

SCRUTINY BOARD (CHILDREN AND FAMILIES)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Wednesday, 4th March, 2020 at 10.00 am
(A pre-meeting will take place for ALL Members of the Board at 9.45 a.m.)

MEMBERSHIP**Councillors**

H Bithell	-	Kirkstall;
P Drinkwater	-	Killingbeck and Seacroft;
B Flynn	-	Adel and Wharfedale;
A Forsaith	-	Farnley and Wortley;
C Gruen	-	Bramley and Stanningley;
C Howley	-	Weetwood;
A Hussain	-	Gipton and Harehills;
J Illingworth	-	Kirkstall;
W Kidger	-	Morley South;
A Lamb (Chair)	-	Wetherby;
J Lennox	-	Cross Gates and Whinmoor;
A Marshall-Katung	-	Little London and Woodhouse;
K Renshaw	-	Ardsley and Robin Hood;
R. Stephenson	-	Harewood;

Co-opted Members (Voting)

Mr E A Britten	-	Church Representative (Catholic)
Mr A Graham	-	Church Representative (Church of England)
Mrs K Blacker	-	Parent Governor Representative (Primary)
Ms J Ward	-	Parent Governor Representative (Secondary)
Vacancy	-	Parent Governor Representative (SEN)

Co-opted Members (Non-Voting)

Ms C Foote	-	Teacher Representative
Ms H Bellamy	-	Teacher Representative
Vacancy	-	Early Years Representative
Ms E Holmes	-	Young Lives Leeds
Ms D Reilly	-	Looked After Children and Care Leavers

Principal Scrutiny Adviser:
Angela Brogden
Tel: (0113) 37 88661

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded). (* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Head of Governance Services at least 24 hours before the meeting).	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1. To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2. To consider whether or not to accept the officers recommendation in respect of the above information. 3. If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows: No exempt items have been identified.	

3		LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration. (The special circumstances shall be specified in the minutes.)	
4		DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5		APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES To receive any apologies for absence and notification of substitutes.	
6		MINUTES - 5TH FEBRUARY 2020 To approve as a correct record the minutes of the meeting held on Wednesday 5th February 2020.	5 - 8
7		SCRUTINY INQUIRY INTO CHILDREN'S CENTRES - RECOMMENDATION TRACKING UPDATE To receive a report from the Head of Democratic Services and Director of Children and Families presenting the progress made in responding to the recommendations arising from the Scrutiny Board's earlier inquiry into Children's Centres.	9 - 28
8		SCRUTINY INQUIRY INTO EXCLUSIONS, ELECTIVE HOME EDUCATION AND OFF-ROLLING - SESSION TWO To receive a report from the Head of Democratic Services presenting key information linked to the second session of the Scrutiny Board's Inquiry into Exclusions, Elective Home Education and Off-rolling.	29 - 130

WORK SCHEDULE

131 -
154

To consider the Scrutiny Board's work schedule for the 2019/20 municipal year.

DATE AND TIME OF NEXT MEETING

Wednesday, 1st April 2020 at 10.00 am (Pre-meeting for all Board Members at 9.45 am)

THIRD PARTY RECORDING

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts on the front of this agenda.

Use of Recordings by Third Parties – code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

SCRUTINY BOARD (CHILDREN AND FAMILIES)

WEDNESDAY, 5TH FEBRUARY, 2020

PRESENT: Councillor A Lamb in the Chair

Councillors H Bithell, N Dawson, J Dowson,
P Drinkwater, A Forsaith, C Howley,
W Kidger, P Latty, J Lennox, A Marshall-
Katung, K Ritchie, R. Stephenson and
P Wray

CO-OPTED MEMBERS (VOTING)

Mr E A Britten – Church Representative (Catholic)
Mrs K Blacker – Parent Governor Representative (Primary)
Ms J Ward – Parent Governor Representative (Secondary)

CO-OPTED MEMBERS (NON-VOTING)

Ms C Foote – Teacher Representative
Mrs H Bellamy – Teacher Representative
Ms D Reilly – Looked After Children / Care Leavers Representative

74 Appeals Against Refusal of Inspection of Documents

There were no appeals.

75 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

76 Late Items

There were no formal late items, however the draft minutes of the meeting on 22nd January 2020 were circulated to Members prior to the meeting.

77 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

78 Apologies for Absence and Notification of Substitutes

Draft minutes to be approved at the meeting
to be held on Wednesday, 4th March, 2020

Apologies were received from Councillors C Gruen, J Illingworth, K Renshaw, A Hussain and B Flynn. Councillors J Dowson, N Dawson, P Wray, K Ritchie and P Latty were in attendance at the meeting as substitutes.

Apologies were also received from Co-opted Members Andrew Graham and Emma Holmes.

79 Minutes - 22nd January 2020

RESOLVED – That the minutes of the meeting held 22 January 2020 be approved as an accurate record.

80 Scrutiny Inquiry into Exclusions, Elective Home Education and Off-rolling - Session One

The Head of Democratic Services submitted a report that presented key information linked to the first session of the Scrutiny Board's Inquiry into Exclusions, Elective Home Education and Off-rolling.

The following was appended to the report:

- Scrutiny Inquiry Terms of Reference
- Exclusions, Elective Home Education and Off-rolling report submitted 23 October 2019
- Children's Commissioner report 'Skipping School: Invisible Children' published February 2019
- Children's Commissioner report 'Exclusions' May 2019
- Timpson Review of School Exclusion May 2019

The following were in attendance:

- Councillor Jonathan Pryor, Executive Member for Learning, Skills and Employment
- Steve Walker, Director of Children and Families
- Phil Mellen, Deputy Director for Learning
- Val Waite, Head of Learning Inclusion

The Deputy Director for Learning introduced the report, highlighting the following:

- *Permanent and fixed-term exclusions.* Although the number of permanent exclusions in Leeds have decreased in recent years, the number of fixed term exclusions have increased. Members were advised that a restorative approach is encouraged to all schools, with a reduced focus on exclusions, however approaches and ethos vary across schools.
- *Internal exclusions.* Members were also informed that the prevalence of internal exclusions within each school, also referred to as 'isolation',

is not measured as schools are not obliged to provide this data to the local authority.

- *Elective Home Education and off-rolling.* Members were advised that although it was important to recognise that often families make positive and informed decisions to home educate their children, there had been a significant increase in families choosing to home educate children with SEND and for those in the final years of secondary school. There is also growing concern that this trend may be a result of schools off-rolling pupils to benefit the school, by encouraging families to home educate their child and avoid the prospect of permanent exclusion.
- *Area Inclusion Partnerships.* Members were advised that despite the local authority's reduced control over schools, Area Inclusion Partnerships aim to prevent exclusions and promote inclusion, by ensuring that a multi-agency panel supports children at risk of exclusion, and therefore avoid any of the measures above to be taken.

Members discussed a number of matters, including:

- *Statutory guidance for exclusions.* Members queried the disparity between school approaches in relation to exclusions, despite the statutory guidance provided by central government. Members were advised that the statutory guidance still allows for interpretation, which reduces the consistency across schools.
- *The child's right to education* - It was noted that the introduction of the 3 A's strategy aimed to further promote a child's right to education and to also adopt a whole systems approach in terms of improving the outcomes of particularly vulnerable groups. Linked to this, reference was made to the role of early help and the importance of supporting them in challenging schools around exclusions and also working with schools to explore other appropriate solutions.
- *Children looked after.* In recognising that often the most vulnerable children and young people are at a higher risk of exclusion, Members sought assurance that particular efforts are made to ensure that children looked after are not subject to off-rolling. Members were advised that it is the responsibility of the Head of the Virtual School for children looked after to closely monitor the learning pathways and outcomes for all children looked after, and that Elective Home Education is only ever used as a temporary measure in exceptional circumstances.
- *Exits from mainstream education.* The Board was informed the local authority must be informed when a young person is taken off roll of a school. Where a pupil has been moved to an alternative provision, it was highlighted that Ofsted has made it clear that the pupil is to stay on the roll of the mainstream school while receiving any alternative education provision.
- *Home visits for Elective Home Education pupils.* Members expressed concern about the lack of accountability home educators have in relation to the quality of their provision, and were advised that although currently home visits can be declined, officers were supportive of the

Children's Commissioners campaign for a national register to track providers and the introduction of statutory home visits.

- *Tracking the outcomes and Post-16 destinations of Elective Home Education pupils.* While acknowledging the difficulty of tracking this particular cohort, the Board felt it would be valuable to explore ways in which to capture the education outcomes and Post-16 destinations of these pupils too.
- *Taking account of parental views and perspectives.* The Board acknowledged that parental views and perspectives surrounding the behaviour management policies and practices of schools could be quite diverse, but felt it would still be helpful to try and capture the voice of parents/carers.

Councillor C Howley arrived at 11:30 a.m. during discussion of this item.

Helen Bellamy left the meeting at 12.00 pm during discussion of this item.

RESOLVED – That the contents of the report and the issues raised during this first inquiry session be noted.

81 Work Schedule

The Head of Democratic Services submitted a report which invited Members to consider the Board's Work Schedule for the remainder of the current municipal year.

RESOLVED – That the draft work schedule be noted and updated to reflect the Board's discussions during the meeting.

82 Date and Time of Next Meeting

Wednesday, 4th March 2020 at 10.00 am (Pre-meeting for all Board Members at 9.45 am)

Report of the Head of Democratic Services & Director of Children and Families

Report to Scrutiny Board (Children and Families)

Date: 4th March 2020

Subject: Scrutiny Inquiry into Children's Centres – recommendation tracking update.

Are specific electoral wards affected?	☐ Yes	☒ No
If yes, name(s) of ward(s):		
Has consultation been carried out?	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Will the decision be open for call-in?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☐ Yes	☒ No
If relevant, access to information procedure rule number:		
Appendix number:		

1 Purpose of this report

- 1.1 This report sets out the progress made in responding to the recommendations arising from the Scrutiny inquiry into Children Centres.

2 Background information

- 2.1 On 16th June 2016, the Children and Families Scrutiny Board resolved to undertake an inquiry which would consider the value of children's centres and how they deliver the aspirations defined in the Best Start Plan and the Children and Young People's Plan.
- 2.2 A key objective of the Scrutiny Inquiry was to identify how the services provided through children's centres impact on the lives of children, particularly in their early years, and improve the lives of their associated family. It also explored how austerity measures within the Council and wider partnerships are impacting on children centres and the strategic and operational intention for sustaining children's centres now and in the future.
- 2.3 The Scrutiny Board's inquiry report was published on 19th October 2017 and detailed the Scrutiny Board's findings and recommendations. In January 2018, the Scrutiny Board received a formal response to the recommendations arising from its inquiry and further tracking report in April 2019.

3 Main issues

- 3.1 Scrutiny Boards are encouraged to clearly identify desired outcomes linked to their recommendations to show the added value Scrutiny brings. As such, it is important for the Scrutiny Board to also consider whether its recommendations are still relevant in terms of achieving the associated desired outcomes.
- 3.2 The Scrutiny recommendation tracking system allows the Scrutiny Board to consider the position status of its recommendations in terms of their on-going relevance and the progress made in implementing the recommendations based on a standard set of criteria. The Board will then be able to take further action as appropriate.
- 3.3 This standard set of criteria is presented in the form of a flow chart at Appendix 1. The questions in the flow chart should help to decide whether a recommendation has been completed, and if not whether further action is required. Details of progress against each recommendation are set out within the table at Appendix 2.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Where internal or external consultation processes have been undertaken with regard to responding to the Scrutiny Board's recommendations, details of any such consultation will be referenced against the relevant recommendation within the table at Appendix 2.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Where consideration has been given to the impact on equality areas, as defined in the Council's Equality and Diversity Scheme, this will be referenced against the relevant recommendation within the table at Appendix 2.

4.3 Council Policies and Best Council Plan

- 4.3.1 The scope of the inquiry fulfils some of the best council objectives and priorities as defined in the Best Council plan, particularly supporting children to do well at all levels of learning and have the skills they need for life, keeping children safe, supporting families, and raising aspirations and educational attainment.

Climate Emergency

- 4.3.2 There are no specific implications in relation to the climate emergency agenda.

4.4 Resources and Value for Money

- 4.4.1 Details of any significant resource and financial implications linked to the Scrutiny recommendations will be referenced against the relevant recommendation within the table at Appendix 2.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report does not contain any exempt or confidential information.

4.6 Risk Management

4.6.1 Any specific risk management implications will be referenced against the relevant recommendation within the table at Appendix 2.

5 Conclusions

5.1 The progress made in responding to the recommendations arising from the Scrutiny Board's earlier inquiry into Children Centres is set out within Appendix 2 of this report for the Board's consideration.

6 Recommendations

6.1 The Board is requested to:

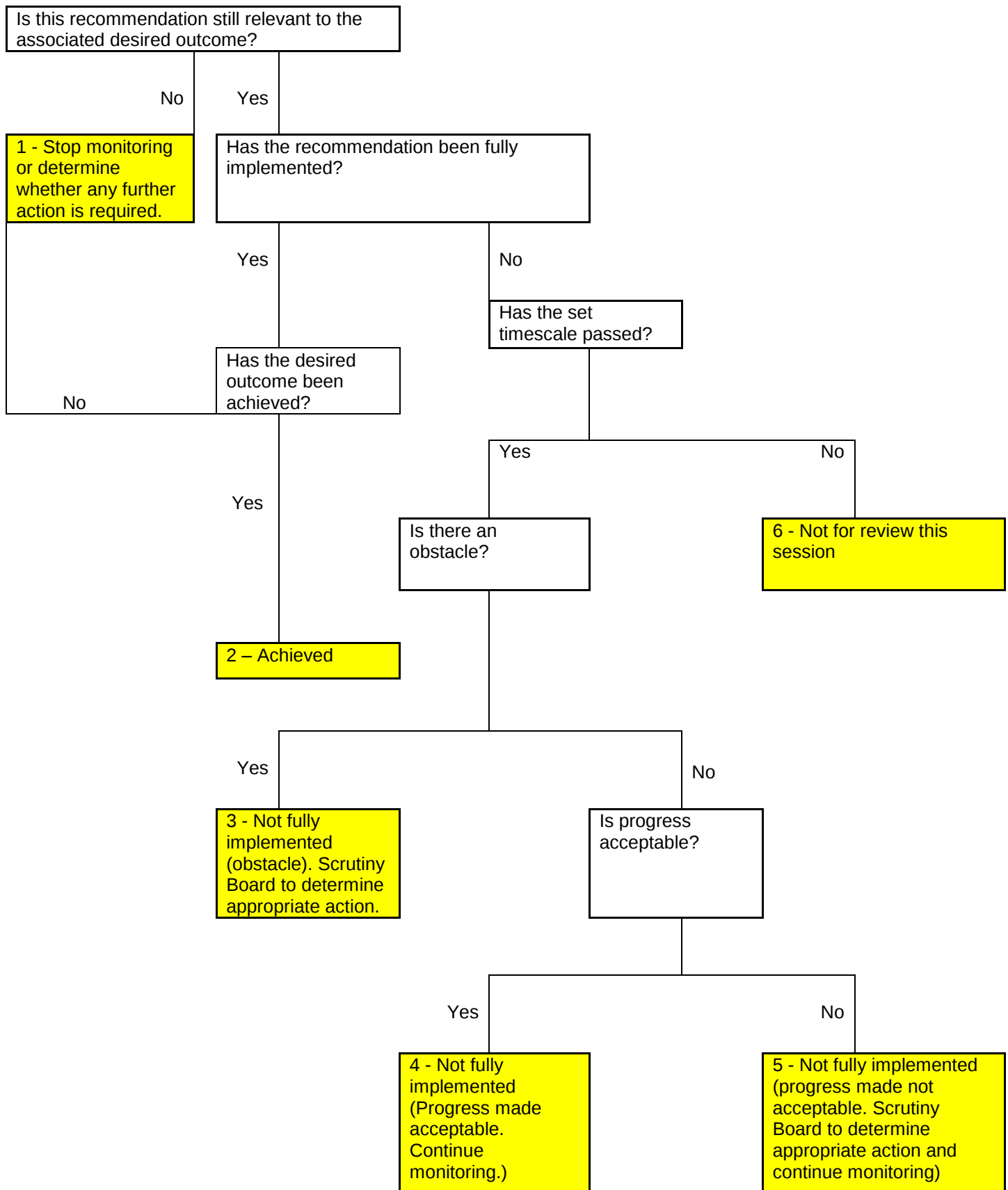
- Agree those recommendations which no longer require monitoring;
- Identify any recommendations where progress is unsatisfactory and determine the action the Board wishes to take as a result.

7. Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Recommendation tracking flowchart and classifications:
Questions to be considered by Scrutiny Boards



Position Status Categories

- 1 - Stop monitoring or determine whether any further action is required
- 2 - Achieved
- 3 - Not fully implemented (Obstacle)
- 4 - Not fully implemented (Progress made acceptable. Continue monitoring)
- 5 - Not fully implemented (Progress made not acceptable. Continue monitoring)
- 6 - Not for review this session

Desired Outcome - To promote and enhance parental voice and influence.

Recommendation 1 – That the Director of Children and Families undertakes a review of Children’s Centre Advisory Boards to assess the strength of governance arrangements and parental inclusion. Where action is required the Director is requested to provide the necessary support to secure improvement.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation. A review of Children’s Centre Advisory Boards will be undertaken in April 2018 through the Annual Conversation Review process which quality assurances the delivery of services. This will ensure a thorough review of governance arrangements and the involvement and voice of parents in service delivery and development. The Director will report on progress in September 2018.

Position reported in April 2019:

A review of all Children’s Centre Advisory Boards was undertaken during the Annual Conversation performance review process in April 2018. Following this, to support Centres to explore ways to strengthen their governance arrangements and parental inclusion, a workshop was delivered to all Managers. The Annual Conversation cycle will be undertaken again in April/May 2019 during which the impact of this training workshop will be assessed.

Current Position:

Following the training for all centres on developing and sustaining their advisory board the annual Self Evaluation Forms identify that most centres are clear about their remit and are meeting regularly. A number of centres have merged boards where management of centres have come together for example Chapletown/Chapel Allerton/Meanwood. There continues to be an issue recruiting parents to advisory boards centres work to ensure the voice of parents is reflected in advisory boards through ongoing consultations.

Examples of practice:

In the recent ‘Practice week’ which undertook a review of working practice in the Airborough cluster the following was identified;

“.....senior stakeholders (i.e. health, education and social work) advocate for representation at local governance groups (e.g. Cluster Joint Collaborative Committees and Children’s Centre Advisory Boards) so that the alignment of agencies and settings can be challenged and supported and, the complexity of multi-agency working overcome.”

Bramley's SEF identifies that the governance arrangements for the Cluster's children centre services are robust and very well-established with exceptionally clear lines of accountability. The Advisory Board is a critical group within this arrangement and, chaired by a parent representative, is dominated by parental participation. This Group reports to the Cluster's multi-agency Steering Group which is in turn accountable to the Cluster Partnership's Joint Collaborative Committee (JCC). The Board's chair, a parent, completed training with the local authority's Voice and Influence Team, has successfully bid for funds from the local authority's community committee to pilot a new service (pyjama drama) for the area. The Chair has also progressed in a professional capacity and returned to employment. Parent representatives continue to chair the Board on a rotational basis.

Hawthornthwaite Wood SEF suggests that the centre has developed good working partnerships with Castleton Children's Centre and has joined the centres advisory boards. Hawthornthwaite Wood and Kirkstall also have a shared advisory board. The shared advisory board is well attended by a wide range of partners and parents who keep a close eye on the work of the centre, providing good levels of support and challenge.

Wetherby Children's Centre is challenged by the Advisory Board, and consultations with local professionals to ensure the balance of universal and targeted services meet the family's needs. Representatives from the Local Authority, Children's Centres, Health Visiting team and Advisory Board have been involved in evaluating, compiling development plans and setting precise and challenging outcomes and performance measures.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To provide better informed and integrated support to vulnerable children and families.

Recommendation 2 – That the Director of Children and Families investigates the strength of partnership and information sharing between each Children's Centre and local GP services, and where required facilitate support to build up partnership arrangements to provide better support for families who require targeted services.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation. We will continue to develop collaborative links with the CCG in terms of integrating services for example maternity and mental health services. We will look at the potential to become part of the social prescribing model for Leeds, similar to the neighbourhood Networks model for older communities.

Position reported in April 2019:

The Children's Centre Service Lead attended the GP Consortium to deliver a presentation on Children's Centres and the core offer. Links with CCG colleagues continues to strengthen by ensuring our Service is included in the membership of various strategic meetings such as the Perinatal Mental Health Pathway implementation group and the Maternity Strategy implementation board.

Building on the development of the Local Care partnerships, (the model for joined-up working to deliver local health care), Children's Centres have established communication with the Chapeltown Child and Family Hub, and will make contact with the Pudsey Child and Family Hub shortly.

A procurement process has just been undertaken to re-commission the Children's Centre Counselling Service. The contract has been awarded to Northpoint Well-being, the incumbent provider and discussions are underway to ensure this service links with the work of the CCG. One example of this is for Northpoint Well-Being to extract from their data sets, any data relevant for inclusion on the perinatal mental health dashboard. Children's Centre are also working with the CCG to engage target groups to support the consultation on Urgent Care Centres by encouraging families to complete the consultation survey.

Current Position:

At the last meeting the Board asked to better understand the obstacles around GPs and children's centre's sharing data and building relationships. The service can report progress at a local level where work with Chapeltown Child and Family Hub partnership has developed successfully. The Childrens Centre Manager is invited to attend the multi disciplinary practice meeting at the Practice on a monthly basis. A newsletter, which is circulated to all agencies in the cluster, highlights the discussions at the meetings. This has been really useful in sharing information for example around children's injuries / illnesses, ie bruising / nose bleeds. This GP information is shared by the Childrens Centre manager with the whole service. Resulting in a really useful and informative partnership.

Further practice improvement discussions and commissioner challenge meeting with 0-19

PHINS and midwives has identified specific health visitor and midwifery contacts for every GP surgery where direct communication can occur around children and families. Health visitors and midwives are able to share data. As Childrens Centres do have a formal data sharing agreement, reviewed every year with 0-19 and midwives GPs have been made aware and some are using this communication link.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To ensure full Cluster support is maintained to all Children's Centres across Leeds to provide identified targeted support.

Recommendation 3 – That the Director of Children and Families investigates the impact of changing Cluster Partnership structures on the support available to Children's Centres and ensures that full support services are restored and maintained.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation and will ensure that Children's Centres and the new RES teams become closely aligned. We will also maintain and further develop the existing links with cluster teams through Guidance and Support JCC, Family of Schools meetings.

Position reported in April 2019:

Overall the Children's Centres have good working relationships with Cluster teams by ensuring representation at meetings, for example support and guidance, JCC and locality domestic violence meetings. Links with the RES teams are good and in some areas very strong partnership e.g. Bramley. All Children's Centres have access to Mosaic which has really strengthened our ability to evidence the Early Help offer and enables partner agencies to allocate cases / step down cases to Children's Centre teams.

We are developing new opportunities for co-location with teams. The new Early Help Hub in the South is located on Cottingley Children's Centre site, the new Burley Children's Centre will be co located with the local social work team. Existing areas of co located services include Bramley and Hollybush.

Current Position:

Members asked, at the last meeting, about the relationship between clusters and Children's Centres, particular around governance. Further investigation does show a changing picture across the city around school, clusters and wider partnerships. Some children's centre's that have been run previously by schools or clusters have returned to local authority governance, due usually, to changing status or governance in schools for example Brigshaw MAT.

The individual relationships with schools/ clusters does remains strong with staff and service leaders working as part of JCC and Family of Schools alongside health, Early Help and social care colleagues. The Head of Early Help has organised a review with Cluster Chairs to re establish regular strategic dialogue and look at consistency of governance and mutual responsibilities.

Local examples to evidence cluster practice and governance include the 'Practice week' undertaken in November 2019. This was run in Airborough cluster where service leaders (eg Early Start Manager, Team Leader, cluster manager) shadowed each other's work in the cluster, children's centre early help and social care teams for a week. Detailed reflective practice and learning together identified strong multi-agency working, positive feedback from families using the service and a better understanding of professional roles across the cluster.

Cottingley Children Centre has now been refurbished to create office accommodation and working space for a multi-agency collaboration. South Early Help Hub and Family Action

are working alongside children centre family services, with other professionals using 'touch down' space

Chapelton Children's Centre is presently being refurbished to co-locate 0-19 PHINS staff (health visiting and school nursing), midwifery, Children's Centre Family Services and Signpost staff. Working to co-locate teams and integrate working practice, this exciting development will develop Chapelton as a multi-agency hub for families by May 2020.

Work is underway at Nowell Mount Children's / Community Centre. Over £250,000, capital monies have been secured through a coordinated bid through the Office of the Police and Crime Commissioner (OPCC) to the Home Office, to build an extension to Centre to create a Youth and Community Hub. A multi-agency steering group, inclusive of children, young people and local residents are working to maximise existing activities and lever in opportunities to meet local need.

City wide cluster programme delivery has increase through the re-procurement of 0-19 PHINS contract and continued funding of children's centres through Public Health. The success of the HENRY programme has focussed an ambition for the city for more families to participate in, the specification has increased from 60 programmes to 90 HENRY programmes per annum in all clusters across the city. This will enable more families to participate in the programmes delivered by both Family Outreach Workers and Family Health Workers (0-19 PHINS). Currently we are on target to achieve our aim, between April and December 2019, 65 courses were delivered.

The Preparation Birth and Beyond programme (antenatal) offer has also increased offer is to deliver 90 courses across all clusters over the year. This year and up to April 2020 we will have delivered 85 courses, and these have included newly introduced twilight courses. The later sessions have been well attended and parents have reported that it has fit well with their work commitments. The termly PBB forums are well attended by both FOW's and health colleagues.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To better engage with the public by facilitating clear and up to date information to families and to promote the benefits of Children's Centres.

Recommendation 4 – That the Director of Children and Families undertakes a review of electronic media, website and social media provision for all Leeds Local Authority Children's Centres to enhance the provision of information to families and facilitate engagement digitally.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation. A programme of work has begun with the Communications team to consult with parents and stakeholders around service branding, 'kerb' appeal, electronic media, website and social media. We will also use new Public Health initiatives launched in the city for example Baby Buddy app, loaning breast pumps, home safety checks, book bags to further publicise Childrens Centre services.

Position reported in April 2019:

Further to a stakeholder consultation exercise, all 29 Children's Centre day care settings have the new branding of 'Little Owls'. Banners have been produced and are displayed externally on each site to promote the Ofsted judgement for the Day Care provision. A schedule of work is underway to enhance the 'kerb' appeal of Centres which includes decorating and work to the outdoor areas.

Work is underway with the Communications and marketing team to develop a website for each Centre to promote both the Early Learning and Family Services offer. A workshop has been delivered to all Managers to explore other social media provision, in particular facebook. A working group is being established to explore the protocols needed in order to progress this.

The Centres continue their involvement with public health initiatives and promotions and in addition to those detailed above, the Children's Centres played a significant part in Baby Week delivering a range of activities to families. The Centres are actively encouraging families to download the Baby Buddy App & also are the main distribution point for the Baby Express magazine which is issued to new Parents at regular intervals for the first 12 months of the baby's life. Another exciting development for our Centres is to launch the '50 Things to do before you are 5' App which has just been developed.

Current Position:

The Childrens Centre Little Owls website is up and running. The service has seen an increase in internet based enquiries from 23 in April to August 2019, to 66 from September to December 2019. There have been 42 internet based enquiries in January this year. Three centres have started Facebook pages, Rothwell, Chapel Allerton and Meanwood. These have regular posts around activities going on at the centres, vacancies and news updates. All centres have been trained and are beginning to develop Facebook pages. It is hoped this will raise awareness and use of the centres, but also improve parent understanding of early learning and development.

The first group of Little Owls centres identified for intensive marketing support were Quarry Mount, City and Holbeck and Osmondthorpe these have shown increased take up of places since September 2019. Intensive marketing for Hawksworth Wood; Rothwell; Shepherd's Lane; Middleton (Laurel Bank) should increase take up of places in 2020.

The '50 Things to do before your 5' app continues to gain energy. Launched as part of Baby Week 2018 the app has been promoted to schools, settings and directly to families via settings website/ social media sites, via sessions and to staff via briefings. Also widely promoted through Child Friendly Leeds teams and CFL ambassadors. Cards, Posters (A2 and A4), fliers and bookmarks have been given to all Libraries, Speech and Language teams, Family Learning Development Team, these will also go to social workers. App info is being promoted through GP practices as part of Baby week; stickers on the 'red books' is being cascaded via Health visitors on all the new birth visits.

The number of followers of 50 Things is growing on Twitter each day, there has been a large increase since the summer. Interactions are also improving on Facebook. Currently have 2097 downloads, we have distributed a similar number of posters.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To improve communication skills during early year's development.

Recommendation 5 – That the Director of Children and Families:

a) investigates the level of needs led demand for communication and language development support, including the support required at each Children's Centre, and works in collaboration with Health Partners to address the deficits in support identified

b) investigates the possibility of commissioning and provision of adult learning courses in Makaton in Children's Centres, to aid parents who wish to support the development of their child's communication skills.

Formal response (January 2018):

a) The Director of Children and Families accepts this recommendation and will review the funding and support for communication and language needs with regard to the new requirements around the Early Years Dedicated Schools Grant.

The Children's centre communication and language named lead in every Children's Centre will undertake an audit of need. We will work collaboratively with Health Partners to identify collaborative ways to address demand.

b) The Director of Children and Families accepts this recommendation will review the existing programme of Family Learning by Leeds City College and consider parent demand for specific areas of training and development.

Position reported in April 2019:

Children's Centres are making effective use of their EYPP funding to support the development of communication and language support. This has included the implementation of 3 innovative projects taking children and families out of the centres by working with the Art Gallery, Herd Farm & an intergenerational project linking Children's Centres day care provision with Care Homes. The Art Gallery project has been nominated and shortlisted for a Creative Learning award. The entire workforce were given an appraisal objective around communication, language and literacy.

The Children's Centre teacher team have conducted an audit review to look at how Communication and Language (C&L) was continuing to be developed and how C&L is a continued focus as a Prime area of learning. This involved looking at how centres promote communication friendly spaces (CFS) in their settings and to discuss the measuring and monitoring of the impact of this. The teachers have also produced a Curriculum Support pack for centres to access. This includes example focus and group time plans, guidance on assessing children in C&L, language programmes plus other documents centres may find useful.

The directorate have put themselves forward to undertake and LGA Early Years Peer Review in June 2019. This will focus on communication and language development outcomes for the city. It will identify key lines of inquiry with recommendations for further action.

There is some availability of Makaton training for parents in the city for example at New Wortley Community Centre, but more work needs to be done to assess need.

Current Position:

The LGA Early Years Peer review in June 2019 highlighted a number of strengths and areas for development in Speech, Language and Communication. Following this a multi-agency 0-5 communication pathway has been developed identifying strengths and gaps in provision for the city in universal, targeted and specialist services.

The 3 As strategy has driven a clear focus on early language and literacy in the early years. The Year of Reading focussed work of teams, to ensure a wealth of effective practice and provision is in place across the 29 Little Owls Nurseries and across the Children's Centres family services provision. As well as families having access to a range of literature, courses and workshops which promote reading, the Children's Centres are offering lending libraries, visits to libraries, story tellers visiting our Centres and curriculum planning to offer activities which promote reading.

The Children's Centre Teacher team have delivered a training package on reading for all Little Owls practitioners.

The Children's Centres have also launched the Leeds Book Hunt project this month. The main aim of this project is to introduce books to children and families in a new and exciting way. We believe children will be thrilled to find a book somewhere unexpected and to be able to take that book home to read. Finding one book will encourage the child to look for more books and we hope that parents and carers will talk to friends and families so the Leeds Book Hunt will grow. So far, 48 Children's Centres and 10 Little Owls Nurseries have pledged to hide books in their reach area –over 550 books are currently in circulation across our communities.

The Library Service recently launched the introduction of 2 new story buses and over the next month, will begin a rolling programme of visits to each of our Children's Centres on a termly basis to offer the experience of story telling sessions to children and their parents.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To secure the future financial sustainability of all Children's Centres in Leeds.

Recommendation 6 – That the Director of Children and Families explores how further funding reductions can be prevented in order to support the continued sustainability and prosperity of all Leeds Children's Centres by:

- a) working in collaboration with partner organisations to secure sufficient funding which will support continued integrated practice.
- b) working in collaboration with the Director of Resources and Housing to attain sufficient Local Authority funding in accordance with the Council's Budget and Policy Framework
- c) bringing a detailed report regarding Children's Centre funding proposals for 2018/19 to the Scrutiny Board in December 2017.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation and will explore how further funding reductions can be prevented in order to support the continued sustainability and prosperity of all Leeds Children's Centres by working with health, school and voluntary sector partners and the new RES teams to better integrate services for families in their communities.

Whilst LCC budget pressures are challenging it is noteworthy that Children's Services have taken an active decision to protect funding for Children's Centres by cross directorate investment across Children's and Public Health services and innovative work with other partners, recognised nationally as good practice. The inquiry has highlighted that nationally spending in Children's Centre services fell significantly over the past few years in most other authorities. National Sure Start and early years investment fell by nearly £700m, or 44%, with one in three centres closing since 2010. The preventative work of the Children's centres is recognised and highly valued and will be a part of the overall offer for children and families in Leeds in the future.

Position reported in April 2019:

Sustainability business planning continues within the Children's Centre Little Owls settings. New business modelling tools have been introduced which enable clearer analysis of staff hours against the number of children and this has been used to support centres with deficits. The impact of the implementation of world pay card machines, direct debit and on line payments in centres was fully realised and centres moved to fortnightly cash collections with some centres taking no physical cash at all. College payments started to be invoiced through sundry accounts and this, together with a tighter debt management policy has reduced debt and improved cash flow. The reconfiguration of Little Owls City and Holbeck has been completed and £22,000 will be saved by removing the hired portacabin which is now no longer in use. New support and challenge meetings have been introduced to challenge on discretionary places, sickness, agency use and debt.

Midwifery Services are now being delivered in a number of Centres and they pay a contribution to costs for shared use of space. Work is also underway to implement the co-location of the new PHINS Service which will mean that health visiting and school nursing colleagues will be based in Children's Centres which will also secure income for our Service.

Arrangements for collocation with wider services and organisations is regularly reviewed. Examples include centres close to, or in Community Hubs, in Burmantofts with youth

services and local faith groups in Kirkstall and Boston Spa.

Current Position:

Recommissioning of the PHINS (Public Health Integrated Nursing Service- health visitors and school nurses) identified co-location of teams on Childrens Centre sites as a key development with performance indicator on the contract, over the next three years. Health Visitors and Childrens staff have worked together in cluster teams for seven years, but co location will improve practice further

Midwives are already running services from 15 Childrens centre sites around the city including Wetherby, Bramley and Gipton. The 'Better Births' national programme sets out the ambition for each local area to have "community hubs" for maternity services, to promote:

- Access to a range of services under one roof;
- Fast referral to more specialised services if required.

This will improve services for families.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To promote financial planning, the building of aspirations and delivery of longer term programmes.

Recommendation 7 – That the Director of Children and Families provides additional stability by supporting the planning of services in the longer term and by investigating the feasibility of budget allocation to all Children's Centres that extends beyond the current 12 month annual settlement. The outcome of this investigation to be reported to this Scrutiny Board in December 2017.

Formal response (January 2018):

The Director of Children and Families forwarded a one page financial update to scrutiny in December. He will further investigate this recommendation as part of the council's aspiration to develop a three year budget strategy. However this will be dependent on the overall budget settlement figure and wider directorate pressures and changing needs.

Position reported in April 2019:

At a national level we are entering the final year (2019-20) of a 4-year funding settlement. Funding details for 2020-21 and beyond are linked with the new Comprehensive Service Review which will be announced in autumn 2019. As such this make long-term planning problematical at the current time.

Current Position:

As reported previously long term planning at this moment in time is problematic. The Director of Children and Families reported the implications of the medium term financial strategy to Executive Board, therefore we are not able to confirm at this time the budget for Children's Centres beyond the annual budget approved by full Council in February for the forthcoming financial year.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To ensure that the physical infrastructure of Children’s Centres is fit for purpose currently and in the future.

Recommendation 8 – That the Director of Children and Families undertakes a review of buildings and facilities to ensure that the infrastructure and space available facilitates the provision of support services currently, and the aspirations of the early years services in the longer term.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation and will continue to review the Childrens Centre assets. This will facilitate more effective use of space, more collaborative work with partners and where possible generate opportunities for additional income by December 2018.

Position reported in April 2019:

The Service continues to work closely with colleague in Asset Management to review assets and identify alternative buildings where required ie. Burley CC.

Where Leeds City Council own the buildings, and from a business perspective to invest and improve the assets we will look at Invest to Save or Prudential Borrowing schemes, as and where appropriate.

A revised draft Service Specification has been produced which, after consultation will be issued to school led Children’s Centres in April 2019. This document clearly outlines the agreement between Leeds City Council and schools detailing responsibility for assets and the accountability in terms of any potential clawback of funds. Following this the leases with schools/ academies will be refreshed in light of service changes.

As previously described opportunities for collocation of other community and family services are considered where possible both to enhance working practice and generate income.

Current Position:

There has been a strong, pro-active focus over the last 18 months by Childrens Service Asset Management Board (CSAMB) to improve Childrens centre buildings. A number of building improvement programmes have been undertaken this year to address backlog repair issues and to improve the quality of provision experienced by children and families.. These include:

- City and Holbeck, consolidation and improvement of the provision and the site has improved financial sustainability;
- Chapeltown, consolidation of childcare into one building, development of the early years family services hub to house multi-agency team;
- Dewsbury Road Community Hub site has developed the old library space to offer family services on site, this is very popular with families;
- Backlog repairs to outdoor play spaces have been undertaken this year. These essential works are being undertaken to make the gardens safe and reinstate play spaces where possible, very important to high quality learning provision;
- Additional works to entry systems have been necessary to repair those entry systems which have now become obsolete.

The capital re-provision of Burley Park centre will develop by the end of the year as a joint Childrens Centre-Social Care hub. The site of the old Burley PRU (Springwell Site) has been secured, funding agreed and hopefully work will commence in the next few weeks. A timeline for the development is currently being agreed and this should be confirmed over the next week. The families have been informed and the feedback has been very positive. There is a real feel of excitement from the families and the staff team. It will bring together colleagues from Children's Social Work Services, LCC Family Services and Early Learning, all working together within the building. It really is an exciting development which will support children and families living in Burley and surrounding areas.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Desired Outcome – To secure the future sustainability of Children’s Centres in Leeds.

Recommendation 9 – That the Director of Children and Families provides the Scrutiny Board (Children and Families) with a sustainability and development plan for Leeds Children’s Centres

- a) which reflects the recommendations made in this report, and
- b) explores the merits and risks of the family hub model, and
- c) supports the review of asset utilisation so that the most effective use of Children’s Centre buildings in Council ownership is achieved in order to generate additional income or reduce expenditure.

Formal response (January 2018):

The Director of Children and Families accepts this recommendation and will develop a sustainability and development plan for Leeds Children’s Centres which reflects the recommendations of this report, gives consideration to the Family Hub model; and gives consideration to asset utilisation and income generating potential.

Position reported in April 2019:

See comments in 8 re Invest to Save and Prudential Borrowing re maintaining and effective use of assets. However without long term certainty around Childrens Centre budgets it is difficult to prepare a long term development plan.

Following the financial end of year close down and 2018-2019 budget summary will be prepared with areas for development and sustainability for 2019-1920.

The net cost of the Little Owls child care provision in the children’s centres for 2019-20 is £0.8m. As such the authorities 2019-20 budget continues to invest in its LCC run childcare centres. This ensures employment for over 600, largely female workers. Ensures a subsidised childcare fee in areas of greater need in the city, and is ensuring good and outstanding early learning provision for over 2,500 children every day.

Current Position:

The base line budget in 2020/21 for Little Owls nurseries has been increased by approx. £850k of which a key budget pressure during 2019/20 has been a shortfall in nursery fee income against the approved budget income levels. This is partially as a result of the introduction of 30 hours free offer, where parents have moved from fee playing in free 30 hour places. Also the nurseries went through a period where we were struggling to recruit staff to posts. Support from HR colleagues has introduced lots of new approaches e.g. a rolling recruitment of staff, weekend and evening interviews, monthly interviews planning 12 months in advance. In recognition of this pressure it is proposed to reduce the income target by £500k in 2020/21.

The service has also been working on various initiatives to increase income across the centres, including a pro-active marketing and communications strategy and improved website design. This alongside monthly analysis of business data is helping to support centres responsively to changes in the market. We do continue to ensure places for children with greater vulnerability for example complex SEND, discretionary place for children at risk, number of two year old places.

Position Status (categories 1 – 6) *This is to be formally agreed by the Scrutiny Board*

Report of Head of Democratic Services

Report to Scrutiny Board (Children and Families)

Date: 4th March 2020

Subject: Scrutiny Inquiry into Exclusions, Elective Home Education and Off-rolling – Session Two

Are specific electoral wards affected?	☐ Yes ☒ No
If yes, name(s) of ward(s):	
Has consultation been carried out?	☒ Yes ☐ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes ☒ No
Will the decision be open for call-in?	☐ Yes ☒ No
Does the report contain confidential or exempt information?	☐ Yes ☒ No
If relevant, access to information procedure rule number:	
Appendix number:	

1. Purpose of this report

- 1.1 This report presents key information linked to the second session of the Scrutiny Board's Inquiry into Exclusions, Elective Home Education and Off-rolling.

2. Background information

- 2.1 During its October 2019 meeting, the Children and Families Scrutiny Board received a report from the Director of Children and Families setting out national concerns regarding the rising level of exclusions and elective home education numbers, as well as reflecting the position in Leeds linked to school based data.
- 2.2 In consideration of this report, the Board agreed to undertake further scrutiny surrounding the issues linked to exclusions, elective home education and also off-rolling. The terms of reference linked to this Inquiry were agreed by the Scrutiny Board in November 2019.

3. Main issues

- 3.1 In accordance with the terms of reference, the purpose of this second inquiry session is to consider the following:

- The provision of training for school governors in terms of their role in monitoring school exclusions and challenging head teachers on their strategies for reducing exclusion.
- The extent to which parents and carers are supported in understanding the exclusion process including arrangements for appeal.
- The views of young people, including case study evidence that provides an insight into the experiences of children at risk of, as well as having first-hand experience of, being excluded and the broader lessons that have been learned in terms of supporting the needs of such children.

3.2 The following information has been provided by the Children and Families Directorate in relation to the points above:

- Appendix 1 - Summary of training and support offered to governors and parents and how the views of young people are taken into account.
- Appendix 2 – Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with legal responsibilities in relation to exclusion. Department for Education. (September 2017).
- Appendix 3 – Report of the Children’s Commissioner: Exclusions. Children excluded from mainstream schools (May 2019).

4. Consultation and engagement

4.1.1 The Executive Member for Learning, Skills and Employment and other senior representatives of the Children and Families Scrutiny Board will be attending today’s meeting to contribute to this second inquiry session and address the relevant key areas set out in paragraph 3.1 above.

4.1.2 As part of this Inquiry, the Scrutiny Board was keen to engage directly with young people and therefore arrangements were made for representatives of the Scrutiny Board to meet with members of the Leeds Youth Council on Saturday 15th February 2020. The Chair will therefore be inviting those who attended the LYC meeting to provide feedback to the full Scrutiny Board.

4.2 Equality and diversity / cohesion and integration

4.2.1 The publication of exclusions and elective home education data, coupled with challenging the practice of off-rolling puts a strong focus on protecting some of the most vulnerable children and young people in the city and ensuring they are being educated in the settings most appropriate to their needs.

4.3 Council policies and the Best Council Plan

4.3.1 Ensuring children and young people “do well at all levels of learning and have the skills they need for life” is a key outcome of the Best City Council Plan and improving Attendance, Attainment and Achievement levels amongst all children is the aim of the new 3As Strategy within Children and Families Directorate. To achieve these objectives, it is imperative that children and young people remain in school.

- 4.3.2 These priorities are also reflected in all city strategies contributing to a strong economy and compassionate city including the Best Council Plan 2018/19 – 2020/21, The Best City for Learning 2016-2020, the priority around being a Child Friendly City, Best Start in Life Strategy, Leeds SEND Strategy, the Health and Wellbeing Strategy 2016-2021 and Thriving - The Child Poverty Strategy for Leeds 2019-2022.

Climate Emergency

- 4.3.3 There are no specific climate emergency implications linked to this report.

4.4 Resources, procurement and value for money

- 4.4.1 This report has no specific resource implications.

4.5 Legal implications, access to information, and call-in

- 4.5.1 This report has no specific legal implications.

4.6 Risk management

- 4.6.1 This report has no specific risk management implications.

5 Conclusions

- 5.1 The Scrutiny Board agreed to undertake an Inquiry into exclusions, elective home education and off-rolling. The second session of this Inquiry will be undertaken during today's meeting in accordance with the agreed terms of reference.

6 Recommendations

- 6.1 Members are asked to consider the information shared during today's meeting as part of its inquiry into Exclusions, Elective Home Education and Off-rolling.

7 Background documents¹

- 7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Report for Scrutiny Board Inquiry on Exclusions, Off-rolling and EHE: Training and support from Leeds City Council

The provision of training for school governors in terms of their role in monitoring school exclusions and challenging head teachers on their strategies for reducing exclusion:

Governor training on behaviour and graduated approach to behaviour is offered by the Education Psychology team. The next session on monitoring behaviour management will be run by a Senior Educational Psychologist on 31st March 2020. Training around exclusions processes is offered to governors once a year – the next training session is 29th April with outside provider ACES (national exclusion training provider). The LA could provide more training if required – the DfE Guidance is quite extensive and it is not able to be fully covered in one session. The Governor Support Service supply suggested agenda for Pupil Support Committee meetings (see attached for example) which include items on behaviour, exclusions and EHE.

Governors can seek support from the legal department and from Lead Officer for Attendance and Exclusions Barbara Temple. Barbara attends all Permanent Exclusion governors meetings and provides verbal feedback when appropriate.

We do try and get information out to governors in other ways as well, for example Erica Hiorns (school Improvement Advisor for Leeds but also an Ofsted Inspector) did a piece on off-rolling for the Governor Update in January this year as follows:

Off-rolling

Here are some headlines, provided by an Ofsted inspector, from a training session in relation to pupil movement (off rolling). This is an aspect where visibility and appropriate governor challenge is critical.

The context: In 2016-17 19,000 pupils did not progress from Y10 to Y11 (nationally) in the same state-funded school. Within this cohort of pupils there was a disproportionate number of disadvantaged pupils and pupils with SEND. Complaints to Ofsted on the subject of pupil movement are increasing and there are increasing numbers of pupils choosing to become electively home educated (EHE).

Ofsted can ask for information about pupils no longer on roll (and particular cohorts) and pupil movement. GDPR will not allow schools to withhold this evidence. They will consider reasons, timing and patterns and whether the movement of pupils led to improved school results. For pupils at alternate provision, Ofsted will be interested in if they were dual registered, according to DfE guidance. For EHE they will be interested in parental engagement.

Questions governors should be asking:

How many pupils leave the school during the year and what are the reasons for this?

How many of these pupils were on roll for the October census return in Year 11 but left before the census return in January of Year 11?

How many of these pupils have SEND? How many are disadvantaged? What are their literacy levels?

What action did the school take to address the pupils' needs before they left?

What are the yearly trends for the questions above?

Where have the pupils who left gone to?

What is the quality of the provision they have gone to?

What follow up has there been for these pupils?

The Governor Support Service include exclusions on the suggested agendas for pupil support committees. We could perhaps include more detail on here next time about the sort of questions that governors should be asking

The extent to which parents and carers are supported in understanding the exclusion process including arrangements for appeal.

All parents are sent a letter and information from DFE by the Lead Officer if their child is permanently excluded with the officer's direct contact details. Most parents have contact with Lead Officer before a meeting about the process of the governors meeting – what to expect and what to prepare for. Other support is offered by AIP as part of the commissioning – Re-inclusion officer role (£30K per year per AIP) is specifically for support to parents, organisation of 6th day cover for a permanent exclusion and ongoing support through Fair Access Panel back to next school place.

Some new capacity is being built into LA team under Lead Officer with 0.4 capacity of new caseworkers – we are looking to provide more support to school and parents alongside the AIP on 15 day governors' meetings. This is in the early stages while caseworkers learn the role and we see what capacity we have.

The views of young people, including case study evidence that provides an insight into the experiences of children at risk of, as well as having first-hand experience of, being excluded and the broader lessons that have been learned in terms of supporting the needs of such children.

The National Review of Exclusions (Timpson) involved views expressed by some young people from Southway, which is an Alternative Provision setting in the south of the city. We are including a young person on the panel of an event on exclusions run jointly with the RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) on March 19th. We have asked the Voice and Influence Team to support Children and Families Learning Inclusions with some case studies and capturing the voice of excluded young people more effectively.

Phil Mellen
February 2020

XXXX SCHOOL GOVERNING BOARD PUPIL SUPPORT COMMITTEE - NOTICE OF MEETING

Please find enclosed the agenda for the committee meeting to be held at school on:
DAY 00 MONTH 2019 AT 0.00PM

If you are unable to attend this meeting please inform the Clerk, Chair or Headteacher.

Schools subscribing to the Governor Support Service have access to:

- [The Key for School Governors](#) online advice and guidance on a wide range of topics
- [NGA Learning Link](#) an online governor training site and a useful source of information
- Our own guidance documents via [Leeds for Learning](#)  Denotes availability

AGENDA (Autumn term pupil support agenda for a maintained school)

Visit [school wellbeing](#) for access to over 200 resources to support health and wellbeing

1. Apologies and membership matters

2. Declarations of interest

Governors must declare any changes or potential conflicts of interest in items on the agenda.

3. Elect a committee chair (if not done in full governing board meeting)

4. Minutes of the last meeting

5. Matters arising

Ensure the status of each action recorded in the previous minutes is reviewed

6. Governor monitoring of school improvement priorities

The Chair should ensure that governors are involved in regular monitoring/visits to evaluate the progress of school improvement priorities allocated to the committee. Visit reports should be discussed. Reports received from partnerships in place (Cluster, Trust, Area Inclusion Partnership, Learning Alliance, School Improvement Advisor) which evidence the impact of provision/initiatives will allow governors to triangulate information and ask questions ensuring there is appropriate involvement in decision making (TOR 7.16)

7. Attendance, behaviour and attitudes

The behaviour and attitudes judgement in the Ofsted inspection framework considers how leaders and staff create a safe, calm, orderly and positive environment in the school and the impact this has on the behaviour and attitudes of pupils.

- **STATUTORY ITEM:** Governors should be satisfied that the following live documents are in place:
Registers of pupil admissions and pupil attendance (Term of reference 7.15)
- Attendance update (ideally including a governor monitoring report if this is a school priority) including yearly trends and rates of persistent absence. Governors should evaluate strategies to improve the attendance and punctuality of pupils so that disruption is minimised. 
- Behaviour update (Terms of reference 1.15) – Consider whether school has clear and effective behaviour and attendance policies with clearly defined consequences that are applied consistently and fairly by all staff.
NOTE: The spring term FGB agenda includes the consideration and agreement of a governing board statement of behaviour principles which the committee may wish to draft and propose.
- Report exclusions since the last meeting (Terms of reference 7.10)

8. Safeguarding

Report on child protection and safeguarding arrangements, including prevent (ideally including a governor monitoring report)

- **STATUTORY ITEM:** Ensure school has an effective Child Protection policy and safeguarding policies and procedures in place which include arrangements to keep pupils free from the dangers of radicalisation and extremism and understand how these are monitored (e.g. staff training) (TOR 7.01)
- **STATUTORY ITEM:** Ensure staff and governors are fully aware of their responsibilities regarding safer recruitment and governors who will be involved in recruitment have completed training (TOR 7.05)
- **STATUTORY ITEM:** Ensure a central record of recruitment and vetting checks is kept and updated and includes whether checks are made to establish an individual is not subject to a prohibition order. (TOR 7.04)

9. Medical conditions policy

STATUTORY ITEM: Review the arrangements and policy for Supporting Pupils at School with Medical Conditions and ensure that statutory guidance is followed (Term of reference 7.07). Statutory guidance: [Supporting pupils at school with medical conditions](#) NOTE: The policy cannot be approved at committee level but the committee should review it and recommend approval by the full governing board. The policy should address emergency procedures, training supervision record keeping including storage and disposal. It should also name the staff member responsible for co-ordinating healthcare and liaising with parents.

10. Children looked after (CLA)

Monitor and evaluate the effectiveness of provision for children looked after (ideally including a governor monitoring report)  Governors should be satisfied that Personal Education Plans are in place (Term of reference 7.03) and be aware of the new duty to report poor attendance, exclusion and reduced timetable arrangements to the Virtual School Head.

STATUTORY: The designated CLA lead must have regard to the new SRE regulations.

11. Personal development

STATUTORY ITEM: Ensure school promotes the cultural development of pupils through spiritual, moral, cultural, mental and physical development (Term of reference 7.08). Governors may wish to look at the policy paper '[Cultural Education](#)'. Appendix A outlines the minimum levels of cultural activities that pupils should have experienced through school by age, this is voluntary but provides a benchmark for comparison.

12. Stakeholder feedback – pupils and parents

Boards should be able to demonstrate the methods used to seek views from pupils, parents and staff, how these have influenced decision making and how feedback has been shared. (Term of reference 7.06). Agree actions in response to feedback obtained since the last meeting. Suggested discussion:

- How does school listen and respond to the views of pupils and parents?
- Is there an effective method for communicating with parents so they are able to support their child?

13. Complaints policy

STATUTORY ITEM: Review and approve a policy and ensure it is published on the school website (TOR 7.14).

14. School self-evaluation (SEF)

Determine, based on discussion and evidence presented in the meeting, if the 'behaviour and attitudes' or 'personal development' sections in the SEF need to be updated:

15. Any other urgent business

16. Date and time of next meeting

Including the scheduling of governor visits to be undertaken prior to the next meeting.

Organisational note: the following items appear on the agenda for the spring term and should be a feature of reports provided and minutes for the next meeting:

- School food and milk **STATUTORY ITEM**
- Stakeholder feedback



Department
for Education

Exclusion from maintained schools, academies and pupil referral units in England

**Statutory guidance for those with legal
responsibilities in relation to exclusion**

September 2017

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Summary

This document from the Department for Education provides a guide to the legislation that governs the exclusion of pupils from maintained schools, pupil referral units (PRUs), academy schools (including free schools, studio schools and university technology colleges) and alternative provision academies (including alternative provision free schools) in England.

The 'guide to the law' sections in this guidance should not be used as a substitute for legislation and legal advice.

- The document also provides statutory guidance to which head teachers, governing boards, local authorities, academy trusts, independent review panel members and special educational needs (SEN) experts must have regard when carrying out their functions in relation to exclusions. Clerks to independent review panels must also be trained to know and understand this guidance.
- The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.
- Where relevant, this document refers to other guidance in areas such as behaviour, SEN, and equality, but it is not intended to provide detailed guidance on these issues.
- This document replaces the version published in 2012 for schools in England.

Expiry or review date

This guidance will be kept under review and updated as necessary.

Who is this publication for?

This guidance is for:

- Head teachers, governing boards, local authorities, academy trusts, independent review panel members, independent review panel clerks, and individuals appointed as SEN experts.
- The term 'head teacher' in this document includes the teacher in charge at a PRU and principals of academies.
- The term 'governing board' includes the governing body of a maintained school, the management committee of a PRU and the academy trust of an academy. Except where specifically stated, this guide applies to all maintained schools, academy schools (including free schools but not 16-19 academies), alternative provision academies (including alternative provision free schools), and PRUs. The term 'school' in this document is used to describe any school to which the

guidance applies. Where the term 'academy' is used it refers to any category of academy to which the guidance applies.

- Except in relation to pupils in PRUs, or where stated, the requirements of the guide apply in relation to all pupils, including those who may be below or above compulsory school age, such as those attending nursery classes or sixth forms.
- This guide does not apply to independent schools (other than the academies listed above), city technology colleges, city colleges for the technology of the arts, sixth form colleges or 16-19 academies, all of which have separate exclusion procedures. Local authorities are, however, required to arrange educational provision for pupils of compulsory school age who are excluded from these institutions if they would not otherwise receive such education.
- Any pupil who was excluded before September 2017, and whose exclusion is still subject to review at this point, should be considered on the basis of the September 2012 guidance.

1. About this guide

What legislation does this guide relate to?

The principal legislation to which this guidance relates 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;
- the Education Act 1996; and
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

Definition of ‘parents’ in this guidance

- The definition of a parent for the purposes of the Education Acts is broadly drawn. In addition to the child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, all those with parental responsibility should be involved in the exclusions process. (Further information for parents on exclusion can be found in Annex C to this guidance entitled *a guide for parents/carers*).
- Legislation on exclusion gives clarity and certainty to schools, local authorities, academy trusts and review panels, in terms of how they discharge their obligations to parents. Obligations are to the ‘relevant person’ – a parent or the pupil, aged 18 or over.

Definition of ‘term’ and ‘academic year’ in this guidance

- Where a school's academic year consists of three terms or fewer, a reference to a ‘term’ in this guidance means one of those terms. Where a school's academic year consists of more than three terms, then a reference to ‘term’ means the periods from 31 December to Easter Monday, from Easter Monday to 31 July and from 31 July to 31 December.
- In this guidance ‘academic year’ means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

2. Key points

- The legislation governing the exclusion process remains unchanged. This statutory guidance has been updated in a small number of areas, in particular to provide greater confidence to head teachers on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.
- In January 2015, the Department amended regulations to clarify that a governing board's duty to arrange education from the sixth day of a fixed-period exclusion is triggered by consecutive fixed-period exclusions totalling more than five days¹.
- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 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.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.
- Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.
- All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an 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 an exclusion.
- Where parents dispute the decision of a governing board 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 (Special Educational Needs and

¹ Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014, amending the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

Disability) for disability discrimination, or the County Court for other forms of discrimination.

- An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having SEN, all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

3. The head teacher's power to exclude

A guide to the law²

1. Only the head teacher³ 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. (Annex B of this guidance, a *non-statutory guide for head teachers*, summarises the requirements for head teachers, but should not be used as a substitute for this guidance or the relevant legislation.)
2. A fixed-period exclusion can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.
3. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
4. The behaviour of a pupil outside school can be considered grounds for an exclusion.
5. The head teacher may withdraw an exclusion that has not been reviewed by the governing board.
6. Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.

² Section 51A Education Act 2002 and regulations made under that section.

³ In a maintained school, 'head teacher' includes an acting head teacher by virtue of section 579(1) of the Education Act 1996. An acting head teacher is someone appointed to carry out the functions of the head teacher in the head teacher's absence or pending the appointment of a head teacher. This will not necessarily be the deputy head teacher: it will depend who is appointed to the role of acting head teacher. In an academy, 'principal' includes acting principal by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

7. The head teacher must take account of their legal duty of care when sending a pupil home following an exclusion.
8. When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.
9. Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.
10. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
11. These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues⁴.
12. The head teacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice⁵.
13. It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before

⁴ Non-statutory advice from the Department for Education is available to help schools to understand how the Equality Act affects them and how to fulfil their duties under the Act and can be downloaded at the following link: <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>.

⁵ The SEND code of practice can be found here: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>.

they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.

14. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

15. Maintained schools have the power to direct a pupil off-site for education to improve their behaviour⁶. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

Statutory guidance on factors that a head teacher should take into account before taking the decision to exclude

16. A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

17. The decision on whether to exclude is for the head teacher to take. However, where practical, the head teacher should give the pupil an opportunity to present their case before taking the decision to exclude.

18. Whilst an exclusion may still be an appropriate sanction, the head teacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.

19. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems⁷.

⁶Section 29A of the Education Act 2002. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision:

<https://www.gov.uk/government/publications/alternative-provision>.

⁷ Non-statutory guidance for head teachers of maintained schools on the place of multi-agency assessments in a school's behaviour policy is provided by *Behaviour and Discipline in Schools – A Guide for Head teachers and School Staff* (2015) <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>.

20. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher should consider whether exclusion is providing an effective sanction.

Statutory guidance to the head teacher on the exclusion of pupils from groups with disproportionately high rates of exclusion

21. The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children⁸; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.

22. In addition to the approaches on early intervention set out above, the head teacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.

Statutory guidance to the head teacher on the exclusion of pupils with Education, Health and Care plans (EHC plans)⁹ and looked after children

23. As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHC plans and looked after children. The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.

24. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head.

25. Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

⁸ As defined in section 22 of the Children Act 1989.

⁹ References to pupils with EHC plans include pupils with statements of SEN whilst they remain.

4. The head teacher's duty to inform parties about an exclusion

4.1 The head teacher's duty to inform parents about an exclusion

A guide to the law¹⁰

26. Whenever a head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reason(s) for it.

27. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing board (in line with the requirements set out in paragraphs 52 to 60) and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

28. Written notification of the information mentioned in the above paragraph 27 can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way¹¹.

29. Where an excluded pupil is of compulsory school age the head teacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The head teacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session¹².

¹⁰ Section 51A Education Act 2002 and regulations made under that section.

¹¹ Section 572 Education Act 1996

¹² Sections 103 to 105 Education and Inspections Act 2006 and regulations made under these sections.

30. If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- the start date for any provision of full-time education that has been arranged for the child during the exclusion;
- the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- the address at which the provision will take place; and
- any information required by the pupil to identify the person they should report to on the first day.

31. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

32. The information in paragraphs 29 to 31 must be provided in writing but can be provided by any effective method (paragraph 37 provides guidance on this issue).

33. The failure of a head teacher to give notice of the information in paragraphs 29 and 30 by the required time does not relieve the head of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.

34. If a child is excluded for a further fixed-period following their original exclusion, or is subsequently permanently excluded, the head teacher must inform parents without delay and issue a new exclusion notice to parents.

4.2 Statutory guidance to the head teacher on informing parents about an exclusion

35. For notifications under paragraph 26, although this must not delay notification, ideally, notification should be in person or by telephone in the first instance as this would give the parents an opportunity to ask any initial questions or raise concerns directly with the head teacher.

36. When notifying parents about an exclusion, the head teacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance in section 5.

37. For notifications under paragraphs 29 and 30, effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the excluded pupil. Where information is sent home

with the pupil, the head teacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

38. When notifying parents about an exclusion, the head teacher should draw attention to relevant sources of free and impartial information. This information should include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

39. The head teacher should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood.

4.3 The head teacher's duty to inform the governing board and the local authority about an exclusion

A guide to the law¹³

40. The head teacher must, without delay, notify the governing board and the local authority of:

- any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test.

41. The head teacher must also notify the local authority and governing board once per term of any other exclusions not already notified.

42. Notifications must include the reason(s) for the exclusion and the duration of any fixed-period exclusion.

43. In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, information about any exclusions within the last 12 months¹⁴.

44. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

¹³ Section 51A Education Act 2002 and regulations made under that section.

¹⁴ As set out in the Education (Information About Individual Pupils) (England) Regulations 2013.

5. The governing board's and local authority's duties to arrange education for excluded pupils

A guide to the law¹⁵

45. For a fixed-period exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

46. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion¹⁶. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.

47. In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement¹⁷.

48. The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

49. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

Statutory guidance on the education of pupils prior to the sixth day of an exclusion

50. It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing boards or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of

¹⁵ Section 100 of the Education and Inspections Act 2006, section 19 of the Education Act 1996 and regulations made under those sections.

¹⁶ The education arranged must be full-time or as close to full-time as in the child's best interests because of their health needs.

¹⁷ Section 44 of the Children and Families Act 2014 provides for reviews and reassessments, with further detail in Part 2 of the Special Educational Needs and Disability Regulations 2014.

a looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion.

51. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

6. The governing board's duty to consider an exclusion

6.1 The requirements on a governing board to consider an exclusion

A guide to the law¹⁸

52. The governing board has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Annex A of this guidance, *A summary of the governing board's duties to review the head teacher's exclusion decision*).

53. In the case of a maintained school, the governing board may delegate its functions with respect to the consideration of an exclusion to a designated sub-committee consisting of at least three governors.

54. In the case of an academy, the governing board may delegate to a smaller sub-committee if the trust's articles of association allow them to do so.

55. The governing board must consider the reinstatement of an excluded pupil within 15 school days¹⁹ of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

56. The requirements are different for fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

57. Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider

¹⁸ Section 51A Education Act 2002 and regulations made under that section, as well as the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

¹⁹ A governing board is no longer prevented from meeting within the five school days after an exclusion.

the decision before the examination or test, the chair of governors, in the case of a maintained school may consider the exclusion alone and decide whether or not to reinstate the pupil²⁰. In the case of an academy the exclusion may be considered by a smaller sub-committee if the trust's articles of association allow them to do so. In such cases, parents still have the right to make representations to the governing board and must be made aware of this right.

58. The following parties must be invited to a meeting of the governing board and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the head teacher; and
- a representative of the local authority (in the case of a maintained school or PRU)²¹.

59. The governing board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

60. In the case of a fixed-period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Statutory guidance to a governing board in preparing for the consideration of an exclusion

61. Where the governing board is legally required to consider the reinstatement of an excluded pupil they should:

- not discuss the exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN);
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should

²⁰ Where the chair is unable to make this consideration, then the vice-chair may do so instead.

²¹ Parents may request that the local authority and/or the home local authority attend a meeting of an academy's governing board as an observer; that representative may only make representations with the governing board's consent.

first seek parental consent and invite the parents to accompany their child to the meeting);

- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

Statutory guidance to a governing board on exclusions that would result in a pupil missing a public examination or national curriculum test

62. Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing board should consider whether it would be appropriate to exercise its discretion to allow an excluded pupil onto the premises for the sole purpose of taking the examination or test.

6.2 The requirements on a governing board when considering the reinstatement of an excluded pupil

A guide to the law²²

63. Where the governing board is legally required to consider reinstating an excluded pupil they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

64. The governing board must also consider any representations made by or on behalf of:

- parents;
- the head teacher; and
- the local authority (in the case of a maintained school or PRU).

65. When establishing the facts in relation to an exclusion the governing board must apply the civil standard of proof; i.e. 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

²² Section 51A Education Act 2002 and regulations made under that section.

66. In the light of its consideration, the governing board can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

67. Where reinstatement would make no practical difference because for example, the pupil has already returned to school following the expiry of a fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing board must still consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

Statutory guidance to a governing board on considering the reinstatement of an excluded pupil

68. The governing board should identify the steps they will take to ensure all parties will be supported to participate in its consideration and have their views properly heard. This is particularly important where pupils aged under 18 are speaking about their own exclusion or giving evidence to the governing board.

69. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

70. The governing board should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

71. In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude.

72. The governing board should note the outcome of its consideration on the pupil's educational record, along with copies of relevant papers for future reference.

73. In cases where the governing board considers parents' representations but does not have the power to direct a pupil's reinstatement, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

74. Claims of discrimination to the First-tier Tribunal (Special Educational Needs and Disability), in relation to disability, or County Court, for all other forms of discrimination, can be made up to six months after the discrimination is alleged to have occurred. Where practicable, schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

6.3 The governing board's duty to notify people after its consideration of reinstatement

A guide to the law²³

75. Where legally required to consider reinstating an excluded pupil, the governing board must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.

76. In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must also include the information below.

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing board's decision is given to parents – see paragraph 78);
 - b) where and to whom an application for a review (and any written evidence) should be submitted;
 - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the exclusion;
 - d) that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;
 - e) details of the role of the SEN expert; and
 - f) that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.
- That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

²³ Section 51A Education Act 2002 and regulations made under that section.

- That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

77. The governing board may provide the information in paragraphs 75 and 76 by delivering it directly to parents, delivering it to their last known address, or posting it first class to that address.

78. Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

Statutory guidance to a governing board on providing information to parents following its consideration of an exclusion

79. The governing board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

80. Where relevant, it will be for the governing board to confirm the details of where the parents' application for an independent review panel should be sent. This is normally the clerk of the independent review panel. The notice should make it clear that parents are entitled to bring a friend to the review.

81. In providing details of the role of the SEN expert, the governing board should refer to the statutory guidance provided to SEN experts in paragraphs 164 to 167. The notice should explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for an SEN expert to be appointed in any application for a review.

82. Where the governing board declines to reinstate the pupil, it should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision to uphold an exclusion, which should also include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and

- where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

7. The governing board's duty to remove a permanently excluded pupil's name from the school register

A guide to the law²⁴

83. The governing board must ensure that a pupil's name is removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel; or
- the parents have stated in writing that they will not be applying for an independent review panel.

84. Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority. The return must include all the particulars which were entered in the admission register, the address of any parent with whom the pupil normally resides and the grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion). This return must be made as soon as the grounds for deletion is met and no later than the deletion of the pupil's name.

85. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.

Guidance to schools on marking attendance registers following exclusion

86. Whilst an excluded pupil's name remains on a school's admissions register, the pupil should be marked using the appropriate attendance code. Where alternative

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Regulations 8(1)(m), 8(3)(e) and 8(4)(d) of the Education (Pupil Registration) (England) Regulations 2006, as amended, set out the circumstances in which a permanently excluded pupil must be removed from the register. Regulation 12(7) of the Education (Pupil Registration) (England) Regulations 2006 as inserted by Regulation 5 of the Education (Pupil Registration) (England) (Amendment) Regulations 2016 sets out the information that must be submitted to the local authority.²⁵ Departmental advice on attendance codes can be found at the following link: <https://www.gov.uk/government/publications/school-attendance>.

provision has been made and the pupil attends it, an appropriate attendance code, such as Code D (if the alternative provision is at a PRU or independent school where the pupil is dual registered) or Code B (if the provision is an approved educational activity that does not involve the pupil being registered at any other school), should be used. Where pupils are not attending alternative provision, they should be marked absent using Code E²⁵.

²⁵ Departmental advice on attendance codes can be found at the following link:
<https://www.gov.uk/government/publications/school-attendance>.

8. The local authority's/academy trust's duty to arrange an independent review panel

8.1 Arranging a date and venue

A guide to the law²⁶

87. If applied for by parents 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.

88. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil (in accordance with the requirements summarised in paragraph 75); or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion²⁷.

89. Any application made outside of the legal time frame must be rejected by the local authority/academy trust.

90. The local authority/academy trust must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court²⁸.

91. Parents may request an independent review panel even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.

92. The local authority/academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin within 15 school days of the day on which

²⁶ Section 51A Education Act 2002 and regulations made under this section.

²⁷ The First-tier Tribunal (Special Educational Needs and Disability) and County Court have the jurisdiction to hear claims of discrimination under the Equality Act 2010 which relate to exclusions.

²⁸ In such circumstances, the Tribunal or Court may decide to delay its consideration until after the independent review panel process has been completed.

the parent's application for a review was made (panels have the power to adjourn a hearing if required).

93. The venue must be accessible to all parties²⁹.

94. The local authority/academy trust must arrange a venue for hearing the review. Whatever the venue, the panel must hold the hearing in private unless the local authority/academy trust directs otherwise.

95. Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

Statutory guidance to the local authority and academy trust on arranging a date and venue for a review

96. The local authority/academy trust should take all reasonable steps to ensure the venue for the review is appropriate and has a suitable area for the parties to wait separately from the panel before the review.

97. Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews the local authority / academy trust should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

8.2 Appointing panel members

A guide to the law³⁰

98. The local authority/academy trust must constitute the panel with either three or five members (as decided by the local authority/academy trust) representing each of the three categories below. A five member panel must be constituted with two members from each of the categories of school governors and head teachers³¹.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.

²⁹ When arranging a venue for the review, the local authority/academy trust must comply with its duties under the Equality Act 2010 and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the review (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon his/her ability to attend the meeting or to make representations).

³⁰ Section 51A Education Act 2002 and regulations made under that section.

³¹ Head teachers/principals/teachers in charge of a PRU and governors/management committee members of maintained schools, PRUs and Academies are eligible to be members of independent review panels considering an exclusion from any type of school covered by this guidance.

- Current or former school governors (including members of PRU management committees and directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during that time.
- Head teachers or individuals who have been a head teacher within the last five years.

99. A person may not serve as a member of a review panel if they:

- are a member/director of the local authority/academy trust or governing board of the excluding school;
- are the head teacher of the excluding school or anyone who has held this position in the last five years;
- are an employee of the local authority/academy trust, or the governing board, of the excluding school (unless they are employed as a head teacher at another school);
- have, or at any time have had, any connection with the local authority/academy trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are employed by the local authority/academy trust as a head teacher at another school); or
- have not had the required training within the last two years (see paragraph 124).

100. In relation to panel members appointed by the local authority, sections 173(4) and 174(1) of the Local Government Act 1972 apply when determining allowances for financial loss, travel or subsistence. It is for the academy trust to determine its own payment arrangements for panel members.

101. The local authority/academy trust must make arrangements to indemnify panel members against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review which are taken in good faith.

Statutory guidance to the local authority/academy trust on appointing independent review panel members

102. Every care should be taken to avoid bias or an appearance of bias. The local authority/academy trust should request that prospective panel members declare any conflict of interest at the earliest opportunity.

103. Where possible, panel members who are governors or head teachers should reflect the phase of education (primary/secondary) and type of school from which the pupil was excluded, for example: special school; boarding school; PRU; academy or maintained school.

104. The local authority/academy trust should consider whether the chair should be someone with a legal qualification or other legal experience. This is particularly important where a clerk will not be providing legal expertise to the panel.

105. In order to meet their duties within the statutory time frame, the local authority/academy trust should identify a number of eligible individuals in each of the different categories required to constitute an independent review panel in advance of an application for a review.

8.3 Appointing a clerk and the clerk's role

A guide to the law³²

106. The local authority/academy trust may appoint a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

107. Where appointed the clerk must perform the following additional functions:

- Make reasonable efforts to inform the following people that they are entitled to: make written representations to the panel; attend the hearing and make oral representations to the panel; and be represented:
 - a) the parents;
 - b) the head teacher;
 - c) the governing board; and
 - d) the local authority (in the case of a maintained school or PRU).
- Make reasonable efforts to circulate to all parties copies of relevant papers at least 5 school days before the review. These papers must include:
 - a) the governing board's decision;
 - b) the parents' application for a review; and
 - c) any policies or documents that the governing board was required to have regard to in making its decision.
- Give all parties details of those attending and their role, once the position is clear.
- Attend the review and ensure that minutes are produced in accordance with instructions from the panel.

³² Section 51A Education Act 2002 and regulations made under this section.

108. Where a clerk is not appointed, the functions in paragraph 107 become the responsibility of the local authority/academy trust.

Statutory guidance to the local authority/academy trust on appointing an independent review panel clerk

109. The clerk should not have served as clerk to the governing board in the meeting at which the decision was made not to reinstate the pupil.

110. In addition to the training required by law, clerks should have an up to date understanding of developments in case law which are relevant to exclusion.

111. Where a clerk is not appointed, the local authority/academy trust should consider what additional steps it may need to take to ensure that the independent review panel is administered properly.

Statutory guidance to local authority/academy trust regarding the clerk's role on preparing for an independent review

112. The local authority/academy trust should ensure the clerk follows the advice below (paragraphs 113 to 123).

113. The clerk should identify in advance of the meeting whether the pupil will be attending. Where an excluded pupil is attending the hearing, consideration should be given in advance as to the steps that will be taken to support his/her participation. If the excluded pupil is not attending, it should be made clear that they may feed in their views through a representative or by submitting a written statement.

114. The clerk should inform the parents of their right to bring a friend to the hearing.

115. In order to review the governing board's decision the panel will generally need to hear from those involved in the incident, or incidents, leading to the exclusion. The clerk should also try to ascertain whether an alleged victim, if there is one, wishes to be given a voice at the review. This could be in person, through a representative or by submitting a written statement.

116. In the case of witnesses who are pupils of the school it will normally be more appropriate for the panel to rely on written statements. Pupils may appear as witnesses if they do so voluntarily and, if they are under 18, with their parents' consent. In such cases, that pupil's parents should be invited to attend the meeting in support of their child.

117. Where character witnesses are proposed, the clerk should seek the agreement of the panel; but this should be allowed unless there is good reason to refuse.

118. All written witness statements should be attributed, signed and dated, unless the school has good reason to wish to protect the anonymity of the witness, in which case the statement should at least be dated and labelled in a way that allows it to be distinguished from other statements. The general principle remains that excluded pupils are entitled to know the substance behind the reason for their exclusion.

119. Parties attending the hearing have the right to be represented. Representatives may make written or oral representations to the panel. If any of the parties wish to bring more than one friend or representative, the clerk should seek the panel's agreement in advance, having regard to a reasonable limit on numbers attending the review. However, all parents may attend, if they wish to do so, and each can make representations and be represented.

120. In addition to written witness statements, the clerk should request written evidence from the school in order to circulate it in advance of the meeting, such as policies and documents of the school which the governing board would reasonably have been expected to take account of in reaching its decision on reinstatement.

121. Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements should be used.

122. Where an excluding head teacher has left the school, the panel may use its discretion in deciding whether to also invite this person to make representations.

123. The clerk should notify the panel where requested documents have not been provided so that the panel can take a decision on whether to adjourn the hearing to allow for the documents to be provided.

8.4 Ensuring that panel members and clerks are trained

A guide to the law³³

124. The local authority/academy trust must ensure that all panel members and clerks have received training within the two years prior to the date of the review. This training must have covered:

- the requirements of the primary legislation, regulations and statutory guidance governing exclusions (which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision-making);
- the need for the panel to observe procedural fairness and the rules of natural justice;
- the role of the chair of a review panel;
- the role of the clerk to a review panel;
- the duties of head teachers, governing boards and the panel under the Equality Act 2010; and
- the effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

8.5 Appointing an SEN expert

A guide to the law³⁴

125. If requested by parents with their application for an independent review panel, the local authority/academy trust must appoint a SEN expert to attend the panel and must cover the associated costs of this appointment.

126. The SEN expert must be someone who has expertise and experience of special educational needs considered by the local authority/academy trust as appropriate to perform the functions specified in the legislation.

127. The local authority/academy trust must make arrangements to indemnify the SEN expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

128. Parents 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.

³³ Section 51A Education Act 2002 and regulations made under this section.

³⁴ Section 51A Education Act 2002 and regulations made under this section.

129. The SEN expert's role is set out in paragraphs 164 to 167.

130. Individuals may not serve as an SEN expert if they have, or at any time have had, any connection with the local authority, academy trust, school, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially. However, an individual should not be assumed to have such a connection simply by virtue of the fact that he/she is an employee of the local authority/academy trust.

Statutory guidance to the local authority and the academy trust on appointing an SEN expert

131. The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability. Examples of suitable individuals might include educational psychologists; specialist SEN teachers; special educational needs coordinators (SENCOs); and behaviour support teachers. Recently retired individuals are not precluded from fulfilling this role, though the local authority/academy trust would need to assure themselves that the individual had a good understanding of current practice and the legal requirements on schools in relation to SEN.

132. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, a local authority or academy trust, they should not have had any previous involvement in the assessment or support of SEN for the excluded pupil, or siblings of the excluded pupil. The local authority/academy trust should request that prospective SEN experts declare any conflict of interest at the earliest opportunity.

133. The final decision on the appointment of an SEN expert is for the local authority/academy trust to make but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN expert. In order to meet its duties within the statutory time frame, the local authority/academy trust should consider maintaining a list of individuals capable of performing the role of SEN expert in advance of a request.

134. It is for the local authority/academy trust to determine the amount of any payment in relation to the appointment of the SEN expert, such as financial loss, travel and subsistence allowances.

9. The duties of independent review panel members, the clerk and the SEN expert in the conduct of an independent review panel

A guide to the law³⁵

135. Panel members and, if appointed, the SEN expert must declare any known conflict of interest to the local authority/academy trust before the start of the review.

136. The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

137. The panel must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This means that the panel should accept that something happened if it is more likely that it happened than that it did not happen.

138. Following its review the panel can decide to:

- uphold the governing board's decision;
- recommend that the governing board reconsiders reinstatement; or
- quash the decision and direct that the governing board reconsiders reinstatement.

139. The panel's decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

140. The independent review panel's decision is binding on the: pupil; parents; governing board; head teacher; and local authority.

141. The panel may only quash a governing board's decision if it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review (statutory guidance on this consideration is provided by paragraphs 157 to 162).

142. New evidence may be presented to the panel, though the school may not introduce new reasons for the exclusion or for the decision not to reinstate the pupil and the panel must disregard any new reasons that are introduced.

³⁵ Section 51A Education Act 2002 and regulations made under this section.

143. In deciding whether the governing board's decision was flawed, and therefore whether to quash the decision, the panel must only take account of the evidence that was available to the governing board at the time of it making its decision not to reinstate. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have taken into account if it had been acting reasonably.

144. If evidence is presented that the panel considers it is unreasonable to have expected the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

145. Where present, the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's exclusion. Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until such time as an SEN expert can attend.

146. The jurisdiction of the First-tier Tribunal (Special Educational Needs and Disability) and County Court to hear claims of discrimination relating to a permanent exclusion does not preclude an independent review panel from considering issues of discrimination in reaching its decision.

147. If a panel directs a governing board to reconsider reinstatement it may order the local authority to make an adjustment to the school's budget or (in the case of an academy) the academy trust to make an equivalent payment to the local authority in whose area the school is located, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. Paragraph 163 provides statutory guidance to panels on the circumstances under which this payment should not be ordered. The sum of this adjustment/payment must be £4,000 and would be in addition to any funding that would normally follow an excluded pupil. The panel does not have the power to order a financial readjustment or payment in circumstances where it has only recommended that the governing board reconsiders reinstatement of the pupil.

148. The panel may adjourn on more than one occasion, if necessary. However, consideration must be given to the effect of adjournment on the parties to the review, the excluded pupil and their parents, and any victim.

149. A review cannot continue if the panel no longer has representation from each of the three categories of members required (see paragraph 98). In this event, the panel may be adjourned until the number can be restored.

150. Once a review has begun, no panel member may be substituted by a new member for any reason. Accordingly, if the required representation cannot be restored from the original members, a new panel must be constituted to conduct the review

afresh. In the case of a five-member panel, the panel may continue in the absence of any of its members, provided all three categories of member are still represented.

151. Following the review, the panel must issue written notification to all parties without delay. This notification must include:

- the panel's decision and the reasons for it;
- where relevant, details of any financial readjustment/payment to be made if a governing board subsequently decides not to offer to reinstate a pupil; and
- any information that the panel has directed the governing board to place on the pupil's educational record.

Statutory guidance to independent review panel members on the conduct of an independent review panel

152. The chair should outline the procedure to be followed and explain to all parties that the panel is independent of the school, the local authority and (in the case of an academy) the academy trust. The panel should support all parties to participate in the review and ensure that their views are properly heard. The independent review should be conducted in an accessible, unthreatening and non-adversarial manner.

153. It is for the panel to decide whether any witnesses should stay after giving evidence for the rest of the review, but they should not be present before giving evidence.

154. In the interests of fairness and transparency, care should be taken to ensure that no one, other than the clerk, is present with the panel in the absence of the other parties. This includes the SEN expert. The panel should ask everyone, apart from the clerk, to withdraw before the panel makes a decision. The clerk may stay to help the panel by referring to the notes of the meeting and providing advice on the wording of the decision letter.

155. In any event, the panel must always make one of three fundamental decisions: it must uphold the governing board's decision; or recommend reconsideration; or quash the decision. Where parents are not seeking reinstatement for their child, this fact should be acknowledged by the panel, but it should not affect the conduct of the panel or its decision. Recording of the panel's findings on a child's educational record and an acknowledgement by the governing board that it would be appropriate for it to offer to reinstate the pupil are both potential outcomes in these circumstances.

156. In the event that a panel cannot continue because it no longer has representation from each of the three categories of members required (see paragraph 98) it should, having regard to the particular circumstances and the effect on the parties, victim, and pupil/parent, adjourn to allow reasonable time for enough missing members to become available.

Statutory guidance to independent review panel members on coming to a decision

157. The panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision to uphold the exclusion.

158. Public law principles underpin good decision-making. All decisions of a governing board must be made in accordance with public law. Panels are expected to understand the legislation that is relevant to exclusions and the legal principles that apply. Head teacher and governing board members of panels are likely to have first-hand experience of the education context that may be relevant to considerations about whether or not a decision was reasonable in the circumstances.

159. When considering the governing board's decision in light of the principles applicable in an application for judicial review, the panel should apply the following tests:

- Illegality – did the governing board act outside the scope of its legal powers in deciding that the pupil should not be reinstated?
- Irrationality – did the governing board rely on irrelevant points, fail to take account of all relevant points, or make a decision so unreasonable that no governing board acting reasonably in such circumstances could have made it?
- Procedural impropriety – was the governing board's consideration so procedurally unfair or flawed that justice was clearly not done?

160. Procedural impropriety means not simply a breach of minor points of procedure but something more substantive, that has a significant impact on the quality of the decision-making process. This will be a judgement for the panel to make, but the following are examples of the types of things that could give rise to procedural impropriety: bias; failing to notify parents of their right to make representations; the governing board making a decision without having given parents an opportunity to make representations; failing to give reasons for a decision; or being a judge in your own cause (for example, if the head teacher who took the decision to exclude were also to vote on whether the pupil should be reinstated).

161. Where the criteria for quashing a decision have not been met, the panel should consider whether it would be appropriate to recommend that a governing board reconsiders its decision not to reinstate the pupil. This should not be the default option, but should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision, but which the panel believe justify a reconsideration of the governing board's decision. This could include when new evidence presented at the review hearing was not available to the governing board at the time of its decision.

162. In all other cases the panel should uphold the governing board's decision.

Statutory guidance to independent review panel members on the financial readjustment/payment

163. In the case of a maintained school or PRU, where a panel has quashed the governing board's decision and directed that it reconsiders, the panel should order that a readjustment must be made to the school's budget, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil. In the case of an academy, where the panel has quashed the governing board's decision, the panel should order that the academy trust must make a payment directly to the local authority in whose area the academy is located, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil.

Statutory guidance to SEN experts on their conduct during an independent review panel

164. The SEN expert's role is analogous to an expert witness, providing impartial specialist advice to the panel on how SEN might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

165. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were lawful, reasonable and procedurally fair (in line with the guidance to panels in paragraph 159). If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

166. Where the school does not recognise a pupil as having SEN, the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEN that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

167. The SEN expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Statutory guidance to the clerk and local authority/academy trust on the record of the proceedings of a review panel

168. The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting and the decision.

169. The minutes are not public documents but should be retained by the local authority/academy trust for a period of at least five years, as they may need to be seen by a court or (in the case of maintained school) by the Public Service Ombudsman. The local authority/academy trust should be aware of its duties under the Freedom of Information Act 2000 and the Data Protection Act 1998 when retaining information.

Statutory guidance to the independent review panel and clerk on notifying parties of the outcome of the review

170. If the panel upholds the governing board's decision, the clerk should immediately report this to the local authority as well as notifying the parents and governing board. If the pupil lives outside the local authority in which the school is located, the clerk should make sure that the 'home authority' is also informed in writing without delay of the outcome of the review. This includes any situation where parents withdraw or abandon their application for a review.

10. The governing board's duty to reconsider reinstatement following a review

A guide to the law³⁶

171. Where the panel directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

172. It is important that the governing board conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

173. Following a direction to reconsider, unless within ten school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil an adjustment may be made to the school's budget in the sum of £4,000 if the panel has ordered this. In the case of an academy, the school would be required to make an equivalent payment directly to the local authority in which the school is located. This payment will be in addition to any funding that would normally follow an excluded pupil.

174. If the governing board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no budget adjustment or payment can be made. The governing board must comply with any direction of the panel to place a note on the pupil's educational record. The clerk must also note, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community or voluntary controlled school, the governing board may appeal against the decision of the local authority as the admission authority to admit the child.

175. In the case of either a recommended or directed reconsideration, the governing board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the head teacher;
- the local authority; and, where relevant, the 'home authority'.

³⁶ Section 51A Education Act 2002 and regulations made under this section.

Statutory guidance on the governing board's duty to reconsider reinstatement following a review

176. The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, in light of the findings of the independent review panel. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented or information is considered that is irrelevant to the decision at hand.

177. The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.

178. The governing board should ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.

179. The governing board should note the outcome of its consideration on the pupil's educational record, along with copies of any papers for future reference.

180. The governing board should base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record. The governing board's decision should demonstrate how they have addressed the concerns raised by the independent review panel; this should be communicated in standard English for all parties to understand.

11. The local authority's role in overseeing the financial readjustment/payment³⁷

A guide to the law

181. The local authority cannot require a maintained school or academy to make any additional payments following a permanent exclusion, other than the budget share deductions set out in regulations, or the payments which an academy has to make under its funding agreement³⁸.

182. The local authority will be responsible for adjusting the budget share for maintained schools and PRUs with delegated budgets if a pupil is permanently excluded, so funding follows the pupil. The process and requirements are set out in the School and Early Years Finance (England) Regulations, issued on an annual basis.

183. A local authority may ask an academy trust to enter into an arrangement for the transfer of funding for a pupil who has been permanently excluded, on the same basis as if the academy were a maintained school. The academy trust may be obliged under its funding agreement to comply with such a request.

184. If a review panel has ordered a financial adjustment, the local authority will be responsible for reducing the budget share for the excluding school by a further £4,000. If the excluding school is an academy, the academy trust must pay £4,000 to the local authority.

185. If a review panel has made a financial adjustment order and the excluded pupil is given a place at another school, including a PRU, ('the admitting school'), the local authority may, if it chooses, pass any or all of the amount of the financial adjustment (i.e. up to £4,000) to the admitting school.

186. The local authority will be responsible for adjusting the budget share for maintained schools and PRUs with delegated budgets in circumstances where a panel has ordered a financial adjustment (see paragraph 163).

³⁷ Section 51A Education Act 2002 and regulations made under this section. The requirements for the transfer of funding following an exclusion from a maintained school or PRU are set out in The Education (Amount to Follow Permanently Excluded Pupil) Regulations 1999. Academy funding agreements may require an academy to enter into a similar agreement with the local authority.

³⁸ This does not include circumstances where a school or academy has voluntarily entered into a separate legally binding agreement with the local authority.

Statutory guidance to the local authority on overseeing the transfer of funding following a permanent exclusion

187. This financial readjustment should be made within 28 days of notification of a direction from the panel. The academy trust should be expected to make payment to the local authority in which the academy is located within the same timescale.

188. If an academy fails to comply with its legal requirement to pay following a direction from an independent review panel then the local authority will be responsible for enforcing this requirement. However, the local authority should also inform the Education and Skills Funding Agency.

189. If an excluded pupil has been found a place at another school by the time the governing board has reconsidered and decided not to reinstate the pupil, the local authority may, if it chooses, pass the amount of the financial readjustment to the pupil's new school.

12. Statutory guidance to the head teacher, governing board and independent review panel members on police involvement and parallel criminal proceedings

190. The head teacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the head teacher will need to take a decision on the evidence available to them at the time.

191. Where the evidence is limited by a police investigation or criminal proceedings, the head teacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the head teacher to make.

192. Where the governing board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.

193. The fact that parallel criminal proceedings are in progress should also not directly determine whether an independent review panel should be adjourned. Relevant factors for the panel to consider will include:

- whether any charge has been brought against the pupil and, if so, what the charge is;
- whether relevant witnesses and documents are available;
- the likely length of delay if the hearing were adjourned and the effect it may have on the excluded pupil, the parents, any victim or the school; and
- whether an adjournment or declining to adjourn might result in injustice.

194. Where a panel decides to adjourn, the clerk (or local authority/academy trust where a clerk is not appointed) should monitor the progress of any police investigation and/or criminal proceedings and reconvene the panel at the earliest opportunity. If necessary the panel may adjourn more than once (in line with the requirements summarised in paragraph 148).

Useful links

Departmental Advice on Alternative Provision:

<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/268940/alternative_provision_statutory_guidance_pdf_version.pdf

Departmental Advice on Behaviour and Discipline in Schools:

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

Departmental Advice on Behaviour and Mental Health:

<https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

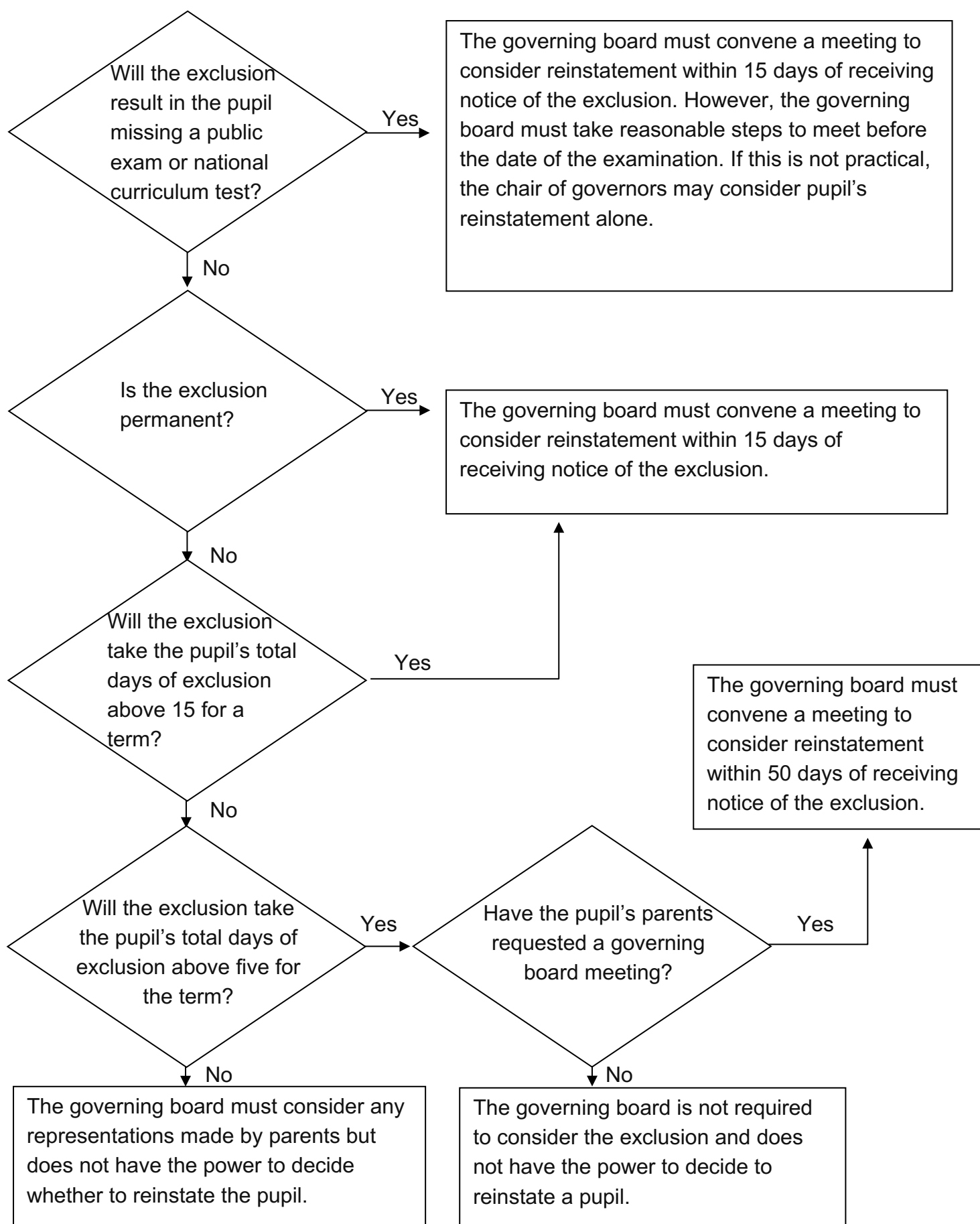
Children with Special Educational Needs and Disabilities:

<https://www.gov.uk/children-with-special-educational-needs/overview>

Departmental Advice on attendance:

<https://www.gov.uk/government/publications/school-attendance>

Annex A – A summary of the governing board’s duties to review the head teacher’s exclusion decision



Annex B – A non-statutory guide for head teachers

Exclusion process for head teachers, academy principals and teachers in charge of pupil referral units

This non-statutory document should be read alongside the statutory guidance. This document is meant to help schools through the process and ensure that they have sufficient procedures in place.

Glossary

The term **‘must’** refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term **‘should’** refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, **‘parents’** refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term **‘governing board’** includes the governing body of a maintained school, management committee of a PRU and the academy trust of an academy.

Early Intervention

You³⁹ must establish a behaviour policy and should have processes for identifying and supporting pupils’ additional needs.

Things to consider

- Does the school behaviour policy clearly set out behaviour expectations and sanctions and reflect the requirements of the Equality Act 2010?
- Are governors/staff (including sixth form staff in school sixth forms) clear about their roles and when to escalate issues/involve parents?
- Is the behaviour policy understood by pupils and parents?
- Are sanctions monitored to identify any inconsistency or potential discrimination (e.g. Special Educational Needs and Disability (SEND) or ethnicity)?
- Are systems in place to identify pupils showing persistent poor behaviour and if there are any underlying causes?

³⁹ At a maintained school or PRU, the head teacher must determine the behaviour policy in accordance with principles set out by the governing board. An academy trust must have a behaviour policy but it is up to the academy trust to decide who is responsible for drawing up the policy.

Further sources of information

Departmental advice on setting the behaviour policy

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

What maintained schools must publish online <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

What academies, free schools and colleges must publish online

<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>

You should have a system in place to ensure you are aware of any pupil showing persistent poor behaviour or not responding to low level sanctions.

Things to consider

- Are underlying factors (for example SEND, family issues or bullying) or specific triggers (for example the time of day or specific lessons) affecting behaviour? Are staff working with the pupil aware of any behavioural trigger points, relevant issues and the ways in which they should be managed?
- Are staff aware of mechanisms for escalation and referral routes to access external support?
- Have I ensured that this pupil's parents are aware of their behaviour issues?
- Should I request an special educational needs (SEN) assessment, a multi-agency assessment or external support (e.g. counsellors or alternative provision)?
- Did I consider if the pupil was a looked after child? (e.g. did I engage with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head?)
- Is the use and effectiveness of any support and sanctions properly recorded and regularly reviewed?

Further sources of information

Guidance on the use of alternative provision

<https://www.gov.uk/government/publications/alternative-provision>

You should have a clear process in place for exclusion.

Things to consider

Are there clear processes and templates in place to:

- monitor the 45 day exclusion rule, including exclusions received from other schools?
- manage serious behavioural incidents when I am not available?

- avoid wherever possible the permanent exclusion of those with Education, Health and Care plans or Statements of SEN and looked after children.
- inform the parents, governing board and local authority (depending on length of exclusion), clearly setting out all reasons for the exclusion?
- give up-to-date links to sources of impartial advice for parents?
- reintegrate excluded pupils after a fixed period exclusion and support pupils' future behaviour?
- arrange, at short notice, suitable full-time alternative education for pupils receiving exclusions over five days?

Further sources of information

Information on school discipline and exclusions issued by the Department for Education
<https://www.gov.uk/school-discipline-exclusions/exclusions>

Coram Children's Legal Centre

http://www.childrenslegalcentre.com/index.php?page=school_exclusions

ACE Education also run a limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on their website: <http://www.ace-ed.org.uk/>

National Autistic Society (NAS) School Exclusion Service (England) can be contacted on 0808 800 4002 or via schoolexclusions@nas.org.uk

Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

You should ask the governing board whether it has a clear process in place for considering reinstatement following an exclusion.

Things to consider

- Do governors have an understanding of the exclusion process to enable a review within deadlines?
- Would governors benefit from additional training, including on the Equality Act 2010?
- Is there a clear and timely system in place to enable parents to make representations?
- Are there up-to-date templates for notifying parents of the decision and explaining next steps?

Taking the decision

You must take the decision whether to exclude (you cannot delegate this).

Things to consider

- Have I investigated specific incidents with all parties in a sensitive and fair way?
- Did I consider factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account?
- Is exclusion the most appropriate and reasonable sanction, and consistent with the school's behaviour policy?
- Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?
- Is relevant evidence properly recorded/retained/documented? (e.g. summaries of interviews, past behaviour, sanctions and support provided.)

You must inform parents of the exclusion.

Things to consider

- Has the school spoken to the parents to ensure they fully understand the type/scale of the incident?
- Have I provided sufficient details in the exclusion notice letter on the reasons for the exclusion?
- Does the notice contain all the required information as set out in section 4 of the statutory exclusion guidance?
- Have I informed parents whether their child will be able to sit any national curriculum test(s) or public examination(s) occurring during the exclusion?
- When several fixed-period exclusions have been issued in a term, have I informed parents of their right of representation to the governing board?

Further sources of information

Letter templates might be available from the local authority.

If the exclusion is permanent or takes the pupil's total school days of exclusion over five in a term or prevents them from taking a public examination or national curriculum test, you must inform the

governing board and local authority of the duration of the exclusion, or that it is permanent, and the reasons for it.

Things to consider

- Have I informed the governing board about whether they must consider reinstatement and, if so, to what timescale?
- Have I made clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations?
- If a permanently excluded pupil lives in a different local authority area, has that authority been informed?

You should ask the chair of the governing board whether there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of fixed-period exclusion.

Things to consider

- Is there a process in place for the governing board to assure itself that the education provided is suitable and full-time?
- Has the provision been quality assured and have previous placements been evaluated?
- Is the education supervised? (Pupils doing unsupervised school work at home is not acceptable.)
- Is there a process in place to monitor the pupil's attendance and behaviour at the provision?
- Is the correct attendance code being used?

Further sources of information

Alternative provision guidance <https://www.gov.uk/government/publications/alternative-provision>

School attendance guidance <https://www.gov.uk/government/publications/school-attendance>

Governing board consideration of an exclusion decision

You should ask the chair of the governing board whether there are clear processes in place for considering exclusions.

Things to consider

- Am I confident that the parents are aware of their right to a consideration by the governing board?
- Has the governing board been appropriately involved?
- Has the governing board taken steps to find a convenient date that the parent, the local authority representative (if relevant) and I can attend, within the legal time limits?
- Where practicable, has the governing board given thought as to how to involve the pupil in the consideration process?
- Have all the relevant documents been collected, anonymised if required, and provided to all parties?

Where applicable, the governing board must consider whether the pupil should be reinstated and inform parents of the outcome of its consideration.

Things to consider

- Have I presented all of the details of the case and the full rationale for the exclusion?
- Does the governing board have all of the relevant information that I have?

Independent review panel

The local authority or academy trust must arrange an independent review panel if requested by the parents within the time limit.

Things to consider

- Do I need to make written representations and/or attend the meeting to make oral representations?

When applicable, the governing board must reconsider the exclusion within ten school days of being given notice of the independent review panel decision.

Things to consider

- Is the governing board aware of any order made by the independent review panel following a direction (not a recommendation) to reconsider, and if this has been made, that unless within 10 school days of receiving notice of the panel's decision, the governing board decides to reinstate the pupil, the school will pay £4,000 to the local authority within 28 days?

The governing board must inform the head teacher, parents and local authority of its reconsideration decision.

Things to consider

- If the pupil is reinstated, how should I ensure the pupil's effective reintegration?
- If relevant, is the governing board aware that it must place a note on the pupil's record?

Post-exclusion action

When removing a pupil from the school roll, you should remind the governing board that they must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended.

If applicable, you should check that the pupil's name has been removed from the school roll at the appropriate time.

Things to consider

- Have I ensured that the common transfer file is transferred within 15 school days of the pupil ceasing to be registered at the school?

Further sources of information

Attendance Guidance and Education (Pupil Registration) (England) Regulations 2006 as amended <https://www.gov.uk/government/publications/school-attendance>

School to School service: how to transfer information

<https://www.gov.uk/guidance/school-to-school-service-how-to-transfer-information>

Special educational needs and disability code of practice: 0-25 years

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/Special Educational Needs and Disability Code of Practice January 2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/Special_Educational_Needs_and_Disability_Code_of_Practice_January_2015.pdf)

Children Missing Education statutory guidance

<https://www.gov.uk/government/publications/children-missing-education>

Annex C – A guide for parents/carers

Parent/Carer Guide on Exclusion

Disclaimer

This non-statutory document is not replacing the statutory guidance on exclusion and is intended only to support parents' understanding of the exclusion process.

The exclusion legislation applies to maintained schools; pupil referral units (PRUs); and academies/free schools - other than 16-19 academies. It applies to all pupils at these schools, including those who are above or below compulsory school age, for example where a school also has a nursery or a sixth form. It does not apply to fee-paying independent schools, stand-alone nurseries, stand-alone sixth form colleges and other post-16 provision, such as Further Education colleges. These have their own exclusion arrangements.

If you are unsure in which category your child's school fits, you can find this information in Edubase: <http://www.education.gov.uk/edubase/about.xhtml>

Glossary

The term '**must**' refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, '**parents**' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term '**governing board**' includes the governing body of a maintained school, the management committee of a PRU and the academy trust of an academy.

Fixed-period exclusion: when a pupil is barred from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: This refers to the education arrangements made for excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision can be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour.

Reasons for exclusion

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded, and the decision to exclude lies with the head teacher. Head teachers can only exclude a pupil for a disciplinary reason (e.g. because their behaviour violates the school's behaviour policy). They cannot, for example, exclude a pupil for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A head teacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

Schools have the power to send a pupil to another education provider at a different location to improve their behaviour without the parents having to agree.

A school can also transfer a pupil to another school – a process called a 'managed move' - if they have the agreement of everyone involved, including the parents and the admission authority for the new school.

Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded (see below). Any fixed-period exclusion must have a stated end date.

Exclusion process

What happens when my child is excluded?

Please go to section 2 entitled 'What happens when your child is excluded' on the gov.uk website. <https://www.gov.uk/school-discipline-exclusions/exclusions>

What are the legal obligations on a school when excluding a pupil?

When a head teacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the length of the exclusion;

- the parents' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved; and
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Is there a limit to the number of times my child can be excluded?

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more; and also they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools. Lunchtime exclusions - where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

Scrutiny of the exclusion

Can I question the decision to exclude my child?

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE) or a national curriculum test (e.g. a key stage 2 test taken at the end of primary school). For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision.

Information on school discipline and exclusions issued by the Department for Education can be found here <https://www.gov.uk/school-discipline-exclusions/exclusions>.

What can I do if I feel my child is being discriminated against in the exclusion process, for example because he/she has a disability?

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the governing board.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. When making their request parents can ask for a Special Educational Needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion: www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm. The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through http://www.childrenslegalcentre.com/index.php?page=education_legal_practice.
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <http://www.autism.org.uk/services/helplines/school-exclusions.aspx>
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- Departmental advice on setting the behaviour policy <https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

- The Department's guidance to schools on exclusion
<https://www.gov.uk/government/publications/school-exclusion>.
- 'School discipline and exclusions' and 'Complaint about a school or childminder':
<https://www.gov.uk/school-discipline-exclusions/exclusions> and
<https://www.gov.uk/complain-about-school>.

Arrangements for my child after exclusion

Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion.

From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements). If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their exams or national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education

provided from the sixth day of exclusion (unless they have arranged suitable alternative education themselves).



Department
for Education

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Exclusions

Children excluded from mainstream schools

MAY 2019

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Introduction

The Children's Commissioner's Office (CCO) has long been concerned with the high numbers of children being excluded from mainstream schools, including those with Special Education Needs and Disabilities (SEND). A recent report from IPPR, *Making the Difference*, argued that alongside the growing number of official exclusions, there are also significant issues with how unofficial exclusions are being used by schools. It also highlighted that excluded children are often the most vulnerable: *"twice as likely to be in the care of the state, four times more likely to have grown up in poverty, seven times more likely to have a special educational need and 10 times more likely to suffer recognised mental health problems."*¹

Consequently, the CCO deemed it important to hear directly from children themselves, particularly as there is a gap in existing research of qualitative research with children and young people about these issues. The aim of this research was to gain a better understanding of the lived experiences of children excluded, both officially and unofficially, from mainstream education. Whilst the research sought to understand the experiences of all children excluded from school, there was a particular focus on the experiences of those with SEND issues. This is because, as the IPPR research highlighted, these children as a particular group can be managed out of mainstream education, formally or informally, because schools fail to understand or support their behavioural and educational needs. The 2017/18 Ofsted annual report also stated that they had seen a continuing trend of rising exclusions among children and young people with SEND². For example, many children manifesting behaviours associated with ASD and ADHD are currently undiagnosed but excluded from mainstream school as a result of their behaviour. Ambitious for Autism found that there had been a big rise in the number of children with autism being excluded from school across England, with the overall number of pupils excluded from school rising by 4% across England in 2016 compared to 2011.³

The key objectives of the research were to explore;

- > The experiences of children excluded from mainstream school, both officially and unofficially;
- > Reasons as to why children have been excluded;
- > Prior to exclusion, the response of mainstream schools in meeting the needs of children, particularly those with SEND;
- > The impact that these experiences of official and unofficial exclusions have had on children;

¹ Institute for Public Policy Research (October 2017). MAKING THE DIFFERENCE BREAKING THE LINK BETWEEN SCHOOL EXCLUSION AND SOCIAL EXCLUSION. Kiran Gill, with Harry Quilter-Pinner and Danny Swift

² Ofsted (2018). The Annual Report of her Majesty's Chief Inspector of Education, Children's Services and Skills 2017/18.

³ Ambitious for Autism: <https://www.ambitiousaboutautism.org.uk/understanding-autism/exclusions-of-pupils-with-autism-rocket-in-england-new-data-shows>

- > The expectations and experiences of educational provision for children following exclusion from mainstream education.

It was important that the work focused on not just children's experiences of being excluded, but also on the experiences of children who remain on the school roll, but are being encouraged to attend part time, or who are commonly kept in isolation or prevented from attending certain lessons.

Methodology

We adopted a qualitative approach, carrying out one-to-one depth interviews with children and young people across England. The interviews combined structure with flexibility, with certain key topics covered in each interview but with the interviewer being guided in the main by what the participant had to say. Interviews were therefore responsive and largely based on dialogue in order to ensure they remained open to new areas and unexpected information. We encouraged children and young people to share their experiences of exclusion by taking on a story-telling approach, whilst ensuring we provided enough probes so that children and young people did not feel a sense of burden about knowing what to say.

Where resources and time allowed, we supplemented the information provided by children with a small number of interviews with some of the children's parents. This provided additional understanding of the reasons for exclusions, on the diagnosis (or lack of), on support by schools for SEND issues and the impact of exclusions on both the child and the wider family.

We carried out 16 interviews with children and young people across five different geographic locations in England. Four of these interviews included also speaking with a parent. We used a range of different gatekeepers to assist us in the recruitment of our sample, including the Council for Disabled Children, Ambitious for Autism, parent and carer forums, local authority EHE teams, and particular PRUS and Alternative Provision schools. As part of the sample selection, we liaised with gatekeepers to ensure a range of characteristics were included such as:

- > Age and gender;
- > SEND with a focus on Autism Spectrum Disorder (ASD) and Attention hyperactivity disorder (ADHD);
- > Type of exclusion experienced (informal such as isolation and reduced timetables, fixed term and permanent exclusions, and managed moves);
- > Type of education they went on to have following exclusion (e.g. PRUS, Alternative Provision and home education).

Interviews were audio recorded with participant permission and fully transcribed. The interviews were then thematically coded and analysed. Firstly, key topics emerging from the data were identified and an analytical framework was devised, after which data from each interview was summarised under the appropriate heading. The timescale for the project meant that only higher-level analysis was possible, however there was a focus on drawing

out the range of views and experiences and on identifying similarities and differences across the sample.

Throughout the report we use quotes from both the children and young people and their parents to ensure their direct voices are heard. However, since the analysis was necessarily high-level and thematic, we could not always do justice to the nuanced experiences of individual children and their families, particularly since each story is complex and context-specific. We therefore decided to include three standalone case studies to illustrate the nuanced and multifaceted nature of these experiences.

The project was subject to rigorous ethical scrutiny. The CCO Research Advisory Group reviewed the project against key ethical guidelines and provided feedback and comments. A number of ethical considerations were considered and carefully managed, such as confidentiality and anonymity, informed consent, and safeguarding. Informed consent was collected from all participants. Measures were put in place to ensure the safety of research participants and researchers was maintained at all times. These included: ensuring researchers had Disclosure and Barring Service (DBS) clearance and ensuring a disclosure protocol was in place should any concerns arise during interviews.

There were a number of limitations to the project. The sample is not representative of the wider population of children excluded from mainstream education, particularly as we chose to focus on children and young people with SEND. Due to the short timescales for the analysis and reporting, – it is also worth noting that analysis was light touch and that further analysis of the data would be useful and worthwhile.

Max's Story

Max, aged 8, liked the first school he attended. However, his parents soon became concerned that older children in year 6 were being asked to look after reception children at playtime due to staff shortages. The children would sometimes lock Max in the toilets because they did not know how to support him or respond to his behaviour. Max's parents eventually decided to move Max to a new school because they felt this was not appropriate. At first Max enjoyed his new school and was happy to go every day.

Max's parents were contacted by the school as they felt he was presenting autistic traits. His previous school had also raised this but the SENCO at the time didn't think he was autistic so no official assessment had taken place. However, with his new school raising similar concerns, Max was referred for an assessment following an appointment with his GP. Whilst an initial consultation with a Paediatrician confirmed that Max was autistic, a formal assessment and diagnosis would need to be undertaken by CAMHS.

The school reported issues with Max's behaviour in class, despite the fact that he seemed to be happy at home and happy to go to school. Teachers began to report to Max's parents that Max was often shouting in class, refusing to comply with instructions, being aggressive towards other children and leaving the classroom whenever he wanted to, saying that he was bored.

Max felt that none of the teachers listened to him and when he felt he was being picked on in the playground he wouldn't tell a teacher as he thought no one would believe him. Max's parents explained to the school that Max had difficulty with social cues and understanding friendships. Max started going out less and less at playtime, even though playing with other children was his favourite thing to do. Instead Max would spend time in the library playing with Lego. Sometimes other children would break the Lego structures he was making and that would upset Max a lot.

"My favourite thing at school was mostly being able to play with other children. I've not done that for like, for almost a year."

Max started to spend more and more time out of class, often being told by teachers to go and sit in the library; the school said they had no other 'calm space' to send Max to due to it being a small school. Other times Max would be sent home from school, including when staff availability was a factor, and he was eventually placed on a reduced timetable only attending school for half a day.

In an attempt to help the school respond more effectively to Max's behaviour at school, his parents suggested certain tools that staff could use. For example: an ABC chart to help Max talk about what was upsetting him or making him angry during the day; ear defenders to help block out noise; and a behaviour and reward plan. They also stressed the importance of giving Max more time and space to calm down when needed. Max's

parents felt that none of these suggestions were taken up by the school and instead they were made to feel as though it all rested with them to support Max.

The school had said it would be unlikely that Max would be given funding through an EHCP as he was excelling academically. Max therefore had no contact with a SENCO or an educational psychologist. The school, whilst aware he was being assessed for autism, provided Max with no day-to-day teaching support in class.

The school also started to exclude Max for a certain number of days, often in response to his behaviour in the classroom and outside in the playground. In a six-month period, Max received 5 fixed term exclusions, and was then permanently excluded based on the school's behavioural points system in spite of the fact that this should not have been applied to a child on the SEN register. The very same day that Max was permanently excluded from the school he received his ASD diagnosis and as a result is now struggling to get assessed for an EHCP as he is no longer attending a mainstream school.

Not only has the experience significantly impacted upon Max, it has also had an impact on family life. Max's mum has had to give up work in order to provide the flexibility needed to pick Max up during the day or have him at home following either a fixed-term or now permanent exclusion. The family has also had to limit their social activities both because Max requires a stable, daily routine to manage his behaviour and so that they are available for the phone calls and meetings required as part of the EHCP assessment process.

The local authority is currently funding Max to have a tutor to teach him at home for 12 months which Max doesn't like as he is unhappy that his home has now also become a space where he needs to do school work.

The family are facing lengthy delays, with limited information on the progress of their EHCP assessment. In the meantime, Max's parents have found a special school which they think will support Max, however they are unsure whether the local authority will fund a place for Max at this school.

As a result of Max being out of school for so long, he has become incredibly anxious about starting school again and not being with his mum. As Max gets very upset when not with her, there are concerns as to what how this will affect him being able to settle into a new school.

"One of the reasons why I don't like school. Why can't there be, why can't you just pay £1 more to have your parents be in the school, to be able to be in the school with their child."

Early experiences of school

Children were asked to reflect on their early experiences of school. Some of the children we spoke to were still in primary school while others were on the cusp of adulthood so reflections varied hugely.

For some, primary school stood out as a more positive experience than secondary school. Children spoke about feeling happy, safe and secure during their early schooling. They remembered warm, caring teachers and fun lessons. The structure of the primary school day, particularly being in one classroom with the same teacher for most of the day, added to their feelings of security. Children also valued the flexibility that primary school allowed and spoke about how their primary school teachers were responsive to their needs and able to work with them to help them manage their behaviour.

“If I was having a bad day at [primary] school they’d understand, and they’d take me out and let me just go play in the sand and in the mud until I felt better and then I’d just go back to my lessons as normal.” – 15 year old girl

However, others had more complex memories of primary school. These children spoke about finding primary school difficult and struggling to manage their behaviour. In some cases, where a diagnosis was yet to be given, children had clearly grappled with SEND needs and found primary school challenging. In one example, a child spoke about knowing that there was something different about them and being conscious that others recognised that too. They described this as feeling both difficult and scary.

“...If the school had applied for me to get tested things would have come up, things would have been different but they never actually put that effort in. I don’t know if that was a lack of care or a lack of staff writing notes down and proving it, yeah but it was a difficult time. So the first year was probably ... the most terrifying year, I got shouted at by teachers a lot, I cried a lot because of them.” – 19 year old male

As children progressed to secondary school things often became more challenging for them. For some, **the increase in school work and homework** was difficult to manage. Children spoke about finding the leap from primary school especially hard in this respect. The challenge was not just about the volume of work but about finding it difficult to do school work in a home environment.

The difference in the structure of the school day was also a challenge in some cases. Children spoke about needing to walk between lessons, navigate larger school buildings and engage with multiple teachers. All of this led to them feeling less secure than they had at primary school.

As they moved through their school journey, some children also **became more aware of being different**. In one example, a child spoke about always feeling different through their early years at school and not accepting who they were until they reached college where

they finally started to have greater acceptance of themselves and their differences and stopped feeling as though they needed to change.

Getting a diagnosis

Among the children we spoke to, not all had SEND, and some who did had not yet been diagnosed. For those families who had received a diagnosis, it was clearly a more salient process for some than others. This section explores some of the key themes that emerged around diagnosis from the small sample of parents we spoke with, with additional reflections from some of the children.

Challenges with receiving a SEND diagnosis

Challenges with diagnosis were consistently raised throughout the interviews. Families described how teachers had raised concerns about a child's behaviour or suggested that autistic traits were present, yet these concerns had not necessarily led to contact or assessment with the SENCO or provision of further support from the school. Some of the parents we spoke with assumed that nothing had been done because nothing could be.

"You assume with any school, they're professionals, they know what they're doing..... as far as I know there was other autistic children there, not like [name of son] but, you assume they know the procedure to get educational psychologists involved, to get this, that and the other, to have TAs work with them and all things like that. So, we just thought, well if nothing's happening, then there isn't anything they can do." – Parent of 8 year old boy

When further support was sought by the school, the assessment process was often delayed because a children's needs were not deemed to meet CAMHS thresholds.

"It's underfunded, their criteria are ridiculous in that they have to be, they have to basically have completely fallen out of society before they'll see them and do anything about it. That's been my experience with CAMHS. We've now got some support which has been entirely because I have battled, and I have pretty much had a mental breakdown trying to do so." - Parent of 8 year old boy

Once a referral had been made, the assessment experience was often frustrating with parents recollecting the inconsistent communication they received from the relevant services coupled with a feeling of being passed around many different professionals. This resulted in some feeling as though no one was taking responsibility for supporting their child.

Another common challenge was the delay in receiving a diagnosis and the resulting impact this had on the support that children received. For some families we spoke to, diagnosis was still an ongoing process, whilst for others it had taken years before a formal diagnosis was given.

"No, my mum.... knew there were something wrong with me ...but....it took her seven years to find out that I had ADHD." - 15 year old boy

“So it took three and a half years from my first request for him to see an Ed Psych until that actually happened, three and a half years...and that was over three different schools.” - Parent of 8 year old boy

Children spoke about the impact that delays in diagnosis could have on them. In one case a child had struggled with feeling different for a long time and felt that a diagnosis would have helped their experience;

“Throughout the whole of primary I had, people knew there was something different, medical wise, or something, how did they put it, not right. But I never got diagnosed by them, they said there was something but they also mentioned that they couldn’t do anything which was a lie... if the school had applied for me to get tested things would have come up, things would have been different but they never actually put that effort in. I don’t know if that was a lack of care or a lack of staff writing notes down and proving it, yeah but it was a difficult time” – 19 year old male

In another case, a child felt that not having a diagnosis had given the school licence to not provide them with the support that they should have had. This had far-reaching effects for the child including creating trust issues between the child and schools generally;

“My diagnosis, I didn’t have it, it wasn’t on a piece of paper. Yeah, we knew it and that but it wasn’t on a piece of paper to go, you have to provide this kid support. Because if it’s not on a piece [of paper], everyone can go, no we don’t. Because you’ve not got a legal binding document to go, you have to provide me with support. So they didn’t provide me with support. They let me down in that sense, so I was just kicking off, messing around and that.”. – 17 year old boy

When a diagnosis was finally received, this could have a massive impact on families including helping children to understand their own behaviour;

“...because it’s just helped me a lot, because from being an angry miserable child..... as soon as I found out the diagnosis I realised yes, there is something wrong with me, but that’s part of who I am. I’m glad I know what it is, because rather than thinking ‘what is wrong with me’, I actually know what’s wrong with me, and I can find ways around it to help myself. And others can find ways around it to help me.” – 18 year old male

Process of receiving an EHCP

Many of the challenges raised in relation to a SEND diagnosis also extended to the assessment and provision of an EHCP. Similar inconsistencies in the involvement of professionals and their understanding of a child’s needs had resulted in delays with assessments. Parents also spoke of the difficulties in getting updates on the assessment process, often having to chase professionals to determine whether progress was being made.

Delays were especially challenging for those who had not been given an EHCP prior to their exclusion from school. It is common for a child to be observed within school lessons as part of the EHCP assessment, so once a child is removed from mainstream school it becomes considerably more difficult to complete. For the families in this situation, further time and resource had to be given to arrange for a child to attend school at specific times each week for the assessment to be completed.

Amongst all the frustrations and the negative experiences parents referred to, there was also an understanding and appreciation of the budget and resourcing constraints of local services in supporting children with SEND.

“The mental health system in this country is shoddy and particularly for the most vulnerable people, it’s appalling. Absolutely appalling. So, it needs more funding basically so that they can do their jobs more, because the people in the system really want to help but they can’t magic up extra funding, they can’t magic up extra people, so they go with the lowest common denominator and they go to the most extreme situations. And how we’re not now part of that, I’ve got no idea because the situation’s terrible. But because I cope, because I’m a functional adult I, we’re left alone largely”. - Parent of 8 year old boy

Sophie's Story

Sophie is 12 years old and has experienced a number of school moves, some instigated by her parents and others by the schools themselves.

Sophie attended a small and nurturing pre-school. During her time there, the school raised possible issues with motor skills and referred the family to an occupational therapist, who suggested she had processing difficulties. Sophie was assessed, aged 3, and sensory problems and stimuli processing issues were highlighted.

As she moved into reception Sophie was placed in a social skills group, because she often had a lot to say but didn't always give others a chance to speak. Sophie's mum remembered a few issues at the time but nothing they saw as particularly worrying.

In year 3, due to her behaviour, Sophie was often sat alone on a table in the corner of the classroom. It was at this stage of Sophie's schooling that an Individual Education Plan (IEP) was mentioned.

"Basically my teacher Miss [teacher's name], she sort of set up this special table that was like all by myself in the corner of the classroom and she wouldn't let me sit with other people, she just wanted me to sit by myself, because she said it would help me work better... It was basically like being in internal isolation all the time."

Sophie's parents initially took her to see a Paediatrician who said they would need to go through CAMHS for a local diagnosis and access to services. A referral was made, and after a while Sophie was diagnosed with autism.

Even with Sophie's diagnosis, the SENCO said Sophie would not be able to get an EHCP because she was academically strong. As a result, the SENCO wrote an assessment which didn't support Sophie being given an EHCP. Her parents asked for the assessment to be rewritten to reflect Sophie's day-to-day life at school, namely that she was having to sit separately in class due to her behaviour, or being sent to the headteacher's office or in a room by herself. Despite this, the SENCO's assessment meant Sophie was not entitled to an EHCP.

Sophie and her parents felt that the school's response was 'we are doing everything we can, it's your child that's the problem'.

Sophie remained in primary school before transferring to a private secondary school, with the view that a private school would offer a more supportive environment and smaller class sizes. However, after just two months Sophie was asked to attend on a reduced timetable, and then encouraged to leave to avoid a permanent exclusion. This made Sophie feel confused and sad.

Sophie transferred to a large secondary state school. The SENCO has been very helpful; however, Sophie's mum acknowledges the limitations of secondary school – namely

having so many different teachers it is difficult to ensure consistency across them all in understanding Sophie's autism and what triggers her behaviour. She is currently not allowed to eat lunch with the other students because of her behaviour, and instead eats alone in a room.

"Usually I just eat lunch in a room by myself, because I'm not allowed to eat in the big room with everyone else, I have to eat in a room by myself."

Sophie currently attends the school on a part-time, flexible timetable. This enables her to attend therapy sessions and she is also trying forest school and does ice skating classes on a Friday afternoon. Sophie's mum has welcomed the feedback from both activities on how polite and well behaved she is. This has caused Sophie some confusion and has led her to ask whether she has a split personality because she is calm in some situations and so different in others. Sophie's mum explains that environmental effects are a common autistic trait.

Sophie's attendance at school is required in order to be given an EHCP. Sophie is currently being assessed which requires her to be observed during lessons and to meet with the autism team. Alongside the current EHCP assessment, Sophie's parents are considering whether the current school is the best option for their daughter or if they should explore other options such as special schools. However, Sophie has said she doesn't want to go to a special school as she is keen to remain in mainstream education and not be in a school with other autistic children. Her parents are of the same view, considering it better for her to remain in a mainstream setting as they consider this will better equip Sophie with the skills and ability to interact with others, particularly once she leaves school. This is a view shared and supported by Sophie's educational psychologist.

Sophie's diagnosis and educational journey have had a huge impact on the family, Sophie's mum has had to give up her a career in medicine in order to support Sophie not least because Sophie is now in school part-time. Sophie's mum also feels that Sophie's view of education has been affected by her informal exclusion from school. When she was asked to leave her first secondary school, it had a big impact on her self-esteem and led to periods of depression. There has now been a slight improvement, with Sophie's approach to school being more positive due to her ability to attend with reduced hours.

Views of the support received in school

Experiences of how well schools were equipped to deal with SEND children varied hugely. There were examples of schools responding well to pupils' needs and others where families felt that schools were out of their depth or unable to support SEND pupils adequately.

This section explores some of the types of support that parents and children felt were important and the extent to which they felt this support had been provided. These examples relate to families' experiences with mainstream schools.

Support from teachers

Underlying all children's stories about their experiences of school and the support they received was their interactions with teachers and other staff and how important these were in influencing not only their experiences but their behaviour.

Needing one-to-one support: the importance of feeling listened to and having one-to-one time with a teacher was a clear theme throughout the interviews. Children spoke about needing to have at least one teacher or staff member who they felt they could trust and would both listen to them and really take the time to understand their perspective. Having these trusted adults would enable them to open up about their concerns about school and home and improve their overall experience at school.

In contrast, when children felt as though no one was listening this really stood out for them as a negative experience that influenced their whole perception of school, even if they enjoyed other aspects of school life. In some cases, not being listened to was identified as a clear trigger for misbehaviour;

"Even if I did try and go to speak to someone they wouldn't listen. So, that started to get me mad and then I'd get unsettled in my lessons, then people would try and take me out of my lessons to speak to me after me wanting to speak to them and them refusing so then they'd want to come to speak to me but it would be a different person that I didn't want to speak to. So, I'd be like, no and they'd pull me out of my class, embarrass me in front of all my mates and I just got unsettled so that's when I just started thinking, no fuck you because I don't care anymore." – 15 year old girl

When children and parents were asked about what they thought should change around SEND provision in the future, increasing one-to-one provision was a common response. However, this did not necessarily have to be a formal arrangement for children to see the benefits. In some cases, the one-to-one support that children received was quite ad hoc, for example it might come from a teacher who the child trusted and had formed a strong relationship with and this was still considered to be valuable. In one example of this a child spoke about how the only teacher they really liked in their mainstream school had been the one who had made time to sit with them and explain things.

The benefits of more formal dedicated support through learning mentors or teaching assistants were also raised. Where schools had identified the value of one-to-one support for a child and invested in delivering it, this was acknowledged by those we spoke with as being particularly helpful;

"I feel like they did go above and beyond for him. Didn't just pop anyone that was free there, they really thought about what his interests were and matched them up with someone who specialised in maths and who was extremely calm. So that was above and beyond what I expected from mainstream school, especially when he's not eligible for pupil premium and he hasn't got an EHCP. I was amazed what they did." - Parent of 8 year old boy

While there were examples of good one-to-one support, these were by no means universal. When asked what might have prevented them from being excluded from mainstream school, some children singled out one-to-one support as an intervention that would have been helpful. There was a powerful narrative around trust and building a relationship with one person over time and where this was lacking, it was seen as a significant gap.

"the support I would have liked to have had.... a regular person because when you have someone that you recognise and you talk to regularly it's easier to open up to them about the issue you're having and being honest about it. If I was given a regular person I could talk to then there would have been more honesty and I would have been able to express myself better." - 19 year old male

Needing teachers who know how to support them: being well understood was similarly important. Children identified cases of teachers either not knowing how to support SEND children or not taking the time get to know pupils' individual needs. In both cases this was seen as detrimental to the child and their overall experience at school as well as their behaviour. Some children acknowledged that it was challenging for teachers to get to know the individual needs and behaviours of at least 30 children, but felt that it was especially important for children with SEND to be understood. In cases where teachers did not take the time to know them, children felt as though they were being labelled or judged unfairly and this could make them feel less inclined to engage with school.

The importance of teachers getting to know children as individuals was underlined by the various ways in which children said they wanted to receive support from their teachers. This ranged from wanting greater flexibility to allow them to manage their behaviour better, to needing firmer guidance from teachers, to wanting low key, subtle support from teachers that did not single them out from the rest of the class.

"There were occasions where in normal situations I should have been punished more but the Head actually let me off of it because they understood if I was asked at that time who my favourite person was in the school, I would definitely have said the Head, they were just the person I needed." - 19 year old male

Needing teachers to respect them: closely linked to the need to be listened to and supported was the need for children to feel respected by their teachers. There was a clear

narrative throughout the interviews of children feeling that if they were respected by their teachers, they in turn would be more likely to show them respect. Examples of respect being demonstrated included teachers acknowledging children's aspirations and treating children as equals. In one example, a child spoke about how they felt more at ease with a group of younger teachers who were able to relate to the children better and treated them more as equals;

"Because they were down to earth, they felt equal, they didn't think they were better than anyone else and they knew what it were like to be in school and most of them were quite young, like they know how school is and that it can sometimes be bad and I love that sort of teacher. They were better for the kids." – 15 year old boy

When children did not feel respected by their teachers, this could have a direct impact on their attitude to school and their behaviour.

"..the only reason I had an attitude against them is because my mums always told me you respect people who respect you, if they don't respect you don't respect them back, they don't deserve it and they never respected me from day one, ever." – 15 year old girl

When children were asked about their recommendations for schools in supporting SEND children it was suggested that more should be done to treat children as equals. As an example of how this could be done better it was suggested that meetings with parents should include the child too, to give them a voice, to try and understand what the cause of any issues might be and to involve them in coming up with a solution.

It became clear from children's descriptions that their behaviour was directly linked to the relationship they had with teachers. Where teachers were unable to support, listen to or respect the child, this could often act as a trigger for misbehaviour. The child would then feel that they had been labelled as 'bad' and so act out more and this could lead to a pattern of circular behaviour. Some children spoke about not being given a fresh start after returning to school after a fixed-term exclusion or long period of isolation, all they wanted was to be given another a chance and for their behaviour to be understood;

"because a different day is a different day". – 8 year old boy

"They kicked me out, yeah, they basically only gave me one chance. I was kicked out after one chance, now look... [give] like two or three chances, let's work out everything. They didn't try to speak to me... all the schools have got the same choice, same teachers, if you work hard for me I'll work with you." – 15 year old boy

Flexible support responsive to children's needs

Where children spoke about mainstreams schools not being able to support them, this was often down to them feeling as though either the school did not really understand their needs or were unable to provide the support to meet those needs.

Many examples of schools misunderstanding children's needs related to **anger management**. Children across the sample spoke about how they wished their teachers in mainstream school had given them opportunities to let off steam and been more flexible about letting them leave the classroom when they needed to. In some cases, the challenge related to the school not appreciating the behavioural triggers that could lead to a child feeling angry in the first place. In one example a child spoke about their teachers not understanding that they were not comfortable with people being in their personal space and how this contrasted with their experience in another setting.

"...sometimes in a mainstream school if a teacher's speaking to you sometimes they can get right close and in front of me and that's one thing that winds me up. So things, at (other school) when they knew I had ADHD they put things in place, so on my student profile it will say don't do this.... and so they know what ticks me off and gets us angry." – 15 year old boy

Where schools recognised that children needed individual approaches to help them manage their feelings, this was praised by children and parents. In one example the school would allow the child to leave the classroom whenever they needed to calm down and this gave the child what they needed to get their feelings under control before returning to the classroom again.

Children also called for teachers to be more flexible in giving them chances to change their behaviour. Children wished that they had been given more opportunities by schools as some felt that they had been written off too quickly. There was a sense that if schools were more accommodating of SEND children then those children would likely be more accommodating in return.

"They could have gave me another chance and listened to what I had to say and then learn that I couldn't take the stress of that day." – Secondary school age boy

Children also thought that this flexibility should extend to the way that teachers speak to SEND children and especially those with autism. It was suggested that teachers should ask and consult with the child more rather than telling them what to do. Children also wanted more clarity and consistency around punishment, for example taking the time to make it clear why a child was being sent into isolation rather than just sending them there.

There was also a view that mainstream schools were not flexible enough to **accommodate the learning styles of SEND children**. In one example a child spoke about how the work they received from school caused them to be stressed to the point of illness which meant that they missed school and got even more behind. The way that the school required the child to catch up on work left the child feeling even more stressed and they were stuck in a vicious circle until finally the child's mother was taken to court for the child's low attendance. The family eventually made the decision to move to another school where the pressures were different and more suited to that child's needs. In another example the child wasn't being challenged enough and so became bored in lessons and their behaviour deteriorated;

"He needs to be challenged otherwise his behaviour deteriorates and that was so black and white, so cut and dried that it was very frustrating to try and express that to the school,

because his behaviour was getting worse because they weren't challenging him. And it was very easily remedied, if they would give him a sheet of maths, you'd get half an hour of good behaviour out of him and it just didn't seem that difficult to me." – Parent of 8 year old boy

There was also a call for teachers to take the time to get to know children and the way they worked rather than making ill-informed assumptions. Children felt that this would help them to feel heard and understood.

"...just pay close attention to their work....so for example say it's maths, pay attention to the way they're writing down the questions or answering the questions. If it seems consistent and it's not actually the right way, or if there is a correct way and they've found their own ways of doing it, ask them why, instead of just passing it off as oh, it's just their own innovative way of doing this. Ask them why they do it that way". – 15 year old boy

It was clear that in some cases, schools were not just misunderstanding children's needs but were not even willing to try to understand them. Children spoke about how they wished they had been given more opportunities to explain themselves and their behaviour when at mainstream school so that the schools understood their needs and made more allowances for them.

"...because sometimes teachers never used to listen to me and then I used to get angry with them, because mainstream and offsite schools are different, say if I were at a mainstream and I told a teacher to fuck off or something and get straight up excluded. But at (alternative provision) if I have an altercation with a teacher and I'm arguing with them I won't get excluded because they know what our boundaries are and how do we work and that." – 15 year old boy

"They don't really give you chances in mainstream. If you're doing something wrong, they'll just send you out straightaway, and I don't think it should be the case." – 16 year old girl

This frustration was echoed by the parents that we spoke to, some of whom spoke about the attempts they had made to explain their child's challenges and learning style to the school and who felt that the school either did not listen or were unwilling to accommodate their child's specific needs. In some cases, it was felt that the school's unwillingness to engage with the child's needs had affected the child's chances of remaining in a mainstream school.

"And obviously in mainstream, that's very difficult when you've got 30, 34, 35 children, they can't be that way for him which I do understand, and I think we try to be really understanding of school, that they were a small school, that funds are limited but what we're really asking more than anything was, just be a bit more understanding to try and take that little bit of time with him. Like the A, B, C chart, they didn't want to do those, and we thought, that's the most simple thing that if they'd just taken that bit of time to do that, we might have found what it was that was bothering him". – Parent of 8 year old boy

Having the skills and experience to deal with children's needs

There was a clear distinction in the interviews between children feeling as though their needs were not understood and feeling as though schools simply didn't have the skills or experience to support those needs.

In some cases, it was clear that families felt that schools lacked the right SEND skills, awareness or training. Criticism was made of teachers adopting a one-size-fits-all approach to supporting children with autism, and failing to understand the individual and differing needs of children.

"she said that all autistic children this works for, which my immediate reaction was, well then that's a lie because autistic children are all completely different and what works for one does not work for another, and if she has got a qualification then there's no way on God's green earth she has said that every child that had autism this has worked with." – Parent of 8 year old boy

For one young person, it was less about teachers acknowledging the individual autistic traits of children but actually just taking the time to understand the child as an individual, without focusing on their diagnosis.

"Say you've got a piece of paper in front of you and you've got a child with autism, people automatically think that they're going to be here. But the spectrum is massive. So, instead of going for autism go for the child. Because.... if you get the child right autism doesn't matter. Because you've learnt how to work with that child in particular..... you've learnt the child. Because that's the most important part of everything'. – 17 year old boy

Schools' lack of training was also apparent in examples of parents being asked to suggest suitable interventions themselves and staff being unaware of the range of issues that might be present for a child with autism.

"Ear defenders, emotion keyring, fluffy blankets, all that we all had to come up with and provide ourselves because it just didn't exist". – Parent of 8 year old boy

Where SENCOs were involved this did not always help the issue as their level of involvement was sometimes considered insufficient. Children also encountered difficulties with individual class teachers who did not have the skills to support their needs. In one case, a child spoke about how in their mainstream school, teachers did not know why the child was unable to understand something having only been told once and would give them detention or periods in isolation for not doing what they were told. When they moved to a new school where staff had the appropriate skills to support them, things were explained multiple times and in different ways.

The lack of specialist support available in mainstream school was seen as a real issue among children and parents, some of whom felt that not having had enough support had contributed to children's behavioural issues. It was suggested that having more skills in

schools might help with early intervention and support children in staying at mainstream school;

"I would have liked to know about it earlier, I could still be at school because I didn't know about it at this point I were mad and I were just too mad and upset and stuff. But if I knew about it earlier I could have had the support from school if they had have given it." – 15 year old boy

Tom's story

Tom is autistic and has dyspraxia. He spent the majority of his life at school without a diagnosis. Tom spoke about how difficult it was to get the support he needed at school because he did not have an official diagnosis. He thinks that the lack of appropriate support was a significant factor that led him to misbehave at school.

Primary school was easier for Tom than secondary school. He liked having just one teacher each year and thinks that teachers in primary school learnt how to work with him more effectively. He also preferred the more regimented structure of primary school and not having to navigate his way around a large building to attend all of his different classes.

Tom attended five different secondary schools. During this time, he experienced isolations, temporary exclusions, fixed exclusions and managed moves. He felt that mainstream schools did not provide him with the support that he needed, either in the classroom or for things going on at home. He spoke about often being placed in the worst set for certain subjects which were always full of the children that misbehaved the most, and consequently he would not learn very much. He also said he never got the one-to-one support that he needed.

Tom found it hard to trust teachers, but he did find one teacher in a mainstream secondary school he felt he could speak to, someone who was down to earth, listened, who didn't judge and showed Tom respect. Tom said it was so important to him to have someone to speak with and to have someone that he felt understood him.

Tom talked about how in his first secondary school he would purposely misbehave to try and change schools because he found that particular school so hard to deal with. Tom remembers being asked to leave the class a lot due to his behaviour and, at certain points, coming into school but not being allowed to attend any of his lessons. He would often be put on a reduced timetable and remembers spending a lot of time in isolation - which for Tom involved staring at a wall all day.

"I was put in what's called isolation. I feel I spent most of my school life [in isolation], I spent one of my birthdays in isolation... I obviously didn't want to sit and stare at a wall all day. Because no one wants to sit and stare at a wall all day."

Tom was temporarily excluded several times, often for five days at a time. On one particular occasion, the temporary exclusion ended with Tom and his parents being given

two options: either be permanently excluded, which he was warned would go on his permanent record, or have a managed move into a PRU. His parents chose the managed move. He remembers feeling mixed emotions; feeling relieved and happy to be leaving his school, but also crying a lot and feeling anxious because he did not know what would happen next.

Tom's experiences of alternative provision were often more positive than his experiences of mainstream schools. He felt that the PRU was very good at supporting him with the emotional side of things, but not so good at preparing him for GCSEs. He thinks it was what he needed at the time – the PRU made him feel safe at a time when he was feeling very vulnerable. He spoke about the teachers being very good at their job.

"PRU - for learning to go forward for GCSEs, worst thing in the world, yeah. Because they focus on the emotional side of you. It's great for that time that they get you, they help you. They help with emotional things... I think it was good for me - emotionally. Because I felt safe. Looking at PRU, yeah, they just focus on the emotional side more. You do lose a lot of learning."

Tom then returned to a mainstream school for four months which he felt offered much better learning support than the other mainstream school he had attended. They had a specific learning support centre with an educational psychologist and learning mentors, with a dedicated area where you could even go to relax. However, in the end, he could not cope with a full five-day week and he still misbehaved quite a lot and soon had to return to the PRU. Whilst Tom acknowledged that he was unable to cope with the more rigid mainstream school timetable and rules, he still found it incredibly difficult to have to leave that school. He had really wanted to make it work at the mainstream school and was absolutely crushed when he had to leave. But returning to the PRU felt familiar and safe for Tom. At this point, it was made clear to Tom that he would not be returning to a mainstream school.

Tom went on to attend an Extended Learning Centre [ME-CC1] - and talked about really appreciating the support he received. The classes were much smaller, never more than ten children, and there would always be a teacher's assistant as well as the teacher in each class. He received a lot more one to one support at the ELC than he ever did in a mainstream school. His attendance improved and he spoke about wanting to go to school every day, even if sometimes he went home a bit early. However, he wishes he had received this support much earlier in his school life and feels that if he had it may have prevented him from developing mental health issues.

The impact this has all had on Tom has been significant. He has suffered from anxiety and has anger issues. It has also affected his ability to trust and open up to people because he has felt so let down by the many professionals throughout his educational experiences.

Schools' approaches to managing behaviour

This section looks at the steps that schools take to manage behaviour and explores children's and parents' experiences of these.

Each school has its own behaviour policy and these vary in approach. Details about specific behaviour policies were not discussed in the interviews but the point was raised that schools did not always follow their own policy, specifically in relation to ensuring that they escalated their response appropriately.

Isolation

Isolation is used by both primary and secondary schools (though not by all) as a form of punishment for children who have been disruptive. It can involve a child being asked to sit at a separate table in the classroom or being sent to another room away from the classroom and often away from all other children for a designated period of time before being allowed to re-join the main class. The way that this is managed and the amount of time that children are sent out for varies depending on the school but an isolation period could typically be anything from a few hours to a whole week and may follow a return to school after a fixed-term exclusion.

Isolation came up frequently during the interviews with children, often unprompted. In general, children were very negative about their experiences of been sent into isolation and some found being away from other children and how it restricted them in what they could do very hard;

"Isolation's horrible. I went to sit in this tiny little booth about that big where your chair would only fit and you've got you little table, all you'd get for lunch is a sandwich, bottle of water and a little shit cookie and you got two toilet breaks, that weren't nowhere near enough." – 15 year old girl

In some cases, children were even restricted about when they could use the toilet so that they did not encounter other children. While some children were given work to do while in isolation, others spoke about having nothing to do or being bored. In one example, a child was often put into isolation with nothing to do so they would put their head on the desk and have a sleep. One child did suggest that isolation could be useful for reflecting on behaviour but it was unclear in the interview whether this was the child's actual view or the view they thought they were supposed to have about isolation.

Some children felt that being in isolation could interfere with their learning either because they were not given work to do or because they had work but did not have the motivation to do it outside of the classroom.

Being separated from peers and friends was challenging for some of the children we spoke to. In one case the child said that their favourite thing was playing with other children but that they had been prevented from doing that at one of their schools.

“...they stopped him, they wouldn’t let him go out at playtime, they wouldn’t let him go out at dinner time, he wasn’t allowed on the school trip. He, slowly stopped him going to swimming lessons, anything like that.” – Parent of 8 year old boy

While isolation in itself was challenging for some children, others identified challenges with the way that their school had administered it. Some spoke about how they were frequently put into isolation without really understanding why or being given a reason by their teachers. Isolation could also happen quickly without any warning or before other measures were put in place first. Some children also felt as though isolation was being used inappropriately;

“...he tried giving me this red card it’s where you have to go and sit in a room all day and do your work by yourself and not, don’t get your break. And he tried giving me that just for forgetting my spelling book.” – 15 year old boy

Reduced timetable

According to national guidance, reduced timetables - that is attending school on a part-time basis, either daily or weekly – is only to be used in exceptional circumstances.

Some of the families we spoke to had experienced the child being put on a reduced timetable either in an attempt to prevent a formal exclusion or following a fixed-term exclusion to help reintegrate the child back into school. This had an impact not only on the child but on the whole family;

“He was frequently kept in and there was often informal exclusions where I’d be rung halfway through the day to come and collect him to prevent a formal exclusion taking place, which I now realise is illegal. I didn’t know any better at the time and I was very concerned with how his academic record was looking. So, I used to go along with it, so ended up not being able to work because I was taking so much time off.” – Parent of 8 year old boy

In another example, the child spoke about being sent home frequently as a punishment; with one incident after returning to school resulting in them being sent home again a couple of days later. This child spoke about how they disliked school so much by that point that they didn’t mind being sent home.

“Honestly it didn’t really bother me at that point, it was a case of I knew that if I stayed there longer...the situation would have got worse so getting sent home was fine by me, I didn’t even mind getting punished at that point basically because of how much I didn’t like being there.” – 19 year old male

Other children were allowed into school most days but were not allowed into specific lessons or to join in with certain activities. Children and parents spoke about being asked to miss school trips or events at school, such as Christmas performances or school discos. In one instance this included a child being asked to stay at home when the school had an open morning with people coming to view the school.

“I had to leave the school play in Year 6 because she didn’t want me to be in their way, she wouldn’t let me be in the school play room. I swear, once that they had like people coming to see the school [an open day] and they asked me to stay at home” – 12 year old girl

Experiences of exclusion

Reason for exclusions

Children were asked to talk through their instances of exclusion and what the reasons for exclusion were. Their answers to these questions shed light not only on what their perceptions of the process were but, in some cases, why they felt they had got to the point of being excluded.

It’s worth noting that there were instances of children not being completely clear about why they had been excluded. In some cases, this was because they had been very young when the exclusion happened. However, in other cases the children simply did not regard being excluded as something to be concerned about and so had not remembered what their various instances of exclusion had related to. For some of the children we spoke with, it was as if exclusion had become so normalised that they saw it as part of their educational path rather than as something exceptional.

Among those children and parents who did speak about reasons for exclusion, these fell into four separate categories. In some cases, exclusions were not necessarily linked to one specific issue but were the result of a **build-up of behaviour over time**. There was a final trigger which led to the exclusion, however this was not necessarily worthy of an exclusion on its own. In one example, that final trigger was the child wearing trainers when they should not have, in another it was linked to more violent behaviour and the child shouting and throwing chairs.

When children were asked why their behaviour had become more challenging over time, a range of reasons were cited. The cycle outlined above whereby the child feels as though the teachers don’t respect them or support them in the way that they need and so they behave badly and the teacher reacts to that behaviour with sanctions, was often cited. Other reasons included being bullied and not having that dealt with sufficiently so taking matters into their own hands. In one instance a child attributed their change in behaviour and ultimate exclusion to a change in the way the school was run including new rules which they had not had a chance to adjust to and so had broken.

“So, they got bought by another school and they got, they just switched. They just, everything, you have to do this, you have to do that and people like me it just couldn’t happen straight away.” – 15 year old boy

In other cases, the child’s exclusion was more clearly linked to **one specific incident** though the child may have been in trouble for some bad behaviour in the past. These instances tended to be more serious and involved either threatening another pupil or being found to have carried a weapon in school.

As identified above, for some of the children we spoke to it seemed as if they had become almost indifferent to the process of exclusion and were therefore willing to go through it multiple times. There were some who spoke about behaving badly or trying to get excluded **to impress their peers** or because it would help to make them popular. One older child who spoke about this was frustrated with themselves for having behaved this way in the past and looking back did not understand their motivations or why they hadn't simply got on with their work.

In some cases, families spoke about feeling that the **reasons for exclusions were unfair**. In one example, the child was excluded for a day for reacting badly after they felt intimidated by a teacher. They felt this was unfair because the teacher had effectively been bullying them. When the child's family disputed the exclusion and spoke about taking it up with the local authority, the school agreed to remove the exclusion from the child's record.

Experiences of different types of exclusion

Children and parents were asked about their experiences of different types of exclusion. More detail was given on some than others, so comparison between different types is not possible. However, the stories we heard give a useful overview of children's experiences of being excluded.

One group of children we spoke to had experienced **fixed-term exclusions** for varying lengths of time. A fixed-term exclusion is where a child is temporarily removed from school for a specific period of time. In some cases, it was a few hours or a day in others it was a week or more.

One young person understood the need for their behaviour to be addressed, but struggled to understand why this equated to them having to spend days out of school. They did not understand how they were supposed to learn how to behave while at school if they spent such little time at school.

Some of the children saw benefits to this type of exclusion. One spoke about how being sent home helped to diffuse their behaviour which may have got worse if they had stayed at school. Another child spoke about how they saw a short exclusion as a licence to stay up late and play video games since they did not have to get up for school the next day.

Some of the families in the sample had experienced at least one **managed move**. This is where a voluntary agreement has been made between schools, parents/carers and a pupil, for that pupil to move schools. Some of the families we spoke to felt that they had been pressured into a managed move because the school had told them that the alternative – a permanent exclusion- would go on the child's permanent record.

In some cases, there was also a lack of information about the managed move. One child spoke about knowing that they would be moving to another school but not knowing when that was going to happen. Another child spoke about being pleased to be moving because

they were not happy at their current school but scared about going into a new, unknown environment.

There was also some limited discussion of families' experiences of **permanent exclusion**. Again, children spoke about the lack of information on what next steps would be. One child spoke about how when they were excluded, they were initially given no information about what would happen next. They also thought that the school had not communicated about their exclusion internally because teachers had been contacting them to ask why they were not in school.

Experiences of Alternative Provision

Alternative provision is education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.

When children spoke about their experiences of alternative provision schools, a number of positive themes came out. There was a sense that the approach and flexibility of alternative provision settings was a welcome change to mainstream school. Children spoke about the varied approach to the timetable and how alongside academic lessons they would have access to other activities such as therapy, forest school or excursions to other places. The pressure of the day was also reduced in alternative provision settings and included regular breaks which were welcomed.

Children also spoke about how they received more focused and tailored support within alternative provision. They talked about feeling listened to more, having teachers who tried to understand them, and who demonstrated trust and respect to the children.

"And they just treat you like a human, like you're not just an ongoing issue and it's a lot better... Getting treated like you are a human and not a robot and you're not going to follow every rule... just you get just respect. When you're talking they listen to you." – 15 year old boy

This approach by staff in alternative provision settings had the effect of making some children feel more as though they were cared about and more understood than they had been in mainstream school. One child spoke about how they felt more able to open up about issues that had been bothering them at home while in an alternative provision setting.

Children also valued the support they were given, sometimes by specialist counsellors, to help them understand and manage their own behaviour better. The more focused and sometimes one-to-one attention that children received in alternative provision settings was appreciated, but some children acknowledged that replicating that attention and focus would not be possible in a mainstream school.

“I feel like because there’s so many people the teachers... can’t really get to know kids in mainstream.....they know your name, they know your surname, they know what you’re like, but they don’t know what’s actually going on in your life. Mainstream is more, like, you go in, you get on with the work, and that’s the only thing you can do. Here, you come in, you can get on with the work, but at the same time, you can have a chat with the teacher and tell them what’s going on, and, like, you can really open up to them and you can make jokes with them, you can laugh.” – 16 year old girl

There was also a sense that children were given more chances in alternative provision settings and one child described how at a school they went to, every day was treated as a clean slate and they had the chance to start again. This approach was seen to contrast sharply with mainstream schools where children felt that there had been a lack of sufficient opportunity to address their behaviour.

While the focus on social and emotional learning in alternative provision was welcomed by some families we spoke to, others felt that this was to the detriment of academic attainment. This view is explored further in the section looking at impact on education, below.

Impact of exclusions

Children and parents spoke about the impact of exclusions on them personally, their education, and their families. These impacts are explored below.

Social and Emotional impacts

Being excluded had identifiable social and emotional impacts for some of the children we spoke to, both positive and negative. Some of the more positive impacts identified included feeling a sense of relief on being excluded from mainstream school. For children who had struggled with school and not felt happy there, moving to something else was a welcome alternative and the benefits to their mental health were immediately identifiable;

“The depression went. Because waking up every day early and then going to have arguments with teachers it’s not good and doing that for three years it actually depressed me and I told the school that.” – 15 year old girl

“Once the decision was made, a lot of stress did leave my back.”- 18 year old male

There were also cases of children feeling more confident once they had been excluded from mainstream school and moved to alternative provision. One child spoke about how they felt they were doing better now they were at alternative provision because they were receiving more support and so were able to focus more and get on with their work.

However, there were also a number of more negative social and emotional impacts identified. Children spoke about feeling that their trust in school, teachers and even adults generally had been eroded by the process. One child described how they felt that they had

tried really hard to stay at school and change their behaviour but it hadn't worked and their ultimate exclusion left them feeling abandoned by the school;

"I tried to get my head down and change but I just felt like they just abandoned me and just left me and I still do now and when I tried to go back to school and I've asked to go back to school and they've said no". – 15 year old boy

Another spoke about how their experiences at school had shaped their wider view of the world and how their early experiences at school had influenced their view of adults in general;

"I think it made me not trust adults, I don't trust anyone besides the people I've known for a long time and that's because with the adults there they would always say trust me I'll be there for you but then I find out that they don't and that effect left me with the idea that adults are useless to children." – 19 year old male

Being excluded also had the effect of creating anxiety for some children. Some of this anxiety was triggered by having to move schools following an exclusion and being nervous or uncomfortable about meeting new people or being in new environments.

"If I just get chucked straight in the deep end, I don't like it I feel self-conscious and I feel like I have anxiety, but I don't have anxiety, but it feels like everything just I don't know." – 15 year old girl

In some cases, being away from school was just very difficult for children. The age and profile of the children we spoke to meant that there was limited reflection on why this was difficult or how this manifested. Children spoke about being upset, or feeling tired or generally finding things hard. It was also clear that being away from friends and the social element of school was part of the challenge in some cases. In one instance the child spoke about how when they were excluded, they were no longer allowed to make contact with friends at their old school. There were also references in the interviews to missing friends and the fact that friendships had suffered as a result of them being excluded;

"I'm just so upset all the time, and it's impacted on all my relationships with my friends, because I don't see any of them. I don't talk to them because I'm no longer at that school. I don't really have any friends to be honest, because I have about three people who I like here, no close friends, my close friends are at (old school). And I haven't been able to talk to them since I left, so I don't meet up with them, I don't see them". – 15 year old girl

Children who moved schools regularly not only experienced negative impacts on their friendships but spoke about how moving itself could feel very tiring and how they wished they could stay in one place for longer.

Impact on education

The impact that being excluded from mainstream school had on a child's education was raised consistently throughout the interviews. Children spoke about feeling as though their

exclusions had hindered their education in a number of ways. Some were worried about their general attainment levels or the impact that not being at a mainstream school would have on their exam results, while others were concerned that missing school might hinder their aspirations for the future.

Part of the impact to education was attributed to moving around a lot and either missing school in general or missing key stages. In one example, a child spoke about having moved schools at the beginning of year 9, and because options for GCSEs had been made in year 8, they felt that they had missed the opportunity to choose the subjects that they wanted to do and that would allow them to pursue the specific career that they had in mind. In another example the child spoke about moving school and finding that the new school did not offer all the subjects that they had wanted to pursue. There were also examples of children waiting to hear the outcome of an appeal process and missing school or even exams in the meantime.

There were also impacts for those children who were forced to do school work at home or be home-schooled instead. Some felt that the work they did at home would never equal what they could have achieved if they had been at school.

“I felt that I was doing quite of bit homework and that on my own, because my parents would make me. But obviously I wasn’t doing what mainstream people were doing, and I knew that I wasn’t ever going to be able to catch up to what they were doing.” – 15 year old girl

Other felt very demotivated by doing school work at home because what they did would never be marked. Being away from school was also considered very boring by some of the children we spoke to, they found it harder to do the work they had been set and missed socialising with their peers.

There was also a sense that alternative provision schools offered fewer academic opportunities than mainstream schools. In one case a parent discussed how because none of the alternative provision settings could offer the level of academic support that their child needed, they were having to look into ways to make up the shortfall themselves so that ultimately, the child’s education did not suffer. Children also spoke about how alternative provision settings were more focused on social and emotional learning and how lessons were regularly disrupted so the chances of learning were fewer. In some cases, the narrower focus on academic achievement in alternative provision led to children feeling concerned about their future job prospects.

“Yeah, I always wanted to be (a child psychologist), but it’s not like I can be one now can I? We can only get two GCSEs and that’s not going to be enough to be a child psychologist. Is two GCSEs even enough to get any job?” – 16 year old girl

However, the view that alternative provision was academically inferior was not universal. In one case the child spoke about feeling happy with the education that they were receiving in their new setting and how in fact they felt they were benefiting from more one-to-one time,

so in this case it was not felt that being excluded from mainstream school had impacted on education.

Impact on family

Exclusions clearly also had impacts on the child's homelife and family. Parents spoke about the impact of exclusions on their ability to work. The described how they had to be flexible and respond to schools' requests to collect their child at unusual times or have them at home for long stretches of time.

"I had to take time off work, I don't work anymore, I'm his full time carer but it had a huge impact on my career." – Parent of 8 year old boy

There was also discussion about the ways in which exclusions can impact on other family members and the excluded child's relationship with them. If a child is staying at home, this can cause problems with siblings who might not understand why their brother or sister gets to stay at home when they can't. The stress that exclusions can cause parents was also identified as being an issue for children who can be affected by parental stress.

Family relationships are also affected by a child not getting the support they need or being in the wrong setting. Some families spoke about the child acting out at home when their school setting was not right and how this behaviour reduced noticeably once the child had moved to another school.

"Yeah, so I don't get angry any more, as much. I only get angry at my brother but then it only takes a few minutes for me to settle down." (14 year old boy)

Conclusion

This research has highlighted the many difficulties faced by children with SEND and their families in accessing early support for any behavioural difficulties, appropriate assessment and diagnosis and in their experiences of school exclusion. The Children's Commissioner's Office will continue to push for better support for children with SEND and to make the case that exclusion should be a last resort.



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Report of Head of Democratic Services

Report to Scrutiny Board (Children and Families)

Date: 4th March 2020

Subject: Work Schedule

Are specific electoral wards affected? If yes, name(s) of ward(s):	☐ Yes ☒ No
Has consultation been carried out?	☒ Yes ☐ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes ☒ No
Will the decision be open for call-in?	☐ Yes ☒ No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	☐ Yes ☒ No

1. Purpose of this report

- 1.1 The purpose of this report is to consider the Scrutiny Board's work schedule for the remainder of the current municipal year.

2. Background information

- 2.1 All Scrutiny Boards are required to determine and manage their own work schedule for the municipal year. In doing so, the work schedule should not be considered a fixed and rigid schedule, it should be recognised as something that can be adapted and changed to reflect any new and emerging issues throughout the year; and also reflect any timetable issues that might occur from time to time.

3. Main issues

- 3.1 The latest iteration of the Board's work schedule is attached as Appendix 1 for consideration and agreement of the Scrutiny Board – subject to any identified and agreed amendments.
- 3.2 Traditional items of Scrutiny work have been incorporated into the work schedule, which involve recommendation tracking of work previously undertaken by the Children and Families Scrutiny Board; performance monitoring reports and any Budget and Policy Framework items.

- 3.3 Executive Board minutes from the meeting held on 12th February 2020 are also attached as Appendix 2. The Scrutiny Board is asked to consider and note the Executive Board minutes, insofar as they relate to the remit of the Scrutiny Board; and identify any matter where specific scrutiny activity may be warranted, and therefore subsequently incorporated into the work schedule.

Developing the work schedule

- 3.4 When considering any developments and/or modifications to the work schedule, effort should be undertaken to:
- Avoid unnecessary duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue.
 - Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.
 - Avoid pure “information items” except where that information is being received as part of a policy/scrutiny review.
 - Seek advice about available resources and relevant timings, taking into consideration the workload across the Scrutiny Boards and the type of Scrutiny taking place.
 - Build in sufficient flexibility to enable the consideration of urgent matters that may arise during the year.
- 3.5 In addition, in order to deliver the work schedule, the Board may need to take a flexible approach and undertake activities outside the formal schedule of meetings – such as working groups and site visits, where deemed appropriate. This flexible approach may also require additional formal meetings of the Scrutiny Board.

Developments since the previous Scrutiny Board meeting

- 3.6 There are no significant developments to report since the last meeting.

4. Consultation and engagement

- 4.1.1 The Vision for Scrutiny states that Scrutiny Boards should seek the advice of the Scrutiny officer, the relevant Director(s) and Executive Member(s) about available resources prior to agreeing items of work.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The Scrutiny Board Procedure Rules state that, where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include ‘to review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council’s Equality and Diversity Scheme’.

4.3 Council policies and the Best Council Plan

- 4.3.1 The terms of reference of the Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the best council objectives.

Climate Emergency

4.3.2 When considering areas of work, the Board is reminded that influencing climate change and sustainability now forms part of the Child Friendly Leeds portfolio area.

4.4 Resources, procurement and value for money

4.4.1 Experience has shown that the Scrutiny process is more effective and adds greater value if the Board seeks to minimise the number of substantial inquiries running at one time and focus its resources on one key issue at a time.

4.4.2 The Vision for Scrutiny, agreed by full Council also recognises that like all other Council functions, resources to support the Scrutiny function are under considerable pressure and that requests from Scrutiny Boards cannot always be met. Consequently, when establishing their work programmes Scrutiny Boards should:

- Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources;
- Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue;
- Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.

4.5 Legal implications, access to information, and call-in

4.5.1 This report has no specific legal implications.

4.6 Risk management

4.6.1 This report has no specific risk management implications.

5. Conclusions

5.1 All Scrutiny Boards are required to determine and manage their own work schedule for the municipal year. The latest iteration of the Board's work schedule is attached as Appendix 1 for consideration and agreement of the Scrutiny Board – subject to any identified and agreed amendments.

6. Recommendations

6.1 Members are asked to consider the matters outlined in this report and agree (or amend) the overall work schedule (as presented at Appendix 1) as the basis for the Board's work for the remainder of 2019/20.

7. Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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Scrutiny Board (Children and Families) Work Schedule for 2019/2020 Municipal Year

June	July	August
Meeting Agenda for 12th June 2019	Meeting Agenda for 3rd July 2019	No Scrutiny Board meeting scheduled.
Scrutiny Board Terms of Reference and Sources of Work (DB)	School Organisation Proposals and Objections Procedure (PRS)	
Performance Update (PM)	Financial Outturn 2018/19 (PM)	
School Organisation Proposals and Objections Procedure (PRS)	Scrutiny Inquiry - Is Leeds a child friendly city? – draft report (PSR)	
Working Group Meetings		
Site Visits		

Scrutiny Work Items Key:

PSR	Policy/Service Review	RT	Recommendation Tracking	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring	C	Consultation Response



Scrutiny Board (Children and Families) Work Schedule for 2019/2020 Municipal Year

September	October	November
Meeting Agenda for 25th September 2019	Meeting Agenda for 23th October 2019	Meeting Agenda for 27th November 2019
The 3As Strategy (PSR) SEND Inquiry (RT) Local Government and Social Care Ombudsman report on the provision of suitable education for a child absent from school due to anxiety (PSR) Post 16 Meadows Park Partnership (PSR)	School exclusion rates, elective home education and off-rolling in Leeds (PM) Inquiry into Child Poverty & 3As (RT) Draft Leeds Child Poverty Strategy (PDS)	Social, Emotional and Mental Health Support for Young People – An overview of the Local Transformation Plan for C&YP Mental Health and Wellbeing to determine potential areas for further scrutiny involvement (PSR) Scrutiny Inquiry - Is Leeds a child friendly city? – formal response (RT) Scrutiny Inquiry into Exclusions, Elective Home Education and Off-Rolling – draft terms of reference (PSR)
Working Group Meetings		
Site Visits		

Scrutiny Work Items Key:

PSR	Policy/Service Review	RT	Recommendation Tracking	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring	C	Consultation Response



Scrutiny Board (Children and Families) Work Schedule for 2019/2020 Municipal Year

December	January	February
No Scrutiny Board meeting scheduled.	Meeting Agenda for 22nd January 2020	Meeting Agenda for 5th February 2020
	Performance report including an update on the 3As Strategy (PM) Financial Health Monitoring (PSR) 2020/21 Initial Budget Proposals (PDS) Best Council Plan Refresh – Initial Proposals (PDS) An update on the Scrutiny Board's consideration of the Post 16 Meadows Park Partnership linked to the wider strategic review of Post-16 education in Leeds. Referral to Scrutiny – Inspection of Youth Justice Services in Leeds (PSR)	Scrutiny Inquiry into Exclusions, Elective Home Education and Off-Rolling – Session 1 (PSR)
Working Group Meetings		
	Post 16 Meadows Park Partnership – 14/1/20	Scrutiny Inquiry into Exclusions, EHE and Off-Rolling – Meeting with the Leeds Youth Council – 15/2/20
Site Visits		

Scrutiny Work Items Key:

PSR	Policy/Service Review	RT	Recommendation Tracking	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring	C	Consultation Response



Scrutiny Board (Children and Families) Work Schedule for 2019/2020 Municipal Year

March	April	May
Meeting Agenda for 4th March 2020	Meeting Agenda for 1st April 2020	No Scrutiny Board meeting scheduled.
Children Centres Inquiry (RT) Scrutiny Inquiry into Exclusions, Elective Home Education and Off-Rolling – Session 2 (PSR)	Scrutiny Inquiry into Exclusions, Elective Home Education and Off-Rolling - additional evidence session (PSR) The strategic review of Post-16 education in Leeds – update. Review of the circumstances and subsequent actions relating to the Ombudsman report on the provision of suitable education for a child absent from school due to anxiety – summary note of working group meeting (PSR)	
Working Group Meetings		
Review of the circumstances and subsequent actions relating to the Ombudsman report on the provision of suitable education for a child absent from school due to anxiety (PSR)		
Site Visits		

Scrutiny Work Items Key:

PSR	Policy/Service Review	RT	Recommendation Tracking	DB	Development Briefings
PDS	Pre-decision Scrutiny	PM	Performance Monitoring	C	Consultation Response

Work Items to be scheduled at a future meeting:

- Annual Standards Report, to include an update on the 3As Strategy
- Inspection of Youth Justice Services in Leeds
- Scrutiny Inquiry into Exclusions, Elective Home Education and Off-Rolling – Draft Report

EXECUTIVE BOARD

WEDNESDAY, 12TH FEBRUARY, 2020

PRESENT: Councillor J Blake in the Chair

Councillors A Carter, R Charlwood,
D Coupar, S Golton, J Lewis, L Mulherin,
J Pryor, M Rafique and F Venner

137 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) That Appendix 2 to the report entitled, 'Delivering the East of Otley Relief Road and Housing Allocation', referred to in Minute No. 140 be designated as being exempt from publication in accordance with paragraph 10.4(3) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that Appendix 2 contains information that sets out the principles of a Collaboration Agreement between the Council and developers which is yet to be fully agreed and contains information that is commercially sensitive, which relates to the financial or business affairs of third parties. It is therefore considered that it is in the public interest for this element of the report to be designated as being exempt from publication on the grounds as detailed above.

138 Declaration of Disclosable Pecuniary Interests

There were no Disclosable Pecuniary Interests declared at the meeting.

139 Minutes

RESOLVED – That the minutes of the previous meeting held on 7th January 2020 be approved as a correct record.

CLIMATE CHANGE, TRANSPORT AND SUSTAINABLE DEVELOPMENT

140 Delivering the East of Otley Relief Road and Housing Allocation

Further to the Minute No. 18, 26th June 2019, the Director of City Development submitted a report providing an update on the positive progress which had been made on the various strands of the East of Otley development project. Also, the report sought approval regarding the 'Authority to Spend' £2.245m to enable the completion of critical preliminary works, which would enable the full costing of the East of Otley Relief Road (EORR) scheme to take place, the submission of a planning application and the

Draft minutes to be approved at the meeting
to be held on Wednesday, 18th March, 2020

provision of essential information which would inform the Collaboration Agreement.

In presenting the submitted report, the Executive Member for Climate Change, Transport and Sustainable Development highlighted the level of affordable / social housing proposed as part of the development, together with details of the wider benefits for Otley town centre.

Officers responded to a Member's enquiries regarding the process for the drawdown of the Housing Infrastructure Fund grant, the associated development viability check and in relation to potential issues arising from the complexity of the project.

Responding to a specific enquiry regarding the potential impact upon sports pitches, it was emphasised that any development would require appropriate planning consent and in securing this, any replacement of pitch provision would need to be agreed with Sport England as a statutory consultee and also with the affected sports clubs.

Following the consideration of Appendix 2 to the submitted report, designated as being exempt from publication under the provisions of Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, and which included officers providing further information to the Board in response to Members' enquiries on the content of the exempt appendix, it was

RESOLVED –

- (a) That the continued positive progress which is being made on the East of Otley scheme, including entering into contract with Homes England for the Housing Infrastructure Fund, be noted;
- (b) That the proposed environmental measures to be implemented as part of the design and delivery of the EORR and the wider East of Otley development to help towards supporting the reduction of the climate impacts that the scheme may have, be noted;
- (c) That the drawdown of £2.245m from the Capital Programme (Scheme 33010) for the provision of funding to cover further fees and additional costs to progress the EORR project up to and through the planning process, be approved; and that the necessary Authority to Spend be delegated to the Director of City Development in consultation with the Executive Member for Climate Change, Transport and Sustainable Development; with it being noted that these costs will be recovered to the Capital Programme following the first drawdown of the Housing Infrastructure Fund grant in respect of the costs associated with the EORR or from the landowners via the Collaboration Agreement in respect of the costs incurred as part of the wider residential led mixed use scheme;

- (d) That the positive progress which has been made towards completing a Collaboration Agreement, as set out in exempt Appendix 2 to the submitted report, be noted, and that approval be given for the necessary authority to be delegated to the Director of City Development to enable the Director to enter into detailed terms with developers of the East of Otley site;
- (e) That the detail, as set out in exempt Appendix 2 to the submitted report in terms of potential claims for compensation under Part 1 of the Land Compensation Act 1973 (LCA 1973) and the Agricultural Holdings Act, be noted;
- (f) That the positive progress which has been made in relation to the disposal of the Council's land within the East of Otley allocation, be noted, and that the intention to enter into an Agreement with Persimmon Homes to facilitate the delivery of infrastructure and development at the East of Otley site also be noted;
- (g) That it be noted that the Head of Land and Property will be responsible for overseeing the detailed terms of the disposal and the agreement.

141 Connecting Leeds: Corn Exchange Gateway

The Director of City Development submitted a report which outlined the next steps for delivering the detail design and construction of the Corn Exchange Gateway as part of the 'Connecting Leeds' programme, and which sought specific approvals regarding injections into the 'Connecting Leeds' programme and the associated authorisation of expenditure.

Responding to a Member's enquiry, it was acknowledged that a level of disruption was being experienced as a result of the work being undertaken in the city centre, however, the multi-agency approach being taken to mitigate such disruption was highlighted. The importance of an effective communications strategy was emphasised, with assurance also being provided that liaison continued to be undertaken with bus operators on such matters.

Also in response to a Member's enquiry, the Board was provided with further information regarding the traditional Department for Transport (DfT) methodologies used when appraising such projects, with it being noted that liaison continued to take place with colleagues in the West Yorkshire Combined Authority appraisal team and also with the DfT. It was highlighted that representations were being made to the DfT regarding the need for appraisal methods to give appropriate recognition to the different modes of transport and active travel provision that cities such as Leeds were aiming for.

Emphasis was also placed on the importance of ensuring that robust enforcement mechanisms were put in place to maintain the transport systems which were established in the city centre via schemes such as this in order to maximise the benefit for those using them.

In conclusion, the Executive Member for Climate Change, Transport and Sustainable Development highlighted that a number of funding streams affecting projects in the city centre had tight timescales, and although work was ongoing to minimise levels of disruption wherever possible, such timescales did create challenges and meant that it was necessary for some projects to be progressed at the same time.

RESOLVED –

- (a) That the progress which has been made since April 2016 in developing the programme of schemes for construction benefiting from the 'Connecting Leeds' funding, together with the subsequent public consultation responses, be noted;
- (b) That the injection of £6.1m from the City Centre Package programme (funded by the West Yorkshire plus Transport Fund) into the 'Connecting Leeds' programme, for the design and delivery of the Meadow Lane aspect of the Corn Exchange Gateway Scheme and its associated linkages into the city centre core, be approved;
- (c) That the injections of S106 Developer contributions of £905,564 for the Corn Exchange Gateway scheme, be approved;
- (d) That expenditure of £21.5m from the 'Connecting Leeds' Capital Programme, which will be used to carry out detail design and construction of the Corn Exchange Gateway, be authorised;
- (e) That it be noted, that subject to consultation with the Executive Member for Climate Change, Transport and Sustainable Development, the Chief Officer, Highways and Transportation will approve the final version of the designs for construction;
- (f) That it be noted that the public realm proposals for the Corn Exchange will also be subject to further approval when such proposals have been refined and developed.

HEALTH, WELLBEING AND ADULTS

142 The Quality of CQC Regulated Services operating in the Leeds City Council boundary

The Director of Adults and Health submitted a report detailing the progress which had been made in achieving and sustaining an improved trend in the quality of regulated services operating within the Council boundary. In addition, the report set out the work which was being undertaken within the Adults and Health directorate and with wider partners to ensure improvements in the quality of services were being maintained and provided details of the Care Quality Commission (CQC) inspection outcomes for social care providers since 2017.

Members welcomed the content of the submitted report, with emphasis being placed upon the need to continue to promote and embed good practice in

such services. A Member also specifically highlighted the positive work being undertaken in respect of Home Care provision.

In conclusion, on behalf of the Board, officers undertook to thank those teams who had been involved in the supportive actions taken to improve the quality of care provided in the independent sector.

RESOLVED –

- (a) That the steady improvement made in the quality of the regulated care sector as a result of the Council's focused action, be noted;
- (b) That it be noted that the Best Council Plan target of 80% of all CQC regulated care services be rated as 'Good' or 'Outstanding' has now been met and exceeded;
- (c) That it be noted that the Deputy Director of Integrated Commissioning will be responsible for continuing the work throughout the next year, with partners, to raise the quality of regulated adult social care services in the city;
- (d) That on behalf of the Board, officers be requested to thank those teams who have been involved in the supportive actions taken to improve the quality of care provided in the independent sector.

CHILDREN AND FAMILIES

143 Director of Children and Families

On behalf of the Board, the Chair welcomed Sal Tariq OBE to the meeting, as it was his first attendance at Executive Board following his recent appointment as Director of Children and Families.

144 Child Friendly Leeds Annual Report

The Director of Children and Families submitted a report which provided an update on the key areas of work currently being undertaken by the Child Friendly Leeds team.

In presenting the submitted report, the Executive Member for Children and Families provided further detail on a number of the initiatives being undertaken as part of Child Friendly Leeds, highlighted the role of the Child Friendly Ambassadors across the city and referenced the award for Public Services which had been presented to the Council at the National Leadership Forum for the Child Friendly Leeds city centre initiative.

Also, it was noted that the Director of Children and Families was scheduled to submit a report to the March 2020 Executive Board presenting statistical information regarding Looked after Children in Leeds.

Responding to a Member's enquiry, the Board was provided with further information regarding the Child Friendly Leeds ethos which, via a cross-directorate and multi-sector approach, aimed to improve outcomes for all

children and young people across the city, with additional focus being placed on those who were from disadvantaged backgrounds.

In response to a Member's request, officers undertook to provide Executive Members with further statistical information regarding those children and young people who were benefitting from the range of initiatives delivered as part of Child Friendly Leeds.

RESOLVED –

- (a) That the progress which has been made since 2012 on the ambition for Leeds to be a Child Friendly City, be supported;
- (b) That the work which has been developed in supporting the role and remit of the Corporate Parenting Board in terms of enriching the lives of children and young people in care and care leavers, be supported;
- (c) That the work of the Child Friendly Leeds team and the focus of the team on achieving the Council's Child Friendly ambitions, be supported;
- (d) That the partnership approach being adopted by the Child Friendly Leeds team and its partners to enhance the life experiences of children in care and care leavers through the development of an 'enrichment offer', be endorsed;
- (e) That the Enrichment Newsletter, as appended to the submitted report, which provides a more in depth understanding of the enrichment offer as it evolves, be noted;
- (f) That the broader impact which the development of the ambition has had on the Council's capacity to make progress in terms of the obsessions and priorities regarding children and families services, as expressed in the Council's Children and Young People's Plan, be supported;
- (g) That further statistical information regarding those children and young people who are benefitting from the range of initiatives delivered as part of Child Friendly Leeds be provided to Executive Members in due course.

145 Approval to Spend for the Refurbishment of the former Burley Park PRU to Support Early Years Provision and LCC Office Space

The Director of Children and Families and the Director of City Development submitted a joint report presenting the background to, and proposals regarding the refurbishment of the former Burley Park Pupil Referral Unit (PRU), and which sought authority for Capital expenditure to facilitate the construction work and for the associated fees to facilitate the refurbishment.

Members welcomed the proposals detailed within the submitted report.

RESOLVED –

- (a) That capital expenditure for the sum of £1,800,000 from Capital Scheme number 33043/000/000 for the construction work and associated fees to facilitate the refurbishment of the vacant Burley Park PRU building, be authorised, with it being noted that this sum includes the value for the refurbishment of both the nursery provision and the Leeds City Council office space together with a client held contingency commensurate with a project of this size and complexity;
- (b) That it be noted that the Asset Management and Regeneration team will be responsible for the implementation of the works as described in the submitted report;
- (c) That approval be given for Shire View to be declared as surplus to the Council's requirements.

LEARNING, SKILLS AND EMPLOYMENT

146 Determination of School Admissions Arrangements for 2021/22

The Director of Children and Families submitted a report which sought approval of the Local Authority Admissions Policy and Admissions arrangements for entry to voluntary controlled and community schools in September 2021.

Responding to a Member's enquiry regarding the high demand for secondary school places in North Leeds, the Board received further information on how such demand was linked to levels of provision in other parts of the city, with details being provided on the actions being taken to manage the situation as a whole.

RESOLVED –

- (a) That in determining the school admissions arrangements for 2021, the admissions policies for the Leeds Community and Voluntary Controlled Primary and Secondary schools, as detailed at Appendices A and B to the submitted report, be approved, with approval also being given to the one year reduction in the Published Admission Number (PAN) of Roundhay All Through School (secondary site) to 210 for 2021;
- (b) That the following be noted:-
 - (i) That the Published Admission Number (PAN) of Allerton High School has been permanently increased from 189 to 220;
 - (ii) That there are no changes to the admission policy for Primary and Junior schools;
 - (iii) The Co-ordinated schemes for admissions arrangements for entry in September 2021, as detailed at Appendices C and D to the submitted report, and that there are no changes to the 2020 arrangements other than updates to timelines and to some minor wording to ensure procedural accuracy;

- (c) That the resolutions of the Board in respect of this submitted report, as detailed within this minute, be exempted from the Call In process, for those reasons as set out in paragraph 4.5.2 of the submitted report;
- (d) That it be noted that the officer responsible for the implementation of such matters is the Lead for Admissions and Family Information Service, and that the date for implementation (i.e. determination of the policies) is no later than 28 February 2020, with the policy being published by 15 March 2020.

(The Council's Executive and Decision Making Procedure Rules state that a decision may be declared as being exempt from the Call In process by the decision taker if it is considered that any delay would seriously prejudice the Council's, or the public's interests. In line with this, the resolutions contained within this minute were exempted from the Call In process, as per resolution (c) above, and for the reasons as detailed within section 4.5.2 of the submitted report)

147 Outcome of consultation and request to approve funding to permanently increase learning places at Allerton Grange School from September 2021

The Director of Children and Families submitted a report presenting the outcome of a consultation exercise regarding a proposal to expand secondary school provision at Allerton Grange School and which sought a decision to fund the delivery of a scheme to create the additional learning places required.

RESOLVED –

- (a) That the publication of a Statutory Notice on a proposal to permanently expand secondary provision at Allerton Grange School from a capacity of 1200 pupils to 1500 pupils in years 7 to 11, with an increase in the admission number from 240 to 300 and with effect from September 2021, be approved;
- (b) That provisional approval for Authority to Spend (ATS) of £4.8m (based on a Department for Education (DfE) funding rate of £16,056 per new secondary place) to deliver the proposed permanent expansion of Allerton Grange School, be granted;
- (c) That it be noted that the implementation of the proposal is subject to funding being agreed based upon the outcome of further detailed design work and planning applications, as indicated at sections 4.4.1 and 4.4.3 of the submitted report, with it also being noted that the proposal has been brought forward in time for places to be delivered for 2021;
- (d) That it be noted that the responsible officer for the implementation of such matters is the Head of Learning Systems.

148 Outcome of consultation to establish a new specialist free school in Headingley from September 2021

Further to Minute No. 107, 25th November 2019, the Director of Children and Families submitted a report presenting the outcome of the consultation exercise undertaken regarding a proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley, and which sought permission to launch the competition stage of the free school presumption process in order to identify a preferred sponsor to run the new school.

RESOLVED –

- (a) That the outcome of the consultation exercise undertaken on the proposal to establish a new 150-place specialist free school for children and young people aged 4-16 at Rose Court, Buckingham Road, Headingley, be noted;
- (b) That the commencement of a free school presumption process under the terms as set out in the Education and Inspections Act 2006 (section 6A), which allows the Local Authority to launch a competition seeking to identify a preferred sponsor to run the new free school, be approved;
- (c) That it be noted that the responsible officer for the implementation of such matters is the Head of Learning Systems.

COMMUNITIES

149 Addressing Food Poverty in Leeds: Ensuring Residents have Access to Affordable, Nutritious Food

The Director of Communities and Environment and the Director of Adults and Health submitted a joint report presenting information regarding the current position in respect of food poverty in the city and which outlined a number of areas in which the Council was working with partners in the voluntary, health and private sectors to address this issue.

RESOLVED –

- (a) That the work undertaken to tackle food poverty and insecurity, as set out within the submitted report, be noted, and that the partnerships and joint working established to support families out of poverty, be acknowledged;
- (b) That the work of the Leeds Food Partnership be endorsed, with it being noted that this group helped Leeds achieve the Bronze Sustainable Food Cities Award in 2019 and is working on an action plan for partners across the city to achieve the Silver Sustainable Food Cities award in 2021;
- (c) That the concerns around residents' ability to access a reliable and sustainable quantity of affordable, nutritious food, as outlined in the submitted report, be noted, together with the ways in which the Council

and partners can do more to improve co-ordination, awareness and access to food provision.

150 Director of Public Health

On behalf of the Board, the Chair paid tribute to and extended her thanks to Dr. Ian Cameron, as he was attending his final Board meeting prior to retiring from his position as Director of Public Health.

INCLUSIVE GROWTH AND CULTURE

151 2020/21 Revenue Budget and Council Tax report, including reports on the Capital Programme and Treasury Management Strategy

Further to Minute No. 128, 7th January 2020, the Chief Officer, Financial Services, submitted a suite of reports regarding: proposals for the City Council's Revenue Budget for 2020/21 and the Leeds element of the Council Tax to be levied during the same period; proposals regarding an updated Capital Programme for 2020-2024 and also a proposed updated Treasury Management Strategy for 2020/21.

(A) 2020/21 Revenue Budget and Council Tax

RESOLVED -

- (a) That Council be recommended to note the recommendation of the Council's statutory officer (the Chief Officer – Financial Services) that the proposed budget for 2020/21 is robust and that the proposed level of reserves is adequate, as set out at Section 12 of the submitted report;
- (b) That Executive Board recommends to Council the adoption of the following:-
 - (i) That the revenue budget for 2020/21 totalling £525.7m, be approved. This means that the Leeds element of the Council Tax for 2020/21 will increase by 1.99% plus the Adult Social Care precept of 2%. This excludes the Police and Fire precepts which will be incorporated into the report to be submitted to Council on the 26th February 2020;
 - (ii) That approval be given to grants totalling £65.7k to be allocated to parishes;
 - (iii) That approval be given to the strategy at Appendix 9 of the submitted report in respect of the flexible use of capital receipts;
 - (iv) That in respect of the Housing Revenue Account, Council be recommended to approve the budget with:-
 - An increase of 2.7% (CPI+1%) in dwelling rents;
 - A 2.4% RPI increase in charges for all District Heating schemes;
 - The service charges for low/medium and multi-storey flats being increased by RPI of 2.4%;
 - The charge for tenants who benefit from the sheltered support service being increased to £14.71 per week to

- reflect full cost recovery. The charge being eligible for Housing Benefit;
 - The subsidy for tenants who are not eligible for benefits but receive the sheltered support service being set at £4.71 per week. Therefore the amount payable by these tenants will increase from £8 per week to £10 per week;
 - Any overall increase to tenants in respect of rents, service and sheltered support being no more than £3.50 per week.
- (v) That in respect of the Schools Budget, approval be given to the High Needs Block budget for 2020/21, as set out in paragraph 5 of the Schools Budget Report as detailed at Appendix 8 of the submitted report;
- (c) That Executive Board's approval be given to authorise officers to grant relief against business rates liability in line with Business Rates Information Letter (1/2020), for which the Council will be fully compensated for any loss of income;
- (d) That Executive Board's thanks be conveyed to Scrutiny Boards for the comments and observations made as part of Scrutiny's consideration of the Council's Initial Budget Proposals.

(B) Capital Programme Update 2020 – 2024

RESOLVED –

- (a) That Executive Board recommends to Council:
- (i) the approval of the Capital Programme for 2020-2024 totalling £2,009.9m, including the revised projected position for 2019/20, as presented in **Appendix A** to the submitted report;
 - (ii) the approval of the MRP policy statement for 2020/21 as set out in **Appendix C** to the submitted report; and
 - (iii) the approval of the Capital and Investment Strategy as set out in **Appendix D** to the submitted report;
- (b) That Executive Board approval be given to the following injections into the Capital Programme:-
- £146.0m of annual programme injections as set out in **Appendix A(iii)** and listed at **Appendix A(iv)** of the submitted report, to be funded by £129.7m Leeds City Council borrowing and £16.3m of specific resources;
 - £75.9m of major programme injections, as set out in **Appendix A(iii)** and listed at **Appendix A(iv)** of the submitted report, to be funded by £54.1m Leeds City Council borrowing and £21.8m of specific resources;
 - £322.2m of other injections, primarily relating to the roll forward of the HRA Programme and annual capital grant allocations, as set out in **Appendix A(iii)** of the submitted report, to be fully funded by specific resources.

- (c) That it be noted that the above resolutions to inject funding of £544.1m will be implemented by the Chief Officer (Financial Services).

(C) Treasury Management Strategy 2020/21

Members extended their thanks to finance officers for the work that had been undertaken in the re-profiling of the Authority's borrowing, with the financial benefits for the Council being noted.

Responding to a Member's request for further information on the London Inter Bank Overnight Rate (LIBOR) dispute as referenced within the submitted report, officers undertook to provide the Member in question with a separate briefing on such matters.

RESOLVED -

- (a) That the Treasury Strategy for 2020/21, as set out in Section 3.3 of the submitted report be approved by the Executive Board, and that the review of the 2019/20 strategy and operations, as set out in Sections 3.1 and 3.2, be noted;
- (b) That the proposals for forward funding, as detailed in 3.3.6 to 3.3.9 of the submitted report, be noted by Executive Board;
- (c) That full Council be recommended to set the borrowing limits for 2019/20, 2020/21, 2021/22 and 2022/23, as detailed in Section 3.4 of the submitted report and to note the changes to both the Operational Boundary and the Authorised limits;
- (d) That full Council be recommended to set the treasury management indicators for 2019/20, 2020/21, 2021/22 and 2022/23, as detailed in Section 3.5 of the submitted report;
- (e) That full Council be recommended to set the investment limits for 2019/20, 2020/21, 2021/22 and 2022/23, as detailed in Section 3.6 of the submitted report.

(The matters referred to in Minute Nos. 151 (A)(a) – 151(A)(b)(v) (Revenue Budget and Council Tax); 151(B)(a)(i) – 151(B)(a)(iii) (Capital Programme) and 151(C)(c) – 151(C)(e) (Treasury Management Strategy), given that they were decisions being made in accordance with the Budget and Policy Framework Procedure Rules, were not eligible for Call In)

(Under the provisions of Council Procedure Rule 16.5, Councillors A Carter and S Golton both required it to be recorded that they respectively abstained from voting on the decisions referred to within this minute)

RESOURCES

152 Best Council Plan 2020 to 2025

Further to Minute No. 131, 7th January 2020, the Director of Resources and Housing submitted a report presenting the Best Council Plan for 2020 to 2025 for the Board's consideration and approval that it be recommended for adoption by Council on 26th February 2020.

RESOLVED –

- (a) That full Council be recommended to adopt the Best Council Plan 2020 to 2025, as detailed at annexe 1 to the submitted report, at its meeting on 26th February 2020;
- (b) That Scrutiny Boards and others be thanked for their comments throughout the development and consultation processes which have informed the proposed Plan;
- (c) That, subject to the Best Council Plan being adopted by Council on 26th February 2020, it be noted that further development and graphic design work will take place prior to the publication and launch of the Best Council Plan 2020 to 2025 around 1st April 2020.

(The matters referred to within this minute, given that they were decisions being made in accordance with the Budget and Policy Framework Procedure Rules, were not eligible for Call In)

153 Financial Health Monitoring 2019/20 – Month 9 (December)

The Chief Officer (Financial Services) submitted a report which presented the Council's projected financial health position for 2019/20 as at Month 9 (December 2019) of the financial year.

Responding to a Member's enquiry, the Board received further information on the causal factors regarding the deficit position in respect of the Business Rates Collection Fund, as at month 9 of the financial year, together with the actions being taken to correct the position in future years.

In response to a Member's enquiry on the Council's current underspend regarding the Early Years block of the Dedicated School Grant (DSG), the Board received further information on how the underspend occurred, which related to the disparity between how the Government calculated funding and the payments made by the Council. Also, it was noted that given the underspend, consideration was being given to potentially increasing the hourly rate paid in 2020/21 to childcare providers in the city. However, it was also noted that the Council was permitted to use DSG block underspends to offset over-spending blocks, and as such the correct balance needed to be struck.

RESOLVED –

- (a) That the projected financial position of the Authority as detailed within the submitted report, as at Month 9 of the 2019/20 financial year, be noted;
- (b) That with regard to the risk that the budgeted level of capital receipts may not be receivable in 2019/20, the progress which has been made to date and the fact that work is ongoing to identify budget savings proposals which will contribute towards the delivery of a balanced budget position in 2019/20, be noted.

154 North and West Yorkshire Business Rates Pool

The Chief Officer (Financial Services) submitted a report which provided an update on the successful application for a new 2020/21 North and West Yorkshire 50% Retention Business Rates Levy Pool and which sought agreement to: the formation of a new Joint Committee to oversee that Pool; the associated governance arrangements and also the Leader's position on the Joint Committee.

RESOLVED –

- (a) That the update on the new 2020/21 North and West Yorkshire Business Rates Pool, as detailed within the submitted report, be noted;
- (b) That the revoking of the 2019/20 North and West Yorkshire 75% Retention Business Rates Pool on 31st March 2020 be noted, and that agreement be provided to disband the current North and West Yorkshire Pool Joint Committee on the same date;
- (c) That agreement be given to appoint the Leader to a new Joint Committee to oversee the new 2020/21 North and West Yorkshire Business Rates Pool, with such a Joint Committee consisting of the Leaders of the Authorities as specified in paragraph 3.3.3 of the submitted report and to have the Terms of Reference as set out in Appendix C;
- (d) That the Memorandum of Understanding for the 2020/21 North and West Yorkshire Business Rates Pool, as presented at Appendix B to the submitted report, be noted and agreed;
- (e) That the Terms of Reference for the 2020/21 North and West Yorkshire Business Rates Pool Joint Committee, as presented at Appendix C to the submitted report, be noted and approved;
- (f) That the City Solicitor be delegated with the necessary authority to seek the formal agreement of the other 12 members of the Pool to the new arrangements.

DATE OF PUBLICATION: FRIDAY, 14TH FEBRUARY 2020

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 5.00 P.M., FRIDAY 21ST FEBRUARY 2020

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