

REPORT TO:	Cabinet 12 October 2022
SUBJECT:	Response to the Scrutiny Committee Task and Finish Group report on Inclusion and Exclusions
LEAD OFFICER:	Debbie Jones, Interim Corporate Director, Children, Young People and Education Shelley Davies, Director of Education, Children Young People and Education Jo Jack Acting Head of Access to Education
CABINET MEMBER:	Councillor Maria Gatland, Cabinet Member for Children and Young People
WARDS:	All

SUMMARY OF REPORT:

This report is a formal response to the task and finish group report in relation to inclusion and exclusion and in particular the recommendations from the task and finish group following the extensive focus on this.

The Education Department welcome the report and the opportunity to be involved in the process.

To implement the recommendations within the report the Education Department will need to work in partnership with school leaders across our sector. We will highlight, encourage, and support with the application of the recommendations. Several of the recommendations are not within the gift of the Local Authority to dictate but linked to individual education provisions decision making and it is them who will influence how the proposals will be delivered.

It is important that we do not focus on the recommendations in isolation but alongside the Education White and Green papers, the detail which is included in the report body, which focus on inclusion.

Oversight of the recommendations will be overseen by the Access to Education team in conjunction with school leaders. Governance of them will be through the Learning and Inclusion Board which has membership from our Lead Member, Corporate Director and officers.

FINANCIAL IMPACT:

The delivery of the recommendations should not result in any additional cost to the council but this will be explored based on further work in this area.

KEY DECISION REFERENCE NO: not a key decision

This is not a policy decision.

RECOMMENDATIONS:

The Executive Mayor, in Cabinet, is recommended to:

- I. Consider and comment on the report and recommendation on Inclusion and Exclusions from Children and Young People Scrutiny Committee Task and Finish Group; and
- II. To approve the draft response to the scrutiny recommendations which is set out at Paragraph 2 of this report

1. DETAIL OF YOUR REPORT

1.1 Context and Background

1.1.1. The legislative context: Green and White Papers and the importance of them alongside the Task and Finish Group recommendations

Alongside the Task and Finish Group report ‘Removal from roll and off-rolling of pupils in Croydon schools’ two key DfE Papers published in March 2022, will have considerable impact on how children are identified as needing support, how quickly they receive this support and from whom. Helpfully the factors identified within the report sit alongside some of the proposals within the DfE papers.

The White Paper *Opportunity for all: strong schools with great teachers for your child* aims to fortify support (at the right place and time) for children if they fall behind so as equip and enable them to have a fulfilled life.

Despite the Disadvantage Gap narrowing 9.1% between 2011 & 2019, more schools nationally being graded *good* or *outstanding* by Ofsted and better funding of increased Pupil Premium Grant (PPG), it is the Government’s perception that there are still too many children who leave education with a lack of key knowledge & skills. Therein lies the focus of the White Paper and our focus as an LA alongside our education provision.

There is an umbrella ambition that by 2030, the national GCSE average grade will increase from 4.5 (as it was in 2019), to 5. This ambition will be reinforced by an additional focus on ‘levelling up’ attainment at Key Stage 2.

How this is done will involve:

- Sharing practice (schools, teaching staff and children services)
- Attracting and developing a high-quality teaching taskforce and
- Scrutinising the functionality of the school environment – namely the improvement of behaviour and raising attendance.

The SEND Review (Green Paper): *Right support, right place, right time* also focuses on the need for children with SEND and / or with a Social Worker to receive timely and appropriate targeted support, so that they have the same opportunities as their peers.

This Review is in response to the acknowledgement that the reform of the 0 – 25 Service (implemented in 2014) was not working as it should. The system has not been without its complexities and the Paper identifies three main challenges:

1. Poor attendance and attainment outcomes for children and young people with SEN or in alternative provision in comparison to their peers.
2. The need to streamline processes, so that children, young people and their families can more easily navigate the SEND system. Furthermore, their success of this is not influenced by their access to finance and social resources.
3. Disparity between investment into the system vs. value for money outcomes for children, young people and their families.

The aim of the Review was to identify the causes of the identified challenges, set out a plan of action to rectify these and as a result, restore parents' / carers' confidence and rebalance the financial robustness. The Review is running alongside the health & social care reform - significant due to the very common overlap between young people with SEND accessing social care services.

The timing of these Papers are of particular significance. Prior to COVID, there was nationally some distance to travel in terms of attainment and progress. COVID has for some SYP had a negative impact on many children's learning and mental health, particularly those that are vulnerable.

In Croydon, the focus on early intervention / prevention is the drive for our current and developmental practise within the Access to Education Service and across the whole department. We champion a reflective, collaborative local area approach. All activities focus on levelling up the opportunity for participation for all children and young people. The Papers promote an inclusive system that includes early identification, good quality teaching and a knowledge rich curriculum. This ethos parallels with our work around inclusion, exclusions and behaviour in our Croydon schools.

1.1.2. The local context

Croydon has the 4th largest population of children and young people in London: 22.2% (85,672) of the population are aged 0–15 years. The projected growth in the population of children between the ages of 0 and 6 in Croydon between now and 2030 is just under 1000 - 40,431 – 41225.

1.2 Managed moves and exclusions

1.2.1. The responsibilities on local authorities in relation to exclusions / managed moves

All Croydon education settings must ensure that their exclusion procedures comply with the [Department for Education's \(DfE's\) statutory guidance](#), last updated in September 2017. In addition, the Council has a policy, which supersedes all other school-level handbook or policy statements in relation to exclusions. The policy outlines the varying stages and parameters of an exclusion, likewise the involved parties' duties.

1.2.2. The local context

The Access to Education Service continues to strive to reduce the rate of exclusions in Croydon schools and actively works to support schools and providers. It has been a combination of interventions that have led to the steady decrease in permanent exclusions at both primary and secondary ages. At primary school level there has been a total of 0 permanent exclusions this academic year. There has also been a steep decline in the number of pupils suspended/Fixed term excluded from school this academic year.

However exclusion rates for black Caribbean students nationally are disproportionately higher than those of their white peers in some local authorities, unfortunately the data in Croydon mirrors the national picture and our priority is to target support and resourcing for the pupil demographic presenting the most concern to reduce the disproportionality.

The complexion is also similar with Gypsy, Roma and Traveller children nationally. Exclusions are at much higher rates, with Roma children nine times more likely to be suspended in some areas. Similarly, exclusion rates for mixed-race white and black Caribbean students were more than four times higher than their white peers in several local authorities.

We understand that children who are outside of mainstream education are more vulnerable to becoming the victim of childhood criminal exploitation, the process of manipulating, threatening or coercing children into engaging in criminal activity, often to transport drugs in so called "county lines" operations.

The Access to Education Team have implemented several preventative models designed to support the reduction of pupils at risk of exclusion and to reduce disproportionality; schools are encouraged to take up this offer before considering permanent exclusion:

- Missing Monday Panel meeting (multi-agency panel meeting triaging and allocating out support for children at risk of or missing in education).
- Fair Access Panel (FAP) and Primary School Forum.
- The Team Around the School Approach (multi-agency early intervention support for schools).
- Frontline support from Attendance Improvement Officers (holistic support for pupils and their families).
- Exclusions Advice and guidance.
- Appropriate challenge at exclusion panel hearings.

1.3 Data on exclusions and managed moves

Local data

Indicator Title	2018/19	2019/20	2020/21	2021/22	Source
Overall					
Number of suspensions (fixed term exclusions)	1663	1401	1465	689	Capita One
Number of permanent exclusions	43	41	27	27	Capita One
Number of permanent exclusions reinstated	2	2	8	6	Capita One
Number permanent exclusions withdrawn	8	4	2	2	Capita One

Indicator Title	Published data						Source
	Croydon			2019/20 Benchmarking			
	2017/18	2018/19	2019/20	London	England	Stats Nbr Av.	
Permanent exclusions from schools as a percentage of the school population	0.06	0.06	0.05	0.04	0.06	0.03	DfE
Suspensions (fixed period exclusions) from schools as a percentage of pupils	3.83	3.82	3.39	2.61	3.76	2.55	DfE

The ongoing strategy for the new academic year is to continue with best practice in this area and to roll out the Team Around the School (TAS) approach to the most vulnerable schools, based on data on attendance and exclusions performance indicators. The goal is to ensure these schools are provided with on-going multi agency support that will support with early identification and early intervention to promote participation and further support vulnerable families.

2. Implementing the recommendations

To implement the recommendations within the Task and Finish Group report on *'Removal from roll and off-rolling pupils in Croydon schools'* the Education Department will need to work in partnership with school leaders across our sector.

We will lead on recommendations that fall within our remit and highlight, encourage, and support with the application of the recommendations which are part of education

provisions decision making processes and it is them who will influence how the proposals will be delivered.

	Recommendations	Response
1.	<p>That the Scrutiny and Overview Children and Young People Sub Committee seek from the Director of Education an annual report on Exclusions and Managed Moves, such report to be presented at an Autumn meeting and separate from the Standards report, the report to include the following areas at least in relation to managed moves:</p> <p>The number of managed moves agreed by the Fair Access Panel in the preceding academic year, including the provision of data as to the following characteristics of the children concerned: age, gender, free school meal eligibility, national curriculum year, SEND provision, ethnic group and level of deprivation - these are the characteristics which must be reported in respect of permanent exclusion</p> <ul style="list-style-type: none"> • the number of managed moves from a mainstream school to a PRU or other alternative provision • the number of managed moves from a mainstream school to another mainstream school • the number of managed moves which broke down during the 12 weeks' probationary period • an analysis of the reasons for the breakdown during the probationary period and information about the subsequent pathways of the children concerned. • the number of children reintegrated from alternative provision into mainstream, broken down into the number reintegrated who immediately prior to admission to AP had undergone permanent exclusion and the number reintegrated who immediately prior to admission to AP had undergone a managed move • in respect of managed moves to mainstream schools the number from each presenting school, and the number to each receiving school • such information as the local authority may possess about the number of managed moves not passing through the FAP process, including the characteristics set out in the first bullet point above • the chart of givers and takers (that is, for each school, the number of children 	<p>As part of a wider piece of work across the Service, progress is being made towards developing a data dashboard which aims to be inclusive of the points raised above.</p>

	<p>each school successfully presents to FAP, and the number each school accepts)</p> <ul style="list-style-type: none"> the destinations of children who have been permanently excluded 	
2.	<p>The Director prepares a paper on managed moves for the consideration of key stakeholders in FAP which sets out factors perceived to conduce to both good and bad outcomes and including some objective case studies.</p>	<p>Documents prepared include the following (which have been attached):</p> <ul style="list-style-type: none"> Managed Move Protocol A Managed Move Guide for Parents Secondary FAP Guidance. <p>The documents aim to act as a reference (in line with DfE legislation and guidance) and working guide in respect of operational best practice likewise strategic reflection of practise. We have started to collate case studies and will broaden the breadth of example schools.</p>
3.	<p>The Director instigates an independent evaluation of how participants perceive the collegiality of the managed moves process, and what might be done to enhance it.</p>	<p>There would be a cost to commission an independent evaluation of the managed move process, however in response to this the managed move process has been reviewed in its entirety in conjunction with a Working Group (11 secondary schools, including head teacher representation). The review has resulted in revised paperwork for stakeholders, ensuring that:</p> <ul style="list-style-type: none"> All offers of placements in mainstream schools, which are brokered through the Fair Access Panel will be managed moves. A managed move between two schools requires the knowledge, cooperation and consent of the parents / carers and governors of both schools. <p>This recommendation will need further discussion.</p>
4.	<p>The Director requests headteachers who are invited to the FAP to include information about the number of managed moves to and from their school in their termly report to their governing body, such as data to include all managed moves whether brokered through the FAP or in some other way.</p>	<p>The Working Group who scrutinised the Fair Access Protocol review have discussed this recommendation as part of our review. As a result, the Local Authority now receives and duly records data around manage moves that occur outside of the FAP process.</p> <p>This recommendation is not fully within the gift of the LA and Education Department and will be require the support of school leaders.</p>
5.	<p>The Governor Supports Team briefs secondary school governors on managed moves and provides guidance as to how they might scrutinise the issue.</p>	<p>The Strategic Lead responsible for FAP / managed moves has started discussions with Governor Services. It has been agreed that managed moves will be a component covered during future Governor training. Furthermore, Governors will be notified about any managed moves during their meetings with school leaders.</p>
6.	<p>The Director requests that the headteachers notify the Local Authority of a managed move they have arranged other than through FAP, such notification to be</p>	<p>Data collation as outlined in the recommendation has started (see Managed Moves outside of FAP 2021 – 2022 data attached). The next step in this process is to further develop the data dashboard,</p>

	<p>provided by the headteacher of the presenting school immediately after a starting date for the move has been agreed by all relevant parties</p>	<p>so that it encompasses the suggested characteristics above.</p> <p>This recommendation is not fully within the gift of the LA and Education Department and will be require the support of school leaders</p>
7.	<p>That the Director of Education continues to report to the Scrutiny and Overview Committee providing detailed information on how effective inclusion has been promoted in Croydon schools, including in particular information about how the Council has been using its role as community leader to inspire, share and disseminate good practice in inclusive education, and in particular but not limited to:</p> <ul style="list-style-type: none"> • further encouragement of schools to develop awareness of how and in what way they can use trauma-informed approaches • the identification of the characteristics of good pastoral care • the development of the use of quiet rooms in our schools to allow for pupils to benefit from non-punitive time out . • bringing school and community stakeholders together with a view to building capacity in more of our schools to introduce an extended day 5. • co-ordinating schools to ensure that commissioning of AP is conducted in a way which maximises the chance of the speedy and successful reintegration of children in AP/In-School Behaviour Units into the mainstream classroom. • working in concert with school and community stakeholders to make the case to government and other potential funding providers funding levels which enable schools to be able to commission sufficient specialised support so that more children can remain in or be reintegrated into the mainstream classroom 	<p>An example of promoting effective inclusion has been the introduction of the Team Around the School model.</p> <p>This multi-agency operating model addresses incidents whereby vulnerable families do not meet the threshold for statutory support, but would benefit from additional intervention.</p> <p>A guidance pack was put together and an introductory letter sent to Head teachers introducing the model and how it can benefit them, their pupils and their families.</p> <p>Some of this is included within our Standards report.</p>
8.	<p>The Director of Education be invited to present a report to the Scrutiny and Overview Children and Young People Sub-Committee with a view to improving primary to secondary school transition in Croydon, and taking particular account of the points set out in paragraph 3.1 of Section B of this</p>	<p>Whilst a report has not yet been completed, preliminary work has started in this area. In Summer term 2022, a roundtable discussion was held, led by the Education Safeguarding lead with DSLs / named members of staff in both primary and secondary schools. The aim of the session (held over two days) was to discuss / raise awareness and put in place plans for any learner</p>

	report.	transitioning from Yr. 6 – Yr. 7 that was cause for concern.
9.	The Director of Education is invited to consider those recommendations of the All Party Parliamentary Group on Autism which have most direct bearing on local authorities as set out in paragraph 3.2 above, and to set out in a report to the Scrutiny and Overview CYP Sub-Committee what the Council might do to address those recommendations.	This will be included as part of the development of the SEND strategy.
10.	The Director of Education is invited to publish pages on the Council website which set out in plain English: <ul style="list-style-type: none"> • the law on informal exclusions • the responsibilities of schools towards pupils with special educational needs and disabilities pursuant to the Equality Act, the SEND Code of Practice, and statutory and non-statutory guidance on suspension and exclusion practice and school behaviour policies as may be published and revised from time to time by the DfE; and, further, • to develop a clear procedure to enable parents to make anonymous reports about schools breaking exclusions law, and publicising the availability of the procedure on the website 	There is information on the website pertaining to exclusions with details of how parents can get in touch to anonymously report schools breaking exclusions law. SEND https://www.croydon.gov.uk/children-young-people-and-families/special-educational-needs-and-disability-support/SEND-support - access the Local Offer section.
11.	The Director of Education is invited to consider how all mainstream schools can be made aware of the best practice existing in Croydon schools as to the education of children with Autism Spectrum Disorder.	https://www.croydon.gov.uk/children-young-people-and-families/special-educational-needs-and-disability-support/SEND-support - access the Local Offer section.
12.	The Director of Education is invited to consider the issue that parents quite often find meetings with school leaders and/or other professionals (particularly meetings which are potentially contentious) as extremely stressful, and provide guidance to schools and other professionals who may attend such meetings on how to set up such meetings in a sensitive, constructive and unthreatening way.	This will be included as part of our meetings with School Leaders.
13.	The Director of Education is invited: <ul style="list-style-type: none"> • to ask Octavo Partnership Governor Services to provide training to school governors on issues surrounding removal from the classroom, and to publicise the availability of the training in all schools • to include questions on the use by schools of in-school behaviour units in the annual local authority safeguarding audit. 	The Octavo Partnership teams became LA staff at the start of the pandemic. We will work with these staff in relation to the points raised.

14.	<p>The Director of Education is invited to take into account the conclusions of the TFG in drafting the Council's response to the current DfE consultation on revised guidance about school behaviour policies, and in particular to highlight the following:</p> <ul style="list-style-type: none"> • The lack of clarity about different short-term and longer-term pathways for a pupil which might reasonably follow after removal from the classroom • The need for there to be a clear safeguarding framework surrounding removed pupils, including where necessary unannounced visits to units to which pupils have been removed, and for the local authority in which an ISU may be located to have the key role in undertaking the safeguarding function • The implications of the guidance for Ofsted in respect of its inspection framework: in particular, when Ofsted inspect a school with pupils registered at that school and an off-site ISU, the quality of the ongoing care and support provided by the school to those pupils should be a focus of their inspection, quite separate from inspection of the ISU itself • The funding implications if ISUs are to follow best practice as indicated in the draft guidance 	
15.	<p>The Director of Education is invited to hold an early discussion with borough headteachers and AP units about the implications of the draft DfE guidance for the development of good practice on removal of pupils from classrooms in Croydon schools and AP units.</p>	
16.	<p>That the KPI dashboard which is presented to Scrutiny and Overview CYP Sub-Committee shows what percentage of annual reviews of EHE have been completed.</p>	<p>Work is being undertaken to ensure that this data is presented in the KPI dashboard going forward. For the purpose of this report, a narrative about annual reviews of EHE has been included.</p>
17.	<p>That the Corporate Director responsible for Children and Young People provides by 18 March 2022 a written briefing note to members of the Scrutiny and Overview CYP Sub- Committee addressing the issue of whether the principles and practices set out in paragraphs 9.4-9.6 of the 2019 EHE policy are being implemented.</p>	
18.	<p>The Director of Education is asked to provide a short report setting out the Council's response to that part of the draft</p>	<p>FAP is a Statutory process, it does not just support managed moved but is part of the admissions process</p>

	<p>consultation which relates to managed moves, and dealing with among other things the following matters:</p> <ul style="list-style-type: none"> • the potentially positive and potentially negative consequences flowing from disbandment of the FAP • whether the FAP should continue as long as possible, or be disbanded at an early specific time • what contingency plans are being made to face a future without the FAP 	
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3. Governance

Governance of the strategy will be overseen by internal strategic management groups and partnership boards (see chart below). The Learning and Inclusion Board will provide support and challenge in relation to the delivery of the recommendations. (Considering the decision making of School Leaders to implement.)

4. Consultation

4.1 This report is for information purposes only – to provide an annual overview of education standards and pupil outcomes – and therefore consultation is not appropriate.

5. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

5.1 The Executive Mayor is asked to note the actions in response to the recommendations listed within the CYP Scrutiny sub-committee Task and Finish group report.

6. OPTIONS CONSIDERED AND REJECTED

NA

7. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 **The effect of the decision** – Not applicable

7.2 **Risks** – Not applicable

7.3 **Options** – Not applicable

7.4 **Future savings/efficiencies**

8. LEGAL CONSIDERATIONS

8.1 Under Section 9F Local Government Act 2000 (“The Act”), Scrutiny and Overview Committee (SOC) have the powers to review or scrutinise decisions made, or other action taken in connection with the discharge of any executive and non-

executive functions and to make reports or recommendations to the executive or to the authority with respect to the discharge of those functions. SOC also have the powers to make reports or recommendations to the executive or to the authority on matters, which affect the authority's area or the inhabitants of its area. To discharge this scrutiny function, SOC has appointed Scrutiny Review Sub-Committees, which includes Children and Young People's (CYP) Scrutiny Sub-Committee. Pursuant to the above provision, CYP Scrutiny Committee Task and Finish Group has provided a report on Inclusion and Exclusions and made several recommendations, set out in the report.

- 8.2 Under Section 9FE of the Act, there is a duty on Cabinet to respond to the scrutiny report, indicating what (if any) action Cabinet proposes to take, within 2 months of receiving the report and recommendations.
- 8.3 Local Authorities have a legal duty to ensure that every child fulfils their educational potential and to promote high standards of education and fair access to education under the Education Act 1996, 2002 and s.88 Equality Act 2010.

Approved by Doutimi Aseh, Head of Social Care & Education Law on behalf of Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer.

9. HUMAN RESOURCES IMPACT

- 9.1 The recommendations contained within this report will be dependent upon a high quality teaching workforce, effectively trained in equality, diversity and inclusion good practice. These will be important issues for the directorate and school leadership to address

Approved by: *Dean Shoesmith, Chief People Officer*

10. EQUALITIES IMPACT

- 10.2 Section 149 involves the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requires organisations to undertake the following:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- 10.1 This means we must take particular care to ensure that we seek the views of protected equality groups who are often 'seldom heard'
- 10.3 Due consideration will be given to ensuring that our focus of work in this area aims to reduce disproportionality particularly in relation to race and gender and that this is explicit to our stakeholders including parents / carers and families to ensure inclusion.

10.4 The Educations Standards Cabinet report will include a full breakdown of both National and Local Exclusions data.

Approved: Denise McCausland – Equality Programme Manager

11. ENVIRONMENTAL IMPACT

11.1 It is considered that there are no increased or decreased negative environmental sustainability impacts arising from the proposals in this report.

12. CRIME AND DISORDER REDUCTION IMPACT

12.1 The recommendations seeks to improve the pathway.

12.2 It is considered that there are no increased impacts on children and families from these proposals.

13. DATA PROTECTION IMPLICATIONS

14. WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

NO

15. HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO

15.1 If required in the future, Information Management will be consulted for advice at the earliest opportunity.

15.2 Approved by: Shelley Davies, Direction of Education

CONTACT OFFICER: Shelley Davies, Director of Education

APPENDICES TO THIS REPORT:

Managed Move Protocol – see attached.

A Managed move Guide for Parents – attached.

Secondary FAP Guidance – attached.

Managed Moves outside of FAP 2021 – 2022 – attached.

BACKGROUND DOCUMENTS – LOCAL GOVERNMENT ACT 1972