



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE : 5th
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FORGOTTEN CHILDREN: ALTERNATIVE PROVISION AND THE SCANDAL OF
EVER INCREASING EXCLUSIONS – HOUSE OF COMMONS EDUCATION
COMMITTEE REPORT JULY 2018

SUMMARY OF REPORT AND LEICESTERSHIRE CHILDREN AND FAMILIES
SERVICE DEPARTMENT UPDATE

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of report

1. The purpose of this report is to provide a summary of the House of Commons Education Committee report on the Forgotten Children: alternative provision and the scandal of ever increasing exclusions, along with the key recommendations.
2. The report sets out the Leicestershire Children and Families Service position up to the end of the academic year 2018, in relation to the findings and recommendations. The report also sets out the Children and Families Service department developments from September 2018 onwards for children in Leicestershire.

Policy Framework and Previous Decisions

3. An information report on Pupils Missing Education was submitted to the Children and Families Overview and Scrutiny Committee on 4 June 2018. This provided an update on the current position in Leicestershire in relation to Children Missing Education (CME), Elective Home Education (EHE) and Pupils Missing out on Education (PME), and provides data relevant to the context of the Forgotten Children report.

Background

Summary of the Forgotten Children: alternative provision and the scandal of ever increasing exclusions

4. The report highlights the rise in exclusions and pupils being educated in alternative provision (AP), and refers to alternative provisions as the forgotten part of the education system. Whilst there was a downward trend in exclusions from 2006/7 to 2012/13, the report notes a 40% increase in the past three years (from 2015). In October 2017, 6,685 pupils were reported as permanently excluded nationally (ibid).

5. Some children are more likely to be excluded when compared to others, for example children in care, children in need, children with special educational needs and disabilities (SEND) and children in poverty. In addition, the report notes that boys rather than girls are likely to be excluded, as are some ethnicities disproportionately represented in alternative provision.
6. Many pupils enter AP as a result of being excluded from school. Exclusions can be:
 - Permanent, where a pupil is unable to stay at their current school;
 - Temporary, where a pupil is not allowed to attend school for a certain number of days;
 - Internal, where a pupil is placed in isolation and segregated from the rest of the school.
7. Many pupils in alternative provision have not been excluded. These include:
 - Pupils who remain on the roll of their mainstream school, but attend AP full time;
 - Pupils who attend AP part time, alongside attending their mainstream school;
 - Pupils whose parents have been encouraged to take their child out of school voluntarily.
8. The report categorises the causes in the increase in exclusion and placement in AP in the following ways;
 - A lack of Early Intervention and Support, possibly due to a lack of expertise in schools that would allow them to identify problems, or a lack of financial resources.
 - An increase in mental health needs of school aged children and young people.
 - An increase in zero-tolerance behaviour policies, contributing to the rise in exclusions and increase in pupils attending alternative provision.
 - Off-rolling, the publishing of school league tables noting progress of pupils and a narrowing curriculum, which could be seen as a case for schools being made accountable for the future outcomes of past pupils.

Conclusion and recommendations from the Forgotten Children report

9. The report recognises that the current mixed economies of the school sector (maintained, academies, and trusts) can limit the powers of the local authority to have influence around exclusions rates in schools.
10. The report recommends that the Fair Access Protocols, which are in place to ensure vulnerable children and young people are found a school place quickly and fairly so that time out of school is as little as possible, are clearer and that local authorities should be given the appropriate power to ensure that a pupil receives the education they need, regardless of school status. Examples in the report show that disadvantaged students, such as children being looked after, may not be included in the criteria or that when a school is allocated it is used as a way to keep young people in alternative provision rather than re-

integrating them back in to school. The report suggests that no school should be able to opt out in this way and if necessary either the local authority or the DfE should have the power to direct a school to adhere to its local Fair Access Protocol.

11. The report recommends that legislation around exclusion should be amended in favour of pupils, including a recommendation that the Government should issue guidance to schools around their responsibilities to children under a treaty of obligations, or a Bill of Rights for pupils and their parents.
12. There should be a change to the weighting of Progress 8 scores, and schools should be responsible for the outcomes of all pupils who have been on their roll, which may reduce the action of exclusion on the part of the school.
13. Schools should publish their data linked to exclusion and off-rolling. The Government and Ofsted should also award schools with an inclusion measure to encourage inclusive practice.
14. The report recommends that there should be a dedicated senior officer post in all local authorities who has an oversight of all inclusion functions, which is sufficiently resourced, and protects the educational achievement of those at risk of exclusion from the school sector.

Leicestershire position

15. In June 2018, an information report was produced for the Children and Families Overview and Scrutiny Committee that shared Leicestershire's position in relation to Elective Home Education (EHE), Children Missing Education, and Pupils Missing out on Education.
16. Although the Forgotten Children Report did not consider elective home education, it did find, as part of the inquiry, that there was a concerning increase in the number of pupils being encouraged improperly, or without the necessary support, to be educated at home who should be educated and supported in the school system. At the time the Overview and Scrutiny information paper was produced there were 505 pupils considered as EHE.
17. The local authority has a duty under S.436A of the Education Act 1996, Children Not Receiving Suitable Education, to make arrangements to find out, as far as possible, that children are receiving suitable full-time education. Once established, local authorities currently have no specific statutory duty to monitor the quality of home education on a routine basis. To meet these requirements, the Children and Family Services Department currently commissions services to complete visits and monitor the educational attainment of children who are electively home educated.
18. The exclusion rates for the Leicestershire school sector remain low when compared to national data:-

	State-funded primary, state-funded secondary and special schools					
Permanent and fixed period exclusions by type of school 2016/17 England	Number of permanent exclusions (4)	Permanent exclusion rate (1)	Number of fixed period exclusions (4)	Fixed period exclusion rate (2)	Number of pupil enrolments with one or more fixed period exclusion (4)	One or more fixed period exclusion rate (3)
ENGLAND	7,720	0.10	381,865	4.76	183,475	2.29
Leicestershire	28	0.03	2,996	3.10	1,652	1.71

19. The pupils attending alternative provision in Leicestershire tend to fall in to four categories:
- Those attending Oakfield Short Stay School (Primary Pupil Referral Unit)
 - Those attending alternative provision via an agreement with the Secondary Education Inclusion Partnerships.
 - Those attending alternative provision via a referral to the department's children with medical needs team.
 - Those attending alternative provision via an individual school arrangement (no data is held as there is currently no requirement for the school to report this to the local authority).
20. Oakfield Short Stay School is a 30 place Primary Pupil Referral Unit in Leicestershire and is a local authority maintained alternative provision. Oakfield was judged as good by Ofsted in a Section 5 inspection in May 2014, and good in a Section 8 inspection in September 2017. The Oakfield provision operates an outreach offer which enables schools to access high quality advice and support, and provides schools with an alternative to exclusion. On occasions, children attend Oakfield full time on a dual registered basis, remaining the responsibility of the sending school. Children usually arrive at Oakfield with their needs appropriately assessed, which allows for a further period of assessment and learning in a specialist environment. This compares positively with the findings of the report.
21. Following attendance at Oakfield Short Stay School, children will frequently return back to the mainstream sector via a Graduated Response offer of support from skilled Oakfield staff, allowing for the provision to meet the needs of the pupil appropriately.
22. In the secondary school phase, the department commissions a partnership agreement to avoid permanent exclusion with all the secondary schools. Most secondary schools adhere to a "no permanent exclusion" policy, keeping those students who are out of school on roll. Schools sustain a commitment to reviewing their progress and achievement.
23. The secondary schools are shared between five Secondary Education Inclusion Partnerships (SEIP). The SEIP Agreement (and its Memorandum of Understanding signed by schools) makes clear that the responsibility for the

education of young people, who are out of school because of behaviour, remains with schools, working collectively through their Partnerships. The structure of all five Partnerships ensures that this is the case.

24. The local authority commissioning arrangements for the SEIP, which includes oversight by the appointed Steering Group, and the role of the local authority Head of Service for Education Quality and Inclusion, ensures the overview of exclusion and placement decisions at an appropriate level, which is in line with the recommendations of the report noted in Paragraphs 9-14 of this report.
25. Each SEIP offers advice to schools about good practice on behaviour management and alternatives to exclusion. Each SEIP uses AP when all other strategies to support inclusion have been exhausted. The SEIPs hold a list of AP, and conduct annual audits and regular quality assurance visits. When a young person attends at an AP, they still remain on the roll of their sending school, which also conducts quality assurance visits to the AP.
26. Fair Access arrangements work well in the secondary school sector, as schools meet together to discuss cases and negotiate the most appropriate school for the child to attend as part of the SEIP infrastructure, but this is less so embedded in the primary school sector. This is due to the Primary Fair Access Panel operating centrally and individual schools do not attend. As such the schools are not part of the decision making process and are not able to negotiate placements.
27. In Leicestershire, the school sector reports data on a regular basis to the department on the group of children and young people out of education due to permanent exclusions, fixed term exclusions, children missing education, pupils missing out on education and pupils electively home educated. In addition, the department holds data sets for the number of young people accessing the department's medical needs team offers.

Leicestershire Developments

28. During 2017/18 the department reviewed the service areas linked to school improvement and inclusion. The areas linked to inclusion - Primary and Secondary sector behaviour partnerships, children with medical needs team, careers information advice and guidance team, and pupils services for children missing education, pupils missing education, elective home education and the exclusion officer- now report to the Head of Service for Education Quality and Inclusion.
29. From 1 July 2018, an Inclusion Manager (fixed term for two years) was appointed to oversee the areas linked to inclusion, and reports to the Head of Service for Education Quality and Inclusion. This is in line with the recommendation regarding the appointment of a 'senior officer in the local authority'.

30. From 1 September 2018, following the review of the Education Quality and Improvement Team, an Education Effectiveness Team has been operational. This Team reports to the Head of Service for Education Quality and Inclusion and has four officers aligned to a geographical cluster of schools in Leicestershire. A key focus of the team is to discuss school data linked to all aspects of pupil inclusion- permanent exclusion, fixed term exclusion, children missing education, pupils missing out on education, pupils moving in and out of school during mid-term periods, pupils leaving to access elective home education, and data linked to referrals to the medical needs team. This will allow the department to identify trends in exclusion, and deploy support accordingly from the department. The report recommends that the Timpson Exclusions Review, which aims to seek evidence and review school exclusions at a National Level, does something similar to this way of working.
31. The Head of Service for Education Quality and Inclusion holds regular meetings with all reporting service managers, including the Head of the Virtual School for children in care. Inclusion is discussed and actioned so that appropriate interventions can be put in place for a school where challenges around inclusion are occurring, which is a move to mitigate any children and young people being forgotten, or missing in education.
32. The service areas reporting to the Inclusion Manager are under review with an intention to target resources towards vulnerable groups at risk of exclusion so that children do not fall through service gaps, and teams are working more collaboratively. The data sets reported by the school sector, referred to in paragraph 27, are being used so that resources can be targeted with the appropriate support in a proactive and timely manner.
33. The SEIPs are reducing the use of AP due to a combination of factors including increasing costs and quality of academic offers for young people. From September 2018, a pilot bespoke 'in house' AP offer is taking place in the Loughborough SEIP, meaning that fewer young people will be attending education away from the local community. The pilot is also working with young people who are presenting with low level anxiety based needs, rather than referring them to the department's medical needs team.
34. The current SEIP agreement is in place until the end of August 2020, and is under review in line with all other inclusion functions led by the department.
35. The Oakfield outreach offer is currently under review, with the view to increase the number of skilled practitioners available to directly support children in their mainstream school when presenting with complex needs or behaviour needs. This would offer an alternative to exclusion or a placement at the Oakfield Short Stay School which can be away from the child's local community.
36. The report notes the increase in participation to the age of 18. From 1 August 2018 the department has had an in-house Careers, Information and Advisory team which are deployed to work with vulnerable young people who are not in education, employment or training.

Conclusions

37. The summary, conclusion and recommendations of the published notes need to change exclusion legislation in favour of the child and their family. The report sets out the demands and challenges being faced by the school sector to include children and young people with ever increasing needs.
38. The report also highlights the limited powers that local authorities currently have to influence and affect exclusions. This paper sets out the actions being taken by the department, which can be seen to be in line with the recommendations of the report.

Background papers

39. Forgotten Children: alternative provision and the scandal of ever increasing exclusions – House of Commons Education Committee report July 2018.
<https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/34205.htm>

Circulation under the Local Issues Alert Procedure

40. None

Equality and Human Rights Implications

41. The report suggests ways to change exclusion legislation in favour of the child and family rather than the current position of legislation being seen to sit more favourably to the school.

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