

Protocol for Members and Governors when discussing Exclusions with Schools: September 2005

1 Introduction

- 1.1 Members or Governors may wish to raise the issue of Exclusions from school when visiting schools, following the Report of the Cabinet Scrutiny Committee Working Group on Exclusions from Schools, June 2005.
- 1.2 Members or Governors may also be approached by constituents, when parents are concerned about an exclusion.
- 1.3 This protocol aims to provide the parameters within which such discussions should occur and also highlights the most important issues related to Exclusions that Members or Governors may wish to raise with schools.
- 1.4 Many schools do not find that they have to use exclusion at all as a sanction and this is particularly so in primary schools. Norfolk's permanent exclusion rates are low when compared to other similar authorities. This reflects the hard work of Norfolk's schools and support services, with most school inspections reporting good behaviour.
- 1.5 The purpose of exclusion is to impose a sanction on the child, when disciplinary action is required. All Norfolk schools have a range of policies and strategies in place to address poor behaviour. There are a range of alternatives to exclusion, including internal seclusion, mediation, restorative justice, parenting contracts and orders and Norfolk's managed move procedure for secondary schools.
- 1.6 It is necessary to keep the use of exclusion to a minimum because it undermines achievement for our most vulnerable children, but this has to be balanced with the good running of the school and the needs of other pupils. Exclusion should always be part of a plan for addressing a child's difficulty in accessing education, not a solution in itself.

2. Guidance Available

- DfES "Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units"
- Norfolk Guidance on Exclusion: EsiNet MI 87/05

3. Details about pupils involved

- 3.1 Names and personal details of individual pupils involved should not be discussed, especially because the final decision by governors or an appeal committee may not yet have occurred.
- 3.2 The exception to this would be, when an elected member or governor, has been approached by a parent, concerning a specific exclusion. In these circumstances an elected member can approach the Education Officer – Exclusions for advice and information about the specific circumstances. The contact telephone number is **01603 224017**.

- 3.3 Schools will be able to provide members or governors with information about the exclusions that have been imposed during the last term or year.
- 3.4 The following types of exclusion may be imposed:
- Short fixed term exclusions (15 days or less)
 - Lunch time fixed term exclusions
 - Long fixed term exclusions (16 to 45 days within one academic year)
 - Permanent exclusions
- 3.5 Other issues of interest might be:
- The age and national curriculum stage of the pupils involved in exclusions
 - The gender of pupils involved (most exclusions are imposed upon boys)
 - How many of the pupils involved in exclusions had statements of special educational needs?
 - How many of the pupils involved were children for whom Norfolk County Council has a corporate responsibility because the children are "looked after" by the authority?

4. Alternatives to Exclusion

- 4.1 All schools have behaviour policies and access to support services through the School Support team. Many schools have also set up their own mechanisms for addressing the behavioural needs of pupils.
- 4.2 Norfolk secondary schools and the authority have an agreed system for "**Managed Moves**", whereby pupils who have met the criteria for permanent exclusion, can be offered another chance at an alternative school, with the agreement of all parties, including the parents and pupil. Schools in an area co-operate so that no school can be expected to take on too many pupils, who have met the criteria for permanent exclusion. The number taken on is related to the number the school has moved on to other schools. The system therefore acts as an incentive to schools to continue working with the pupils already known to them. (Currently there are discussions beginning about setting up a similar scheme for primary schools).
- 4.3 Parenting Contracts – the Government is encouraging schools to use these when there are difficulties about behaviour and a risk of exclusion, when the involvement and co-operation of parents would improve the situation. **(Esinet MI 158/05)**
- 4.4 Parenting Orders – the Government is also encouraging the Authority to apply for these through the Courts, when Parenting Contracts with schools, concerning behaviour, have not been effective. It is not likely that schools will wish to pursue this option until the benefits of Parenting Contracts have been fully explored. (Norfolk Guidance has been issued in September 2005, with a consultation period: **Esinet MI 158/05**).
- 4.5 Restorative Justice – training for trainers in this method of addressing behavioural difficulties in school, is being organised in Norfolk in December 2005. Interested schools will then be able to access training for their staff.

5. Issues for possible discussion with Schools concerning Exclusions

- 5.1 Has the school fully considered preventative strategies and alternatives to exclusion, before employing the exclusion procedures?

- 5.2 Is the school aware of the authority's obligations under Section 17 of the Crime and Disorder Act? The authority has a statutory responsibility to consider how all decision-making can effect the need to reduce crime and disorder. Pupils who are excluded from school are at more risk of becoming involved in crime or disorder in the community, unless the family is able to supervise them appropriately. In addition, pupils who are becoming disaffected from school are both more likely to be those who are excluded and more likely to be those who become involved in incidents of crime or disorder in the community. Although taking Section 17 into account in all decision-making is not a direct statutory responsibility on schools, the authority works in partnership with schools concerning behaviour and exclusions, and, therefore, it is essential that schools take this statutory responsibility into account in their decision-making too.
- 5.3 Has the school ever used or thought of using "unofficial or informal" exclusions? (for example; asking the parents to keep the child away for a period of time, but not calling it an exclusion?) Such exclusions are illegal and do not ensure the safeguarding of the child involved. This is an issue that was highlighted by the Cabinet Scrutiny report. Procedures are in place inform the Education Officer – Exclusions of such cases and for monitoring and reporting on such incidents. Whenever a complaint is received, the school involved is sent a letter asking for the situation to be clarified and corrected if necessary.
- 5.4 For "looked after" or statemented children (and those on SEN Code of Practice stages of School Action and School Action plus) who may be excluded, how can the school ensure that all the review procedures are employed beforehand?