# Scrutiny Board (Children and Families)
# Inquiry into Exclusions, Elective Home Education and Off-rolling
# Summary of evidence to-date (September 2020)

## 1.0 Background

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 (EHE) numbers, as well as reflecting the position in Leeds linked to school based data.

1.2 The Board particularly acknowledged the national focus surrounding the issue of exclusions, EHE and off-rolling, which stemmed from the findings of national reviews undertaken by the former Minister of Children, Edward Timpson, and the Children's Commissioner, Anne Longfield.

1.3 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'*.

1.4 As well as welcoming the national focus 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.

1.5 Having agreed the terms of reference for this Inquiry in November 2019, the Board held two evidence gathering sessions during February and March 2020. While a further evidence session was being planned for April, the Board had also acknowledged the need to continue its Inquiry into the next municipal year too.

1.6 However, on 16 March 2020, in light of the Covid-19 pandemic, the Council took the necessary step to cancel a number of planned meetings of various Committees, Boards and Panels. This included all Scrutiny Board meetings and any joint scrutiny arrangements where the Council acts as the lead authority.

1.7 With Council services focused on the urgent pandemic response and subsequent city recovery plan, the usual collaborative process of annual work programming for Scrutiny Boards was suspended. As public meetings of Scrutiny Boards began to recommence in June 2020, albeit remotely, each

Board focused its attention on the ongoing progress made by the council working with partners and communities in response to the unprecedented COVID-19 pandemic.

1.8 Throughout the 2020/21 municipal year, the Children and Families Scrutiny Board will be continuing to focus its attention on how the Council and its partners are working collaboratively to support all children and their families during such an unprecedented and difficult period. This has therefore resulted in the Board's Inquiry work being temporarily paused.

1.9 This summary of evidence document has been produced to reflect the position reached by the Scrutiny Board as part of this Inquiry and will also be a helpful reference document when the Board's Inquiry work does resume.

## 2.0 Summary of evidence provided to the Scrutiny Board

2.1 *Session one – Scrutiny Board Meeting – 5th February 2020*

2.2 The following information was reported to the Board:

- 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

2.3 The following key areas were covered during this session:

- 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.

2.4 *Visit/working group meeting with the Leeds Youth Council*

A number of representatives of the Scrutiny Board took part in focus group discussions with the Leeds Youth Council on Saturday 15th February 2020. Feedback from this visit was relayed to the full Board during its meeting on 4th March 2020.

2.5 *Session two – Scrutiny Board Meeting – 4th March 2020*

2.6 The following information was reported to the Board:

- Training and support from Leeds City Council
- 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
- Report of the Children's Commissioner. Exclusions. Children excluded from mainstream schools – May 2019

2.7 The following key areas were covered during this session:

- 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 Summary of key issues raised during the inquiry sessions

3.1 *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.

3.2 *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.

3.3 *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.

3.4 *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.

3.5 *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.

3.6 *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.

3.7 *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.

3.8 *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.

3.9 *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.

3.10 *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.

3.11 *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.

*Feedback from the Leeds Youth Council visit.*

3.12 It was noted that while many of the young people who took part in the focus groups had not necessarily experienced being formally excluded, they still had particular strong views surrounding the use of internal exclusions and isolations.

3.13 There was consensus amongst the young people that schools needed to have appropriate enforcement measures to deal with disruptive pupil behaviour. However, many felt that the use of internal exclusion was not being applied appropriately and would often be used as a sanction for minor offences, such as forgetting planners or not correctly adhering to the school's uniform code. Consequently those pupils would then miss their daily lessons.

3.14 The young people felt that more teachers would benefit from having mental health training to help them identify and deal more effectively with issues affecting pupils' behaviour.

3.15 The Board discussed the need to strengthen teacher training programmes in terms of having a greater emphasis around child development and how biological factors, such as puberty, can particularly affect behaviours.

3.16 Linked to this, the Board also emphasised the importance of schools taking a more holistic approach towards tackling behavioural issues to help identify any potential underlying issues, such as having a troubled home life; being a young carer; or having underlying health conditions.

3.17 The Board felt that schools should be reviewing their approach when repeated sanctions are being applied to particular pupils with no remedial affect.

3.18 The Board was informed that further work was being undertaken with the Council's Voice and Influence Team to support the Children and Families Learning Inclusions with capturing the voice of excluded young people more effectively.

3.19 The Board expressed an interest to hear directly from young people who had experienced exclusion. Linked to this, it was acknowledged that the Chair had already been approached by the Principal of Leeds City College to facilitate a visit to the 14-16 Academy at Leeds City College for Members of the Scrutiny Board to speak with students regarding their experience of mainstream school.

*Reflecting on the role of School Governors*

3.20 The Chair invited those Board Members with Governor responsibilities to share their own personal experiences regarding the provision of training received, their role in monitoring school exclusions and challenging head teachers on their strategies for reducing exclusions.

3.21 There was variable experiences shared by those Board Members with Governing responsibilities in terms of the level of training provided and their involvement in Exclusion Panel meetings.

3.22 Members highlighted the importance of receiving consistent information and training across all schools in terms of exclusions.

3.23 It was noted that while the guidance set out in the DfE document was helpful to Governors, it was also legally technical. As such, the Board felt that appropriate training surrounding this guidance should be applied to Governors in preparation of them being asked to take part in any Exclusion Panel meetings.

3.24 Members were informed that the next planned training session on behaviour and graduated approach to behaviour will be run by a Senior Educational Psychologist on 31st March 2020, and that the next training session around exclusion processes, which is offered once a year, is scheduled for 29th April 2020.

3.25 The Deputy Director for Learning explained that although there is no formal mechanism for reporting internal exclusions, governors are encouraged to request this information in order to monitor trends in detentions and exclusions, as well as providing effective challenge where there are particular repeated incidents.

3.26 It was felt that Governors should also be empowered and supported to challenge schools in terms of the information its provides to parents and carers regarding their rights surrounding fixed and permanent exclusions, and the advocacy and support that is in place for them to access.

## 4.0 Additional evidence gathering sessions impacted by the Covid-19 pandemic.

4.1 While the Board had already acknowledged in March 2020 that its Inquiry work would need to continue into the next municipal year, arrangements had been made to hold a further evidence gathering session at its meeting on 1st April 2020.

4.2 The primary purpose of the session in April 2020 was to consider the research findings of the RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) who had undertaken its own research on school exclusions, with Leeds City Council and local schools being key partners in this research project. The Board was informed that the findings of this research would be reflected in a report of the RSA, expected to be available on 16th March 2020. The RSA had also arranged to launch its report as part of a joint free event in Leeds on 19th March 2020 and so Scrutiny Board representatives were also invited to express an interest in attending this event.

4.3 However, both the RSA event and the Scrutiny Board's meeting on 1st April had been cancelled due to the Covid-19 pandemic.

4.4 The pandemic emergency had also impacted on the Scrutiny Board's plans to undertake survey work with local Head Teachers and Chair of Governors, as well as arrangements to undertake a visit to the Leeds City College 14-16 Academy.