211<br><b>20.6%</b>   | <b>7%</b>  |
| Black Caribbean            | 18 / <b>1.0%</b>                  | 1835<br><b>17.1%</b>   | <b>42%</b>                                       |

|                             |                  |                      |            |
|-----------------------------|------------------|----------------------|------------|
| Mixed White/Black African   | 1 / <b>0.4%</b>  | 223<br><b>2.2%</b>   | <b>2%</b>  |
| Mixed White/Black Caribbean | 5 / <b>0.84%</b> | 589<br><b>5.5%</b>   | <b>12%</b> |
| Not Known                   | 2 / <b>0.8%</b>  | 254<br><b>2.4%</b>   | <b>5%</b>  |
| Refused                     | 1 / <b>0.4%</b>  | 263<br><b>2.4%</b>   | <b>2%</b>  |
| White British               | 9 / <b>0.3%</b>  | <b>3193</b><br>29.7% | 21%        |

10.8 A disproportionately large percentage of exclusions affect Black Caribbean and Mixed White/ Black Caribbean pupils: combined, these groups of pupils make up just over one fifth of the secondary school population, but are represented in over half of all permanent exclusions. There was a slight increase of White British pupils being excluded during 2017/18 academic year than in previous years.

10.9 While the numbers of pupils being excluded are too small to be relied upon as statistically significant – 43 permanent exclusions out of 10,748 pupils – a clear pattern emerges when looking at exclusion statistics over a number of years. Black Caribbean and Mixed White/ Black Caribbean pupils are consistently more likely to be excluded than any other ethnic group, and this is mirrored nationally.

#### ***Free School Meals and Pupil Premium***

10.10 In 2017/18, some 17.9% of secondary pupils in Lewisham schools were in receipt of Free School Meals (FSM). Of the permanently excluded pupil cohort, 44% were in receipt of FSM, 36 % were not entitled to FSM and the remaining 20% were eligible but had not registered.

10.11 Pupil Premium is additional funding for publicly funded schools in England, designed to help disadvantaged pupils of all abilities perform better, and close the attainment gap between when and their peers. Schools receive funding for each pupil registered as eligible for Free School Meals (FSM) at any point in the previous 6 years. Data on eligibility for Pupil Premium among permanent exclusions was not collected in 2017/18.

### **11. Disproportionate Representation of Black Caribbean and Mixed White Black/Caribbean Children**

11.1 Over-representation of Black Caribbean and Mixed White/Black Caribbean (together referred to as Black Caribbean) children in school exclusions is a problem in Lewisham as it is nationally. Lewisham has the largest Black Caribbean child population outside of Birmingham. In earlier decades, local authorities received targeted government funding to address the needs of disadvantaged groups, but this is no longer the case.

11.2 In 2018 the Centre for Research in Race and Education (CRRE) at the University of Birmingham carried out an exclusions review which focused on the national evidence of greater than average exclusions rates for students categorised as 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.

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

11.4 It found the national. Evidence suggested 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”.

11.5 Unfavourable treatment of Black children in the education system is not a new phenomenon. In 1971, a publication by Bernard Coard entitled “How the West Indian Child is made Educationally Sub-normal in the British School System” examined a range of issues, including bias towards and low teacher expectations of Black children. These issues are as relevant today as they were 40-50 years ago.

11.6 While many aspects of the education system have changed since the 1970s, “the lesson to be learned for today's problems in the school system is that they were "hatched" decades ago, in the previous two generations. When society fails one generation of children, it lays the foundations for similar, even worse failures in the generations to follow. We human beings "inherit" not only through our genes, but often also from our social circumstances.”<sup>14</sup>

### **Evidence from Lewisham Education Group and No More Exclusions**

11.7 In gathering evidence for this review, the Committee heard from Lewisham Education Group<sup>15</sup> (LEG) and No More Exclusions<sup>16</sup> (NME) on the subject of

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<sup>14</sup> Bernard Coard, 2005 <https://www.theguardian.com/education/2005/feb/05/schools.uk>

<sup>15</sup> Lewisham Education Group (LEG) is a sub-set of Ubuntu Social Living Networks, a Lewisham-based social enterprise and youth leadership programme. LEG came about as a parental response to the Lewisham Education Commission report in 2016.

<sup>16</sup> No More Exclusions is a grassroots coalition movement in education made of community activists, organisations and individuals that seeks to see an end to race disparity in school exclusions and campaigns for quality inclusive education for all.

exclusions disproportionately affecting Black children. Their experiences reflected the findings of the CRRE review.

- 11.8 Both groups shared their experiences of persistent stereotyping and unconscious bias in the treatment of Black students. They asserted that research demonstrates that teachers tend to have much lower academic expectations for Black students and to be wary of them as a potential source of disciplinary problems. These patterns of stereotyping often saturate the fabric of education and can be described as institutional racism.
- 11.9 They reported that Black students tend to experience these negative teacher expectations regardless of their gender and social class, but the patterns are most pronounced for Black boys and young men. Teachers' greater sensitivity to the behaviour of Black students can lead to them being singled out for harsher treatment. Research suggests that this is particularly problematic where Black boys and young men are subject to a cumulative process of mounting disciplinary sanctions for relatively low-level disruption that might go unpunished for other ethnic groups. Community-members and advocates have raised concerns that the problems may be especially acute in Academy schools.
- 11.10 Being on the receiving end of negative unconscious bias can lead to mental health issues and poor self-esteem, which in turn leads to lack of engagement. Often the parents' negative experience of school, together with institutional bias can lead to poor communication and relationship difficulties between the parent and the school.
- 11.11 In addition to steps to reduce exclusions more widely, NME and LEG put forward a number of suggested efforts that could help tackle the disproportionate rate of Black exclusions.
- 1) Targeted action to reduce rates of exclusion. Rates of Black exclusion showed the greatest reduction where schools have been strongly encouraged to find alternative responses in less serious cases.
  - 2) Campaign for Ofsted to reinstate race equality as part of its inspection framework. Race equality is no longer a mandated part of school inspections.
  - 3) Tackle unconscious bias, prejudicial attitudes and stereotyping by teachers and school managers. Decades of evidence-based understanding and good practice has built up in the field of race equality. Initial teacher training is a key part of this work, as is unconscious bias training as an ongoing requirement.
  - 4) Strengthen impact assessments during the policy formation process.
  - 5) Involve Black community groups in the creation of policy to eliminate inequality and create more equitable policies. No policy should be decided by any representative without the full and direct participation of members of the group affected by that policy – "Nothing about us without us".
  - 6) Increase Black representation in schools and on permanent exclusion boards and appeals boards. This could help to eliminate unconscious bias/prejudice and ensure appropriate alternatives to exclusion have been

- considered. Black parents are, according to LEG, more likely to trust and develop constructive relationships with people they can relate to on a cultural level.
- 7) Teach and instil in young people an attitude of empowerment and understanding of the importance of self-respect and respect for others. This includes building self-esteem and self-identity from a cultural Afrocentric perspective so that Black students have a cultural identity and knowledge of the great achievements of their African ancestors.
  - 8) Make use of Black community-run programmes already available in the borough.
  - 9) Invest in training for school in effective relationship building and use of restorative justice practices between students and teachers undertaken in a respectful, impactful and consistent way
  - 10) In terms of mental health, provide a safe space to discuss feelings, issues affecting the child/ their family and school life. In general, Black, Asian and minority ethnic people living in the UK are more likely to be diagnosed with mental health problems and less likely to engage with mental health services<sup>17</sup>
  - 11) Encourage and support those at risk of exclusion to identify their strengths and are to see their futures in the big picture – good professional careers advice can help them plan their futures in a positive light. (This applies to excluded children of all races/ethnicities.)

### ***Initial Teacher Training***

11.12 There are many ways in which teachers are recruited to Lewisham schools, whether experienced teachers or trainee teachers. Teach First is one of the providers of Initial Teacher Training (ITT) in the borough. Teach First was 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, and responded as follows:

- “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?

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<sup>17</sup> <https://www.mentalhealth.org.uk/a-to-z/b/black-asian-and-minority-ethnic-bame-communities>

- 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."

11.13 This supports the evidence gathered elsewhere that unconscious bias and anti-discrimination training is not currently an integral component of teacher training.

## **12. Parent experiences of exclusion**

12.1 Attempts were made to engage with parents of children at Abbey Manor College to look at their experiences of navigating the exclusions process, but these efforts did not bear fruit.

12.2 However, the committee heard some of the challenges for parents through the evidence of Lewisham Education Group, No More Exclusions, Independent Exclusions Appeal panellists and schools.

12.3 Parents find that having a child excluded from school is very stressful. Parents are commonly unaware of the school's statutory obligations to the child and therefore do not know whether the process is being followed correctly.

12.4 Parents often complain that the school has not made them aware of the seriousness of the situation their child was in until the exclusion. One independent appeal panellist suggested that schools should encourage parents to visit the school to observe their child's behaviour first hand.

12.5 Parents also say they have not been involved at an early enough stage, and are unaware of disruptive behaviour until temporary exclusion is on the cards.

12.6 Some groups of parents are better able to articulate their argument and navigate the process. Others are less able to and can become frustrated and confrontational, even though their argument is rational. These parents would benefit from independent support to facilitate their engagement with the process. An impartial advocacy service could help to support students and parents through the stressful and complex process.

12.7 It should be noted that the information pack from the local authority that goes to parents when a pupil is excluded does signpost to voluntary organisations that can support families through the process.

### **13. Returning to Mainstream School**

- 13.1 Historically pupils who are referred to the KS4 of AMC rarely had the opportunity of reintegration, due in part to the pupil's association with other services, for example the Youth Offending Service (YOS), and also due to schools holding preconceptions about the pupil's ability to be reintegrated after his/her involvement with such services.
- 13.2 The picture is improving. From Abbey Manor College:
- In 2014/15 there were 15 reintegrations in KS3 and zero in KS4
  - In 2015/16 there were 16 in KS3 and one in KS4
  - In 2016/17 there were 14 in KS3 and two in KS4
  - In 2017/18 there were 29 in KS3 and 10 in KS4. This amounts to a 70% success rate in reintegrations to schools.
- 13.3 There are a number of factors that have contributed to this improvement. Firstly, the appointment of a new head teacher at the Lewisham PRU. She has worked hard with the local authority and the Fair Access Panel to achieve this progress.
- 13.4 The Lewisham reintegration system offers a method which is a 'Readiness for reintegration scale and action planning' tool. This method gathers information from all involved professionals along with the parents' and pupil's view, and will eventually facilitate a populated interactive database and tracking system, thus enabling a more effective decision-making process. This approach is being delivered more effectively and through the Lewisham Fair Access Panel, which has led to this improvement.
- 13.5 All students who are admitted to the PRU are assessed to establish their needs, and therefore those returning to mainstream do so with support for any identified needs.

### **14. Alternatives to exclusion**

#### ***Restorative Justice***

- 14.1 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.
- 14.2 There was evidence that some schools are adopting restorative justice approaches and moving away from a behaviour – sanction model towards restorative justice and communication.
- 14.3 One school reported that most exclusions are to do with altercations between between peers. Restorative justice gives both parties the opportunity to have their say and to consider how to resolve the problem. It does not mean no sanction, but focuses on teaching the right behaviour so that it does not happen again. The school utilises community service as a sanction and sees paying back into community as important. This could be helping out in the canteen, reminding peers of rules eg put tray away etc.

### ***Internal Exclusion***

- 14.4 There was a divergence of practice and opinion within schools over the use of internal exclusion rooms. Some schools had them and valued them as an additional resource for students who are struggling or need more intervention, or as a way of effecting a fixed term exclusion from the classroom without losing curriculum time.
- 14.5 Others saw them as divisive and counter-productive. Learning mentors can be used to support pupils to remain in the classroom.
- 14.6 In July 2018, the House of Commons Education Committee (HoC-EC) published a report entitled “Forgotten children: alternative provision and the scandal of ever increasing exclusions”.<sup>18</sup> 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.
- 14.7 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 Transfers***

- 14.8 Where a school has exhausted the graduated response for a child at risk of exclusion and permanent exclusion is the next step, a managed transfer to alternative provision is an option, if the family agrees that this is in the best interests of the child.
- 14.9 In the case of a managed transfer, the child is offered an alternative provision placement, via FAP. This enables a needs assessment and access to an appropriate curriculum. The pupil then comes off the school roll immediately. The benefit of this approach is that the child avoids the stigma of exclusion and receives regular reviews with a view to quick reintegration into mainstream, if and when appropriate.

### ***Managed Move***

- 14.10A managed move 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 managed move can only be implemented with the agreement of all involved.
- 14.11 A managed move may be suitable where:
- 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;
  - the relationship between the school, the pupil and the family has broken down and the pupil would benefit from a fresh start.

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<sup>18</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/34202.htm>

14.12 There is no statutory provision for a managed move. This is a voluntary agreement that the local authority supports. If the managed move 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 managed move is made. Where a managed move 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 managed move breaks down, the pupil will likely be permanently excluded.

14.13 To avoid vulnerable pupils being passed around schools, the local authority expects that no student should have more than one managed move during secondary education and one during primary. This also helps to avoid “school hopping”.

14.14 A managed move 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.

14.15 Evidence gathered from schools was generally favourable, with managed moves achieving a good rate of success although there is not data available.

14.16 Some parents request a managed move rather than an in-year transfer even when exclusion is not imminent it provides a mechanism for the school to know the child’s history (in-year admissions are ‘history blind’).

## **15. A Public Health Approach - Lessons from Glasgow**

15.1 In response to high levels of violent crime which earned it notoriety as the “murder capital” of Europe, Glasgow adopted a public health approach to tackling violence. Based on the premise that violence is a disease that can be prevented and treated, the approach seeks to diagnose and analyse the root causes in order to treat the problem. The approach is radical and universal, and sees the police working with those in the health, education and social work sectors to address the problem. This has proven successful, and Glasgow has turned around its violent crime problem.

15.2 At the centre of this programme is the Violence Reduction Unit, which was established in January 2005 by Strathclyde Police to target all forms of violent behaviour. Its aims are to reduce violent crime and behaviour by working with agencies in fields such as health, education and social work to achieve long-term societal and attitudinal change.

15.3 Long term societal and attitudinal change requires a whole system approach, and education is a key aspect. Glasgow schools focus on nurture principles including a trauma-informed approach. By its very nature, this approach is inclusive and as a result permanent exclusion rates in Glasgow are virtually zero, and fixed term

exclusions have reduced by 81% since 2006/7<sup>19</sup>. Glasgow does not have a Pupil Referral Unit. Instead, the city has invested heavily in good quality HR and learning and development for staff in use of restorative approaches, mental health first aid, wellbeing and nurture principles.

“If out, not in. If not in, not learning”

- 15.4 The Committee heard evidence from Lewisham’s Head of Public Protection and Safety following a recent visit to Glasgow where she met the city’s Director of Education.
- 15.5 One of the key messages that emerged from the Glasgow visit was that the approach should be universal. Focusing on poverty and deprivation detracts from the objective that every child should progress each day.
- 15.6 Creating a nurturing city requires a whole system ethos and culture change with education at the heart, and nurture principles mean no permanent exclusions. Intervening at the early stages investing in primary schools and some primary school settings have nurture rooms within the school. These are smaller classes with a higher ratio of adults to children where those who are struggling in mainstream can access intensive nurturing support to help them build the skills necessary to reintegrate into the classroom. School staff are trained and supported to see the possibilities for each and every child, working restoratively at all times. There is an emphasis on investing in staff, and ensuring that all educators – whether formal or informal – adopt the same trauma-informed, nurturing approach, from early years services, to youth clubs and everything in between.

“Your badly behaved kids and well behaved kids have exactly the same needs, it’s just your well behaved kids have their needs met before they get to school”

Director for Education, Glasgow City Council

- 15.7 Glasgow schools are used as community hubs for adults and children, drawing adults into educational establishments for other reasons than their child’s education, for example to eat together. Food has been a significant unifier in Glasgow’s implementation of the public health model, which has created a dignified approach to food poverty. The school is not a food bank, but provides the opportunity for families to cook and eat together. Sharing food provided the opportunity for families to talk openly and eat healthily. Opening schools to the whole community, linking children and adults, has seen significant benefits for children’s attainment and enjoyment in school, smoother transition, family de-stressing and greater involvement with children’s health and wellbeing.

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<sup>19</sup> <https://www.glasgowlive.co.uk/news/glasgow-news/glasgow-school-exclusion-figures-drop-16024952>

15.8 Although Lewisham is far more diverse than Glasgow, and food may not be the same common 'language', there is some evidence of community food-based projects bringing the community together and increasing the welfare of residents, including an initiative in Telegraph Hill ward.

15.9 Using consistent, meaningful common language has changed public opinion, reputation and expectations in Glasgow, moving away from the negative attitude "what do you expect – this is Glasgow".

## **16. Evidence from Lewisham schools**

16.1 Members of the Committee visited the following schools to inform this review:

- Myatt Garden Primary School
- Bonus Pastor Catholic College
- Addey and Stanhope School
- Prendergast Ladywell School
- Abbey Manor College (Pupil Referral Unit)

### ***Prevention and early intervention***

16.2 Practice across Lewisham schools is wide-ranging. All schools reported limitations on what they are able to provide, owing to financial constraints and hard to access support services. As the effects of austerity and welfare reform are felt in the community, levels of need are increasing at the same time as many support services are diminishing due to lack of funding.

16.3 More and more is being demanded of schools. Societal problems are increasingly presenting at school – poverty, child hunger, children without adequate clothing, overcrowding, temporary accommodation, family mental health problems, addiction, single parent families where the lone parent works long hours leaving the child unsupervised and open to exploitation, children with no recourse to public funds, etc.

16.4 Public sector cuts have hit school budgets hard. Commissioned support services such as Place2Be, a children's charity which provides mental health and wellbeing support services in schools, are expensive to run and schools are increasingly having to cut these services, or find creative and budget-friendly ways of delivering alternative services in-house. In many cases the cuts have impacted on staffing, with some schools being forced to reduce support staff and classroom assistants.

16.5 Schools do not have access to any funding stream for involving voluntary organisations in supporting pupils to stay in school. Schools are free to commission mentoring from their budget but school budgets are increasingly being squeezed.

16.6 As budgets shrink, partnerships and relationships with outside providers become increasingly important, as is creative and targeted use of the resources available. All of the schools that the committee visited were having to innovate to 'plug the gaps'. Schools are finding support where they can – one school was negotiating with an independent school for pro bono mental health staff training and access to wellness facilities.

- 16.7 In some schools, Pupil Premium is being used to fund support roles. One school reported trying to replicate the support of an alternative provision placement within the school, using its Pupil Premium to fund a team of staff dedicated to safeguarding, inclusion, attendance, mentoring as well as providing staff training. Another school said that it had invested heavily in its PSHE offering, which addressed culture, social media, social mobility, aspiration, community, morality, preventative work on gangs. This school also gave evidence of a range of early intervention programmes which it placed value in, but stressed that such interventions are costly and take away from curriculum learning time, and therefore the school has to constantly consider what is in the best interests of the child and the wider school community.
- 16.8 Through visits to schools, the committee heard evidence of a wide range of positive preventative work that happens in Lewisham's schools. The many efforts are too numerous to list, but some key themes emerged.

### ***Enrichment and curriculum design***

- 16.9 Enrichment and curriculum design are important for engaging students and consequently to reducing exclusions. Participation in enrichment activities such as representing the school on a sports team, can be an incentive to better behaviour. Lack of engagement in enrichment often correlates to poor behaviour.
- 16.10 Sometimes there are reasons why students do not engage in enrichment activities, such as caring for younger siblings, cost (this particularly affects those who do not receive Free School Meals but are borderline or would receive them had their parent completed the paperwork), living far from school, perception of how teacher feels about them, issues at home. Some schools make enrichment activities free for Pupil Premium pupils.
- 16.11 Unstructured time at school can be difficult to manage. Keeping pupils engaged in structured enrichment activities at lunchtime and after school not only builds skills, but helps the school to keep control of the playground, limiting the opportunity for tensions to rise.
- 16.12 After school, between 4pm-6pm, is a time of increased risk to pupils. Many parents are at work at this time which leaves children vulnerable. While schools encourage pupils to go straight home, or to stay in school to complete homework, after school provision and youth activities have been scaled back due to budget cuts and financial burdens and restrictions that PFI arrangements impose on the use of some school buildings.
- 16.13 Curriculum design can also play a role in engaging reluctant learners or persistent absentees. One school felt there was a need for an alternative curriculum. Alternative curriculae do not count towards performance tables, but can be instrumental in turning round education for students at risk of exclusion. A more vocational outlook would benefit the mechanics and builders of the future.

### ***Relationship building***

- 16.14 Schools place significant emphasis on building relationships with families. This can be more challenging at secondary school than at primary, but for those

children at risk of exclusion, it is crucial. Having a strong relationship before a crisis happens, one school described, is 'money in the bank'. It enables school to intervene before problems escalate.

16.15 Strong relationships with families also help schools to contend with culture outside of school. Families, regardless of their challenges, generally want to engage with the school to benefit their child's journey. One school reported building relationships with primary feeder schools to ensure continuity for families.

16.16 Relationships between staff and pupils are also important. Pupils are more likely to confide in staff about concerns they may have about a peer if the relationship is one of trust and open dialogue is possible.

### ***SEN Support***

16.17 Notwithstanding budget limitations, schools are able to buy-in support services from the local authority. Schools were complimentary about about the support received from the Specific Learning Difficulties Team, the sensory team and Drumbeat (Autistic Spectrum Disorder (ASD) support). One secondary school identified a gap in provision for students with ASD that would be able to cope in a mainstream setting with reasonable adjustments and access to a resource base, rather than needing to attend a special school. In this case the school was having to replicate the support of a resource base but without the funding to do so.

16.18 Schools were less positive about provision for children with SEMH. All schools expressed their frustration that CAMHS thresholds are too high and unclear, and wait times too long, leaving schools unable to adequately support some of the most vulnerable children.

16.19 Schools also reported long waiting times for EHCP assessments, with children often having to wait more than 20 weeks for initial assessment, due, it was thought, to a backlog with the Educational Psychology element of the assessment. One school reported more than one case where the school had had to request an increase to the banding level as the funding attached to the EHCP was insufficient to deliver the support required, and the school could not fund the shortfall.

16.20 There is evidence that SEN are not being detected and diagnosed early enough. Secondary schools revealed that every year some children start Year 7 with apparent additional needs that may have been managed in the small setting of a primary school but but present challenges at secondary school.

### ***Social Care***

16.21 Where schools believe a student's home life is so bad it warrants social care intervention, they make referrals to Children's Social Care (CSC). It was reported that the response from Childre's Social Care could be slow. One school said that it also has to deal with Children's Social Care in other boroughs and has found that comparatively, Lewisham is slower to respond and to follow up.

16.22 While Lewisham social workers are generally reported to be supportive, schools' perception is that pressure of work means that schools do not always get the support needed for students. Schools feel that thresholds are high and cite

cases where in their view the families do not meet the threshold for social care intervention, even where the school feels that support is desperately needed. Schools also felt that thresholds were unclear and higher than in other London boroughs.

16.23 One school also felt that adult social care responsiveness could be improved, and reported seeing adult parents in situations where additional support could improve the home life, and consequently, the experience of the child.

16.24 While schools do early preventative work in relation to gangs, they felt there was a gap between the school's insight that the child was a risk and there being sufficient evidence to warrant CSC intervention.

16.25 A school cited the case of Boy A to illustrate this. School X had been concerned about Boy A for 2 years. They had referred to Children's Social Care and brought in external support for him. His school attendance had been weak, he had been missing from school and the family homes for periods of time, and his engagement in school was low when he did attend. Despite the school's view that these were indicators of involvement in county lines, CSC referred the case back to the school for further evidence. The school was unable to provide evidence of what happens outside of school. The school's spot checks and intelligence-led searches had not found any weapons or drugs on him in school. The school considered that Boy A's case is not unusual and that the expectations of schools in dealing with these risks at school level were too high.

16.26 In cases where a child or family is close to but does not meet the threshold for social care intervention, family support is provided by Core Assets. This is a bought in service where an external family support worker works through issues with the family to look at the child's risky behaviour. It operates on a voluntary model, so the family may decline to engage and the most challenging families may be very difficult to engage.

### ***Abbey Manor College***

16.27 The committee heard much about AMC's historical reputation and the general reputational issues for pupil referral units (PRUs). However, the committee found clear evidence at FAP that AMC is working hard and cooperatively with schools, and demonstrates that staff know the children well.

16.28 Schools are beginning to notice improvements at AMC, however the biggest challenge they face when dealing with exclusions is getting parents to agree to sending their child to AMC. Reputation and parental perception are still negative.

16.29 AMC's reputation is not only poor with many parents, but also with some children in mainstream school who build up a mythology around it and who see it as tough or dangerous. Parents worry that children placed there may deteriorate rather than improve because of associations with the other students they have met there. Having visited AMC it is apparent that the new head teacher has made strides in improving the college, but struggles to overcome its historic reputation.

- 16.30 Poor reputation is an issue for most but not all PRUs. Some alternative providers in other boroughs have good parental reputation as a place for intensive therapeutic intervention to prevent exclusion.
- 16.31 All of the secondary schools that gave evidence to this review recommended rebranding AMC to help change perceptions.

### ***Innovation***

- 16.32 Addey & Stanhope and Deptford Green jointly provide an external/ internal exclusion room (EIE). This enables temporary transfer between the two schools as an alternative intervention to fixed term exclusion. The student carries out work set by their school but in the environment of the reciprocal school, thus incurring no loss of curriculum time, and benefitting from alternative support in a different environment. This approach is possible because the two secondary schools are closely located.
- 16.33 Last year Addey & Stanhope worked with Deptford Green to host a project supporting a small group of students from both school that were at risk of exclusion. The project ran for a term and had been successful. The 2 boys from Addey & Stanhope that had participated were still in school, having turned their behaviour around as a result of the project.
- 16.34 A Deptford Green teacher ran the project out of Addey & Stanhope. The project, while expensive to run, saved money in the long term, compared to the cost of an alternative provision placement. The programme ran over 6 weeks, followed by a 4 week reintegration period. Students participating in the project followed both schools' behaviour policies, wore school uniform, had lunch together, and participated in lessons with a mentor. It was expensive, and had been joint-funded by both schools, but provided value for money and positive outcomes. Budget constraints meant the project could not be continued this year, which the head teacher regretted. She felt that, with financial support, this successful approach could also work for other schools.

### ***Transition***

- 16.35 The committee heard evidence that some secondary schools were slow to act on the information provided by primary schools regarding children that are likely to struggle with transition until much further down the line, once problems have arisen.
- 16.36 Children often have a 'safe' person at primary but without this familiar support some struggle at secondary school. The committee heard that all primary and secondary SENCOs are invited to attend a secondary transfer day in April/ May to share information on vulnerable children. This is several months before the child moves to secondary school in September. Myatt Garden suggested holding a Team Around the Family (TAF) in early September with both the primary and secondary school, so they jointly are accountable for any actions arising and jointly responsible for helping the child to settle.

## **17. Conclusion**

- 17.1 The review summarises evidence received by the Committee regarding exclusions from Lewisham schools. It draws on the experiences of schools, community groups, independent panellists, lessons learned from Glasgow and presents this against national evidence.
- 17.2 There are many examples of good preventative work, early intervention and innovation in Lewisham schools, which are operating with stretched budgets. But there are also areas for strengthening to ensure that every child has the best start in life and is supported to access good quality education, regardless of need or circumstance.

## **18. Monitoring and Ongoing Scrutiny**

- 18.1 The recommendations from the review will be referred for consideration by the Mayor and Cabinet at their meeting on [date tbc] and their response reported back to the Children and Young People Select Committee within two months of the meeting. The Committee will receive a progress update in six months' time in order to monitor the implementation of the review's recommendations.

## Appendix 1                    Legislation in relation to exclusions (fixed and permanent)

The principal legislation for exclusions is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Only the headteacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.

All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after exclusion.

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties

DRAFT

Abbey Manor College

ADO Alternative Provision

Arco Academy

South Quay College (former City Gateway)

Education my Life Matters

Ilderton Motors

Kennington Park Academy

Lewisham College

Millwall Community Trust

S V Academy

The Complete Works

The Write Time

TLG Lewisham

Tower Hamlets College

Wize Up

Young Lewisham Project

Young Women's Hub

Your Beauty School

DRAFT