

SCRUTINY BOARD (CHILDREN AND FAMILIES)

EXCLUSIONS, ELECTIVE HOME EDUCATION AND OFF-ROLLING

TERMS OF REFERENCE

1.0 Introduction

- 1.1 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.
- 1.2 The Scrutiny Board noted that the Government had commissioned Edward Timpson, the former Minister of Children, to undertake a review of exclusions in England due to concerns about the rate of exclusion, which had increased each year from 2014, as well as concerns that particular groups of children were more likely to be excluded.
- 1.3 The Timpson review recognised exclusion – both fixed period and permanent – as an important tool for head teachers as part of an effective approach to behaviour management. However, the roots of challenging behaviour have long been debated by educational experts and remains a complex matter. The Timpson review acknowledges this and therefore covers both the need for effective behaviour management in schools (to establish and maintain high expectations) and the need to understand and respond to individual children (so they are supported to meet those expectations).
- 1.4 In particular, it recognises that more could be done to support schools to understand and respond to individual children – particularly children with SEN, children in need of additional help and protection and children who are disadvantaged – who may need additional support and who might otherwise find themselves at risk of exclusion. Emphasis is also placed around taking the necessary steps to ensure exclusion from school does not mean exclusion from education, so that all children are getting the education they deserve.
- 1.5 This national review of exclusions also found that in addition to variations in the way schools use exclusion, there was a small minority of schools 'off-rolling'. While there is no legal definition of off-rolling, the definition provided by Ofsted is *'The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil'*.

- 1.6 The issue of 'off-rolling' had also been highlighted in a report produced by the Children's Commissioner for England, Anne Longfield, entitled "Skipping School: Invisible Children - How children disappear from England's schools" (2019). This report primarily focuses on the increase in Elective Home Education (EHE), where a parent decides to remove their child from school and educate them at home. It states that the number of children and young people educated at home has increased by about 20% in each of the last five years and has doubled since 2013/14.
- 1.7 The Children's Commissioner found that whilst for many parents and children the decision to home educate was a positive choice, for others the decision was made because they did not feel that their children's needs were being met in mainstream education and in some cases parents felt pressured to remove their child from school to avoid exclusion and/or avoid attendance prosecution. The Commissioner's report states *'There are clear indications that the growth in home education is related to the rise in children leaving school due to their needs being unmet. Local authorities say the main reasons children in their area are being home educated are "general dissatisfaction with the school" and "health/emotional reasons". Ofsted's Chief Inspector Amanda Spielman has warned that there is a lot of anecdotal evidence that parents are also home educating their children under duress, because they are being encouraged to do so by the school, or because they want to keep the child out of sight of the state.'*
- 1.8 In terms of impact, the Commissioner's report also notes that EHE pupils are four times as likely to end up classified as NEET – not in education, employment or training – once they reach 16.
- 1.9 In Leeds there has been an increase in EHE notifications in line with the national trend over the last 3 years. In the last year, the Council's EHE Team reported an increase where the child has free school meal eligibility and also collated information showing that more have had previous social care interventions. Linked to this, the Council's Learning Inclusion Team will take relevant action based on the analysis of the EHE data, including being active to challenge any apparent practice of off-rolling.
- 1.10 In relation to exclusions in particular, the Scrutiny Board was informed that as a result of local measures put in place during 2016/17, which included establishing a Social, Emotional and Mental Health (SEMH) Pathway Panel and Area Inclusion Partnerships, Leeds has remained in the first quartile nationally for permanent exclusions including being the 4th lowest at Secondary in 2017/18. In 2018/19 there were 32 notifications of permanent exclusion from Leeds schools and academies in that year. While 13 were confirmed at governor's panel meetings, 19 were withdrawn and other alternatives provided following support from the Area Inclusion Partnerships and SEMH Pathways Panel.

- 1.11 In relation to fixed term exclusions, it was noted that the picture in Leeds is similar to that found by Timpson nationally in that there has been a rise in fixed term exclusions over the past two years, with the majority of these being made by secondary schools. The local data revealed that there is also considerable variation in the use of fixed term exclusions by schools and that while some schools have been very successful in reducing fixed term exclusions and the length of fixed term exclusions over time, others have a consistent pattern of either high numbers or high average lengths.
- 1.12 However, the Scrutiny Board also acknowledged that such data does not reflect other associated factors such as internal exclusions or where schools have moved students permanently to an alternative provision so that they do not appear on the school roll. The data also does not reflect the knock on effect that fixed terms exclusions can have, including periods of internal isolation, reduced timetables and increased absence, as these are not currently reported to the Council.
- 1.13 The recent national reviews by Timpson and the Children's Commissioner made a number of recommendations to Government calling for significant improvement and reform. The outcome of the Timpson review was published in May 2019 and contained thirty recommendations for Government. These recommendations were shaped by a recognition that reducing exclusions and improving educational outcomes for those children and young people currently most vulnerable to exclusion requires jointed up approach by schools, and local authorities and partner agencies. His recommendations are grouped under 4 headings:
- Ambitious leadership: setting high expectations for every child
 - Equipping: giving schools the skills and capacity to deliver
 - Incentivising: creating the best conditions for every child
 - Safeguarding: ensuring no child misses out on education
- 1.14 As well as welcoming the national focus now surrounding the issue of exclusions, elective home education and off-rolling, the Scrutiny Board acknowledged the Council's own commitment towards addressing such matters as one of the eight priority areas within the new 3As Strategy. The Scrutiny Board therefore agreed to undertake further work to assist in the effective delivery of the Council's own Strategy, as well as exploring whether Leeds as a city will be in a position to respond effectively to any future reforms and expectations stemming from the recent national reviews by Timpson and the School Commissioner.

2.0 Scope of the inquiry

2.1 The purpose of the Inquiry is to make an assessment of and, where appropriate, make recommendations on the following areas:

- The data collated by the Council in relation to exclusions and EHE and any identified gaps that may need addressing;
- Methods of identifying and addressing the practice of off-rolling;
- The potential implications of any future reforms and expectations stemming from the recent national reviews by Timpson and the School Commissioner;
- Internal isolation approaches used by schools as a disciplinary measure;
- Examples of good practice locally in managing children identified as being at risk of exclusion and in reducing exclusion rates;
- The support available for schools in managing pupils who are at risk of exclusion, with particular reference to the role of local Area Inclusion Partnerships, and any identified gaps in this support;
- 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.

3.0 Desired Outcomes and Measures of Success

3.1 It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious and others may become apparent as the inquiry progresses and discussions take place.

3.2 However, the primary aim of this Inquiry is to assist in the effective delivery of the Council's 3As Strategy, with specific focus on the priority to reduce the number of children excluded or off-rolled from school. Linked to this, the Inquiry will also be exploring whether Leeds as a city will be in a position to respond effectively to any future reforms and expectations stemming from the recent national reviews by Timpson and the School Commissioner.

4.0 Comments of the relevant Director and Executive Member

4.1 In line with Scrutiny Board Procedure Rule 32, where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director and Executive Member on the terms of reference.

5.0 Timetable for the inquiry

- 5.1 The Inquiry will take place over two sessions and it is anticipated that the Scrutiny Board's report will be produced by April 2020.

6.0 Submission of evidence

6.1 Session one – Scrutiny Board Meeting – February 2020

To consider evidence in relation to the following:

- The data collated by the Council in relation to exclusions and EHE and any identified gaps that may need addressing;
- Methods of identifying and addressing the practice of off-rolling;
- The potential implications of any future reforms and expectations stemming from the recent national reviews by Timpson and the School Commissioner;
- Internal isolation approaches used by schools as a disciplinary measure;
- Examples of good practice locally in managing children identified as being at risk of exclusion and in reducing exclusion rates;
- The support available for schools in managing pupils who are at risk of exclusion, with particular reference to the role of local Area Inclusion Partnerships, and any identified gaps in this support.

6.2 Session two – Scrutiny Board Meeting – March 2020

To consider evidence in relation to 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.

6.3 Session three – Scrutiny Board Meeting – April 2020

To consider the Scrutiny Board's draft report for formal approval.

7.0 Witnesses

- 7.1 The following have been identified as possible contributors to the inquiry, however others may be identified during the course of the inquiry:

- Executive Member for Learning, Skills and Employment
- Director of Children and Families
- Deputy Director for Learning
- Head of Learning Inclusion
- Representation from the SEMH Pathways Panel and the Area Inclusion Partnerships
- Head Teacher representation from local primary and secondary schools (local authority and academy schools)
- Governor representation from local primary and secondary schools
- Senior representation from local Multi-Academy Trusts

8.0 Equality and Diversity / Cohesion and Integration

- 8.1 The Equality Improvement Priorities have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve it's ambition to be the best City in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.
- 8.2 Equality and diversity will be a consideration throughout the Scrutiny Inquiry and due regard will be given to equality through the use of evidence, written and verbal, outcomes from consultation and engagement activities.
- 8.3 The Scrutiny Board may engage and involve interested groups and individuals (both internal and external to the council) to inform recommendations.
- 8.4 Where an impact has been identified this will be reflected in the final inquiry report, post inquiry. Where a Scrutiny Board recommendation is agreed the individual, organisation or group responsible for implementation or delivery should give due regard to equality and diversity, conducting impact assessments where it is deemed appropriate.

9.0 Post inquiry report monitoring arrangements

- 9.1 Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored.
- 9.2 The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.