

CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

Agenda Item

Brighton & Hove City Council

Subject:	Response to the report of the Children and Young People's Overview and Scrutiny Committee Report: School Exclusions		
Date of Meeting:	11 th October 2010		
Report of:	Jo Lyons, Acting Director of Children's Services		
Contact Officer:	Name:	Linda Ellis, Senior Secondary And Secondary School Adviser	Tel: 01273 293686
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Key Decision:	NO		
Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

1.1 In June 2009 the Children and Young People's Overview and Scrutiny Committee (CYPOSC) agreed to set up an ad hoc panel to investigate the issue of School Exclusion following a question about school exclusion from Councillor Carden, which posed the following queries:

1. Who is excluded, why and where from?
2. What support do students and parents receive prior to, during and post exclusion, including psychiatric, psychological and educational support?
3. What are the outcomes for students, either temporarily excluded more than twice or permanently excluded or who experience 'managed' moves?

1.2 This response sets out to address the recommendations of this report and to propose further action in respect to the Children and Young People's Trust (CYPT) response to the issue school exclusion.

2. RECOMMENDATIONS:

2.1 That the Cabinet member

- (a) Notes the recommendations of the report from CYPOSC and acknowledge the work of that committee.
- (b) Implement the actions within the response.
- (c) Ensure that the monitoring procedures are followed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Ad-Hoc Scrutiny Panels consist of cross party groups who carry out short, sharply focused pieces of work. The purpose of the panel was to investigate school exclusions. They set objectives to investigate and identify whether specific groups of children are more vulnerable to exclusion, the differences between schools in practice and outcomes, the causes of exclusion and the impact of exclusion.
- 3.2 The panel subsequently held a series of evidence gathering meetings and drew together the report School Exclusion (Appendix 1).
- 3.3 A number of recommendations are about school policies and practice. Although the Council retains overall responsibility for all maintained schools in its area, it does not directly run the schools. Instead it provides an advisory and support service in relation to school discipline and exclusions. Legislation states that Headteachers and governing bodies now have responsibility for policies relating to behaviour and discipline. The council does however have a wider range of statutory duties to protect the welfare of all children in the city, including a duty to promote “the fulfilment by every child concerned of his educational potential”. Therefore, under current legislation, we have a vital role in making sure the local education system produces the right outcomes for local children and will use influence, support and challenge to affect outcomes in relation to exclusion.
- 3.4 The response to the report may need modification following a range of new government priorities and policies, which are not yet published. These include a review of Special Education Needs provision and legislation along with new guidance on behaviour and exclusions. Additionally the ability to deliver training or support to schools will be influenced by the outcomes of the Comprehensive Spending review this coming Autumn.

3.5 Response to Recommendations

Recommendations 1

Whilst the Panel recognises how far schools have developed their understanding of SEN, further training and advice for SENCOs on identifying early signs of problem behaviour is still required. The Headteachers' Steering Group should investigate how schools identify children who may have behavioural needs as early as possible and what practices they are putting into place to support pupils.

The CYPT is re-commissioning the services supporting schools to meet the needs of young people with behaviour, emotional and social difficulties which will take into account this recommendation. An aspect of the re-commissioned service is to enable schools to work in partnership to support each other, to share good practice and to develop shared understandings of the aspects of SEN including early identification of need. Once this review is complete and the recommendations have been agreed these will be shared with the Headteachers' Steering Group.

Recommendation 2

The CYPT use its influence with schools to encourage schools to research and increase staff awareness in order to support children with all special needs, including Foetal Alcohol Syndrome (FAS).

The CYPT will continue to provide a training programme on issues pertaining to SEN and access to specialist training from other providers. There has been a seminar on Foetal Alcohol Syndrome (FAS) in recent months and health service colleagues have and will continue to provide training sessions in schools when these are requested.

Recommendation 3

Schools should identify the best and most creative use of their SEN funding in the City and ensure that best practice is shared amongst all schools.

Schools report annually on their spending of the SEN budget. They have also been encouraged to use the Audit Commission tool for evaluating Value for Money spent on SEN to review practice in their school. School Improvement Partners will continue to challenge and support schools on their efficient use of funding especially with regard to outcomes for children with SEN.

Recommendation 4

The CYPT to encourage schools to provide language, communication, and intervention in schools as early as possible to meet the needs of their pupils.

SENCo meetings have discussed the importance of speech, language and communication difficulties and the consequent behaviour issues that can arise if the needs are not met. Schools have access to specialist support from the Language and Literacy Support Service along with Speech and Language Therapists. They will continue to receive support and training in this area to address this recommendation.

Recommendation 5

The CYPT continue to put into place robust monitoring systems to assess how each school is spending its SEN budget and to intervene and advise if spending is not as effective as it could be.

See response to recommendation 3.

Recommendation 6

The Council should request changes to the legislation of SEN funding to stipulate that this funding is ring-fenced for schools to use on SEN related matters only (via provision for lobbying central Government introduced in the Sustainable Communities Act).

The most recent consultation from DfE that covers the Pupil Premium for disadvantaged pupils states that the Government are not proposing to ring fence this funding as they believe schools know best how this should be

applied. In this context, it seems unlikely that they would want to do this with other SEN funding. In the annual in-school review exercise, we will continue to monitor this. We know from this review that every school states that they spend more in the SEN area than they are allocated.

Recommendation 7

a) Clinical CAMHS should consider whether it offers the most responsive possible service to families, particularly in terms of being willing to travel to locations where families feel most comfortable, rather than requiring children with complex needs to travel to clinical facilities.

b) CAMHS need to ensure that, subject to patient confidentiality, it shares all relevant information with schools to best enable them to support all children in their care.

c) Where possible, CAMHS professionals/clinicians should offer training to parents and schools on techniques to support pupils.

d) CAMHS to investigate the perceptions that schools and parents have regarding long waiting times and to ensure that requisite changes are made to ensure easier access is made to appropriate CAMHS services.

The CYPT has commenced a process of re-commissioning CAMHS and these recommendations' will be addressed in this process.

Recommendation 8

The CYPT should continue to seek funding for school buildings, to investigate incorporating additional classroom space within current schools for 'support classes' (similar to Inclusion Centres) to provide pupils at risk of being excluded the flexibility of being taught in smaller classes.

The Building Schools for the Future programme has been withdrawn by the Government. However in re-commissioning the service to support young people with behaviour, emotional and social difficulties the CYPT has recommended that schools create different environments to address the needs of young people and this has received support from schools. A number of our schools already have such provision in place. Any new school building or refurbishments will also include consideration of this recommendation

Recommendation 9

The CYPT makes provision through the BSF project, for all schools to have access for some Offsite 'Learning Support Units' (for pupils who have been temporarily excluded), which are linked into mainstream schools (like the Hangleton and Knoll project).

Schools are already being encouraged to work in partnership to develop such resources. A number of our schools have learning support units of similar resources on site and use the facilities of ACE as off-site provision.

Recommendation 10

CYPT to encourage Schools to have simplified School Behaviour Policies:

- *with Exclusion protocols that are 'child-friendly'*
- *to include acknowledging the prohibition of 'Informal Exclusions'*
- *the restricted use of part-time timetables*
- *to show clearly the different stages of sanctions that the school has in place*

The CYPT implement this recommendation through the termly meetings of the School Improvement Partner.

Recommendation 11

Headteachers should ensure that children and young people are not 'informally excluded' or unnecessarily placed on part-time timetables and the LEA should continue robustly to monitor this.

All children and young people in maintained schools are entitled to 190 days of education. This education need not be in a school building but must be planned and agreed with the parents or carers. Schools should be aware of a young person's attendance at any off-site provision and to register their presence or absence accordingly. Part-time timetables that are not monitored put young people at risk and could, in some cases, give rise to child protection concerns. Exclusion from school requires a formal process which is set out in legislation. Informal exclusions are unlawful since there is no basis in law for Headteachers or other school staff to do this, even if done with the agreement of parents or carers. Accordingly, both informal exclusions and un-monitored part-time tables are monitored centrally and strongly discouraged by all officers working with schools.

Recommendation 12

The CYPT should encourage schools to improve their communication and support with parents (for pupils who have been excluded); by involving them more in the exclusion- decision making process.

The CYPT implement this recommendation through the termly meetings of the School Improvement Partner.

Recommendation 13

Headteachers and Governors should speak with young people who have been excluded and their parents more regularly, to learn from their experiences and seek improvements in exclusions protocols.

The CYPT will endeavour to influence schools to implement this recommendation through discussion and agreement at the Headteachers'

Steering group and through colleagues involved with the children and their families.

4. CONSULTATION

- 4.1 The findings and recommendations of the CYPOSC report are based on extensive consultation.
- 4.2 Councillors Kevin Allen, David Smart and Rachel Fryer formed the panel together with Rachel Travers representing the Brighton & Hove Community Voluntary Sector Forum. Councillor Fryer was the Chair of the Panel.
- 4.3 The Panel held a series of evidence gathering meetings in public and in private. Witnesses included parents whose children had been excluded, officers from the Local Education Authority (LEA), an officer from the council's Youth Offending Service, a professional from Community Child and Adolescent Mental Health Services (CAMHS), and a Councillor (who was also a school Governor).
- 4.4 Panel members carried out visits to schools, ranging from a Church-Aided school, to state Primary, Secondary and Special schools. The Panel also spoke with pupils at Sellaby House, an Inclusion Centre (within a school) and at the Self Managed Learning Centre.
- 4.5 Some of the evidence was also gathered from parents and teachers in the form of private e-mails to the Panel.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

[Address all capital and revenue financial and property implications arising out of the report proposals. This section to be completed by relevant finance officer]

- 5.1 There are no specific financial implications arising from the recommendations at this stage however, it is worth noting some points for further consideration in the future. Recommendation 1 is connected with early identification of need and the Heads Steering Group should be aware that prioritising funding for early intervention has been the subject of debate at both Schools Formula Working Group and Schools Forum meetings in the last year. Clearly, funding allocated to schools via the formula is limited and representatives on the Heads Steering Group should liaise with colleagues involved in the funding groups to ensure a co-ordinated approach. Recommendation 8 regarding the creation of different learning environments within schools would need to be given consideration in terms of capital expenditure on a case-by-case basis.

Finance Officer Consulted: Steve Williams

Date: 06/09/10

Legal Implications:

- 5.2 The recommendations in this report are provided as part of the Council's overall responsibility to schools to provide guidance, support and advice on policies relating to behaviour and discipline within schools. This responsibility extends to liaise with other agencies in order to provide co-ordinated support to pupils, their families, and schools, hence the recommendations in paragraph 3.4.6 relating to the CAMHS service.

Lawyer Consulted:

Serena Kynaston

Date: 03/09/10

Equalities Implications:

- 5.3 The recommendations in this report are provided to improve access to education for vulnerable pupils.

Sustainability Implications:

- 5.4 The recommendations in this report will support the better attainment of vulnerable pupils which will lead to improved employability and thus add to the sustainability of the city.

Crime & Disorder Implications:

- 5.5 The recommendations in this report will have the effect of reducing crime and disorder

Risk and Opportunity Management Implications:

- 5.6 N/A

Corporate / Citywide Implications:

- 5.7 The recommendations in this report will support the better attainment of vulnerable pupils which enhances the reputation of the City Council.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

N/A

7. REASONS FOR REPORT RECOMMENDATIONS

SUPPORTING DOCUMENTATION

Appendices:

[If none, state None. Any appendix more than 20 pages long should be listed and placed in the Members' Rooms at Kings House and referenced in the main body of the report]

1.

2.

Documents in Members' Rooms

1.

2.

Background Documents

[List any background / supporting documents referred to or used in the compilation of the report. The documents must be made available to the public upon request for four years after the decision has been taken]

1.

2.