

For general release

REPORT TO:	Children and Young People Scrutiny Sub-Committee 5 November 2019
SUBJECT:	Second Interim Report of the Task and Finish Group (TFG) of the Scrutiny Children and Young People Sub-Committee on Removal from Roll and Off Rolling of Pupils in Croydon Schools
LEAD OFFICER:	Councillors Jerry Fitzpatrick, Callton Young and Ian Parker. Leo Morrell and Elaine Jones
CABINET MEMBER:	Councillor Alisa Flemming, Cabinet Member for Children Young People and Learning
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Councillor Jerry Fitzpatrick, Chair of TFG

ORIGIN OF ITEM:	This was included in the Sub-Committee's work programme following the recommendation made at the meeting of 27 November 2018.
BRIEF FOR THE COMMITTEE:	To review the details of the draft interim report into children that have been removed from the school roll or off rolled and to consider the recommendations as directed by the report.

Task and Finish Group- Removal from Roll and Off Rolling in Croydon Schools

1. Recommendations

The Sub-Committee is invited:

(i) to note the report;

(ii) to extend the life of the TFG in order to enable it to complete its receipt of evidence from relevant stakeholders, such as education professionals, parents/carers and pupils/students as agreed by the Sub-Committee at its meeting on 12 March 2019; and thereafter to prepare and present its final report.

2. A Note on Terminology

2.1 **Permanent Exclusion** and **Fixed Term Exclusion** from school are processes which are governed by the law of education. A school Head has the power to exclude a pupil permanently or for a defined period. The carer of such a pupil has rights of appeal in respect of any permanent exclusion and in respect of fixed-term exclusion in some specific circumstances. Following permanent exclusion, the local authority has the duty to arrange suitable full-time educational provision for the pupil concerned.

2.2 There are numerous lawful bases by which a school can remove a pupil from roll. **Offrolling** is the removal of a pupil from roll unlawfully. Concerns around offrolling focus on the belief that the child being offrolled is likely to be one whom the school is keen to lose because of the child's behaviour and/or level of attainment.

2.3 A **managed move** is neither a permanent exclusion nor an offrolling. The process entails a child moving from one school roll to another (or to Alternative Provision) either under the aegis of the local authority's Fair Access Panel or more occasionally and much less formally through private agreement between two school Heads. The young people subject to a managed move are typically (but not exclusively) ones whose behaviour has been unacceptable, often recurrently. A managed move does not carry the stigma of permanent exclusion, but its effect can be not dissimilar to permanent exclusion. No child's case is put before the Fair Access Panel without the agreement of the child's carer. It does not follow from that that the carer and/or the child's first preference is to leave the school s/he attends.

2.4 **Unexplained pupil exits** is a phrase at the core of the research of the Education Policy Institute which published two reports in 2019 to which we refer in Section 3 of this report below. An unexplained pupil exit is one which may not have been instigated on the basis of the carer's wishes and perceptions as to the child's needs, although it may have been carried through with at least the acquiescence of the carer. Many managed moves can be so characterised, and managed moves are therefore encompassed within the EPI research, albeit that a managed move is one to a specified destination.

2.5 Alternative Provision has been defined in the report by Professors Mills and Morton (please see Section 3 below) as “education 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-term exclusion; and pupils being directed by schools to off-site provision to improve their behaviour”.

3. National Background

3.1 There has been growing public and political concern about the effect on a young person and the society of which s/he is a part of permanent exclusion from school. This concern has transcended a broad range of mainstream political opinion.

3.2. Listed below are some of the investigative and research papers which have been published in the recent past by public and academic bodies and which address or significantly touch on the issue of school exclusions:

- “They never give up on you” - report from the Office of the Children’s Commissioner (Maggie Atkinson) - 27 July 2017
- “Forgotten Children: alternative provision and the scandal of ever-increasing exclusions” - report of the House of Commons Education Committee (Chair, Robert Halfon M.P.) - 25 July 2018
- “Investigative research into alternative provision - IFF Research Ltd, authors Professor Morton Mills (University College London) and Professor Patricia Thomson (University of Nottingham) - October 2018
- “Safeguarding Children and Young People in education from knife crime” - OFSTED report - March 2019
- “Unexplained pupil absences from school: a growing problem?” - report of the Education Policy Institute (Jo Hutchinson and Whitney Crenna-Jennings) - April 2019

- “Review of School Exclusions Policy” - a report commissioned by the government and led by Edward Timpson C.B.E., and presented to Parliament by the Secretary of State for Education - May 2019
- “Unexplained pupil exits from schools: further analysis and data by multi-academy trust and local authority - Education Policy Institute (Jo Hutchinson and Whitney Crenna-Jennings) - October 2019

3.3 The Annual Report of Her Majesty’s Chief Inspector of Education (Amanda Spielman) for 2017-18 published on 4 December 2018 raised in two places (pps 26-27 and 52-53) serious concern about the use of offrolling by schools.

3.4 Not least, the “Vulnerable Adolescents Thematic Review” commissioned by the Croydon Safeguarding Children Board and published in February 2019 highlighted school exclusion as one of several significant factors which correlated with disastrous personal and social outcomes for many of the 60 young people who were the subject of the review.

4. Background to the establishment of this TFG

4.1 The TFG was set up by a decision of the Scrutiny Children and Young People Sub-Committee on 27 November 2018 following consideration of a report headed “Performance of academy schools in Croydon Children/Overview and analysis of elective home education, fair access panel and children missing education” presented and discussed at that meeting (Agenda Item 9).

4.2 The TFG is formally referred to as “Task and Finish Group: Exclusions and Offrolling in Croydon Schools”.

4.3 The TFG was established in the context of the currency of a variety of issues of public policy, which include:

(i) whether the application of the sanction of permanent exclusion and managed moves is used in a consistent way, and whether alternatives to permanent exclusion and managed moves could be more frequently used;

(ii) the impact of exclusion and non-exclusion on the children and families and agencies and institutions directly and indirectly affected;

(iii) whether there is a practice of offrolling, a term which as used by OFSTED connotes the unlawful removal of a pupil from the school roll.

4.4 The current members of the TFG are Cllr Jerry Fitzpatrick (Chair), Elaine Jones (Archdiocese of Southwark Education Commission), Leo Morrell (Southwark C of E Diocesan Board of Education), Cllr Ian Parker and Cllr Callton Young. Cllrs Parker and Young joined the TFG shortly after the meeting of the Sub-Committee on 12 March 2019

5. Themes designated for further exploration in the first interim report

5.1 In its interim report dated 5 March 2019, the TFG identified and set out at paragraph 3.1 of that report the following as themes which might usefully bear further scrutiny and overview:

- Scrutiny of managed moves/work of Fair Access Panel
- Possible measures to reduce the number of FTE and permanent exclusions
- Whether offrolling is a problem in Croydon
- Mental Health and Wellbeing
- Training needs relating to CME
- Collection and analysis of longitudinal data

5.2 In identifying these themes, the only judgement which the TFG was making was that there is public interest in the theme, or – and of course it is not the same – that there is a public interest in the more detailed scrutiny and overview of the theme.

5.3 The Sub-Committee agreed at the meeting on 12 March that the consideration of these themes should be the basis of the TFG's further work.

5.4 The themes are being explored mainly but not exclusively in relation to secondary schools.

6. Work undertaken since 12 March 2019

6.1 The TFG met on six occasions. Shelley Davies, Interim Director of Education attended part of the meeting on 18 July. Aidan Phillips, a researcher on the "Trauma Informed Communities" project, presented a paper to TFG at the beginning of the meeting on 4 September.

6.2 The TFG Chair - sometimes with one or more members of the TFG - has had a number of meetings with education officers who work in areas bearing on inclusion, exclusion and attendance. The Chair and Cllr Parker attended a meeting of the Fair Access Panel on 21 June 2019.

7. Receipt of evidence from relevant stakeholders

7.1 At the beginning of July, the Chair circulated a Notice of Consultation which had been agreed by the TFG in order to set in motion the gathering of evidence from stakeholders which had been agreed by the Sub-Committee on 12 March.

7.2 The effective communication of the Notice to our stakeholders requires support. The TFG had not foreseen that the Council's communications team as things then stood would not be able to support the TFG owing to the fact that it works to the Executive. The Local Government Act 2000 requires a wall between Executive and Scrutiny so that officers are not in a position where conflicts of interest exist or may be perceived to exist.

7.3 The Council is in the process of devising a strategy which will enable those members pursuing a scrutiny function to obtain communications support by which conflicts of interest can be avoided. This would enable the consultation to progress.

The absence of such a strategy has so far caused a delay of between 3 and 6 months in the completion of the work of the TFG. The Sub-Committee may wish to consider how it can assist in ensuring that the introduction of a Comms strategy to support the Council's scrutiny function is completed as a matter of urgency so that the TFG can comply with the decision of the Sub-Committee taken on 12 March 2019 that it conduct a consultation and thereafter complete its final report.

8. Some questions and issues on which the TFG propose to focus

- Should we seek to identify more specifically what data relating to attendance, pupil migration and exclusion local authorities require in order to fulfil effectively their executive functions and their scrutiny functions?
- Is the categorisation "unexplained pupil exits from school" as identified by the Education Policy Institute a helpful one which should be adopted locally and perhaps nationally?
- What more can the local authority do to support schools to provide an environment which enables them to continue to keep vulnerable children within their community?
- What are the factors which make a managed move more likely to succeed?
- How many managed moves result in a young person never returning to a mainstream school?
- Can we identify how many managed moves take place outside the Fair Access Panel – i.e. by private agreement between Heads? Is it in the public interest that all managed moves should be transparent?
- What awareness do school governors have of managed moves? If the awareness is little, should steps be taken to make it greater?
- Should the Local Authority seek to use its influence:

- to broker a commonality of approach to thresholds which trigger exclusions, perhaps drawing on the practice of other Local Authorities
- to formulate a clear statement in partnership with other public agencies as to what support systems are or should be in place to enable children to stay on roll who are particularly at risk of exclusion
- to formulate a protocol in relation to best practice in the provision of high quality of information to secondary schools before transfer so that the receiving school is best prepared to support incoming vulnerable pupils?
- Do schools which procure or commission Alternative Provision undertake satisfactory quality assurance procedures?
- Should exclusions/managed moves data identify specific special educational needs such as autism of the child in question?
- OFSTED have included offrolling in their new inspection framework. OFSTED has not shared how it intends to identify offrolling. It would be useful if it did.
- Could the Council do more to scrutinise data in relation to cohorts of children who are most at risk of offrolling in order to identify and root out the practice?
- Where the Local Authority has knowledge or what it deems reasonable cause to believe that an offrolling has occurred, should there be consequences which are known and understood and which include recording and reporting the offence so that what has happened is open to scrutiny? (TFG is completely reassured that the Director of Education considers offrolling a safeguarding issue, and expresses her concerns to school leaders when she has knowledge of an occurrence.)
- In respect of behavioural support, how far has the identification of need been sufficiently evidenced and documented and how far have plans followed to seek to develop capacity to address need? (We are aware that addressing questions such as these requires the involvement of a variety of agencies.)

- The same questions as those set out immediately above can be raised in relation to support for children with mental health or neurological issues.
- Is the Council able to do more to ensure effective training of staff who are dealing with children with mental health and neurological issues, and the availability and provision of support generally to schools in this area? This is an issue which bears on health agencies as well as the local authority.
- How important is it for the local authority to have a local evidence base to enable it to evaluate and develop effective policies? In the area we are considering, there is a vast amount of data. The Council has limited resources to allocate to the analysis of data. If the Council is to make the most effective use of the data available to it, it would probably require academic partners to analyse it. Is this issue of sufficient importance to cause the Council to spend time to find such academic partners?

9. Final report

9.1 Before the meeting at which this report is being presented, the Chair proposes to meet the member of the Council's comms team who will be assisting the TFG the timetable for communicating the Notice of Consultation. When this is known, it will be possible to identify dates on which the TFG will be inviting stakeholders to attend. Following the receipt of the stakeholders' evidence, there will obviously be a period during which the TFG considers the evidence it has received and prepares its final report.

9.2 We think that it is probable that we will be able to present our final report in May 2020 provided that the Comms strategy to support the Council's scrutiny function is introduced in this calendar year.

10. Acknowledgements

10.1 The TFG gratefully acknowledges the co-operation of the Interim Director of Education and her team in giving time to meeting its members and answering their questions.

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BACKGROUND DOCUMENTS: None

APPENDICES: None