

Mayor and Cabinet			
Title	Response to the CYP Select Committee's Recommendations from the Exclusions Review	Item No	
Contributors	Executive Director for Children and Young People		
Class	Part 1	Date	10 October 2019

1. Purpose of report

- 1.1 As part of its work programme the Mayor has requested a report on the proposed response to the recommendations of the CYP Select Committee's review of exclusions.
- 1.2 This report sets out the current position in relation to exclusions in Lewisham. It also provides a proposed response to the recommendations of the CYP Select Committee Review of Exclusions.

2. Recommendations

The Mayor is asked to:

- Note the reduction in the number of permanent exclusions in Lewisham and the continuing work with schools and other partners to reduce this further; and
- Approve the response to the recommendations of the CYP Select Committee Review of Exclusions which reflects the high priority given to this issue by the Mayor and Cabinet.

3. Policy Context

- 3.1 The roles and responsibilities of the team are underpinned by Lewisham's Corporate Strategy 2018-22 which includes: *Giving children and young people the best start in life. 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.*

4. Lewisham exclusions

Pupil-level exclusion data for primary and secondary schools is collected once each term via the Department for Education (DfE) School Census data collection return and published in a Statistical First Release (SFR).

The **national** exclusion data outlined below is published in the DfE Statistical First Release (SFR) in July 2019 and gives the annual exclusion data for 2017/18.

4.1 Primary exclusions 2017/18

The permanent exclusion rate for Lewisham primary schools was **zero per cent** which was better than England at **0.03 per cent**, London at **0.01 per cent** and Inner London at **0.01 per cent**.

The fixed period exclusion rate for Lewisham primary schools was **1.19 percent** which is better than England at **1.40 per cent** but worse than London at **0.85 per cent** and Inner London at **0.94 per cent**.

State-funded primary schools (2017/18)						
	Number of permanent exclusions	Permanent exclusion rate %	Number of fixed period exclusions	Fixed period exclusion rate %	Number of pupil enrolments with one or more fixed period exclusion	One or more fixed period exclusion rate %
ENGLAND	1,210	0.03	66,105	1.40	29,236	0.62
LONDON	69	0.01	6,368	0.85	3,275	0.44
INNER LONDON	31	0.01	2,415	0.94	1,274	0.50
Lewisham	0	0.00	301	1.19	142	0.56

STATISTICAL NEIGHBOURS						
Hackney	3	0.01	209	1.02	111	0.54
Haringey	2	0.01	121	0.51	79	0.33
Islington	6	0.04	321	2.08	156	1.01
Lambeth	9	0.04	305	1.37	169	0.76
Southwark	2	0.01	370	1.47	201	0.80
Brent	1	0.00	239	0.86	124	0.45
Croydon	8	0.02	426	1.25	197	0.58
Enfield	4	0.01	406	1.20	210	0.62
Greenwich	0	0.00	293	1.10	134	0.50
Waltham Forest	3	0.01	229	0.88	120	0.46

4.2 Secondary exclusions 2017/18

The permanent exclusion rate for Lewisham secondary schools improved at **0.34 per cent** (0.43 per cent in 2016/17) which was worse than England at **0.20 per cent**, London at **0.19 per cent**, Inner London **0.21 per cent** and our statistical neighbours (**see below**).

However this does not reflect locally collected data for 2017/18 which calculated 43 permanent exclusions in Lewisham. The interrogation of this data has highlighted that seven Lewisham secondary schools that had incorrectly recorded managed transfers as permanent exclusions. Although not rectifiable for 2016/17 data but this has been picked up and training will be provided to all Lewisham secondary schools on 'coding'.

The fixed period exclusion rate for Lewisham secondary schools improved at **8.49 per cent** (9.71 per cent in 2016/17) which was better than England at **10.13 per cent** and Inner London at **9.31 per cent**.

State-funded secondary schools (2017/18)						
	Number of permanent exclusions	Permanent exclusion rate (1)	Number of fixed period exclusions	Fixed period exclusion rate (2)	Number of pupil enrolments with one or more fixed period exclusion	One or more fixed period exclusion rate (3)
ENGLAND	6,612	0.20	330,085	10.13	153,479	4.71
LONDON	960	0.19	39,185	7.63	23,978	4.67
INNER LONDON	361	0.21	16,030	9.31	9,566	5.55
Lewisham	*50	0.34	1,239	8.49	813	5.57
STATISTICAL NEIGHBOURS						
Hackney	48	0.35	1,842	13.62	1,066	7.88
Haringey	24	0.17	1,536	11.07	966	6.96
Islington	20	0.23	1,420	16.46	720	8.34
Lambeth	38	0.25	1,387	9.30	748	5.01
Southwark	47	0.29	1,421	8.67	844	5.15
Brent	29	0.15	1,416	7.28	895	4.60
Croydon	29	0.13	1,740	7.84	1,126	5.07
Enfield	53	0.23	2,895	12.30	1,794	7.62
Greenwich	14	0.09	1,493	9.54	859	5.49
Waltham Forest	25	0.16	1,530	9.63	977	6.15

5. Locally collected data on permanent exclusions (PEX) and managed transfers (MT) 2018/19

- 5.1 Lewisham council is promptly notified by schools regarding the permanent exclusions and quality assure the circumstances surrounding managed transfers of pupils in Lewisham schools and of Lewisham residents in out of borough schools.
- 5.2 As a result we are able to collect data for the academic year of 2018/19. In 2018/19 there were **19** permanent exclusions from Lewisham secondary schools, **55.8 per cent** less than 2017/18. This brings Lewisham figures much more in line with England, London and Inner London averages. In 2018/19 there were **32** managed transfers from Lewisham secondary schools.
- 5.3 In addition there has been **13** permanent exclusions and **one** managed transfer from out of borough schools in 2018/19. However these figures will not be attributed to the Lewisham data in the 2018/19 Statistical First Release.

6. Lewisham Education priorities

- 6.1 Lowering exclusion figures in Lewisham continues to be a key priority, and whilst there have been many positive changes over the past three years which have resulted in a reduction in exclusions, the external factors that pupils face day to day and present in school will continue to present challenges for Headteachers and staff, which in a small minority of cases may still lead to an exclusion. This is a whole system challenge and needs to be at the heart of the Lewisham Education Strategy and the Early Help Strategy.
- 6.2 Again in 2018/19 we have seen a marked decrease, by **55.8 per cent** in one year, in the number of permanent exclusions from Lewisham schools. This can be attributed to the collaborative approach now embedded in Lewisham, the efforts of Lewisham Secondary schools to avoid last resort approaches, the work of the Fair Access Panel, the Inclusion Board and the Reducing Exclusions group. Also the decrease can be attributed to the introduction of the managed transfer protocol; which brings Lewisham figures overall to approximately the same as 2017/18.

7. CYP Select Committee Review Recommendations

- 7.1 The CYP Select Committee conducted an in-depth review of exclusions which ran from September 2018 to May 2019. It involved visits to schools, the Pupil Referral Unit, meeting with community groups and organisations working for excluded pupils on a London footprint. Officers and partners have found the final report and recommendations from the CYP Select Committee review of exclusions most helpful. This issue remains one on which we will continue to have a strong focus. But, as an initial response to the Committee's review, we propose the following:
- 7.2 "Permanent exclusion from school is a serious sanction, which should be used only as a last resort. Only the headteacher of a school can exclude a child and this must be on disciplinary grounds. The decision to permanently exclude a child should only be taken:
- in response to a serious breach or persistent breaches of the school's behaviour policy; and
 - where allowing the child to remain in school would seriously harm the education or welfare of the child or others
- 7.3 The number of permanent exclusions in recent years has been a concern, both in Lewisham and nationally. That is why the issue has been highlighted in the Mayor's manifesto, in the Corporate Strategy and the new CYP Plan 2019-2022. We are encouraged by the progress schools have made in recent years in reducing permanent exclusions, although we recognise the pressures that schools and young people are under, and the rising trend of exclusions nationally. Against that background, we warmly welcome the Children and Young People Select Committee Review on exclusions, and will take it fully into account as we take forward the continued work of the Lewisham Inclusion Strategy, and the fulfilment of our pledge."
- 7.4 Turning to the Committee's specific recommendations, these are listed below, with responses drafted by Officers. These will be incorporated in relevant team and service plans.

Recommendation	Proposed Response
<p>1. That reducing school permanent exclusions to the unavoidable minimum be an explicit element of Lewisham's published Children and Young People's Plan. (Lewisham Council)</p>	<p>Reducing exclusions has been included in the Lewisham Corporate Strategy and the draft CYP Plan 2019-22 - Priority 3: Children and young people develop, achieve and are ready for adulthood</p> <ul style="list-style-type: none"> ▪ The right support is in place to prevent exclusions from school. <p>Lewisham Council is committed to continue to work collaboratively with Lewisham schools and the community to deliver on this priority.</p>
<p>2. The local authority take steps to remedy disproportionality and increase BAME representation on the following:</p> <ol style="list-style-type: none"> a. primary Fair Access Panel b. Independent Review Panel (IRP) c. School governing bodies. 	<p>This has already been actioned by inviting and recruiting BAME Headteachers in Lewisham to join the Fair Access panel.</p> <p>Recruitment to the pool of people who sit on the IRPs is carried out by the local authority's Governance Support Team. The next recruitment drive will target BAME representatives and provide training.</p> <p>Lewisham governors have recently been surveyed. This shows that BAME representation across Lewisham is better than national averages but is still short of being proportionate with the school population. Officers are working on a targeted recruitment campaign by Spring 2020.</p>
<p>3. That council officers are reminded of our statutory obligation to provide meaningful equality impact assessments to ensure such assessments are robust and comprehensive. (Lewisham Council)</p>	<p>Equality implications are strongly addressed annually to CYP Select Committee in the exclusions report. The Lewisham Corporate Equalities Board is pursuing a whole borough strategy for more robust and comprehensive equality impact assessments.</p>
<p>4. That the local authority improves information packs for parents so the role of each aspect of the permanent exclusions process and each body involved is clearly explained in a concise and accessible way, and that support for parents is signposted. Interested parties, such as IRPs and community groups with experience and expertise in this area should be invited to contribute to these packs. (See also recommendation re Parental Advocates). (Lewisham Council)</p>	<p>This is a continued priority for Lewisham Council through the Reducing Exclusion Action Plan. Lewisham Council will include Lewisham parents in the review and improvement of current information packs so that the exclusion process is clear and transparent for all interested parties. Through the Reducing Exclusions Group we aim to consult with a group of parents and ensure that the information packs are revised by Spring 2020.</p>
<p>5. That the local authority ensures compliance with all statutory deadlines involved in the permanent exclusion process, in order to reduce to the minimum or eliminate altogether any loss of learning time or period of unstructured or unsupervised time which is known to increase the likelihood of risk-taking and/or anti-social behaviour or offending. (Lewisham Council)</p>	<p>Lewisham Council will continue to encourage and advise schools of all statutory deadlines and priorities in relation to exclusions. The Council itself has a specific statutory duty to provide 'sixth day provision' to excluded pupils. On average, it takes around six school days to place permanently excluded pupils into alternative provision. This is much quicker than in previous years. Pupils start sooner at the Lewisham PRU if the parents are fully engaged and supportive in the process. The PRU provides uniform for pupils. This speeds up their start date as there is no additional uniform costs to parents.</p>

	<p>However, some parents delay their child's admission to the PRU in the hope they will be successful at the Governors' Disciplinary Panel and have their child reinstated into school. These panels must be arranged within 15 school days of the date of the exclusion. Schools will aim to hold these panels as quickly as possible after the exclusion, ensuring less disruption to pupil.</p>
<p>6. That training continue to be provided to school governors to build the confidence and skills necessary to provide effective scrutiny and challenge of headteachers' decisions to permanently exclude. (Lewisham Council)</p>	<p>Governor training on preventing and scrutinising exclusions is scheduled for this academic year 2019/20. Bespoke training is also offered to individual governing bodies on request. The training programme will be revised to support building the confidence and skills necessary to provide effective scrutiny and challenge of Headteachers' decisions.</p>
<p>7. That the local authority's Children's Social Care department and its partners in Child and Adolescent Mental Health Services regularly review their thresholds for intervention and ensure there are clear pathways to support so that all children and young people can receive the help appropriate to their level of need within a reasonable timescale. (Lewisham Council)</p>	<p>The safeguarding thresholds were revised and fully disseminated to partners organisations at the beginning of 2019.</p> <p>Through a successful Trailblazer bid with NHS England Lewisham Council is improving interventions tailored to address mild to moderate mental health and emotional wellbeing needs in primary, secondary and special schools, with a focus on behaviour, anxiety, depression and primary to secondary transitions. The teams will provide support to senior mental health leads in the participating education settings, providing timely advice to staff and liaising with external specialist services so that children and young people can get the right support and remain in education. The programme aims to:</p> <ul style="list-style-type: none"> ▪ Target schools affected with a high level of disadvantage ▪ Reduce pupil exclusion ▪ Target and tailor services for Black, Asian, Minority Ethnic and Refugee (BAMER) CYP
<p>8. That Abbey Manor College's premises on both its sites be improved or replaced, ideally on a new site, so that there is sufficient indoor and outdoor space as well as appropriate design to best deliver its services. (Lewisham Council)</p>	<p>Given the reduction in permanent exclusions and the priority to improve early intervention, and reintegration into mainstream education, we will refresh our Alternative Provision Strategy, linked to place planning and sufficiency. This will set out options to improve the PRU accommodation with revenue and capital implications based on projections of demand. Target date April 2020</p>
<p>9. That schools are encouraged</p> <ol style="list-style-type: none"> a. to tailor the local authority's offensive weapons protocol to the needs of their school; and b. to adopt a flexible approach that takes into account the specifics of each individual case. (Schools) 	<p>Lewisham Council and Lewisham schools launched the Offensive Weapons Protocol in September 2017, and it was reviewed by the Inclusion Board in September 2018. The aim of this protocol is to set clear guidelines that enable schools, police and other services in Lewisham to ensure that learners and staff are protected and the carrying of offensive weapons and violent behaviour is discouraged through:</p> <ul style="list-style-type: none"> ▪ Early identification of potential problems. ▪ Early intervention. ▪ The support, agreement and collaborative approach of schools, police and other services.

	<ul style="list-style-type: none"> ▪ Proactive enforcement. Schools are encouraged to adapt the protocol to support their own behaviour policy and ensure individual flexibility for each incident of offensive weapons.
10. That schools are signposted to local groups such as Lewisham Education Group and No More Exclusions, comprising of professionals and parents, in order to reduce the disproportionate rate of permanent exclusions of black Caribbean children. (Schools)	Information has been provided to Lewisham Headteachers to enable them to access support from Parent groups to enrich school Inclusion Strategies and further prevent permanent exclusions.
11. That, in order to address the disproportionate numbers of Black children being excluded, schools are encouraged to choose from a menu of possible actions recommended by Lewisham Education Group and No More Exclusions, which is listed at paragraph 11.11 in the report.	<p>Officers are discussing with schools issues in relation to disproportionality in exclusions, especially for black Caribbean boys. This is a serious and long-standing issue on a national scale, sitting alongside the national attainment gap that the Council is keen to be part of addressing in a broader context working with other local authorities.</p> <p>It is proposed to develop collaboration with other local authorities with a high Caribbean population to lobby the Department for Education and government for specific resourcing of initiatives to address racial disparity and injustice.</p> <p>Officers will continue to work with community groups for better representation on governing bodies, parent / carer forums, etc. Officers are also working to develop a deeper understanding of how unconscious bias impacts on behaviour management through pastoral and inclusion support within schools and how the roll out of unconscious bias training addresses this. Lewisham Learning will follow up the 'Inclusive Curriculum Conference', which aimed to share more effective evidence-based practice from Lewisham and beyond, and organise more events of this kind.</p>
12. That all schools develop policies to facilitate successful transitions between primary and secondary school, so that transitions are well-planned and well-managed in order to support all children, but particularly those with SEND or experiencing mental health challenges. That training on transition to secondary school continue to be provided to school governors. (Schools)	The local authority issues guidance on transition and holds transition days for sharing information on vulnerable pupils. Officers will develop this into a whole borough strategy on transition which supports the child and the family through this process.
13. That secondary schools include in their induction packs details of their behaviour policies including their permanent exclusion policies and processes. (Schools)	This is practice that is already in place. The school behaviour policy is required to be on the school website. We regularly remind heads and governors of the website requirements as this is something that is checked by Ofsted as part of the inspection framework.
14. That schools review their provision of behaviour support units and internal exclusion units and seek to adopt best practice within the units such as providing a stimulating environment	Officers will encourage Lewisham Headteachers to identify and promote best practice from Lewisham and from other boroughs.

where learning takes place, offering therapeutic interventions where necessary, making use of the principles of restorative justice, etc. (Schools)	
15. That where schools are not doing so already, they be encouraged to consider use of the pupil premium payment where appropriate to fund preventative intervention measures to reduce permanent exclusions of eligible students. (Schools)	This recommendation will be shared with Lewisham Headteachers and they will be encouraged to consider the best use of pupil premium to support children at risk of exclusion.
16. That school governors routinely monitor the number of pupils who are removed from the school roll in Key Stage 4 in order to ensure that no students are unlawfully off-rolled. That school governors also track the reasons students are removed from the school roll, and their destinations (including elective home education). (Schools)	Lewisham Council recently responded to Ofsted's 'off-rolling' enquiry, which went to all London boroughs. After full investigation it is clear that we know the destination all our children who have been taken off roll during Key Stage 4, with clear and justifiable decision-making, and challenge by the local authority where appropriate. This is also now a very important focus in Ofsted inspections.
17. That individual schools record an audit of managed transfers together with the reasons for these and students' destinations. That this information be provided termly to school governors, and be included by the local authority in the annual report on attendance and exclusions that the Children and Young People Select Committee receives. (Schools and Lewisham Council).	All schools already inform Lewisham Council of any managed transfers as part of a quality assurance process. Schools are required to provide termly detailed reports to governors on all permanent exclusions, fixed term exclusions and managed transfers.
18. That Abbey Manor College be encouraged to continue on its trajectory of improving educational outcomes that are significantly above the national average for Pupil Referral Units, for its pupils. And that the measurable benefits for its pupils be promoted actively so as to counter its generally negative image. (Abbey Manor College, Lewisham Council)	As part of Lewisham Learning school improvement framework Abbey Manor College will continue to be supported to further improve education outcomes its pupils. The ethos and image of the provision will be considered as part of the refreshed Alternative Provision Strategy (referred to in the response to recommendation 8).
19. That schools are requested to include unconscious bias and equalities training in continuing professional development for all school leaders, staff and members of governing bodies. That this training also be included in the training of Newly Qualified Teachers in Lewisham that it be built into Lewisham's contracts with teacher training providers. (Teacher Training Providers, Schools, Lewisham Council.)	Lewisham Council does not have contracts with teacher training providers. However Lewisham will offer Unconscious bias/ Equality training in future Primary NQT training programme. STEEP Teaching School Alliance (TSA) independently offers an Early Years Foundation Stage (EYFS) NQT training programme and ATLAS Teaching School Alliance independently offers a Secondary NQT training programme which are both open to Lewisham NQTs. It is not a statutory requirement for schools to send NQTs to central NQT training sessions but the Council will recommend to STEEP TSA and ATLAS TSA that they offer Unconscious bias/ Equality training in their future EYFS and Secondary training programmes.
20. Lobby for independent advocacy being made available for families going through the statutory permanent exclusions process. (Department for Education)	Currently Lewisham exclusions letters signpost the national and local sources of support but there is no funding for dedicated independent advocacy for this area and this is something which the council could lobby for.

8. Financial implications

8.1 There are no direct financial implications arising from this report.

9. Legal implications

- 9.1 The Constitution provides for Select Committee to report to the Mayor and Cabinet , who are obliged to consider the report and the proposed response from the relevant Executive Director, and report back to the Committee within two months (not including recess).
- 9.2 The actions proposed in this report are consistent with the local authority fulfilling its statutory obligations under the Education Act 1996, the Education Act 2002 and the Education and Inspections Act 2006, The S school Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and The Education (Provision of Full-Time Education for Excluded Pupils) (England Regulations 2007 and relevant statutory Guidance.
- 9.3 The Equality Act 2010 (the Act) introduced a public sector equality duty (the equality duty or the duty) which replaced, broadened and expanded upon similar duties which already existed in relation to race, disability and sex. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 9.5 The duty continues to be a “have due regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.6 The Equality and Human Rights Commission has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
- <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
- <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty

5. Equality information and the equality duty

9.8 The essential guide provides an overview of the equality duty requirement including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

10. Crime and Disorder Implications

10.1 There are no crime and disorder implications.

11. Environmental Implication

11.1 There are no environmental implications.

12. Equalities Implication

12.1 Exclusions is a key equalities issue and the report refers to addressing disproportionality and targeted initiatives. The new or refreshed strategies referred to in the report will be subject to equalities assessments.

For further information please contact Ruth Griffiths, Service Manager – Access, Inclusion and Participation on 020 8314 3499