



TITLE OF REPORT - Response to the Children and Young Scrutiny Commission's Exclusions Review

Key Decision No - CE S068

**CABINET MEETING DATE
(2021/22)**

14 March 2022

CLASSIFICATION:

Open

WARD(S) AFFECTED

All Wards

CABINET MEMBER

Councillor Anntoinette Bramble, Deputy Mayor and Cabinet Member for Education, Young People and Children's Social Care

KEY DECISION

No

GROUP DIRECTOR

Jacque Burke, Group Director of Children and Education

1. CABINET MEMBER'S INTRODUCTION

- 1.1. This report sets out Hackney Education's response to the Children and Young People Scrutiny Commission's Exclusions Review, which was started in 2018, and published December 2021, after it was found that exclusions from secondary schools in Hackney remained high. This followed the Commission's previous review on this issue in 2016. I have often talked about the good work of our family of schools and also commented that our exclusion rates are too high. I welcome the review as addressing the high exclusion rate and this is something I continue to want to see change in the borough, and it remains a priority. I want to acknowledge the work of our Primary Schools who have maintained no exclusions for a number of years. Particular focus is required on addressing the disproportionately high numbers of exclusions among particular groups of pupils, such as black pupils and those pupils with SEND. We have a strong record of good and outstanding schools in the borough and aim to also be recognised for our work on reducing exclusions.
- 1.2. Through a range of work overseen by the Hackney Education Reducing Exclusions Board, officers have been working in partnership with schools over the past three years to reduce exclusions in the borough. This report outlines some of the work already happening in this area, and additional work that will be instigated in response to the Children and Young People Scrutiny Commission's Exclusions Review.
- 1.3. In order for Hackney to make schools a place for everyone, and to be inclusive for all pupils, the numbers of pupils being excluded from secondary schools in Hackney need to decrease. There is a range of work underway, both working with schools and working with individual young people: both levels of work involve a range of partners. Work to involve and support Alternative Providers is underway and being further developed. Hackney Education's work in this area is making progress, and with the proposed actions detailed in the response to the Exclusions Review, it is hoped that these aims can be achieved.
- 1.4. I commend this report to Cabinet.

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1. This report is being presented to Cabinet so that officers can take forward the proposed actions and responses to the Children and Young People Scrutiny Commission's Exclusions Review, to further reduce exclusions in Hackney schools.
- 2.2. While exclusions in primary schools are very low, exclusions in secondary schools have often been above the national and inner London averages. Exclusions have decreased in the last two academic years; it is likely that this is partly due to the Covid-19 pandemic and the resulting school closures and

remote learning. Therefore, further work is needed to reduce exclusions in secondary schools.

- 2.3. As the review noted, work on reducing exclusions in Hackney has already begun, and the review itself began in 2018. However, it also highlighted the poorer outcomes experienced by excluded pupils, which is reflected in national and local data, as well as the impact exclusion can have on pupil wellbeing. We recognise exclusions as serious incidents that can have critical outcomes for children's safety and wellbeing. Hackney Education has therefore proposed the responses set out in Appendix 1, in order to build upon the work already underway.
- 2.4. While there is a particular recommendation about tackling inequality and disproportionality, our approach to inclusion, antiracism and promoting equality will permeate all our responses and work.

3. RECOMMENDATION(S)

- 3.1. **That Cabinet agrees to Hackney Education's response, found in [Appendix 1](#), to the Children and Young People Scrutiny Commission Review on Exclusions. Officers have responded to all the recommendations, indicating how the council is able to move these forward.**

4. REASONS FOR DECISION

- 4.1. Hackney Council is required to produce a response to the Children and Young People Scrutiny Commission Review on Exclusions. The response draws on work underway and is in line with principles, values and priorities held by Hackney Council.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Hackney Education, with partners in Children's Services, had a number of activities underway to understand and reduce exclusions. The broad outline of recommendations in the Scrutiny Commission's review were discussed with officers.

6. BACKGROUND

- 6.1. The Children and Young People Scrutiny Commission Review on Exclusions
 - 6.1.1. The Children and Young People Scrutiny Commission Review on Exclusions was instigated in 2018, following its previous review in 2016. The review was carried out as rates of exclusions in Hackney's secondary schools have remained high. The full review report can be found in Appendix 2.

- 6.1.2. The review highlights local and national data, which show that between 2010/2011 and 2018/2019, rates of both permanent and fixed term exclusions in secondary schools in Hackney remained consistently above both national and regional averages. It also shows that, between 2015/2016 - 2018/2019, the rates at which children of black Caribbean heritage were permanently excluded from secondary schools in Hackney were increasing while national and regional rates were declining.
- 6.1.3. As part of the review, the Children and Young People Scrutiny Commission reviewed national data and trends, academic research and legislative and policy frameworks relating to school exclusion. It also held focus groups with children and families affected by school exclusions and met with senior officers from Hackney Education and the Council's Skills and Employment Team. Visits were also made to the borough's Pupil Referral Unit (New Regent's College) and alternative provision providers both within and outside of the borough, as well as special schools in the borough. Other local authorities and specialist contributors were also consulted.
- 6.1.4. The review found that the significantly poorer outcomes experienced by excluded pupils as outlined in national data and research are reflected in local data.
- 6.1.5. The review also found that post-exclusion education provision (both Pupil Referral Units and Alternative Provision) within the borough varies significantly depending on the setting, in terms of staffing, contact time and provision.
- 6.1.6. The review noted the efforts that Hackney Education, working with school leaders, had already put in place to address a number of the issues identified in the report.
- 6.1.7. The review made 18 recommendations. These can be found, with their responses, in Appendix 1.

6.2. Policy Context

- 6.2.1. Legislation and regulations relating to behaviour in schools, exclusions and alternative provision place various duties upon schools and local authorities.
- 6.2.2. The Department for Education issues guidance that provides further details upon how those duties should be implemented.

This includes but is not limited to:

- [Behaviour and discipline in schools - advice for headteacher and school staff](#)
- [Behaviour and discipline in schools - guidance for governing bodies](#)
- [Exclusion from maintained schools, academies and pupil referral units in England](#)

- [Mental health and behaviour in schools](#)
- [Alternative Provision](#)

- 6.2.3. The most recent national review of exclusions was The Timpson Review of School Exclusion. Commissioned by the Department for Education and published in 2019 the review has informed both the scrutiny report and has informed work underway by Hackney Education, including the proposed further emphasis on early help and the improved offer via the Reengagement Unit, as well as the forming of the Reducing Exclusions Board, which brings together Headteachers and key officers in Hackney Education.
- 6.2.4. The Department for Education has recently launched a [consultation](#) on revisions to their Behaviour Guidance and Exclusions Guidance.
- 6.2.5. Since 2016/17 the rate of permanent exclusion from secondary schools has been significantly above comparable rates for England as a whole and Inner London local authorities. In 2018/19 the rate was 0.3%, which was almost twice the rate for Inner London, which was 0.16%. Hackney's rate was the second highest in Inner London and was the highest of our statistical neighbour local authorities.
- 6.2.6. The rate of exclusion, particularly from secondary schools, is, was and remains a cause for concern for Hackney Education and as such reducing rates of exclusions has been a strategic priority for the local authority.
- 6.2.7. This work has been led by the Director of Education, who has chaired a Reducing Exclusions Executive group. This group has implemented a range of initiatives to improve whole school inclusive practice and offer alternatives for pupils who are at risk of permanent exclusion.
- 6.2.8. The group is overseen by a Reducing Exclusions Board, which consists of representatives from primary and secondary school headteachers and governors.
- 6.2.9. 2019/20 and 2020/21 saw reductions in the rates of permanent exclusion in Hackney, though these years were impacted by Covid-19 so it is not possible to state with confidence at this stage that this reduction was down to Covid-19 or the measures introduced to support inclusion in schools.
- 6.2.10. Reducing exclusions remains a priority for Hackney Education and the work is on-going.

6.3. Equality Impact Assessment

- 6.3.1. The proposals reflect Hackney Education's commitment to inclusivity and reducing gaps in exclusions between different groups of pupils. In deciding on the proposals, the service has worked with officers who lead on the Council's Young Black Men programme and the Diverse Curriculum, to ensure the

proposals and policies do not discriminate and that they seek to reduce racism in and outside of schools.

6.4. Sustainability

Not applicable.

6.5. Consultations

Not applicable.

6.6. Risk Assessment

- 6.6.1. There is an ongoing risk of harm to young people if exclusions remain high; although we recognise that exclusions are a lawful approach used by schools. We endorse proportionate use of exclusion as a last resort.
- 6.6.2. Therefore work must move forward to promote inclusion and reduce exclusions: providing early help and positive options as alternatives to exclusion.
- 6.6.3. The scrutiny report is a significant review of the situation and the Council has a duty to respond to the recommendations.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1. This report seeks Cabinet approval of Hackney Education's response to the Children and Young People Scrutiny Commission Review on exclusions. This outlines what happens when a child is at risk of permanent exclusion or has been excluded, scrutinises the outcomes of excluded pupils, and identifies those policies and practices which best help to ensure excluded children and those at risk of permanent exclusion have the same opportunities as their peers in mainstream education.
- 7.2. The recommendations from the review and the corresponding responses from Hackney Education can be found in Appendix 1. Any financial implications that arise from the recommendations and corresponding responses requiring further changes to policies and practices will need to be implemented via the governance process with detailed business cases developed including financial implications.

8. COMMENTS OF THE DIRECTOR, LEGAL & GOVERNANCE SERVICES

- 8.1. Section 51A of the Education Act 2002 (EA 2002) enables head teachers of maintained schools, principals of Academies and teachers in charge of pupil referral units (PRU) to exclude pupils from school for a fixed period or permanently.

- 8.2. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (2012 Regulations) are made under section 51A of the EA 2002 and apply to all maintained and academy schools, alternative provision academies and maintained pupil referral units. These limit the head teacher's power to exclude pupils under section 51A of the EA 2002 and provide detailed procedures for head teachers to follow when excluding pupils. These were amended during the pandemic to extend certain timeframes and allow for remote hearings.
- 8.3. The DfE publication "Exclusion from maintained schools, academies and pupil referral units in England, statutory guidance for those with legal responsibilities in relation to exclusion September 2017" applies to all schools and alternative provision, as above, and is statutory guidance. This means that head teachers, principals, governing bodies, local authorities, Academy Trusts, independent review panel members and clerks must have regard to it when carrying out their functions. The guidance should be followed unless there is good reason not to do so in a particular case.
- 8.4. The local authority has certain duties when a pupil is excluded, including a duty to arrange alternative education for that pupil (s19 of the Education Act 1996).
- 8.5. The Equality Act 2010 (EqA 2010) imposes at s149 the public sector equality duty (PSED), which requires public authorities to have "due regard" to:
- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010.
 - The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.
 - Compliance with the PSED (public sector equality duty) may involve treating some people more favourably than others, but this does not mean that conduct that would otherwise be prohibited by or under the EqA 2010 is permitted.

APPENDICES

Appendix 1 - Hackney Education response to the Children and Young People Scrutiny Commission's Exclusions Review's recommendations.

Appendix 2 - Children and Young People Scrutiny Commission's Exclusions Review Report

BACKGROUND PAPERS

None.

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