

London Borough of Hackney  
Children and Young People Scrutiny Commission  
Municipal Year 2018/19  
Date of Meeting Monday, 14th January, 2019

Minutes of the proceedings of the  
Children and Young People  
Scrutiny Commission held at  
Hackney Town Hall, Mare Street,  
London E8 1EA

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<b>Chair</b>	Councillor Sophie Conway
<b>Councillors in Attendance</b>	Cllr Margaret Gordon (Vice-Chair), Cllr Katie Hanson, Cllr Ajay Chauhan, Cllr Humaira Garasia, Cllr Clare Joseph, Cllr James Peters, Cllr Clare Potter and Cllr Caroline Woodley
<b>Apologies:</b>	Cllr Soraya Adejare
<b>Co-optees</b>	Graham Hunter, Michael Lobenstein, Jo Macleod, Shuja Shaikh, Sevdie Sali Ali, Jodine Clarke, Maariyah Patel and Aleigha Reeves
<b>Members In Attendance</b>	<ul style="list-style-type: none"><li>- Cllr Anntoinette Bramble, Deputy Mayor and Cabinet Member for Children and Young People</li><li>- Cllr Christopher Kennedy, Cabinet Member for Early Years and Play</li></ul>
<b>Officers In Attendance</b>	<ul style="list-style-type: none"><li>- Anne Canning, Group Director, Children Families and Community Health</li><li>- Annie Gammon, Head of Hackney Learning Trust &amp; Director of Education</li><li>- Sarah Wright, Director of Children and Families Service</li><li>- Pauline Adams, Principal Head of Service, Early Help and Prevention</li><li>- Andrew Lee, Assistant Director, Education Services, Hackney Learning Trust</li><li>- Paul Kelly, Head of Wellbeing &amp; Education Safeguarding, Hackney Learning Trust</li><li>- Marian Lavelle, Head of Section (Admissions and School Place Planning) Hackney Learning Trust</li><li>- Rachel Thompson, Leadership and Management Adviser, Re-Engagement Unit, Hackney Learning Trust</li><li>- Jack Newling, Acting Manager of the Re-engagement Unit, Hackney Learning Trust</li><li>- Jan Parnell, Director of Education, London borough of Hammersmith &amp; Fulham</li><li>- Suzanne Frazer, Legal Adviser, Islington Law Centre.</li></ul>
<b>Members of the Public</b>	There were 5 members of the public in attendance which included: Members of Hackney Independent Forum for Parents/Carers of Children with Disabilities (HIP) and a representative from Hackney Citizen.

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**Councillor Sophie Conway in the Chair**

**1 Apologies for Absence**

1.1 Apologies for absence were received from the following Members of the Commission:

- Cllr Soraya Adejare
- Ernell Watson
- Liz Bosanquet

1.2 The Chair welcomed three new representatives from Hackney Youth Parliament who will be members of Commission until the Summer of 2020. The Chair noted that it was important for the Commission hear the voice of young people throughout its work, and welcomed the opportunity to work with members of the Youth Parliament here on the Commission.

**2 Urgent Items / Order of Business**

2.1 There were no new or urgent items and the agenda was as published.

2.2 At 21.55pm, under Standing Orders, the Commission agreed to proceed beyond 22.00 to complete scheduled business.

**3 Declarations of Interest**

3.1 The following declarations were received by members:

- Cllr Peters is a governor at the Garden School.
- Cllr Chauhan is a teacher at secondary school in another London borough.

**4 Outcomes of Exclusions - evidence session**

4.1 This was the second evidence session held by the Commission, the previous session being held in November 2018 at which a range of alternative education providers attended. This second session was primarily to hear evidence on those local policy and practices which support children who have been excluded from school and evidence was received from officers at Hackney Learning Trust and Hackney Children & Families Service.

4.2 To facilitate comparative assessment for this review, a presentation was also received from the Director of Education at Hammersmith & Fulham. A Legal Adviser from Islington Law Centre also attended to discuss legal support and advice and advocacy which is provided to children at risk of exclusion or have been excluded.

4.3 Since the last meeting in January, the Commission have undertaken evidence gathering through a number of site visits and focus groups with local stakeholders. Given the time constraints on the meeting, it was agreed to report these back at the next meeting in February.

#### Hackney Learning Trust

4.4 Officers presented a summary of the reports which had been submitted for this item. It was noted that reports submitted to the Commission recognised the seriousness of school exclusions and provided evidence on the work local schools and the HLT had undertaken to reduce these. Although exclusion affects a small but significant number of young people, the Commission noted that any decision to exclude is never taken lightly because of the impact that it has on that young person and their family. The Commission understood that such decisions were taken as a last resort and where the student continued to pose a challenge to the point where they could no longer be supported in that school.

4.5 The Commission understood that the ability of the local authority to directly influence exclusion policy and practice in local schools was limited, but that the HLT works with schools to encourage them to adopt a more inclusive approach. Given the pivotal role of Head teachers and local governors in the school exclusion process, the HLT has sought to engage and involve these key stakeholders and to develop positive and informative relationships, and ultimately to help guide and inform their approach taken to exclusions.

4.6 The HLT had recently published a strategy and action plan to help reduce school exclusions. This has sets out the local priorities to reduce exclusions and how the HLT and its partners will work together to achieve these. The Exclusions Board, which is made up of a wide range of local stakeholders (including local schools), will oversee and monitor this exclusion strategy.

4.7 In respect of the outcomes of excluded children, the Commission noted that data has been provided from New Regents College (Hackney Pupil Referral Unit) which was included in the report pack. This data suggests that most of the young people in alternative provision in Hackney go onto further education or training and very few fall through the net.

4.8 The Commission noted it was important that work to reduce exclusions was linked to other strategic programmes in Hackney, to ensure that there was consistent and holistic approach to supporting young people. In this context, efforts to reduce exclusions linked to the Young Black Men Project, Mental Health and Well Being Strategy, Troubled Families and Contextual Safeguarding.

4.9 The HLT indicated that some caution should be exercised in interpreting data provided in the tables as statistical first releases for exclusion were often subject to change and revision. Further still, the way that local authorities collect and present data is not always methodologically consistent, so some caution should be exercised in comparative like-for-like analysis.

4.10 HLT officers provided responses to a number of questions posed by the Commission. A summary of the responses is provided below.

- **Trend Data:** Disproportionality within exclusion data continued to show an over representation of young black men within the exclusion cohort, which the

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Commission noted was a significant concern to the authority. In respect of overall data trends, the exclusion rate for primary school aged children was comparable to the national average, and whilst the statistical first release would show that secondary exclusion rates were well above average, it was expected that there would be a significant reduction in the number of fixed term exclusions (FTX).

- **The council's approach to reduce exclusion:** The Commission noted that a significant amount of work had taken place over the past year to improve systems to tackle schools exclusions which included improved data collection and governance arrangements. The council would also look to disseminate good practice through head teacher forums, school Governor networks and local conferences. The HLT is continuing to work with schools to improve awareness of best practice and drive positive interventions to increase inclusion. The Commission understood that this was a two way process however, and the HLT was listening to the concerns of schools in relation to exclusion.
- **No need to exclude programme:** This programme recognised that in some circumstances, schools may need to exclude a pupil where their education and learning cannot be supported in that environment. Bu the emphasis of the programme was to offer a tariff of different interventions and support to schools and to the child, to reduce the likelihood of exclusion. The Commission noted that there had been some successes in this programme.
- **Disproportionality:** the HLT was fully cognisant of the significant challenge faced to reduce inequalities in exclusion rates for key groups of young people, but expected the new exclusion strategy and action plan to begin to address these. It was understood that there was a need to prioritise early intervention and support across schools to help them address underlying needs which may precipitate challenging behaviours.
- **Independent advice for parents:** The Commission noted that HLT officers routinely signposted children and families to other independent sources advice, such as Just for Kids Law or other community empowerment organisations.
- **Reintegration policies:** The Re-engagement service worked with primary schools and has achieved significant success in changing the patterns of challenging behaviour of young children which may help to prevent exclusion, or help to reintroduce those that have been excluded. The Commission heard that schools have reported very favourably about this service. Respite placements were also offered through New Regents College to enable children to reflect and develop positive behaviour changes which can lead to re-admittance or commencement at another school.
- **Managed moves:** Where it is believed that the child will achieve more in another setting, with the agreement of parents, HLT officers will attempt and negotiate with new setting to gain admittance of young people at risk of exclusion. The Commission understood that this managed moved process had been successful, particularly in relation to secondary schools pupils. There had been 34 successful managed moves in 2017/18 which has prevented those children from being permanently excluded. This figure was up from 22 the previous year.
- **Deep Dive exclusion analysis:** This analysis was being undertaken with PH and was nearing completion. A dedicated researcher had been working on this with the HLT and had uncovered some significant patterns and trends, in

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particular the associations of poverty, single-parent families and previous history of exclusions with permanent exclusions. The researcher had also undertaken work with head teachers as part of this analysis. The HLT will provide further feedback to the Commission on the Deep Dive analysis.

**Action:** HLT to provide deep-dive analysis of exclusions to CYP Commission.

- **Monitoring of children who have left alternative provision:** This is undertaken by the alternative provider at which the child has been enrolled.
- **Executive Exclusions Board:** There has been a strong level of local interest in the board. There will be good school representation with 5 primary head teachers and 4 secondary head teachers (two of which are from academies) that have agreed to attend. It was suggested that local schools have recognised exclusions to be of a concern and want to be part of the solution. The board will oversee the local exclusion strategy and action plan. Although the board meetings are not public, a note of meeting outcomes is sent to key stakeholders, including all head teachers. The Commission understood that HLT would produce a report to summarise work to reduce exclusions with some assessment of the impact that these interventions have had.
- **Exclusions Survey:** This was a recommendation from 2016 Scrutiny Commission review. Although there had been a low response to this survey, the Commission understood that the HLT engaged with all schools on a regular almost daily basis, and also facilitated a number of forums through which worked with and supported schools. The secondary well-being and behaviour partnership was a good example.
- **Exclusion rates for secondary schools:** The Commission understood that there were no significant variations across different schools. It was reported that the exclusion rate for 2018/19 (at this stage) would appear to be very similar to the previous year. Management and leadership advisers at the HLT had notified individual schools what their projected exclusion rates (or predictive indicators) would be for the year, and suggested that this formed the basis for developing local improvements (reduction targets).
- **Exclusions with Troubled Families Programme:** Although school exclusion is a trigger for work with Troubled Families Programme, two family triggers are required (parental unemployment, domestic violence etc.). The Commission noted that the HLT worked with many different agencies to support children excluded from school. The Young People's Partnership Panel is a multi-agency partnership which meets weekly to identify how best to support vulnerable young people, including those who have been excluded.
- **Placement with an Alternative Provider:** All children who are permanently excluded are referred to New Regents College (alternative provision hub), where an assessment of their educational and development and needs will be undertaken and the setting that will best meet those needs. To ensure that quality placements are provided, NRC provides quality assurance support to alternative providers. At this juncture, parents should be made aware of any

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independent professional advice which can support them in choosing an alternative provider.

- **AP provision and monitoring:** All young people in AP are monitored by NRC. Young people's progress, attainment, emerging SEND and attendance are all reported back to NRC. In many instances, this process can often lead to undertaking a statutory assessment of a child's education and health care needs and the establishment of an EHC plan. Oversight of commissioning arrangements for AP is provided through the NRC board. It was noted that this is currently a temporary arrangement where KS4 students are placed outside NRC until new build complete in September 2019. Oversight is significant, attendance is monitored and reported to NRC daily. There are also visits to AP by NRC on a regular basis. The Commission noted that some AP will continue to be commissioned even after NRC is able to offer KS4 provision from its new site as it will not be able to meet all the individual needs of excluded children from this one site.
- **Quality Assurance of AP:** This is referred to within submitted reports, though it was noted that NRC will engage and involve AP's to support them in their work and the HLT will also provide additional support through other educational and training offers such as improved safeguarding arrangements.
- **Exclusion Strategic Plan:** There were a number of themes in the plan including data analysis, governance, SEND and leadership and management. The plan represented a refresh for the support and guidance provided to schools and further development of the No Need to Exclude Programme. HLT will use head teacher, governor and SENCO forums to both engage and involve key stakeholders to support the delivery of plan objectives.
- **Re-engagement Unit:** This service works with primary school children who are at risk of exclusion. The main objectives of this service were to address challenging behaviours, improve learning and success and maintain inclusion. Upon referral, the Unit works with individual children through an attached case worker who meets regularly with the young person and the school to address those behaviours which may lead to exclusion. 86% of children referred into the Unit do not have any further contact when they are discharged, which would suggest that the interventions and support provided through the project are effective. In the five years that the Unit has been in operation, it has supported over 480 children. It was reported that local schools had been positive about the work of the Unit. The Unit has strong relationships with other local organisations, especially CAMHS.
- **Fair Access Panel:** All LA's are required to have a fair access protocol (FAP), the purpose of which is to ensure that children who are not offered a school place through normal routes, are offered a place quickly and that allocations are distributed evenly among local schools. A number of categories are covered within the FAP, one of which is permanently excluded children who are ready to return to mainstream school. Other categories include those returning from the criminal justice system and pupils with challenging behaviours (over 25 days fixed term exclusions). When a child is permanently excluded, NRC will assess and support that child, and where it is assessed that the child can be readmitted to mainstream education, they will be referred to FAP, and a school will be named to take the child in line with

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the published protocol. 68 cases were assessed by FAP last year, 12 of which related to permanently excluded children that needed to return to mainstream education (11 of these related to secondary and 1 to primary). In respect of FAP governance, this is reviewed each year by the board. HLT officers from a range of services attend and which include Head of Wellbeing and Safeguarding. In terms of independent chairs of the FAP, the HLT surveyed 24 other authorities, of those 1 had a chair of governors who acted as a chair and was independent, all of the other authorities operated a similar model to Hackney (i.e. rotating chair of local heads). Not all excluded children are referred back to FAP, only those assessed by NRC to be able to re-engage with mainstream education. There are a number of factors which may impact on the time taken between when the child was excluded and re-admittance at a new school through FAP, but the most significant is the time needed for the child to adjust or modify behaviour to allow for re-schooling. NRC made 12 referrals to FAP in 2017/18, of which 11 children were allocated a new school in Hackney and one outside the borough. Under the FAP, schools may appeal for a review of the decision if there is new information available which the FAP had not originally assessed. If the school rejects an allocation through the FAP then there are legal mechanisms which the LA can pursue.

4.11 The deep dive analysis undertaken by the HLT revealed that the relationship between the school and individual families was an important factor in exclusions; in many cases it was not any identified antagonism in that relationship but the absence of that relationship which was a common feature among that cohort of school exclusions. The Commission understood that in many cases there was an underlying and undiagnosed need among excluded children.

4.12 In terms of secondary support, Young Hackney (YH) had attached workers in all secondary schools and special schools to deliver group work and one-to-one interventions for young people. As it is community based, YH was also able to offer a programme of positive activities alongside more targeted interventions for young people. YH also offered a programme of parental support in the community which contributed to wraparound support for children; this helped to build relationships between parents and their children as well as between parents and their child's school. Young Hackney is a free service to all schools whilst the Re-Engagement unit is a fully traded service.

4.13 The Commission understood that in many cases there was some underlying need or vulnerability which may be associated with exclusion, for example SEND, domestic violence or a bereavement. It was understood that across early help services, which include YH and family support, there was generally a good relationship with schools, and regular meetings were held with the SENCO lead, year head or pastoral care lead to facilitate referrals. Support is based on consent however, and early help can only work with those parents which engage with these services. Work was also being undertaken to improve communication with schools not only in terms of improved awareness of the local early help offer, but also by working with Governors to ensure that was sufficient reflection and critical challenge to local school support systems.

4.14 The Commission noted that there may be some very positive reasons for internal exclusions, not least that it kept potentially vulnerable children in the supportive environment of the school. In some instances however, internal

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exclusions may run to many weeks. The type of exclusion is however hidden, as these are not reported or collated by the LA as fixed term exclusions (FTX) or permanent exclusions (PEX) would be. In addition, it was likely that the use of internal exclusions would impact the use of FTX, although there is no data to substantiate this. It was noted that most schools would have some form of internal exclusion provision to give children a space to reflect on their behaviours. In many cases, schools may also have some form of local therapeutic intervention.

4.15 The Commission noted that in the case of looked after children who had been excluded, alternative provision was provided on Day 1, though for other children this was Day 6. It was suggested that 5 days can be a long time for the child, but also for parents who may find it difficult to find alternative care arrangements for their child or experience difficulty in taking time off work. It was noted that schools are sensitive to this issue, where internal exclusion was a possible alternative to external exclusion. The use of FTX's however were noted to play a significant deterrent role within school behaviour policies and would need to be retained as a possible sanction.

4.16 The Commission noted that local behaviour policies were an important factor in the school exclusion process, where a young person's inability to operate within those policies (sometimes for genuine reasons) may lead to FTX or PEX. The Commission reported that it identified some progressive behaviour policies which provided a more reflective and supportive approach to behaviour management (e.g. Positive Behaviour Systems (PBS) adopted by the Garden School). It was suggested that PBS could inform other behaviour policies to help reduce the incidence of exclusion.

4.17 It was noted that different behaviour policies adopted by local schools, particularly those that have led to a reduction in the number of exclusions, had been shared at the local head teacher forum. The Commission understood that there was also guidance for schools within the 'No Need to Exclude' policy on how to support vulnerable and SEND children within their school behaviour policies. Schools are also required by law to make reasonable adjustments for in need children (SEND), to ensure that the school's educational and welfare offer is both accessible and inclusive.

4.18 The Commission noted that parental views and expectations of school behaviour policies were not homogenous however, and whilst some parents (particularly those with children with SEND) may be reticent to send their child to a school with a strict behaviour policy, others may welcome such an approach at the school.

4.19 The Commission sought to ascertain if those parents whose child was about to be excluded were systematically supported (advice, information and guidance) on the range of services available to help them and their family and to advise on their legal rights in this process. It was noted that there was wide ranging information about exclusions available on the council website, including two dedicated leaflets for parents (*'Parental Promise'* and *'My child has been excluded'*).

4.20 It was noted LA officers attend the school Governor Discipline Committee or Independent Review Panel at the request of the individual school involved. The HLT would provide further information as to how many such meetings LA officers were invited to and if the judgements made public.



**Action: HLT to provide further information officer attendance at PDC and IRPs and what happens to judgement reports.**

4.21 It was noted that some schools hold discipline committee meetings with children and their parents on the pathway to exclusion. Often, this is a means to engage with parents, highlight concerns and identify what support might be needed to prevent exclusion. It was suggested that this would be the most appropriate juncture to provide parents with objective independent advice, rather than at the point of exclusion.

4.22 The implications of a court judgement to overturn a decision to exclude a child with SEND was discussed with the Commission. The council were aware of the judgement, which it believed reinforced the need for schools to provide some reasonable adjustments to those children with SEND. The Commission noted that the Council was still studying the implications of the judgement and would provide further written guidance to schools if this was assessed to be needed.

4.23 It was noted that YH offer a menu of PSHE group-work support for Year 10 pupils where local schools can pick and choose which modules are provided. This is an open, reflective and reflexive programme which is adapted to the needs of individual schools and can include a wide range of modules, including (for example) well-being, sexuality, drugs or substance misuse. This is negotiated and planned with individual schools. There is also a similar offer to primary schools for children ahead of transition.

Children and families Service

4.24 The service presented a paper on young people in the youth justice cohort and possible links with school exclusion. In terms of exclusions almost  $\frac{3}{4}$  of excluded young people were known to CFS. It was suggested that a recent Home Office report indicated that there was a correlation between school exclusion and those in the youth justice system. The same report also made similar associations with being excluded from school and being the victim of serious violence. This would further underline the need for early intervention to support children and their families.

4.25 Although not an automatic referral, PEX or two FTX are one of a number of presenting criteria which warrant inclusion within the Troubled Families Programme. Families need to have at least two presenting criteria for inclusion; troubled school attendance is one such criteria, others include parental unemployment, domestic abuse, mental health or criminal behaviour. A multi-agency support package is provided for wrap-around care to support identified troubled family.

4.26 In a sample of 61 children who had been excluded locally (PEX or FTX), 45 were identified to have received early help and support via early help universal services (Youth Hubs and Playgrounds).

4.27 Anecdotally, it would appear that there may be some evidence to link local youth violence with school exclusions. Whilst officers may support this hypothesis, there was as yet no local research to support this link. The picture is further complicated by the fact that a number of exclusions are as a result of criminal behaviour (e.g. drug misuse or possession) itself, indicating criminal behaviour may have been present before exclusion.

4.28 The period of time that children were left at home without any educational provision was felt to be critical by the Commission, as this can encourage drift and allow children to slip in to anti-social behaviour or even adopt criminal associations. It was noted that many of children in this cohort had very complex individual and family needs, and in many cases the young people had become generally disengaged, not just with school but with peer and social networks. The Commission understood that this was a London wide issue, and much work was taking place across the capital to identify how to best support this particular group of young people. Locally, the Contextual Safeguarding Project was working with children and their families to identify and address those safeguarding risks from outside the family home, such as young people's wider peer groups and social media.

4.29 The Commission understood that for those children in the youth justice system there was a range of support services to address assessed needs which included clinical services, speech and language therapy, communication support as well as mental health and substance misuse services. The virtual school was also available to support the educational development and outcomes of those children in the youth justice system.

#### Hammersmith & Fulham

4.30 The Chair welcomed the Director of Education, from London borough of Hammersmith and Fulham. It was noted that, like Hackney, on some educational measures the borough was performing well, though in others, such as exclusion it performed relatively poorly. It was suggested that the success of such boroughs had sometimes overshadowed the needs of other vulnerable young people.

4.31 In LBHF, much of the alternative provision for excluded children from school had been provided through an academy chain. This academy chain had however got into financial difficulty and as a consequence had to roll back on some of the contracted provision. Upon reflection, it was suggested that more challenge and tighter contract management should be provided to the AP sector to assure continuity and quality of supply.

4.32 One of the most significant challenges for LBHF was the rise in FTX. There were currently over 90 children in the pupil referral unit, but this figure was expected to grow significantly over the coming months. It was suggested that there needed to be more challenge to local schools, especially local academy chains, to help address the issue of school exclusions.

4.33 In LBHF the total cost for commissioning AP was approximately £3.7 million per annum. Although the AP's do have good outcomes, it was acknowledged that this was a significant budget line, and significantly higher level of per pupil resourcing than required in mainstream education. LBHF was looking to adopt a more health and well-being based approach to capture and support the needs of young people and their families.

4.34 It was suggested that the lack of breadth within the curriculum taught in some schools was contributory to school exclusions. The narrowness of the taught curriculum in these schools restricted the ability of a small but significant number of children from accessing those subjects at which they may do well and of course, keep them engaged with their studies and school. For example, it was

noted that some schools deleted Art, Drama or technical drawing from their curriculums which may limit the accessibility of the curriculum overall in those schools, which can lead to disengagement and possible exclusion.

4.35 The Commission noted that there were restrictive behaviour policies in operation in some schools in which some young people find very challenging to study and learn. It was suggested that some of the most punitive models were in local academies, but there was also some very positive behaviour policies used in other schools. In this context, the emphasis was on about spreading good practice and to use what influence the authority had to encourage schools to adopt more progressive and inclusive behaviour policies.

4.36 It was suggested that academic achievement was central to an Ofsted assessment to determine what was or was not a successful school. The Commission noted that academic achievement was just one part of what constituted a successful school and that other wider assessments should be made when making such a determination. Whilst some schools had high levels of academic achievement, they may not succeed in engaging and involving all their students, or indeed in make sufficient adjustments to enable them to study in mainstream education. It was suggested that there was a growing recognition within Ofsted that a wider range of factors should be used to determine what constitutes a successful school.

4.37 Disproportionality was also of significant concern in LBHF, with higher numbers of boys and children of black Caribbean origin represented in the exclusion cohort. It was suggested that analysis of work undertaken in LBHF to tackle disproportionality needed to be more 'granular' and responsive to individual needs to achieve significant change. At the moment, there was a broad perception that the range of interventions that were deployed merely scratched the surface of disproportionality in exclusion cohort.

#### General discussion

4.38 It was noted that there may be many reasons why a young person may be exhibiting challenging behaviour or unable to access the curriculum like other children. The Commission noted that these children were often among the brightest children whose propensity to question and challenge educators could appear challenging. In other scenarios, children that had been subject to some form of childhood trauma may present with other challenging behaviours which can be difficult to manage in mainstream education. In this context, AP can provide more nurturing and nuanced educational support which is more accessible and appropriate to these young people. In this context, the curriculum will be qualitatively different in these settings to ensure that this responds to emotional well-being needs of that child. Thus, whilst there was a good core curriculum offer at NRC, there was also a range of softer skills to help children reflect and learn and foster positive behaviour. In this context, it was suggested that it was important to have a range of providers within the AP landscape, to ensure that these cater for the diversity of young people's needs outside the mainstream education. It was suggested that the creation of school or singular AP for children with challenging behaviour, would create a 'one environment solution' which may be suitable to some, but not all young peoples.

4.39 Members of the Commission noted that the experience of exclusion from school had been traumatic for young people and had far reaching implications for

them and their families. Exclusion represented a fracturing of social and family ties and networks, which were often traumatic at this important stage of development in a young person's life. The Commission noted that it was encouraging that there was good nurturing and therapeutic provision provided through some of the AP's which was commissioned by Hackney through NRCP'

4.40 The Commission sought to understand what key policy or funding developments officers would develop in an ideal world scenario, which would have a major impact on the exclusion landscape. These were identified as:

- Greater ability for local authorities to shape and influence school provision;
- Improved support for children who have experienced childhood trauma;
- Change curriculum measures so that a broader range of subjects are included assessed and bring improved accessibility to wider range of children;
- Wide ranging early help and support for parents.

#### Islington Law Centre

4.41 A representative from Islington Law Centre attended to provide evidence on the work of the centre to support children and their families through the exclusion process. Islington Law Centre is a charity which provides legal advice to those people who may otherwise not be able to afford it. The Centre was awarded funding through Children in Need which together with its strong community contacts, has enabled it to work in Hackney as well as Islington. The Centre decided to work with those organisations in Hackney which were already working with children and young people, but who may benefit from specialist legal input.

4.42 A number of case studies were presented to illustrate the nature of support provided in the time leading up to exclusion and at the point of exclusion. Many of those families which were supported through this work may originally present with another issue (e.g. domestic violence, poverty, homelessness, gang involvement). Through ongoing contact, workers generally become aware that there may also be problems at school for children in the household.

4.43 Many parents feel daunted at the prospect of going into school, particularly when their child may be in trouble or had experienced difficulties, and found these situations difficult to understand and navigate. Therefore a significant part of the work of the Law Centre was advocate for parents; to meet with children and their families and to understand their concerns and to ensure that these were effectively conveyed to and understood by school. The advocate would accompany children and parents to school meetings with the head teacher and also provided advice and support for any formal appeals or quasi-legal process.

4.44 As an advocate for children and their families in Hackney, there was a concern that many of the challenging and disruptive behaviour that children exhibit in school were seen as disciplinary issues rather than indicator of underlying unmet needs or undiagnosed SEND. In this context, it was often necessary to remind schools of their duties under the Equalities Act and to make necessary adjustments to support such children in school.

4.45 It was noted that the need for evidence was critical to engage schools and to promote dialogue between head teachers, parents and their children. In many

instances, evidence which can demonstrate a previously undiagnosed condition to unmet need can greatly assist this process. In one of the case studies presented, a 13 year old boy was supported to undertake cognitive assessment which indicated that he had a reading age of 6 and therefore could not access the secondary curriculum. Following this evidence, the school supported the need for a full EHC assessment.

4.46 The Commission sought to understand how children with unmet educational or learning needs were not identified, or able to function in mainstream education without support. It was noted that in many cases challenging behaviour was seen as wilful rather than as a result of a condition, or used by children actually to mask their inability engage with the curriculum or standard teaching strategies. The Commission noted that in the case study above, the school originally had 12 teaching assistants who were able to provide a high level of one-to-one support to extra needs children, but this had been reduced to 2 (in response to budget cuts). This in effect meant that the level of support to help children engage with the curriculum and maintain them in school was reduced.

4.47 Most of the cases handled by the Centre required a holistic family assessment and intervention approach. In both case studies, parents had taken significant amount of time off work to support their child through various disciplinary or appeals processes and which precipitated problems at work. In this context, the Centre needed to provide employment advice and support to the parents to help them maintain that employment and to continue to provide for themselves and their child.

4.48 Schools that do not make necessary adjustments to cater for special needs children that attend may not be in compliance with their duties under the Equalities Act. Failure to comply with those duties may lead to prosecution for discriminatory practice. The Law Centre plays an important role in ensuring that schools comply with this process.

4.49 The Commission noted that with the exception of SEND, education is largely out of the scope of Legal Aid which can make legal advice more difficult to access. There were however a number of organisations that do provide legal advice including Just for Kids Law, Community Empowerment Network and the School Exclusion project will all offer advice for excluded children, but few organisations were able to provide legal advice and support to *prevent* exclusion.

4.50 A number of schools had developed very austere behaviour policies and adopted a 'zero tolerance approach'. It was the view of the presenter, that such a blanket approach may disadvantage vulnerable children or those with SEND and in some cases, may be discriminatory. There were some very positive behaviour policies in operation however, and the evidence and best practice emanating from their operation should be disseminated widely.

4.51 In terms of additional support needed for children who have been excluded from school or are at risk of exclusion, a recurrent theme in the work of the advocate was the accessibility of CAMHS. Whilst this service was acknowledged to provide good quality services locally, it was noted that there is often a long wait for children to access services, in some instances up to 12 months. If children were not getting timely mental health and well-being support

that they needed, then this could lead to ongoing problems at home or indeed, in school, which may limit the ability of the child to manage in these settings.

4.52 It was suggested that many children exist within the education system with unmet needs and stuck in a cycle of transfer and failure. A young person with unmet needs may be moved from one setting to another, as they may be unable to regulate or modify their behaviour without support. The Commission heard that only when those needs are recognised, diagnosed and supported will that child be able to adapt their behaviour and fully engage with and develop within local education systems.

4.53 Whilst mainstream education may be the preferred option for many of the stakeholders involved, the Commission noted that it may not always be suited to the individual needs of all young people. It is therefore important to have a range of quality AP placements available locally to support such children, particularly those with vulnerabilities or SEND. As an advocate, there was a suggestion that AP within Key Stage 3 may need further assessment and development.

4.54 In terms of developments that would assist in the reduction of school exclusions a number of improvements were suggested:

- The provision of additional early help and support for families;
- More parental engagement by schools on local behaviour policies in schools as they are often not aware of how prescriptive they can be and how this will impact on their child;
- Further analysis or enquiry of the unmet needs of children who are excluded for 'permanent disruptive behaviour'.

4.55 The Chair thanked all those guests who attended and contributed to this item.

## **5 Annual Question Time with Deputy Mayor and Cabinet Member for Education, Children and Young People and Children's Social Care**

5.1 Under scrutiny protocol, the relevant Cabinet member is required to attend the Children and Young People's Scrutiny Commission each year to respond to questions on services within this portfolio. Three topic areas were selected by the Commission for the Cabinet member to respond, these were:

- Hackney Schools Group;
- Young Futures Commission;
- Education Funding.

### Hackney Schools Group

5.2 In response to an evolving school landscape which is now much more diverse, the Council has put forward a plan to develop a Hackney Schools Group. The purpose of this group was to:

- Support a collaborative approach among schools;
- Develop a shared approach to leadership and oversight;
- Guide and support the improvement offer of the Council;

5.3 A new local schools board would be established and this would be the forum through which to provide the central focus for the local strategy to drive local school improvement. The board would also be a centre

point for identifying and supporting local educational research and the dissemination of good practice.

5.4 The Commission understood that there were no legal barriers to the establishment of Hackney Schools Group as the board would be set up in an advisory capacity and would not have any delegated powers. The board would however seek to influence local provision through its collaborative and collective approach. There were financial implications for establishment of the Hackney schools Group, most notably the appointment of an independent chair to lead the board, who will be paid a salary of up to £10k p.a. All other costs would be met within existing budgets of the HLT.

5.5 An extensive piece of work was undertaken to engage and involve local schools to ensure that they were aware of the Hackney Schools Group (HSG) and support their participation. This process led to positive feedback around the concept of HSG, though also highlighted the need for further reassurance that this development would not diminish their autonomy. All stakeholders had been involved in this consultation including heads, governors and the wider public and this consultation was ongoing.

5.6 The Hackney Schools Group would align itself closely with the Mayor's manifesto commitments for school improvement and work closely with schools to share good practice and learning in promoting inclusion and for fair access. There would be a sub-group to the board which would focus on early help and support to the most vulnerable and in-need children. The collaborative approach of the group would be able to provide a more collective and holistic response to this pressing issue.

5.7 In terms of the time line for establishment, further consultation was planned between November 2018 and February 2019 to check and challenge current proposals with key stakeholders, including head teachers. Final proposals would be taken to local councillors prior to final approval by Cabinet in spring 2019. It was hoped that by June 2019, the Chair and the Board would be established for a September 2019 launch.

5.8 In terms of parental involvement in the new group, it was noted that parents would be consulted through the planned public consultation and through parent representatives on school governor boards. In addition, the possible inclusion of a parent representative on the board of the Hackney Schools Group was being considered.

#### Young Future Commission

5.9 This was a manifesto commitment from 2018 to ensure that the voice of young people was heard within heart of policy making for services for children. As a council, it was important that young people's voices were heard in a meaningful way. A number of appointments had already been made to support this development, including the lead officer for the Commission. The Commission would also benefit from expert communication and engagement support to help bring young people to the Commission.

5.10 In terms of governance, there would be a sponsoring board comprised of Cllr Bramble and Cllr Selman and the Director for Communication, Engagement and Culture will be the lead officer. A range of different children and young people's services across the council will also be represented on this board. The board would have strategic oversight for the Commission to ensure that it meets the terms of its establishment. A delivery group would also be set up to function below the board; this will be led by the programme manager who will oversee the day to day running of the Commission. A reference group would also be established to enable interested local third parties to participate and contribute to the engagement and involvement of young people (e.g. HCVS, schools, community groups).

5.11 There would be two chairs for the Commission, both of which were to be young people. There has been extensive promotion of these roles and 9 young people have

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applied and will be interviewed in late January. Young people will be invited to an open day to ensure that they are all aware of what they will be signing up to and what membership might entail. It is expected that there would be 25 members on this group.

5.12 Any conclusions or recommendations reached by Young Futures Commission would be considered the same as a scrutiny report. Thus any recommendations put forward by the Commission would be confirmed by the Cabinet Member for Children and Young People before they are enacted. It is likely that some of the recommendations of the Commission will be directed at services and organisations beyond the council, and in this context the Council would engage and involve these respective bodies so that these recommendations can be considered and taken on board.

5.13 The Young Futures Commission will complement the work of the CYP Scrutiny Commission and Hackney Youth Parliament. The Commission will seek to work with existing scrutiny and consultation functions. For example, scrutiny may wish to take evidence from the Commission or member representatives may wish to sit on the reference group.

5.14 It is expected that the Chairs of the Commission will be appointed by the end of January and the remaining membership confirmed by the end of February. The dedicated support officer for the delivery group to support the Commission was already in post.

#### School Funding

5.15 When the new national funding model was first released it was anticipated that this would not result in the any reduction in pupil funding. What the funding formula failed to take account of however, was the rising level of needs and associated costs within the system. In 2016/17 it became clear that schools would lose out financially in real terms, which resulted in significant national and local challenge to the proposals. Evidence lodged in the House of Commons Library suggested that there had been a reduction in education spending of £7.6 billion over the period 2012-2018.

5.16 The funding formula is currently frozen which means that the level of per-pupil funding is fixed until 2020-2021. Maintaining funding at current levels fails to recognise the increasing costs that schools faced. Schools now also have to fund a range of support services which were previously funded by central government. Children's Social care is also facing a significant funding gap of £3 billion, which'll impact on schools. In this context, schools and early year's services will be expected to pick up some of the 'softer' service provision for children and young people (e.g. readiness for school at reception age).

5.17 Through the LGA, the Cabinet member noted that nationally, there were significant pressures on local SEND budgets. Local Authorities wanted to meet SEND needs but did not have the resources to enable them to do this. It was right that SEND provision was extended to support those up to the age of 25, but the Cabinet member indicated that it was fundamentally wrong not to resource this additional commitment.

5.18 Some additional funding was announced for Children Service in November 2018; £1.3 billion in total, £350m of which was earmarked for SEND support. It was suggested that this was inadequate to fill the funding gap however, as in 2018 alone, the estimated funding gap for SEND was £474 million. The Educational Services Grant had been cut by £6m which is the equivalent of £75,000 per school.

5.19 The loss of £7.8 billion of local authority funding also provides the broader context to these education cuts. Local Authorities are having to make substantial saving which impact on education service provision, for example library closures. The Council and the LGA continue to lobby for additional funding for SEND, children's social care and good education.



5.20 The Chair thanked Cllr Bramble for attending and responding to questions from the Commission.

## **6 Minutes of the Previous Meeting**

6.1 The Commission noted the following actions:

- A response had been received in lieu of reciprocal arrangements between police and community organisations for notification of drug paraphernalia. This will be forwarded to members;
- It has been confirmed that Children and Families Service submitted a bid to the Supporting Families Against Youth Crime on 7<sup>th</sup> December. The outcome of this bid should be known by the end of January 2019.
- Members were consulted for future site visits to assist the Commissions review into outcomes of school exclusions;
- Chair and Officer to attend a future meeting of the Hackney Independent Forum for Parents on 17<sup>th</sup> January 2019.

6.2 The Commission agreed the minutes of the last meeting.

## **7 Children and Young People Scrutiny Commission - 2018/19 Work Programme**

7.1 It was agreed that a report back of site visits would take place at the next meeting in February.

7.2 The deep-dive analysis of exclusions would be requested and circulated to members of the commission.

7.3 The Members of the Commission noted the current work programme for the municipal year 2018/19.

7.4 A number of site visits were planned for January and February 2019 to assist the review process.

## **8 Any Other Business**

8.1 There was no other business.

The meeting closed at 10.20pm.

Duration of the meeting: Times Not Specified