

London Borough of Hackney  
Children and Young People Scrutiny Commission  
Municipal Year 2018/19  
Date of Meeting Monday, 9th September, 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>	<b>Cllr Margaret Gordon (Vice Chair)</b>
<b>Councillors in Attendance</b>	<b>Cllr Sade Etti, Cllr Ajay Chauhan, Cllr Humaira Garasia, Cllr Katie Hanson, Cllr Clare Joseph, Cllr Sharon Patrick, Cllr James Peters, Cllr Clare Potter and Cllr Caroline Woodley</b>
<b>Apologies:</b>	<b>Cllr Sophie Conway (Chair)</b>
<b>Co-optees</b>	<b>Jo Macleod, Ernell Watson, Michael Lobenstein, Maariyah Patel and Aleigha Reeves</b>
<b>In Attendance</b>	<ul style="list-style-type: none"><li>- Anne Canning, Group Director, Children Adults and Community Health</li><li>- Rory McCallum, Senior Professional Adviser, City &amp; Hackney Safeguarding Children Board</li><li>- Annie Gammon, Director of Education and Head of Hackney Learning Trust</li><li>- Andrew Lee, Assistant Director, Hackney Learning Trust</li><li>- Simone Vibert, Office of Children's Commission</li><li>- Mike Sheridan, Regional Director, HMI Ofsted</li><li>- Kiran Gill, Chief Executive, The Difference</li></ul>
<b>Other Members in Attendance</b>	<ul style="list-style-type: none"><li>- Cllr Christopher Kennedy, Cabinet Member for Early Years, Families and Play</li></ul>
<b>Members of the Public</b>	There were 8 members of the public in attendance, which include representatives of local SEND reference group, Hackney Independent Parents and Carers Group (HiP), School governors and School Governors Service.

**Martin Bradford**

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**In the Chair - Cllr Margaret Gordon**

## **1 Apologies for Absence**

1.1 Apologies for absence were received from:

- Cllr Sophie Conway (Chair)
- Cllr Humaira Garasia
- Graham Hunter
- Shuja Shaikh
- Cllr Anntionette Bramble

1.2 In the absence of Cllr Sophie Conway, the meeting was chaired by Cllr Margaret Gordon (Vice Chair).

## **2 Urgent Items / Order of Business**

2.1 The Commission agreed that an urgent question on the possible impact (and preparation for) a no-deal Brexit on children's social care and education services in Hackney would be tabled under 'Any Other Business'.

2.2 The remainder of the agenda was as published.

## **3 Declarations of Interest**

3.1 The following declarations were received by members of the Commission:

- Cllr Chauhan was a teacher at secondary school in another London borough and a member of the NEU;
- Cllr Peters was a governor at special school in Hackney;
- Jo McLeod was a governor at a local school in Hackney.

## **4 New arrangements for Local Safeguarding Children Board (19.00)**

4.1 Under the Children Act 2004 (as amended by the Children and Social Work Act 2017), Local Safeguarding Children's Boards (LSCB) set up by local authorities are to be replaced. Under this new legislation, three safeguarding partners (local authorities, chief officers of police and clinical commissioning groups) must make arrangements to work together with 'relevant agencies' to safeguard and protect the welfare of children in the area. Local Authorities are required to establish new safeguarding arrangements by 29<sup>th</sup> September 2019.

4.2 An officer from the Local Safeguarding Children Board and the Group Director for Children, Adults and Community Health presented a report which set out the main changes to local safeguarding arrangements for Hackney. The key points of this presentation are summarised below:

- The new safeguarding partnership will comprise of three partners, the local authority police and local clinical commissioning group (CCG) and will be called the City and Hackney Safeguarding Children Partnership (CHSCP).
- As the geographic boundary of the existing City & Hackney Safeguarding Children Board (CHSCB) will be maintained this meant that local safeguarding partners were Hackney Council, City of London, City and Hackney CCG, Metropolitan Police and City of London Police.

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- The new safeguarding partnership will work with 'relevant agencies' which are expected to comply with safeguarding arrangements. Relevant agencies include health services, schools and other educational and childcare settings and all those local groups and charities that work with children including out of school settings (sports clubs and religious groups such as Yeshiva, Madrassa and Sunday schools). Relevant agencies that need to be included in local safeguarding arrangements are set out in national guidance and a full list of relevant agencies will be published locally.
- Independent scrutiny is a key part of local safeguarding and this will be retained within the new safeguarding arrangements. The current independent Chair of CHSCB will continue in the role of the Independent Child Safeguarding Commissioner (ICSC). The ICSC will continue to provide both independent scrutiny of safeguarding partners but also provide independent leadership for local safeguarding.
- In terms of governance, a Senior Leadership Team of safeguarding partners will meet three times per year. There will be one Executive body for both Hackney and City under the new arrangements which is scheduled to meet bi-monthly. Both these meetings will be chaired and led by the Independent Child Safeguarding Commissioner.
- Current funding arrangements for the new safeguarding partnership will continue for the year (2019/20). Hackney Council's current financial contribution makes up a significant proportion of the CHSCB. Statutory guidance expects funding of the new arrangements to be equitable and proportionate across safeguarding partners and this will be subject to discussion later in 2019/20.
- A number of safeguarding proposals are still being finalised, including how the voice of children and young people can be better included and represented within the new CHSCP structure and processes. This will be a key objective in the first year of the partnership.
- Similarly, given the number of 'relevant agencies' the CHSCP will need to ensure safeguarding processes were working effectively and offering support as appropriate to ensure compliance with safeguarding standards of the CHSCP.

### Questions

4.3 The Commission asked the Senior Professional Adviser if he had any comments on off-rolling from schools from a safeguarding perspective.

- It was noted that off-rolling and school exclusions were an active line of enquiry within the local safeguarding partnership. It was recognised that off-rolling and school exclusions create additional vulnerabilities for children particularly when a child may be at home and unsupervised. It was suggested that some of the risks associated with exclusion could be mitigated through improved local policies and practices and the CHSCP would continue to work with local agencies to support this. The Commission noted that schools and other educational settings provided protection for children and on the whole were safer if they were in such a setting where responsible adults were present.

4.4 The Commission enquired about examples of 'relevant agencies' and sought to ascertain what approach to enforcement the CHSCP would take with those agencies that failed to comply with new safeguarding arrangements?

- Relevant agencies include current partners such as the Homerton Hospital, East London Foundation Trust, schools and HCVS. Other 'relevant agencies' will include those from a wider range of organisations working with children, including out of school settings such youth clubs, sports clubs and other community organisations.
- The requirement for agencies to share information with the CHSCB are set out in the previous statutory guidance, Working Together 2015. This requirement continues in the new arrangements for the CHSCP. There is generally good cooperation amongst local agencies in the provision of information, which included serious case reviews (SCR), multi-agency case audits (MACA) and individual safeguarding self-assessments. This has helped the local safeguarding partnership to develop assurance with regards to local safeguarding.
- It was noted that there are likely to be challenges in the new system, particularly for newly named 'relevant agencies' as they will need to understand the safeguarding obligations and expectations placed upon them by the CHSCP. The CHSCP will engage all such agencies to ensure they are aware of safeguarding responsibilities and that minimum standards of safeguarding practices were in place.
- It was understood that it was not the role of CHSCP to police relevant agencies to ensure compliance. Where individual agencies refuse to cooperate or comply with requests, the CHSCP is likely to seek redress through relevant accountable bodies (e.g. Ofsted, Charity Commission) if local negotiation and offers of support / collaboration fail.

4.5 In terms of out of school settings, the Commission wanted to know what safeguarding information would be required, how this would be shared and what support would be available via the CHSCP?

- The CHSCP would adopt a supportive and cooperative approach to such settings to help them understand safeguarding obligations and the processes they need to adopt to bring them into compliance. The CHSCP will be sensitive to the nature of such organisations and ensure that information provided was appropriate and accessible.
- Soon after the new partnership is due come into effect, a health check will take place of the safeguarding system in which all agencies will be required to complete a self-assessment. The new self-assurance system will be on-line and replace the current process. The outcome of this health check will be used to develop local priorities, determine priority areas for focus and check compliance with simple safeguarding standards and procedures (e.g. requirement for all staff to have safeguarding training / a named person as a lead and operational safeguarding policy in place).

4.6 The Commission sought to understand if there had been any research into the quality of safeguarding practice among local voluntary agencies?

- It was suggested that the quality of safeguarding practice in the voluntary sector generally was variable. It was noted that the size of the agency provided no indicator of good practice, given that Oxfam had recently been found wanting in a recent safeguarding inspection. In contrast, there were a number of small voluntary agencies which had very good safeguarding

policies and procedures. The voluntary sector setting was however diverse and ever changing which required ongoing engagement to fully understand the nature and scope of its work with children and the possible risks involved.

4.7 CHSCP would be invited back to the Commission in January 2020 to present its annual review. This would present a further opportunity to assess how the new safeguarding arrangements were being implemented. The Chair thanked officers for attending, presenting the report and responding to member questions.

## **5 Off-rolling in schools (19.20)**

5.1 In February 2019, the Children's Commissioner published research into off-rolling in schools; *Skipping School: missing children*. This report highlighted a number of ways in which children can 'go missing' from the school roll each year, including off-rolling. Off-rolling is the practice of removing a pupil from school roll (without using a permanent exclusion) when the removal is in the best interests of the school and not the child. This includes pressuring a parent to remove their child from school.

5.2 At a subsequent meeting of the Commission in April 2019, it was agreed that a more in-depth analysis of off-rolling from school would be undertaken within the 2019/20 work programme with the following objectives:

- To define off-rolling, how it relates to home schooling but differs from exclusion;
- To assess the nature and scale of off-rolling (both nationally and locally);
- To determine how off-rolling is identified, and how best to work with schools to prevent this from occurring;
- To assess what support children and parents may need to prevent off-rolling;
- To identify the role of the local authority to prevent off-rolling, and how best it can work with schools and other partners in this process.

5.3 An expert panel was invited to give evidence to the Commission to assist in its investigation of this issue. The following contributors attended to support member discussions:

- Simone Vibert, Senior Public Affairs & Policy Analyst, Office of the Children Commissioner;
- Mike Sheridan HMI, London Regional Director, Ofsted;
- Kiran Gill, Chief Executive, The Difference;
- Annie Gammon, Director of Education and Head of Hackney Learning Trust;
- Andrew Lee, Assistant Director, Hackney Learning Trust.

5.4 Prior to this meeting, a number of key documents were circulated to the Commission to guide and inform discussions. These were:

1. [Skipping school: invisible children](#) - Office of the Children's Commissioner
2. [Off-rolling in English schools](#) - House of Commons Briefing
3. [Off-rolling in Schools](#) - LGiU Briefing
4. [Exploring the issue of off-rolling](#) – Ofsted/YouGov
5. [Unexplained pupil exits from schools: a growing problem?](#) – Education Policy Institute

### Defining Off-rolling

5.5 Ofsted provided the legal definition of off-rolling which was stated as:

*'Off-rolling is when a school removes a student from its roll without formal permanent exclusion or by encouraging a parent to remove their child*

*when the removal is primarily in the interest of the school or other provider rather than in the best interest of the child.'*

5.6 The Commission understood that the key issues were whether a school move was in the interest of the child *and* if parents had been encouraged or coerced into removing their child from school. This created a number of grey areas in defining and identifying off-rolling which could encompass other school moves such as Elective Home Education (EHE) and managed moves (MM). As a consequence, it would also be very difficult to accurately identify the true scale of off-rolling in schools.

5.7 HLT reported that it had visited a number of schools and scrutinised the circumstances of those children that had come off the school roll. In many cases there appeared to be genuine and positive reasons for them to be removed from roll (e.g. the child wants to go to another school or the family have moved). It was acknowledged that a child's move to alternative provision could also be incorporated in to discussions about off-rolling. Whilst in some cases a move to alternative provision could be in the best interests of the child to enable them to access a more suitable curriculum, it was not clear if this was always the case however, particularly given the quality of some alternative provision.

#### Children Commissioner

5.8 The Children's Commissioner is a statutory role to ensure that those services which work with children adhere to the rights of children and ensure that the voice of children was heard in planning and delivering services. The Children's Commissioner speaks on behalf of all children, with particular reference to those in care. The Children's Commissioner has a number of statutory powers including the ability to request information from public bodies and the authority to visit and speak to children in any non-private dwellings.

5.9 The Children's Commissioner had focused recent work on vulnerable children, in particular those children outside mainstream education settings, including EHE. The numbers of children being EHE had grown significantly over the past few years, where at the end of March 2018, the School Adjudicator estimated that there were 58,000 children in EHE. The Commission understood that the actual number was difficult to determine, because at present parents are not required to notify the Local Authority (LA) and thus no centralised and accurate record exists.

5.10 The Children's Commissioner selected 11 LA's as case studies to further assess off-rolling, in particular, those children that move from mainstream settings to EHE. This was undertaken school by school where in total 1,400 schools submitted data. The key points from this data for 2017/18 were:

- Across these schools 2.74 children per 1,000 had moved from mainstream education to EHE, in Hackney the rate was 2.78 and Newham 1.91;
- Generally, there was a significant increase in the number of EHE referrals in the period 2015/16 to 2017/18 – 48% in the case study areas. It was acknowledged that this was a small but growing problem. Both the participating London boroughs saw a significant increase in the same period; 94% in Hackney and 174% in Newham.
- It would appear that children moving to EHE was concentrated in a small number of schools, across all the case study areas it was found that 50% of all EHE referrals came from just 10% of schools;

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- The EHE referral rate for academies was higher than maintained schools, though the rate is increasing faster among the latter;
- Similarly, whilst the rate of EHE referrals from secondary is higher than primary, it is increasing in both settings.

5.11 In terms of solutions to this issue, the Children's Commissioner welcomed the new Ofsted inspection framework which would penalise a school found to be off-rolling. It had also passed over all its data to Ofsted and highlighted those schools where high rates of off-rolling were suspected. It was noted that EHE was used as a proxy indicator for off-rolling, as not all EHE cases would be off-rolled students and some would undoubtedly be genuine.

5.12 The Children's Commission would be repeating this data collection exercise amongst all schools which would be reported on toward the end of the year. This data would also be passed to Ofsted.

5.13 The Children Commission also welcomed the decision by the Department of Education that 'outstanding' rated schools would not be exempt from robust inspections. Such high performing schools could have been using off-rolling to maintain their level of academic performance so it was positive that they remained open for inspection. The DfE had also agreed to the establishment of an EHE register as this will help to know where children were being educated, particularly those who have never been to school.

5.14 SEND was acknowledged to be a factor in off-rolling as it is well established that this group of children were strongly associated with all pupil moves. Whilst new additional funding of £700m was welcomed, this would not be enough to meet the funding gap identified by the identified by Local Government Association (this suggested a £1.8 billion gap would emerge for SEND service by 2021/22). A new review into SEND was anticipated and the Children's Commissioner wanted this to incorporate off-rolling.

5.15 A final point was that there needed to be improved accountability for schools, particularly what happened to that child after they left school and their data and performance trail.

5.16 A key development to prevent off-rolling was the need to provide independent advice and guidance to families who plan to or have taken the decision to move their child to EHE. This needed to be provided at the point of or prior to that decision. The LA should also visit families to explain what was involved in EHE and other education options available. This should be followed up 6 weeks later to reflect on the new EHE environment and to ascertain if this is working for the family and the child.

5.17 Aside from EHE and managed moves, the Children's Commission was also concerned about internal exclusions in school, where children were kept in some form of exclusion from classes and not in receipt of education. It was believed that there was a link between those schools that were adopting these kinds of practices, and those that may be off-rolling pupils. The common trait was those schools that appeared to be adopt a zero-tolerance approach to misbehaviour.

Questions

5.18 The Commission wanted to know if there were any commonalities to those children which may be EHE - does research show any association with behaviour or low attainment?

- Whilst the Children's Commission had not done this research itself, it was clear that there were such associations with free school meal entitlement, English as an additional language and SEND. The common features were (i) those children who were not having their needs met in the classroom and (ii) those children who are interacting with other statutory services such as social care or mental health. It should be remembered however, that many EHE children were in EHE for positive reasons and received a well-balanced education, and thus it was difficult to draw out the characteristics of children who were off-rolled. These children were not the focus of the work of the Children's Commission.

5.19 The Commission sought to understand if parents were aware of their rights in respect of off-rolling and other ways in which they may be encouraged to leave the school roll?

- The Children's Commission found that in numerous cases, parents did not know their rights where some did not even recognise how consent had been obtained for their child to be removed to EHE. The Commission also found, in some cases, EHE template letters 'I \_\_\_\_\_ choose to home educate my child for the reasons set out below' which raised serious questions.
- The Children's Commission found that in their view, teachers did need to understand more about behaviour of children, the reasons why children can exhibit poor behaviour and be disruptive. Teachers also needed to understand the positive approaches that could be taken to address such challenging behaviour in an inclusive way. Schools also needed to adopt better ways to manage the behaviour of children, this could be improved by better training for staff and more awareness and resources for children with SEND.

#### Hackney Learning Trust

5.20 HLT had been aware of the issue of children moving off-roll for some time and although local figures suggest that this was in line with national average, the authority had not been complacent. It was emphasised that children do move off-roll for genuine and positive reasons such as a family move or where a child needs to change schools. The Commission noted that if schools were trying to influence results then off-rolling would be most likely between years 9 and 11.

5.21 In talking to local schools where there has been a high rate of schools moves, HLT found that whilst there was some queries about a small number of children's moves, most moves were planned and support a good reason to move the child off-roll.

5.22 HLT provided a number of case studies to explain some of the circumstances and decision making that took place to move a child to EHE:

- A child had been very anxious about attending school and despite the involvement of multiple agencies, the child was reluctant to attend. When the School Attendance Service put pressure on the family for the child to attend, the parents decided to EHE rather than be taken to court and fined. This was clearly a simplistic account, but demonstrated the complexity issues and decision making involved.

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- There were two other examples of where a child was removed from mainstream education to EHE to avoid the prospect of a permanent exclusion (one for drugs and one for incitement to violence).

5.23 HLT also suggested that a move to AP could also be considered as off-rolling, particularly when that child may be considered to be a risk to the overall academic performance of the school. In some circumstances, a move to AP could be very positive and in the best interests of that child and offer a more suitable curriculum for them to study. It was acknowledged however, that parents and children may dispute this and that there were some quality assurance issues with some AP.

5.24 It was noted that schools faced a number of pressures in recent years which may have had an impact on the incidence of off-rolling:

- There had been reduced funding per pupil which may have restricted the level of support available to children in school;
- Funding pressures and changes to performance measures had also contributed to a restriction in the number of subjects that may be offered through school curricula. This had disproportionality affected the provision of vocational courses to children in year 10 and 11 which may have impacted on a number of children being able to fully engage with the curriculum;
- The establishment of Progress 8 had meant that the performance of every child has to be counted within a score for the School which meant that there was a possible incentive to off-roll to improve performance.

5.25 HLT had visited and questioned all those schools where there a high level of child movement between year 9 and 11 was recorded in 2018/19. It was noted that the HLT planned to repeat this exercise this year (2019/20).

5.26 It was reiterated that off-rolling was probably not confined to secondary schools and that this was also taking place in primary schools. Given the nature of the curriculum, it was suggested that parents may feel it was easier to EHE a child of primary age than secondary.

5.27 Staff training was important to help reduce the incidence of school moves, particularly those that may have a negative impact on the child. HLT had offered training in Adverse Childhood Experiences and the impact that this may have on a child's behaviour. It was hoped that this may counter some of the decisions to move children and provide additional in-school support. Training would be directed to promote an inclusive school which was the HLT's favoured approach to this issue and other unnecessary school moves.

5.28 HLT welcomed the initial definition of off-rolling, but suggested that a tighter legal definition was needed. The 'best interests of the child' was too vague and was susceptible to challenge from the school. The school itself was still in a very influential position to determine what that 'best interests of the child' might be.

5.29 A key reason why children were moving to EHE was that the relationship between the school and the family had broken down. For many families however, the move to EHE was a positive statement which was backed up by action plan from parents, though in other cases it was accepted that this may not be the case. For some children that have Asperger's or other anxiety related issue, EHE or AP could be a positive outcome.

5.30 The key decision for the parent in such cases where the child was being considered for EHE, was whether the school could meet the education *and* welfare needs of their child? If the parents assessed that the school couldn't meet their needs, then they might choose to EHE their child as they feel that they can do this better at home.

5.31 The EHE register in Hackney is quite skewed given the number of OJC community that chose to do so. This is not a statutory recording however, so registration remains voluntary. The local register does not and cannot currently take into account those children who have never been into the state education system, as these are simply not known to the LA. In this context, HLT would welcome the establishment of a compulsory EHE register.

5.32. Most male children from the OJC that were being EHE were probably being educated for part of their time at least, through a local Yeshiva. The HLT was in ongoing dialogue to the OJC to build trust with local Yeshiva and to ensure that there was an effective EHE notification process.

5.33 HLT would welcome the opportunity to provide advice and support to children and families in particular drop-in advice surgeries and advice on the different teaching materials available to their children. All this however would take additional resource. The service currently had 0.5 WTE to support EHE at present but the demands from this had increased substantially in recent years. Parents were far more aware of EHE, and increasingly more were taking up this option to educate their children.

5.34 HLT had held two drop-in sessions to provide advice children and their families about their rights. The number of families that attended this year had doubled from last year, which would indicate that there was a growing demand for this type of support. The sessions were also to remind parents of their responsibilities in respect of EHE.

5.35 If the LA do not know which children are EHE, then it does not have oversight or know the whereabouts of such children. In this context, the LA cannot discharge its responsibility to ensure that such children are safe and in receipt of an appropriate education. To support the monitoring and enforcement role of LA, much tighter legal definitions are needed for full time education, suitable education and efficient education. Without improved regulatory framework it is difficult to hold people to account.

#### Questions

5.36 The Commission was concerned that EHE in Hackney was supported by just 0.5 WTE. If a parent of a child with SEND decided to EHE their child, what investigations would be made into the parental circumstances and what support would be available.

- HLT maintained that the 0.5 WTE was adequate for the current level of provision for the initial phone call, visit and for administrative support.
- It was noted that a 'cooling off' period of 6 weeks had been in place for a number of years where parents had a reflective window to consider their decision to EHE. In this context, the child would not immediately come off-roll, but parent and child would be given the opportunity to experience EHE and reflect what was required and if they wished to continue (or not). EHE

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was very complex and time consuming on those parents that delivered it, and not all parents might handle such unique demands.

- The LA had no right to make such enquiries of parents who EHE their child, therefore the degree to which a parent engaged with the HLT very much depended on the attitude of the parent and their willingness to communicate and involve the LA. The LA cannot make enquiries about what provision parents put into place and had no right to receive or request reports off parents.
- Whilst the HLT along with other LA's would welcome additional responsibilities and duties to better able them to track and support children who were EHE, this needed to come with additional resourcing. Such services were already under severe financial constraint, so they could not be expected to deliver more services from the same budget.

5.37 The Commission was keen to understand what happens to those children who are removed from mainstream education into EHE, what were their level of achievement and other outcomes. It was suggested that many parents who EHE their child were looking for support but for many reasons, were not able to access this.

- The EHE service at HLT, if notified by the school that a child was moving to EHE, would make a phone call or offer help and to visit the parents. It was not possible to do any further follow up from this within the current resource.
- Any parent that wanted their child to return to school (where perhaps the parent has changed their mind about EHE for their child) would be dealt with by the Admissions Team. The local agreement was, that in the first instance, the child would be returned to the school from which they have left. If the relationship had broken down between the school and the child/family, then the request would be dealt with by the Fair Access Panel (FAP) and the child would be placed in another school or possibly AP. Children do not have to stay in EHE if they do not want to, it is the duty of the LA to find a place for them if they wish to return to mainstream education.

5.38 The Commission noted that HLT visited schools at which there was a high level of school moves and questioned head teachers on reasons behind such moves. Did HLT attempt to speak to parents and or children to validate the schools position? If not, would the HLT instigate this in the future?

- In terms of parental voice, the HLT had not talked to parents whilst visiting schools about suspected off-rolling. In looking at children's move to AP however, the HLT had developed a number of case studies which involved parents and children. It was found that parents were very unclear about the process and their rights in the exclusion process and the removal of their child to AP.
- The HLT had written to schools to highlight this concern, but it was acknowledged that this was an area which required further improvement. The voice of the child was important in all such transfers and school processes needed to reflect this.

#### Ofsted

5.39 At the outset a number of key points were made by the London Regional Inspector:

- There was a need to improve data in this area as the current level of information did have limitations. Such data and intelligence was necessary to guide and inform school inspections.

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- In seeking to redress off-rolling, agencies must be careful not to vilify certain practices across schools generically, for example, internal exclusions can be used very positively for some children. Similarly, there should not be a rush to condemn the process of managed moves as there were circumstances when this was also clearly in the best interests of the child;
- LA clearly had a role in developing awareness of parental rights around EHE. There was also a role for LA to guide support those parents (at the point of decision and further down the line) who may be reluctantly EHE their child and to make them aware of routes back to mainstream education or other educational settings;
- Nationally there had been a pull-back from Early Help services, which has placed additional expectations on schools to support vulnerable children. When such wider support services were not available this may restrict the schools ability to support that child in the school setting. This needed to be recognised more widely including the need for additional resources to support prevention;
- Legal definitions were important as this was a very complex area which was often subject to legal challenge, so improvement would be welcomed;
- It was clear that LA's were responding to the challenge of off-rolling in different ways and that there was a wealth of opportunity to share best practice in how this could be tackled locally. A new system for sharing such different approaches was required among LA's.

5.40 It was made clear that when off-rolling was uncovered by Ofsted, there would be a likely judgement of 'inadequate' for the assessment of the 'leadership and management' component within the new inspection framework.

5.41 Ofsted had inspected approximately 100 of the 300 schools identified by the Children's Commissioner as having abnormally high rates of children moving to EHE. Ofsted has been able to identify about 5% of these schools as off-rolling children. This was low, partly because children were not always being off-rolled, but also because schools had developed a clear narrative when this had taken place which proved difficult to challenge. It was hoped that the new inspection system would help to identify those schools which may be off-rolling children.

5.42 It was difficult for Ofsted to talk to parents of children who had left the school, unless that parent approaches Ofsted directly with their concerns. Increasing parental intelligence to Ofsted was something that should be encourage by the LA, as this would ensure that Ofsted develop local intelligence that might inform a school inspection.

5.43 The Governing Body should also hold the school and head teachers to account for their decisions. Some additional work needed to be done to support school governing bodies to make sure that they understood what off-rolling was and their duties and responsibilities in such matters.

5.44 LA's should also ensure that the Regional Schools Commissioner had open and frank conversations with Academies and Multi Academy Trust to ensure that appropriate action is being taken to prevent off-rolling.

5.45 Ofsted had written to each LA in London in respect of the 300 schools which had been identified (nationally) as having high rates of movement to EHE (and possible off-rolling). Whilst every LA had responded, very few had indicated that

they had identified any specific issues or that these had been dealt with. If this was the case, Ofsted indicated that this would be encouraging as LA's were taking a proactive approach.

The Difference (Kiran Gill)

5.46 The Difference worked with a number of LA across London to support the most vulnerable learners. Supporting vulnerable learners was very challenging for teachers and schools and The Difference helped to counter this deficit in 3 ways:

- Training people, especially leaders in local schools and AP's;
- Sharing good practice between LA's and schools – what is effective in best supporting vulnerable children;
- Lobbying local policies and practices that better support vulnerable children;

5.47 The Difference worked with 9 different authorities across London. From next year the organisation would also work with authorities outside of London in the North East and North West. It hoped to work with Hackney in 2020.

5.48 It was suggested that managed moves should also be brought into line-of-sight of the Commission when it considered off-rolling, particularly as the Education Policy Institute had included managed moves within its research on unexplained school moves. Research has also demonstrated that managed moves did not lead to better outcomes. This is further complicated by the issue of subcontracting, where education services to support a child in a managed move may be deferred to another provider.

5.49 Because managed moves were undertaken with parental consent, there was no right to appeal within this process. Given the pressures that parents may be put under, it was suggested that HLT may wish to develop awareness of the rights of parents in the managed moves process, and to create an additional independent check within the process to ensure that parental consent had been obtained and to offer independent expert advice.

5.50 Whilst figures for managed moves suggested that Hackney was in line with the national average, it was suggested that a number of schools had been named as outliers with much higher rate of managed moves.

5.51 Another concern of the managed move process highlighted to the Commission was that in this process, children may experience a number of moves which may heighten the disruption to their education and adversely impact on their educational outcomes. In addition, multiple moves often meant that children were more distant from qualified teachers and from linkage with wider support of other statutory services (e.g. mental health, SEND).

5.52 An illustrative example was provided to the Commission where a child was transferred from a local high performing school to a lower performing school under the managed moves process. This school then moved the child to one of the boroughs AP's and from there was moved to individual tuition but both tragically and sadly this child died through knife crime. It was suggested that subcontracting education in this way removed the child from the continuity of care of a maintained school which knew and had good relationship with that child.

5.53 Off-rolling can occur when a child may be temporarily placed in another school or provider, but can end up being deleted from the schools register and only registered in the alternative education provider.

5.54 The outcomes of children moved to AP is significantly lower. Nationally 59% of children achieved a pass in maths and English, though the pass rate among those in AP is just 4%. Whilst Hackney does perform better than the national average at 5.4%, this was well behind Newham, the top ranking London borough, where 20% of AP attenders achieved a maths and English GCSE.

5.55 Similarly, there were discrepancies in the number of children in AP being entered into Maths & English qualifications. Although nationally 89.6% of children were entered in to maths and English qualification, just 40.1% of children in AP were entered in to Maths and English qualification. Neighbouring boroughs of Tower Hamlets (51%) and Newham (40%) achieve much higher rates of exam entry for these subjects than Hackney (20%).

5.56 Off-rolling can happen without the knowledge of the AP knowledge as there is no way that an AP provider can check if that child is still on the school roll. There was anecdotal evidence that some AP's in other LA's were marketing themselves to mainstream schools to allow them to off-roll into AP and therefore no need to worry about their safeguarding concerns or GCSE results.

5.57 It was recommended that the borough should undertake an audit of AP quality in the area by results, the longer term outcomes and number of qualified teachers present.

5.58 Governors provide oversight to school decision making and should be given training to improve awareness of the school responsibility in relation to managed moves, exclusions and when off-rolling might be occurring. Governors should be encouraged to use the FFT Datalab tool to identify when children from their school had left the school roll.

5.59 Hackney was unusual in the way that it Commissioned AP. In many other LA's, AP is commissioned by the PRU which is operated by the Council. This allowed the PRU to commission AP which complements its own provision. The head of the PRU would have different sets of skills to mainstream heads. In Hackney the PRU is run by the head of a mainstream school as executive head teacher, and who commissions local AP. It was suggested that this was a conflict of interest which the Commission should look into.

5.60 In Hackney, KS4 has not been provided through the council and PRU for some time, though the new provision due to open in September 2019, represented a positive and welcome return as this should increase in quality provision. This may also help to improve the level of entry and passes of KS4 exams.

5.61 In year Fair Access Panels were operated very differently across boroughs. It should be borne in mind that some managed moves do not happen through the in-year Fair Access Panel process. In some circumstances, decisions may not be made in the best interest of the child as other members of the FAP are other local head teachers and not necessarily independent scrutineers (e.g. connected

Academies). There is much best practice to share about what was effective and ineffective in relation to operation of FAP.

5.62 Empowering parents was important and there should be a campaign to let parents know about their rights in relation to managed moves, exclusions and AP. There were lots of good organisations that work with parents in the borough (e.g. Hackney Quest who act as parental advocates). The power of parents can be used to influence and change school ethos and provision to make them more inclusive.

### Questions

5.63 The Commission sought to understand what the Council was doing to address children's behaviour at an early stage which may prevent them from being off-rolled? Was the council making best use of Educational Psychologists?

- A key element in prevention was the maintenance of a strong and positive relationship between the school and parents. It was noted that one Academy had visited every single year 6 child in their home to help build relationships with the family.
- Parents valued strong and effective behaviour systems in schools, and those with most strict behaviour policies were those with the highest number of applications.
- Head teachers had to balance a number of factors to achieve the best outcomes for individual children and for the school overall.
- To ensure that children with diverse needs can be adequately supported in school there was a need for early help and support as well as appropriate and timely SEND provision. Both these services were under pressure locally.
- Ofsted was clearly influential in shaping the inclusivity of schools and the LA was supportive of the impact that this could have through the new inspection process.

5.64 The HLT wrote to schools about off-rolling and met with a number which had higher levels (5%+) of children moving between years 9-11. What were the outcomes of those visits? What plans were there to include children and their parents?

- Interview with schools suggested that all knew where the children had gone to which was encouraging. Where a child had moved, these appeared to be for good reasons, though it was acknowledged that children and parents might accept that these were 'good reasons'.
- HLT would repeat this exercise this year, and using the learning from this year, there would be deeper and more rigorous questioning.
- HLT have asked all the Head Teachers to report to Governors termly about changes in the school roll.
- In respect of exclusions some case studies were used, which incorporated parents and children, and this was something that the HLT would consider using again.
- It was reiterated that HLT did not come away from these meetings with schools completely comfortable with the view that the situation was positive for all students who had moved. The HLT remained curious about this would continue to question and probe on this issue. Indeed the level of curiosity on all sides in this matter had increased.

5.65 How much has Progress 8 contributed to the spike in the move toward EHE and possible off-rolling? How can vocational qualifications be elevated for inclusion within this measure?

- The Children's Commission suggested that it was widely recognised that this could be factor behind off-rolling as the results of all children have to be included in the score. What constituted a good school was clearly more than the attainment score however, and this needed to be reflected in school accountability.
- Ofsted responded, that in terms of the accountability structure, school league tables and inspection regimens were supposed to be separate, but over the years had become more closely aligned. These needed to be re-separated as these measures revealed different things about the school. This would hopefully be achieved in the new inspection framework. Ofsted had to be sure that schools were offering a curriculum of substance and were not narrowing it too quickly for students.

5.66 The Commission undertook a number of site visits and had a number of questions from these which were pertinent to the discussion of off-rolling: (i) There were positive and progressive behaviour policies in practice locally which could be shared more widely (ii) The full picture of a child's needs and future development needs to be considered and case studies represent a good way of capturing the complexity and competing views of this area, (iii) One AP had positioned itself as the final port for children, what happens when that child does not succeed here?

- The Difference indicated that case studies were very powerful tool to capture the complex situations which some of the most vulnerable children find themselves in relation to their school and education. The Difference had been trying to develop a more positive narrative and celebrate good practice on this issue. For example Hackney had so many great and innovative teachers who undertook ground breaking work with vulnerable young people, which the borough should celebrate and acknowledged more widely. There was also some good AP in the borough which should be recognised.
- HLT also supported the use of case studies helped to build positive relationships with parents in secondary schools.

5.67 The Commission sought to clarify the data in the HLT report (at page 79) that related to EHE:

- The first table only presented those schools with the highest number of children moving to EHE, and there were a larger number with fewer moves which were not included.
- The table related to 7 out of 16 schools that moved children to EHE.

5.68 The Commission questioned the use of internal exclusion in school and whether the LA could request schools to submit data on the extent that this was used to manage child behaviour locally.

- HLT noted that there were a range of internal exclusions, some of which of high quality and purposeful, some were just exclusion booths, others were a mix of supervised education and activities. This process did cover a wide range of provision.

5.69 How can the HLT and local partners shift the narrative on this issue in which school inclusivity is valued and informed perceptions as to what was considered to be a good school.

- Ofsted were of the view that excellent schools were inclusive schools and should exist together.
- This was endorsed by HLT.

5.70 (Chair of Local Governors – Public) Whilst schools are there to teach and support children, this cannot be undertaken by schools in isolation - a team needed to be built around the child when they were at the point of being off-rolled, not after they've gone to AP or EHE. This is the point where the potential risk is and where action needs to be taken. A multi-agency response is needed at this point to support the child in the wider family context. Case studies are very important in draw on the needs of the child but also to illustrate their range of service support needed in response. Not responding to SEND at an early stage (e.g. early years) was contributing to this issue, as by the time a child enters school, needs are have been unresolved for a long time and are more difficult to manage.

5.71 (HiP – Public) What was Hackney doing to ensure that schools remain accountable for off-rolling and that processes are transparent? How can schools decisions be challenged and verified and taken in the best interests of the child?

- Whilst there was good communication with most schools, lines of accountability were statutorily stronger with maintained schools than other schools. There were good connections with academies on various levels including SEND and other forums, and the LA can raise issues of concern with academy leaders including the board of trustees.
- HLT review and analyse data from schools to support its enquiries with off-rolling. Other data and intelligence on off-rolling can be acquired through complaints directly received by HLT.

5.72 The Commission sought to understand what the role of the Regional Schools Commissioner in relation to school accountability.

- If there were concerns about an academy, then HLT would approach the board of trustees. If the issue had gone beyond the board of trustees then the Regional School Commissioner (RSC) would be contacted to whom all academies are accountable. In terms of parent interaction with the RSC, it was suggested that all complaints should of course try and be resolved locally with the head teacher and school first, and if this remains un-resolved then to utilise the complaints procedure with Trustees. If that does not provide satisfaction then the RSC is the last port of call.
- Ofsted indicated that it would like to hear from parents if there was an unresolved complaint at a school. Whilst it could not investigate individual complaints, such data would help to guide and inform subsequent inspections.
- The Difference also noted there were also a number of active local parental groups which may also be able to assist and provide advice and advocacy for parents with local school concerns

5.73 The Commission invited the panel to indicate key areas where improvements could be made to prevent off-rolling and which may inform the recommendations of the Commission.

- Ofsted – LA should focus on supporting and enabling parents when they were faced with the prospect of their child leaving mainstream education.

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- Ofsted - LA should also review and analyse local school roll data and actively challenge schools for the reasons behind any patterns that emerge.
- Ofsted - LA should continue to highlight the impact of unnecessary school moves on those disadvantaged groups whilst also encouraging and building the narrative of the inclusive good school.
- The Difference – there was a need for a local campaign targeted at parents to promote their awareness of these issues, their rights and what support is available to them.
- The Difference – the LA needed to reconfigure the commissioning structure for AP.
- Children’s Commission – there should be additional support for parents when making a decision to EHE their child, a local campaign would be a good idea to promote parental rights as well as further developing the ideal of the inclusive school.
- HLT – There needed to be a clearer definition of off-rolling from Ofsted and DfE.
- HLT – There would be a need to match resources with any additional responsibilities for the LA that may be expected nationally;
- HLT – Raise the profile of inclusive schools as excellent schools should also be a strong local message - this include inclusivity of both children and parents.
- HLT - That there should be closer involvement of social care such as early help or more other more formal intervention in supporting vulnerable children at school to ensure that where possible they remain in the protective environment of the school. It was suggested that there was a case that all children who have been excluded from school or who are in receipt of education in an AP setting should be referred to the Early Help service.
- HLT - further clarity is currently being developed in respect of the early help offer to schools.

5.74 The Chair thanked all the panel for their contributions to the discussion on off rolling.

- **The Commission agreed that (i) It would write the HLT for additional data on off-rolling (ii) Review and analyse panel contributions alongside other data submitted to this meeting and write to the Cabinet member with a number of recommendations for action.**

## 6 CYP Commission Work Programme 2019/20 (21.00)

6.1 A new Children and Young People Scrutiny work programme is developed each year in consultation with local stakeholders. Over 80 individual suggestions were put forward as possible topics for scrutiny, these were collated and assessed by a representative stakeholder panel into a short-list of possible topic areas. These topic areas will need to be scoped out with officers and prioritised for inclusion within the 2019/20 work programme. The short-listed topics were:

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- Contextual Safeguarding: projects update, how is it being embedded, and what impact is it beginning to have. Has there been universal buy in – cooperation from partner agencies?
- Mental health: What are the drivers for increasing mental health usage among young people? How effectively are services respond to these preventatively?
- Are there any inequities in the way that young people access services - how can these be redressed?
- SEND: support for children and young people post 16? What support is provided for SEND children post 16 to prevent 'cliff-edge' provision? (Consistently raised across consultation)
- Children in Need (Children's Social Care)
  
- Whole family approach (Children's Social Care) and how services are coordinated for mental health, housing, DM and substance misuse support.
- Childhood Poverty: nature and scale of this issue and what action taken to address this (Environmental poverty; air pollution, road safety and access to green spaces; Food poverty - ability of parents to clothe and feed children).
- Serious youth violence: informed by outcomes of living in Hackney review. Involve young people.
- Sex & Relationship Education: Preparedness of local schools for new SRE regulations in 2020 – with YH.
- Childhood obesity (healthy weight) - update on local strategy - effectiveness of local interventions.
- What does a child-friendly borough look like? How is the voice of young people reflected in service design, planning and delivery? Young Futures/ HYP and young people focused session. Could also involve Planning, Consultation, CCG, IG, PH

6.2 Items selected from the consultation will be incorporated into the work programme alongside other pre-agreed items which include:

- Standing Items – items which require annual oversight by the Commission;
- Review Items – evidence gathering or monitoring recommendations of current or past policy reviews undertaken by the Commission;
- Items agreed from 2018/19 – items the Commission agreed to take forward from last year's work programme.

6.3 The Commission agreed in April of this year to making items more discursive, with additional contributions from local stakeholders and relevant guests. This will make such items longer, but should enable the commission to be more agile and responsive in the way that it able to develop recommendations for service improvement of these areas in the work programme.

6.4 In relation to the review for 2019/20, no decision final decision has been taken as to the focus, except that it would probably avoid education as this had been the focus of in-depth work for the past few years. The Commission had agreed earlier that the review should be undertaken as scrutiny in a day exercise - most likely in early 2020. The Commission agreed that options for the review would be discussed further and final decision to be taken at the next meeting.

**Agreed: That options for the in-depth review to be considered at the next meeting in October and a final decision be taken at that time.**

6.5 Members with specific interests in items on the work programme were invited by the Commission to undertake reconnaissance work which may support subsequent

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discussions and scrutiny of that subject at a later meeting. Where possible, the Commission would support site visits or other engagement activity to support scrutiny. Members were requested to let the Chair and support officer know of any such interests.

6.6 Similarly, if any training or briefing sessions were required to support the scrutiny of specific subjects, this could also be arranged to support members in the scrutiny of topics selected. A number of members had asked for Safeguarding training, and this could be arranged before January 2020 meeting which has a safeguarding focus.

6.7 It was noted that some of the topic areas suggested from the consultation could be covered in ways other than in-depth review or a dedicated item on the Commission's agenda. Items could be included as part of Cabinet member Q & A or referred to another Commission (if appropriate). It was noted that Scrutiny Panel would be looking at Growing Up Poor in Hackney in January as well as looking at the Poverty Strategy in January 2020.

6.8 The most urgent decision was needed in relation to the November agenda which was 10 weeks away. No plans as yet had been taken, except that (i) Hackney Youth Parliament would be invited to speak to the Commission (ii) a second discursive item would be taken. This would be done in consultation with the Commission.

6.9 A number of members highlighted the importance of mental health issues for local young people and the need to prioritise this in the work programme. The stakeholder group had discussed this and suggested that the Commission might be minded to examine the drivers for mental health and how the council and partners could respond preventatively. Other members of the Commission suggested that, given the number of children growing up in temporary accommodation, it would be worthwhile looking at this in an in-depth way.

6.10 The Commission noted that Cllr Bramble was due to attend the next meeting of on 29th October 2019 for Cabinet Q & A. The Commission would need to identify 3 topics on which to focus questioning with Cllr Bramble, and these need to be submitted by 16th September. Members were requested to send through suggestions as soon as possible.

6.11 The Commission noted that the future meeting planned for Thursday 23rd April 2020 had been moved to Tuesday 28th April. A change to calendar invite had been sent to all members.

## **7 Minutes of the Previous Meeting (21.15)**

7.1 The minutes of the meeting held on 24<sup>th</sup> June 2019 were noted by the panel, including the additional action points.

- 1) Further details of school transfers for children with SEND;
- 2) Secondary school place planning.

7.2 The Commission agreed the minutes.

## **8 Any Other Business (21.20)**

### Brexit Preparation

11.1 Given that the likelihood of a no-deal Brexit on 31<sup>st</sup> October 2019 had increased the Commission sought to understand what impact this would have on local children's services, particularly children's social care and local schools. The Commission invited the Group Director for Adults, Children and Community Health to respond.

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11.2 The Commission noted that it was difficult to provide complete assurance on this matter given the range of uncertainties and unknowns that remained even at this late stage. The Council was undertaking a wide range of actions in preparation for Brexit. Each Directorate had been meeting for some while to identify risks associated with Brexit to services, this included Adults, Children and Community Health. This had highlighted a number of possible risks including the interruption to fuel supplies which could impact of HLT transport for SEND services and the disruption of food supplies which could also impact on school meals services.

11.3 Schools and Children's Social Care are both aware of the potential impact of the settlement scheme for EU residents, and staff have been encouraged to apply for settled status to help minimise staffing uncertainty. There was also the additional responsibility of the settled status of all the looked after children by the Council, and as a result the Children and Families had reviewed all these and processes enacted. Different scenario planning was taking place.

11.4 The Council has also worked through the unintended consequences that Brexit may have such as large number of people not being able to turn up for work and its impact on children and young people's services (e.g. school teachers, childcare, secondary education, children's social care). In the longer term, there would be issues about safeguarding checks of people working for local services who were EU citizens which had yet to be resolved.

11.5 It was noted that the position of refugees was likely to change, which may affect the ability for families to unite with other family members which have been granted asylum here in the UK. The Council is doing what it can borough wide, and there are a number of task and finish groups to support this work.

11.6 The Commission noted that it would be helpful for all members to have a briefing on the actions taken by the Council to ensure that local services were prepared for Brexit.

The date of the next meeting was Tuesday 29<sup>th</sup> October

**The meeting closed at 10.00.**