

<h1>BRIEFING</h1>	TO:	Schools Forum
	DATE:	8 th April 2022
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	TITLE:	School Exclusions
1. Background		
1.1	Exclusion levels in Rotherham have returned to pre Covid-19 pandemic levels. Appendix 1 (power-point presentation) provides headline data on Exclusions (permanent exclusions) and suspensions (fixed term exclusions).	
1.2	The Department for Education (DfE) have also undertaken a period of consultation with stakeholders between 3.2.22 and 31.3.22 in relation to revised behaviour in schools and suspension and permanent exclusion guidance.	
2. Key Issues		
2.1	Appendix 1 (power-point presentation) provides an overview of headline data on Exclusions (permanent exclusions) and suspensions (fixed term exclusions) across Rotherham for the 2018/19, 2019/20, 2020/21 academic years and current academic year to date.	
2.2	An overview of the DfE consultation is provided below: Consultation questions - revised behaviour in schools guidance and suspension and permanent exclusion guidance (education.gov.uk)	
2.2.1	<p>Behaviour in Schools Guidance</p> <p>Proposal and rationale</p> <p>The Behaviour in Schools Guidance has been rewritten to more effectively support schools to maintain high standards of behaviour and provide more practical advice for all school staff. The revised guidance is organised into four themes to support schools to address behaviour at all stages.</p> <p>Section one looks at how to create and maintain high standards of behaviour, with a focus on developing a clear vision of what expected behaviour looks like and the strong leadership needed to implement this vision.</p>	

2.2.2	<p>Section two sets out how schools should respond robustly to incidents of misbehaviour in order to deter further incidents, restore order and protect pupils from further disruption or harm.</p> <p>Section three looks at how schools can prevent the recurrence of misbehaviour and reduce the likelihood of suspension and permanent exclusion.</p> <p>Section four focuses on how schools should respond to specific behaviour incidents.</p> <p>Changes to the Suspension and Permanent Exclusion Guidance</p> <p>Proposal and rationale</p> <p>Building on the revisions made in 2017 and the evidence gathered through the Timpson Review of School Exclusions, DfE are providing further clarifications to the guidance and proposing associated legislative changes.</p>
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3. Key Actions and Timelines

3.1	Overview of the key elements of the consultation (taken from the DfE document):
3.2	<p>Behaviour in Schools Guidance:</p> <p>Section one – creating and maintaining high standards of behaviour</p> <ul style="list-style-type: none"> • Paragraphs 7–8 outline what should be included in a school behaviour policy, for example information on purpose, leadership & management, school systems and pupil support. <i>Do you agree with this approach?</i> <i>If not, please explain why.</i> • In paragraph 12, we propose a new national minimum expectation of behaviour which gives schools the ability to set a benchmark for behavioural standards. This sets out high standards of expectations from schools - for example, pupil behaviour not routinely disrupting teaching, routines, and leaders visibly and consistently supporting all staff to implement the school behaviour policy. <i>Do you agree with this approach?</i> <i>If not, please explain why.</i> • Paragraphs 13-15 outline how schools should adopt a whole school approach to behaviour so it can be consistently and fairly implemented across the whole school, with all staff adhering to the same expectations. <i>Do you agree with this approach?</i> <i>If not, please explain why.</i> • Paragraphs 33-37 set out the approach to behaviour expectations for pupils with SEND so that everyone can feel they belong in the school community and expectations are not lowered for any pupils. <i>Do you agree with this approach?</i> <i>If not, please explain why.</i> • We outline in paragraphs 31-32 the crucial role of parents in helping schools develop and maintain good behaviour. We suggest that parents should be encouraged to know the school behaviour policy and take part in the life of the

school. There is also an expectation that schools should build and maintain positive relationships with parents.

Do you agree with this approach?

If not, please explain why.

- We are aware that schools often gather feedback from pupils to hear their views on the school's behaviour policy and wider culture.
What is the best way to capture pupil voice and what is the impact on the behaviour standards?
What would be the workload implications for schools and in particular teachers in developing and implementing a behaviour policy as outlined in section one of the guidance?

Section two – after incidents of misbehaviour

- The guidance offers advice on de-escalation techniques to help prevent further behaviour issues arising and recurring, for instance schools may use pre-agreed scripts and phrases to help calmly restore order.
What other de-escalation techniques could be used by schools?
- Paragraphs 77-78 outline the support that schools may want to provide to pupils following behaviour incidents or a pattern of incidents. This includes engagement with the pupil or parents or inquiries into circumstances at home, conducted by the Designated Safeguarding Lead or a deputy.
What other pastoral support should schools consider when trying to support students following behaviour incidents?
- As set out in paragraph 79, removal (sometimes known as isolation) is now defined as “where a pupil, for disciplinary reasons, is required to spend a limited time out of the classroom, at the instruction a member of staff”. The guidance says: “The use of removal should allow for continuation of the pupil’s education in a supervised setting”.
Do you agree with this definition and guidance?
If not, please explain why.
- As set out in paragraph 82, removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons. These generally involve focused, in-school, teacher-led interventions for small groups of pupils with identified SEN or other needs: for instance, where a pupil is taken out of the classroom to regulate their emotions because of identified sensory overload.
Do you agree with this approach?
If not, please explain why.
- In paragraph 81, we outline that removal should only be used as a last resort to:
 - a. restore order and calm following an unreasonably high level of disruption
 - b. enable disruptive pupils to be taken to a place where education can be continued in a managed environment.
Do you agree with these reasons?
If not, please explain why.
- Paragraph 83 outlines the ways in which headteachers should govern the use of removal:

- a. maintain overall strategic oversight of the school's arrangements for any removals, as set out in the school's behaviour policy;
- b. make sure the reasons that may lead to pupils being removed are transparent and known to all staff and pupils;
- c. outline in the behaviour policy the principles governing the length of time that it is appropriate for a pupil to be in removal;
- d. ensure that the removal location is in an appropriate area of the school, that the room is stocked with appropriate resources, and is a suitable place to learn, and is staffed by suitably trained members of staff;
- e. design a clear process for the re-integration of any pupil in removal into the classroom when appropriate and safe to do so.

Do you agree with these proposals?

If not, please explain why.

- Paragraphs 84-85 outline that schools should monitor who is removed from classrooms and frequently review this data to identify any patterns relating to any individual pupil and pupils with protected characteristics.

Do you agree with this approach?

If not, please explain why.

- Paragraph 86 outlines the specific actions schools should take when dealing with individual removal cases. Both include clear reference to pupils with SEND and their specific needs.

Do you think the updated advice provides helpful guidance to schools on the decision-making process over using removal where necessary for pupils with SEND?

If not, please explain why.

Section three – preventing recurrence of misbehaviour

- Paragraphs 96-100 outline how schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and help to reduce the likelihood of suspension and permanent exclusion. We list a range of interventions including providing mentors, in-school units and engagement with parents.

What other types of early intervention work well to address behaviour issues?

- Paragraph 101 outlines our definition of an in-school behaviour unit as “planned interventions that take place in small groups outside of normal lessons. The approach taken in such a unit should be aligned to the culture of the whole school and delivered in line with the school's behaviour policy”.

Do you agree with this definition?

If not, please explain why.

- Paragraph 105 outlines factors and processes schools should consider when developing an in-school behaviour unit which includes the following:

- Referring pupils based on their needs, including sharing information on previous behaviour incidents with multi-agency partners if appropriate and consulting with parents on the in-school behaviour unit placement.
- Delivering a broad and balanced curriculum offer that aligns to the curriculum in mainstream lessons and supports reintegration.
- Maintaining a visible presence from school leaders to make in-school behaviour units an integral part of the school with wider school staff.

*Do you agree with this governance approach?
If not, please explain why.*

- Paragraph 108 also outlines how schools should re-integrate pupils back to mainstream lessons, including holding meetings and considering what support pupils may need to help them return to mainstream education.
In what additional ways should pupils be re-integrated back into mainstream lessons?

Section four – responding to specific behavioural incidents

- Paragraph 113 outlines how schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable and will not be tolerated. It is especially important not to pass off any sexual violence or sexual harassment as ‘part of growing up’. This is because it can lead to the normalisation of unacceptable behaviours and an unsafe environment for pupils.
How can schools practically avoid unacceptable behaviour becoming normalised?
- Schools should be clear that the same standards of behaviour are expected online as offline, including the importance of respect for others. Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nudes or semi-nudes, and sexual harassment should be addressed in accordance with the same principles as offline behaviour.
*Do you agree with this approach?
If not, please explain why.*
- *Are there any particular issues you feel are not covered in the revised Behaviour in Schools Guidance?*

Equalities Act Duties

- Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment.
What do you consider to be the equalities impacts of the revised guidance documents on individuals with particular protected characteristics?

3.3

Changes to the Suspension and Permanent Exclusion Guidance

Proposed changes to the regulations

- Paragraph 12 sets out how a headteacher may not bring a permanent exclusion to an end after it has begun. In addition, a headteacher may not end a suspension earlier than the agreed end-date once it has begun (that is, when the pupil is no longer attending school).

*Do you agree with this proposed change in the law?
If not, please explain why.*

*Is the associated guidance at paragraph 12 sufficiently clear?
If not, please explain why.*

- Paragraph 54 introduces a deadline for the headteacher to notify the parents of a pupil's suspension or permanent exclusion, the reasons for this and the period of any suspension. The obligation to do this 'without delay' will remain, but the regulations will also specify that in no case must this take longer than three days.

Do you agree with this proposed change in the law?

If not, please explain why.

Is the associated guidance sufficiently clear?

If not, please explain why.

- Paragraph 68-70 expands the headteacher's duty to inform relevant professionals of their decision to suspend or permanently exclude to include social workers. As a result, if a pupil with a social worker is excluded, the social worker must be notified in writing and involved in the governing board meeting and independent review panel, where possible.

Do you agree with this change in the law?

If not, please explain why.

Is the associated guidance at paragraphs 68-70 sufficiently clear?

If not, please explain why.

- Virtual School Heads (VSH) should already be closely involved with a school if a looked after child (LAC) is at risk of suspension or permanent exclusion. Paragraphs 68-70 extend the headteacher's duty to inform a VSH if a LAC is suspended or permanently excluded. If a LAC is excluded, the VSH must be notified in writing and, where possible, involved in the governing board meeting and independent review panel.

Do you agree with this change in the law?

If not, please explain why.

Is the associated guidance at paragraph 68-70 sufficiently clear?

If not, please explain why.

- During the coronavirus pandemic when school attendance was restricted, the department amended the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 to regulate the use of remote meetings for governing board considerations of reinstatement and independent reviews. We are proposing to make these rules a permanent option in any circumstances. This is a measure that would benefit governing boards, parents and pupils and enable schools to meet the statutory timescales sooner for such reviews as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

Do you agree with virtual meetings being made a permanent option under any circumstances?

If not, please explain why.

Do you think virtual meetings should be made at the request of the parent only?

Please explain why.

3.4

Proposed non-statutory changes to the guidance

- We have sought to provide best practice on the use of managed moves and off-site direction and how they should be used as an early intervention measure for pupils at risk of exclusion. We have set out our expectation of the process and

the safeguarding measures that should be put in place for pupils in paragraphs 31-43.

*To what extent is the process outlined clear and suitable for all involved?
Please explain why.*

Please describe both the benefits and risks of introducing stricter oversight of pupil movements between education settings, such as a revised statutory framework for all pupil movement between education settings?

*Following a period of suspension or off-site direction, what are the best approaches to reintegrating a pupil into a mainstream setting?
Please explain why and copy and paste any relevant information.*

- The guidance emphasises the importance of monitoring and understanding suspension and permanent exclusion data. Schools, local authorities, and local forums should work together to track and review the information on children who leave schools, by exclusion or otherwise, to establish a shared understanding of how the data on the characteristics of such children feeds local trends. Where patterns indicate possible concerns or gaps in provision, we expect headteachers and other local leaders to use this information to ensure they are effectively planning to meet the needs of all children.

*Do you agree with this revision?
If not, please explain why.*

- Throughout the revised guidance we have set out when and where pupils should be included in the suspension and permanent exclusion process.

*Is this sufficiently clear?
If not, please explain why.*

- The current limit on the total number of days a pupil can be suspended in a school year is 45 school days:

*Should this limit be changed or not?
Please explain how and why.*

*What potential impact would there be if the 45-day limit for suspensions in a school year was reduced?
Please explain why.*

- To inform the wider special educational needs and disabilities (SEND) Review and Alternative Provision (AP) Reforms programme, we would like to understand more about the barriers to providing alternative provision before the sixth school day of a suspension or permanent exclusion. Your answers to the following questions will help us to understand what more we need to do to ensure timely support and education is put in place:

In your experience, what continuity of education is provided following the suspension or permanent exclusion of a pupil before the sixth school day?

*What are the barriers to providing alternative provision before the sixth school day when a child is suspended or permanently excluded from school?
Please explain why.*

*Following a suspension or permanent exclusion, after how many school days should there be a requirement for schools to provide alternative provision for a pupil (currently 6 school days)?
Please explain why.*

- Recently, a High Court case considered the legal position for mandatory off-site education for the purpose of keeping pupils apart for safeguarding reasons. This case involved allegations of child-on-child sexualised behaviour by young pupils in a primary school setting. We need to consider, following the court's decision, whether it is right to suspend or permanently exclude based on safeguarding reasons rather than just disciplinary reasons. We would like to know how this will affect practice in schools and whether there is any further need to clarify or change the law or guidance in this area.

*Do you think it is positive or negative that the Court has made it clear that pupils can be temporarily excluded for safeguarding reasons as described in the judgement?
Please explain why.*

- *Are there any particular issues you feel are not covered in the revised Suspension and Permanent Exclusion Guidance?*

Equality Act 2010 duties

- Under the Equality Act 2010, schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. The Suspension and Permanent Exclusion Guidance sets out how this must be taken into consideration when suspending or permanently excluding a pupil.

What do you consider to be the equalities impacts of the revised guidance on individuals with particular protected characteristics?

4. Recommendations

4.1 That the content of the briefing and Appendix 1 be noted.