

CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL

A meeting of the Children and Young People's Learning Scrutiny Panel was held on 9 November 2020.

PRESENT: Councillors S Hill, A Hellaoui, T Higgins, D Jones, M Nugent, P Storey, G Wilson and B Cooper (As Substitute)

OFFICERS: C Breheny, R Brown, S Butcher, C Cannon, J Dixon, T Dunn and G Moore

APOLOGIES FOR ABSENCE Councillors L Garvey and M Saunders.

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

20/19 **MINUTES - CHILDREN AND YOUNG PEOPLE'S LEARNING SCRUTINY PANEL - 12 OCTOBER 2020**

The minutes of the Children and Young People's Learning Scrutiny Panel meeting, held on 12 October 2020, were submitted and approved as a correct record.

20/20 **BEHAVIOUR, DISCIPLINE AND BULLYING IN SCHOOLS - AN INTRODUCTION**

At the meeting, the scrutiny panel began investigating its new topic of 'Behaviour, Discipline and Bullying in Schools'.

The Council's Director of Education, Prevention and Partnerships; Head of Access to Education and Alternative Provision and Strategic Lead for Inclusion and Specialist Support Services were in attendance to provide the scrutiny panel with:

- an overview of the powers and duties of schools to manage behaviour and discipline pupils;
- data over recent academic years in respect of the number of fixed-term and permanent exclusions in each Middlesbrough school (both primary and secondary), including the reasons schools report for excluding pupils; and
- an outline of the Local Authority's role in supporting schools with behaviour management.

The Head of Access to Education and Alternative Provision advised that behaviour and discipline in schools was a significant and important area, the approach to which differed in every school.

Members heard that all schools (including Academy Trusts) had their own behaviour policies, which set out their definition and expectation of good behaviour, and how breaches of the policy would be responded to. It was commented that behaviour policies differed quite considerably from school to school. The way in which policies were developed was dependent on the ethos of the school, its beliefs and what was fundamentally important to the school. Whilst in general terms, there were similarities in policies as there was a reasonable and common understanding of what good behaviour looked like, how that was interpreted by each school did differ. Members were advised that, generally, a copy of each school's behaviour policy could be accessed via the school's website. It was commented that, in order to identify common threads, the Local Authority regularly examined school behaviour policies.

Maintaining good standards of behaviour was dependent on the culture of each school. It was advised that there were significant differences in respect of ethos and culture across the schools in Middlesbrough, for example - some schools took a straightforward view of behaviour, therefore a severe breach of the behaviour policy could result in an extremely severe punishment. Whereas another school would take a very different view and may view severe punishment as ineffective and would focus on positive re-enforcement.

It was advised that it was not the prerogative of the Local Authority to instruct schools to develop a particular culture and ethos, however, the Local Authority was able to influence, shape and guide schools.

Members heard that all of Middlesbrough's secondary schools had developed some form of internal behaviour support service, which had been designed to offer additional support for children displaying challenging behaviour. Those services had designated members of staff and offered counselling, advice and guidance etc. However, it was highlighted that the degree of effectiveness of those services varied across schools.

It was commented that good behaviour was almost always linked to high quality teaching, the delivery of interesting and exciting lessons and positive relationships between the staff and the pupils. Good behaviour and high levels of engagement were a factor of many variables, but the quality of teaching and the strength of adult relationships with the children were the most significant. For schools demonstrating those qualities, the risk of poor or challenging behaviour was greatly reduced.

Members were advised that children may misbehave because of a number of factors, such as - being influenced by other children they associated with, because they had unmet needs or had suffered trauma. The reasons associated with poor behaviour were complex, as it was often a combination of factors that caused pupils to misbehave.

The scrutiny panel was advised that schools often used a variety of positive re-enforcement techniques and punitive measures to try and ensure good behaviour. The general belief was that praise and rewards were more effective than punishment, however, punishment still played an important role. Sanctions available to schools included detention, removal of breaks, lines or extra work.

The most severe sanction available to a head teacher was fixed or permanent exclusion. Both of those sanctions were underpinned by a legal framework, which the Local Authority had oversight of. It was clarified that a fixed-term exclusion was an exclusion from school whereby the pupil was not allowed to attend the school for a predetermined period. In general, fixed-term exclusions were very rarely more than 5 days. During that period the child had to stay at home. It was commented that fixed-term exclusion was used a lot in some of Middlesbrough's secondary schools. If a child was displaying persistent disruptive behaviour and school regularly imposed fixed-term exclusions, it would suggest that the sanction was not improving behaviour. It was added that if a school imposed a number of fixed-term exclusions on one pupil that resulted in the pupil missing 45 days (or more) of school, during an academic year, the child would automatically be permanently excluded by law. Permanent exclusion was a more severe sanction whereby the pupil would no longer be a member of that school's community and the pupil would need to be educated elsewhere. Schools would only tend to use permanent exclusion when a pupil had committed a really severe or significant transgression. The child would be effectively removed from the school's roll and the pupil would become the responsibility of the Local Authority. There was a requirement for the Local Authority to provide full-time education for the pupil, to begin no later than the sixth day after the permanent exclusion.

Members were advised that the rates for permanent exclusion were high in Middlesbrough, approximately twice as high as the national average. That presented a challenge for the individual child and for the Local Authority. For pupils who were permanently excluded, the probability that they would enter the criminal justice system, struggle with employment and have significantly reduced life chances, greatly increased. In addition, the chances of the pupil achieving 5 GCSEs and going on to further education was greatly reduced. Permanent exclusion had a significant detrimental impact on a pupil's life and life chances.

In terms of the Local Authority providing education for those who had been permanently excluded, if a pupil was placed in Alternative Provision (AP) that would typically cost the Local Authority approximately £18,000 per year.

It was advised that in respect of supporting schools with behaviour management, the Local Authority could support, advise and guide schools, however, it was very difficult for the Local

Authority to have any significant impact on what happened inside a school as that was the responsibility of the head teacher, the governing body and the academy trust.

The Local Authority had developed a new model of support for schools to help them deal with challenging behaviour at an early stage. That work involved educational psychologists and other professionals assessing the degree to which unmet needs were the underlying cause of poor behaviour.

The Local Authority operated a multi-agency panel, which helped to manage options available to excluded pupils, especially with regards to AP. The panel met regularly and its membership included Middlesbrough's secondary schools, Children's Services and a whole host of multi-agency representatives (Cleveland Police and Child and Adolescent Mental Health Services (CAMHS) etc.). At meetings of the panel, schools advised of pupils who were extremely difficult to manage and the agencies in attendance would share knowledge and intelligence of the pupil and their family in an attempt to develop a package of support.

The Local Authority offered advice and guidance to school leadership teams and governing bodies to help ensure that they followed the legal framework correctly and, where applicable, applied the Managed Moves Protocol properly. It was commented that the Local Authority checked the legality of every permanent exclusion.

The Local Authority offered training to support schools. Training sessions had been delivered to schools, free of charge, in respect of Attachment Theory and classroom practice. It was added that the Local Authority was currently running a pilot with two schools (one primary and one secondary) who were in the process of becoming 'attachment friendly'. It was commented that supporting pupils who suffered from attachment disorder and those who had been subject to significant trauma was not currently featured in the teacher training schemes that were available in the north east. That was particularly concerning, as pupils suffering from attachment disorders required a specific package of support to enable them to overcome barriers. Over the last year or so, the Local Authority had been providing input and materials for some future teaching training schemes.

The Local Authority had recently remodelled the way in which it supported pupils who were at risk of permanent exclusion. A new Inclusion, Assessment and Review Service had been established in September 2020. The service offered an improved model of support and challenge. It was added that the new service had seen the introduction of an Inclusion Officer being attached to each school. The service offered support and guidance at the earliest of stages. The new service was working with secondary schools through a 'Team Around the School' approach, which involved multi-agency planning meetings led by educational psychologists.

In summary, Members were advised that:

- managing behaviour and ensuring good discipline in schools was a key responsibility for head teachers and governing bodies;
- what schools could and could not do was regulated by a legal framework; and
- the Local Authority's role was one of providing advice, guidance and support.

In response to a Member's query regarding advocacy for parents, the Head of Access to Education and Alternative Provision advised that parents played a key role in ensuring good behaviour and the Local Authority engaged with parents in a number of ways. Members were advised that if a pupil was part of the 'Team Around the School' approach, Inclusion Officers engaged with parents to ascertain the root causes of poor behaviour whilst providing support and guidance.

For parents of pupils who were permanently excluded, the Local Authority had a dedicated member of staff who offered independent advice/guidance and provided key information. In addition, as some parents found challenging a head teacher a daunting prospect, the member of staff also represented parents when appealing against a permanent exclusion. To ensure that parents were aware of the support available, a letter was written to parents that contained the contact details for the Local Authority's independent officer. In response to a Member's

query, the Head of Access to Education and Alternative Provision advised that signposting to other advocacy organisations was not provided as a matter of course.

The Director of Education, Prevention and Partnerships confirmed that parents did play a pivotal role in managing behaviour. It was added that other Local Authority officers, such as social workers and early help practitioners, also provided effective support to parents.

In response to a Member's query regarding projects and interventions that support pupils and parents, the Strategic Lead for Inclusion and Specialist Support Services advised that the new model of support had been developed in response to feedback received from schools. A proportion of high needs funding had been utilised to increase capacity in the Local Authority's Educational Psychology Service. The multi-agency partnership approach offered a single model of support to assess the needs of each pupil, an action plan would then be developed and closely monitored to ensure that targets were being met. The approach involved engagement with many services, such as HeadStart and CAMHS.

A Member highlighted the importance of providing a multi-agency response at the earliest of stages, to ensure that pupils displaying challenging behaviour received the support they required. The Strategic Lead for Inclusion and Specialist Support Services advised that since implementation of the new model in September 2020, positive feedback had been received from schools regarding the range of support being offered to children, young people and their families.

In response to a Member's query regarding the allocation of funding and the need to intervene early, the Head of Access to Education and Alternative Provision advised that head teachers had a legal right to exclude pupils, therefore, the Local Authority was required to ring-fence funding to provide AP placements when the need arose. It was commented that Children's Services had recently invested additional funding and resources in prevention, by developing the new model. The Strategic Lead for Inclusion and Specialist Support Services commented that funding had been utilised to increase the capacity of the Educational Psychology Service and introduce Inclusion Officers. It was added that since the implementation of the new model, there had been a slight decrease in the number of permanent exclusions, for the September to November period, in comparison to last year. It was added that the impact of the model would be reviewed in February and July 2021.

The Director of Education, Prevention and Partnerships advised that as demand for AP provision was still in existence and the Local Authority had a responsibility to fund those placements, the Local Authority was currently unable to re-allocate any further additional funding from reactive services to prevention services.

A discussion ensued and Members expressed concerns in respect of:

- the high rates of fixed-term exclusions and permanent exclusions in Middlesbrough; and
- the schools that were using permanent exclusions more than others.

The Head of Access to Education and Alternative Provision advised that the Local Authority had a responsibility to hold schools to account and query the reasons for high exclusion rates. It was commented that the Local Authority had recently undertaken work in respect of the number of fixed-term exclusions of Looked After Children. It had been identified that there was one particular school in Middlesbrough that was responsible for approximately 90% of the fixed-term exclusions of Looked After Children. The Local Authority was working with the school to address that issue, however, there was a need for the Local Authority to hold schools to account more transparently for their exclusion rates. The Director of Children's Services advised that as corporate parents, elected members may wish to ascertain the reasons for those high fixed-term exclusion rates.

AGREED

That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.

20/21 OVERVIEW AND SCRUTINY BOARD - AN UPDATE

The Chair advised that on 5 November 2020, the Overview and Scrutiny Board considered the following items:

- the Executive Forward Work Programme;
- an update on Middlesbrough Council's Response to COVID-19;
- an Executive Member update from the Deputy Mayor and Lead Member for Children's Social Care;
- an update on the Overview and Scrutiny Board Membership;
- the Final Report from the Adult Social Care and Services Scrutiny Panel on Physical Activity for Older People (Aged 65-Plus);
- the Final Report from this panel on Addressing Poverty Issues and the Impact on Learning;
- the Final Report from the Economic Development, Environment and Infrastructure Scrutiny Panel on Teesside Crematorium; and
- updates from the Scrutiny Chairs.

NOTED**20/22 ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.****Terms of Reference - Behaviour, Discipline and Bullying in Schools**

The Democratic Services Officer asked Members to consider and discuss the terms of reference for the new topic of 'Behaviour, Discipline and Bullying in Schools'.

A discussion ensued and Members commented on the importance of receiving information on the reasons some schools had higher rates of fixed-term and permanent exclusions. Members expressed concern in respect of the school that was responsible for 90% of the fixed-term exclusions for Looked After Children and were in agreement that there was a need to ascertain the reasons for that.

A Member commented on the importance of receiving data in respect of the new model and its impact on exclusions rates.

It was also commented that it would be beneficial to find out what sanctions were used by schools, particularly isolation. The Director of Education, Prevention and Partnerships commented that work would be undertaken to determine how many secondary schools used isolation as a sanction.

AGREED

That the draft terms of reference be circulated to panel members for comment and be brought back to the scrutiny panel's next meeting, on 7 December 2020, for endorsement.