



OVERVIEW AND SCRUTINY BOARD

6TH MARCH 2007

REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL: IMPROVING BEHAVIOUR AND SUPPORTING PUPILS AT RISK OF EXCLUSION

PURPOSE OF THE REPORT

1. To present the findings of the Children and Learning Scrutiny Panel following its review of improving behaviour and supporting pupils at risk of exclusion.

BACKGROUND/AIMS

2. At a national level, the Department for Education and Skills (DfES) has identified behaviour in schools as a major issue which can impact significantly on learning and has devised a number of policies to promote inclusion and learning through positive behaviour.
3. Locally, behaviour in schools is influenced by national policy and guidance and by the policies and actions of individual schools, pupils and parents. The principal aims of the scrutiny review were to investigate the key issues involved in promoting and supporting behaviour improvement and the role of the Council in the process. The review also examined support that is available to schools and pupils in respect of those pupils who may be at risk of exclusion.

TERMS OF REFERENCE

4. The terms of reference for the scrutiny investigation were as follows:
 - *To examine the statutory requirements relating to the promotion of good behaviour by schools.*
 - *To determine the role of the local authority in the process of promoting positive behaviour and preventing exclusions.*
 - *To assess the impact of national guidance, strategies and support on local behaviour policies.*

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- *To consider the roles and responsibilities of staff, pupils and governors in promoting positive behaviour.*
- *To examine, and assess the effectiveness of, local strategies that are aimed at behaviour improvement, including school behaviour policies and to consider examples of good practice in this area.*
- *To examine support and training that are available to help staff manage challenging pupil behaviour.*
- *To assess the effectiveness of action taken prior to exclusions.*
- *To consider the views of representatives of teaching staff in relation to this topic.*

METHODS OF INVESTIGATION

5. The Scrutiny Panel met formally on six occasions between 24th July and 14th December 2006. A Scrutiny Support Officer from Performance and Policy co-ordinated and arranged the submission of written and oral evidence and arranged witnesses for the review. Meetings administration, including preparation of agenda and minutes, was undertaken by a Governance Officer from Legal and Democratic Services.
6. The panel heard evidence directly from the Executive Director of Children, Families and Learning, managers from that service area and from secondary school teaching staff. In addition to the formal meetings, arrangements were made for panel members to visit a Middlesbrough primary school to discuss behaviour issues with staff. Further information, including national guidance, DfES and OFSTED publications, was researched on behalf of the panel by the Scrutiny Support Officer and submitted to the scrutiny panel. This report has been compiled on the basis of all of the information that was gathered.
7. A detailed record of the topics discussed at Panel meetings, including agenda, minutes and reports, is available from the Council's Committee Management System (COMMIS), which can be accessed via the Council's website at www.middlesbrough.gov.uk.

MEMBERSHIP OF THE PANEL

8. The membership of the Scrutiny Panel was as follows:

Councillor Wilson (Chair);
Councillor Mrs H Pearson OBE (Vice-Chair); and Councillors Booth, McPartland, Rooney, B Taylor, K Walker and Williams; plus co-optees: C Hodds, Father G Holland and M White.

THE PANEL'S FINDINGS

9. The scrutiny panel's findings in respect of each of the terms of reference are set out below.

TERM OF REFERENCE: “To examine the statutory requirements relating to the promotion of good behaviour by schools”

AND;

“To determine the role of the local authority in the process of promoting positive behaviour and preventing exclusions”

AND;

“To consider the roles and responsibilities of staff, pupils and governors in promoting positive behaviour.”

10. As the above terms of reference were found to contain areas of overlap, they are dealt with together in the following sections of the report. Evidence and information was considered by the scrutiny panel in relation to the following:

- The responsibilities of schools and governing bodies.
- The responsibilities of the Council - including behaviour support provision and details of pupil referral units (PRUs).
- The development of an admissions protocol for excluded and hard to place pupils.

Responsibilities of schools and governing bodies:

11. The scrutiny panel heard that, under The School Standards and Framework Act 1998, school governing bodies have a number of responsibilities in relation to pupil behaviour, as follows:

- a requirement to ensure that a school pursues policies that are designed to promote positive behaviour.
- a requirement to make and review a written statement of principles to guide the headteacher in determining measures for promoting positive behaviour; and
- a requirement to notify the headteacher where a governing body wants particular measures introduced or particular issues addressed.

12. In carrying out these functions the governing body must:

- a. have regard to guidance given by the Department for Education and Skills (DfES); and
- b. consult the headteacher, parents and carers before making or revising its statement of principles.

13. In addition to the above, a headteacher must determine measures (which may include a code of conduct and its application) that are designed to secure an acceptable standard of behaviour and to promote self-discipline, proper regard for authority and respect for others. In particular these measures should aim to prevent all forms of bullying and racial harassment.

14. These measures should be consistent with the statement of principles made by the governing body and any specific notification or guidance it has given. These may go a long way towards defining an acceptable standard of behaviour. In so far as they do not, a headteacher is responsible for defining the acceptable standard.

15. The measures determined by the headteacher must be published as a written document, made generally known within the school and to parents and carers and, at least once a year, brought to the attention of all pupils, parents and carers and staff.
16. It is noted that the Council was previously involved in supporting schools through the publication of a Behaviour Support Plan that was generally adopted by each school. However, each school is now responsible for producing its own Behaviour Support Plan, or including relevant processes in its School Improvement Plan or in a self-evaluation document. Governors' responsibilities are now also defined in a school's overall plan.

Responsibilities of the Council

17. Parents and schools have the main responsibility for promoting good behaviour and responsibility for ensuring that schools meet their legal obligations rests entirely with individual schools. The local authority has no direct statutory responsibilities in terms of behaviour - indeed the scrutiny panel was informed that the role of local authorities has diminished in this area in recent years, as schools have become more autonomous. The Government has also announced plans - to be implemented by September 2007 - to encourage local authorities to "commission" behaviour support services, through collaborative arrangements, rather than provide them directly. This will impact on future service arrangements in the borough.
18. The scrutiny panel heard details of the Council's behaviour support service and information on pupil referral units.

Behaviour support provision

19. Local authorities currently have no obligation to provide a behaviour support service to schools but may choose to do so, as is the case in Middlesbrough. The structure of a local authority's behaviour support is determined locally, but whatever the local arrangements, the team works closely with a range of other services. Each has its own dedicated specialist teachers, teaching assistants and links to a range of other practitioners, including educational psychologists, education welfare officers and counsellors.
20. Middlesbrough's behaviour support service works in partnership with schools within an overall framework of inclusion. This is aimed at helping schools to promote positive behaviour and to provide effective support to pupils, parents and to schools where behaviour is a concern. Support is provided in two elements - that is preventative services and direct support services for children with behavioural difficulties. The team consists of specialist teachers and support staff who work directly in schools with individual children, groups of pupils and staff.
21. The service is financed by schools purchasing specific levels of input from the team. The current buy-back level is £220,000 per annum, which includes some support work on improving attendance. The continued operation of the behaviour support team is dependent on schools using the service.

22. The panel heard that the behaviour support service is used principally by secondary schools (with all secondary schools and two academies currently buying-in to the service) but has also been used with growing frequency by the primary sector over the last few years. As levels of buy back for the service change annually, this has created problems for recruitment and staffing. It is difficult to accurately assess the level of behaviour support provision that will be needed from year to year, particularly as schools are no longer accountable to the local authority but to a School Improvement Partner. This creates a problem for the local authority in knowing what levels of support will be required and which schools will utilise the service.
23. Discussions involving the DfES and headteachers have been undertaken to determine how issues arising from the proposed changes can be progressed. Service implications will need to be considered in the future.
24. In terms of staffing the local authority's services, there have been difficulties in recruiting educational psychologists. This has affected service provision. Posts have remained unfilled for some time and some advertisements have received no responses. This is understood to be a national problem and may be alleviated by proposals to change qualification requirements for candidates.

Pupil Referral Units

25. Local authorities have a statutory duty to provide suitable education for children of compulsory school age who, because of exclusion from school for example, will not receive a suitable education without these arrangements. Pupil referral units (PRUs) are used as part of the alternative education in Middlesbrough and are used to support pupils who have been permanently excluded or who are at risk of exclusion.
26. In accordance with DfES guidance, PRUs are focussed on moving pupils back into mainstream school as quickly as possible. Where capacity is available to support a pupil via the PRU, a school is required to pay the cost of any intervention programme and must commit to keeping a pupil on the school roll. The school must also provide the balance of the timetable for the pupil concerned.
27. There are three dedicated PRUs in Middlesbrough, one at primary school level, one at key stage 3 level and one at key stage 4. In addition, the hospital teaching service is also classed as a PRU as it caters for children being educated outside of the school environment. Although the PRUs each have a theoretical maximum capacity this has been exceeded in the past as the local authority is obliged to make educational provision for excluded pupils.
28. Although educational establishments registered as PRUs attract central government funding, the cost of keeping a pupil at a PRU (approximately £10-£11,000 per year) is borne by the local authority. Some of the cost (typically £3-4,000) can be recovered from the school where the pupil is registered, except in the case of academies where none of the costs are recoverable.
29. Council behaviour support provision is also linked to the role of Behaviour and Attendance Consultant, which is a Council post established as part of the national Key Stage 3 Strategy on behaviour, which is covered separately in this report.

The development of an admissions protocol for hard to place and excluded pupils

30. The scrutiny panel learned that a protocol has been developed by the School Admissions Forum in respect of hard to place or excluded pupils. All secondary school headteachers have agreed to the use of a voluntary code of conduct, which has been developed in three sections as follows:
- The first part concerns children moving into the local authority area and is already working well.
 - The second relates to managed transfers, where children who are close to exclusion are transferred to another school for a six week trial period, before moving there permanently if appropriate. This system is already operational and has been successful in approximately 50% of cases.
 - The third part of the protocol has been most contentious and concerns the placement of pupils who have already been excluded from school.
31. To date, excluded children have usually moved straight to a pupil referral unit (PRU). Under the new protocol, however, schools will take in recently excluded pupils, and also those who are ready to leave the PRU, on a rota basis. This will ensure that:
- Pupils continue in mainstream education.
 - Pupils from the PRU are placed in schools without delay.
 - Hard to place and excluded children are shared fairly among all schools.
32. The new system will be managed by secondary school headteachers and will include a mechanism to hear appeals against rota placements. It is anticipated that the above arrangements, which are scheduled to be implemented in January 2007, will free up capacity at the PRU, enabling respite provision to be made available to pupils and an outreach service to be provided to schools.
33. No school can be compelled to accept any pupil, even if it has spare capacity. In such circumstances there is an appeals mechanism which can ultimately involve a lengthy process involving the Secretary of State. Nevertheless the panel welcomes the new protocol and anticipates that it will alleviate difficulties that have been associated with finding school places for difficult pupils.
34. Examination of these terms of reference shows that the direct role of the local authority in managing behaviour is diminishing and that schools are free to determine their own support provision.

TERM OF REFERENCE: “To assess the impact of national guidance and strategies”

AND:

“To examine support and training that are available to help staff manage challenging pupil behaviour.”

35. The panel found that the above terms of reference overlap in that support and training to schools has developed as a result of national guidance. As a result the issues examined are dealt with together in the following paragraphs.

36. The Department for Education and Skills (DfES) indicates that staff, parents and pupils themselves all have a role to play in ensuring positive and productive learning environments for the whole of the school community. So too do governors and local authorities. The DfES has produced national guidance and strategies on how this can be best achieved.
37. Consideration of the terms of reference involved the examination of the following :
- The Key Stage 3 National Strategy: Behaviour and Attendance
 - The national Behaviour and Attendance Programme
 - The national Behaviour Improvement Programme

National Key Stage 3 Strategy

38. The behaviour and attendance element of the national Key Stage 3 strategy was launched in September 2003. £470m of government funding was allocated for support and training in improving behaviour and increasing attendance in every secondary and middle school in England. Senior leadership teams were established in schools to carry out audits of behaviour and attendance. These are then used to establish priorities for the whole school, to improve policy and practice and draw up training plans for staff.
39. This programme is helping schools to promote positive behaviour and tackle the issue of low-level disruption. The aims are to ensure that all schools have the skills and support that they need to maintain creative and positive learning environments for all children, and to give support in developing positive behaviour throughout the school and also in developing pro-active policies.
40. Every local authority is required to have at least one behaviour and attendance consultant working as part of the national strategy. The consultant's job is to strengthen schools' capacity to manage behaviour and attendance through advice, training and coaching, giving priority to schools with significant behaviour and attendance issues. This person should formally link with the behaviour support service.
41. The post of behaviour and attendance consultant in Middlesbrough is currently vacant as the postholder found alternative employment. It was noted that the fact that the post is offered on a fixed term contract has affected the ability to fill it and that this is the second time that the post has been vacant in a fairly short space of time. This has impacted on service delivery.
42. The scrutiny panel considered details of the behaviour and attendance consultant's responsibilities. The job operates at two levels, the first level being to develop whole school policies and procedures to help schools improve behaviour and attendance overall. The second aspect of the work involves work with key personnel in schools to develop good practices and good pupil management - for example, Heads of Departments, Head of Year Groups, Senior Management Teams, etc. This includes introducing procedures for schools to measure progress and improvement. The specialist also works directly with school staff to help in developing more effective teaching methods.

43. Unlike the Council's behaviour support service, which is available to schools on a 'buy back' basis, the support of the behaviour and attendance consultant is not chargeable and is allocated according to need and service availability.
44. Locally, officers from Children, Families and Learning work with school management teams and senior staff to discuss behavioural problems and priorities and to improve behaviour both in classes and throughout a whole school. Where appropriate, schools are offered the time and expertise of the behaviour and attendance consultant. The consultant works with individuals and groups of staff, with the intention of helping the school to develop the capacity to deal effectively with the vast majority of behaviour issues. In addition, an educational psychologist may be used in the case of a pupil with severe problems. In general, however, most disruptive pupils' problems can be addressed through work done by the behaviour consultant and school staff. An approach that has worked well has been to work on staff training in situ, that is in the schools, rather than removing staff for training purposes. A further aspect of national developments has been for schools to develop monitoring and audit systems for behaviour. All schools are required to record serious behaviour incidents, together with action taken.
45. The work undertaken in schools by the behaviour and attendance consultant is understood to have been generally very well received. This was borne out by comments made by teaching staff who spoke to the scrutiny panel. In addition, good working links and liaison arrangements have been formed between the behaviour and attendance consultant and the Council's behaviour support team. This ensure that support levels to schools and the use of resources overall can be maximised.
46. It is recognised that the National Key Stage 3 Strategy represents a shift in approach, both locally and nationally, and that school staff will need to be supported with follow up work to ensure that progress continues to be made.
47. Examination of the terms of reference above shows that behaviour management policies and service provision are heavily influenced by national guidance and strategies. Support and training that are made available reflect these strategies.

Behaviour Improvement Programme

48. The Behaviour Improvement Programme (BIP) was launched as a key part of the National Behaviour and Attendance Strategy in 2002. It represented the Government's commitment to tackling behaviour and attendance and targeting resources where they were needed most. The programme ran until March 2006.
49. The key objectives for the national programme were:
 - The provision of full-time, supervised education for all excluded pupils.
 - Key workers for all pupils at risk of exclusion, truancy and criminal behaviour.
 - Improvements in behaviour, as measured by exclusion levels and other indicators.
 - A reduction in the levels of truancy and improvement in attendance levels.

50. Each local authority was required to develop programmes that best met the needs of schools where poor attendance and truancy are significant barriers to learning. The programme was aimed at supporting strategies that were already in place in the area and provided some resources to develop additional measures to support schools.
51. Nationally, funding was used to provide a wide range of services, including the development of dedicated behaviour and education support teams (BESTs).
52. Behaviour and education support teams (BESTs) were established in Middlesbrough as part of the Excellence in Cities programme, which has now come to an end. BESTs were multi-agency teams which aimed to bring together a complementary mix of professionals from the fields of health, social care and education.
53. The scrutiny panel heard from Council officers that the BESTs that were established in Middlesbrough had largely been viewed by schools as being unsuccessful. This was because the schools generally considered that they should have been given the resulting budget and resources directly.

TERM OF REFERENCE: “TO CONSIDER THE VIEWS OF REPRESENTATIVES OF TEACHING STAFF IN RELATION TO THIS TOPIC”

54. The panel heard directly from a number of primary and secondary school teaching staff on their experiences in relation to the scrutiny topic. Points raised by the teaching staff included the following:
 - The majority of school pupils in Middlesbrough are well behaved, although a small core of disruptive pupils causes a lot of problems.
 - The number and nature of behaviour incidents is changing for the worse.
 - Most schools have now reduced the number of exclusions and a permanent exclusion is now used only in severe cases (eg drugs).
 - Exclusions are not viewed as a long term solution.
 - Parents are very important in addressing behaviour problems. Working with parents is a big factor in addressing pupils’ behaviour. The use of Parenting Orders (issued by the courts) is one means which has been used to address problems with parents.
 - Disruptive behaviour is a big social issue, not just an educational issue and family dynamics often play a part.
 - Schools have also used parenting contracts to address problems of unco-operative parents.

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- Many schools now have provision to enable disruptive pupils to be removed to a separate facility within the school. This has worked well and prevents pupils who deliberately misbehave in order to become excluded and get some time off school from achieving that aim.
- Addressing disruptive behaviour at primary school level is important as this can prevent problems from worsening, particularly at secondary level.
- Disruptive behaviour at primary level presents less risk than at secondary level, especially where physical threat is involved.
- On transition from primary to secondary schools it would be useful for secondary schools to have full information on any pupil behaviour issues (although it was noted that it is anticipated that this will be improved with the new Key Stage 2/3 transition process being introduced).
- Although the “passport” document, passed with a pupil from primary to secondary schools includes a column for information about behaviour this is not always completed.
- Consistent information passed from primary schools would be beneficial. For example, one secondary school has 32 primary feeder schools and not all provide the same levels of information on transferring pupils.
- Schools have the view that there should be greater provision for ‘at risk’ pupils outside mainstream schools at both primary and secondary level. One of the main problems is that there is nowhere for disruptive pupils to go if a school does not have its own facility.
- Training provided under the Key Stage 3 Strategy for Behaviour and Attendance has been well received in schools and all secondary schools have been involved.
- Every Middlesbrough School has its own Behaviour and Attendance Policy, based on DfES guidance. Ofsted Inspections now include behaviour policies.
- Bullying is addressed in all schools and all have a policy to deal with this. Pupils are encouraged to talk to staff members and some schools have older pupils acting as mentors to younger ones. Each mentor has a staff member that they, in turn, can relate to.
- The use of behaviour mentors (funded from external sources eg Excellence in Cities, West Middlesbrough Neighbourhood Trust, The Big Lottery Fund) in primary schools has led to significant improvements in addressing behaviour problems and some family-related issues.
- Primary school staff expressed the view that individual children can often receive a greater level of individual care in primary schools owing to their usually smaller size.

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- A high level of support is needed (particularly for difficult or at risk) pupils when making the transition between primary and secondary school.
- Parenting courses - which teach parents skills such as the use of positive vocabulary and praise - have proved very successful at primary level.
- A multi-agency, team-meeting approach (including Social Services, Police and Health Services) has proved very successful in one primary school.
- Secondary schools also employ behaviour mentors, who meet regularly with primary school mentors. The meeting includes training and sharing of best practice.
- Visits from secondary school staff to a primary school, to provide information on the new school, had greatly helped children to adjust to the transition.

55. Examination of this term of reference highlighted the usefulness of seeking the views of those who are most closely involved in behaviour management in schools - ie the teaching staff. The views of the staff that were spoken to were highly useful in contributing to the review's findings.

TERM OF REFERENCE: "To assess the effectiveness of action taken prior to exclusions."

56. Two areas of work examined earlier in this report relate directly to work that is undertaken to prevent exclusions. These are:

- The work of the Council's behaviour support team.
- The work of the Council's behaviour and attendance consultant.

57. In addition to these, the scrutiny panel heard about the following:

- The use of parenting contracts and parenting orders.
- Programmes and initiatives that are developed by individual schools.
- Work that has been undertaken by the School Admissions Forum in relation to hard to place (and excluded) pupils.

Parenting Contracts and Parenting Orders

58. The above are measures aimed at addressing behaviour problems in 10 - 17 year olds and are principally used where issues of crime, potential crime, or anti-social behaviour are involved. Local Youth Offending Teams (YOT), which bring together professionals with a range of disciplines, were established as a result of the Crime and Disorder Act 1998. YOTs are involved in various measures to support children and parents.

59. There are three main ways in which the YOT can work with parents:

1. Voluntarily - Many parents want and may even ask for support. YOTs may work with parents on a voluntary basis without using a formal contract or order.
2. Voluntarily, with a parenting contract - If a more formal approach is useful or the parents are unwilling to co-operate, a YOT can suggest a parenting contract. Refusing to enter into a contract can be used as evidence to support an application for a parenting order and may persuade a reluctant parent to engage in the process. A parenting contract is an agreement negotiated between a YOT worker and the parents of a child involved, or likely to become involved, in criminal conduct or anti-social behaviour.
3. Through a court order - If a parent is unwilling to co-operate, the YOT can apply for, or recommend, a parenting order. An order is made by a criminal, family or Magistrates court.

60. Parenting contracts and orders can consist of 2 elements, as follows:

1. A parenting programme designed to meet the individual needs of parents to help them address their child's misbehaviour.
2. To specify particular ways in which parents are required to exercise control over their child's behaviour to address factors associated with offending or anti-social behaviour. Examples would be ensuring that a child goes to school every day or is at home during certain hours.

61. Parenting contracts have been used in Middlesbrough with limited success. This is due to the fact that compliance is voluntary and there have been problems in securing the commitment of parents and children over the longer term.

62. Parenting orders have been used more successfully and have produced positive results in a number of cases. The orders are, however, expensive to issue and implement at a cost of approximately £650 per order. The Council is in the process of bidding for external funding of £25,000 to build capacity to deliver parenting orders. Should this funding bid succeed, there will be a need to consider how the issuing of parenting orders can be maintained once funding ends.

School Programmes and Initiatives

63. Each school is free to determine its own behaviour policies and any initiatives that it considers will assist in improving behaviour. The scrutiny panel heard details of:

- Learning support units
- Externally funded schemes

Learning Support Units

64. The scrutiny panel heard that a number of schools in Middlesbrough have developed facilities to provide assistance to children who need particularly intensive support. These facilities are generally known as "Learning Support Units" (LSUs). LSUs are defined by the Department for Education and Skills as "school based centres for pupils who are disaffected, at risk of exclusion or vulnerable because of family or social issues." A number of different models of LSU have been developed to:

- Enable schools to provide separate short-term teaching and support programmes tailored to the needs of difficult pupils.
 - Keep disaffected pupils in school and working while addressing their behaviour problems and helping to reintegrate them into mainstream classes as quickly as possible.
 - Minimise the disruption caused by the most difficult pupils without excluding them.
65. Several facilities (at both primary and secondary level) have been developed in Middlesbrough to promote pupil inclusion. Although these are not all termed “learning support units” they provide support to pupils as outlined above. One Middlesbrough primary school has developed a scheme which allows potentially disruptive pupils to plan their own work and work on their own. Following the scheme’s success it was reported to Children, Families and Learning’s “Creative Inclusion Workshop” (ie the workshop which is arranged once or twice per year for Middlesbrough’s education professionals to share examples of good practice) and is to be tried by other schools.

Externally funded schemes

66. Middlesbrough schools are free to develop their own behaviour support schemes and systems and are also able to seek funding from external sources to do so.
67. Some schools have introduced behaviour support programmes and services after obtaining funding from local bodies such as The West Middlesbrough Neighbourhood Trust and others from national organisations such as The Big Lottery Fund. Such funding schemes are usually short term. This means that once the funding has ceased, schools need to either terminate the service that they have developed or continue to fund it from their own budgets. This can potentially have an effect on buy-back of the Council’s behaviour support service.
68. Behaviour mentors have been successfully introduced into some schools using funding as above. The scrutiny panel heard details of one primary school scheme, which has been particularly effective in improving behaviour, and as a result has also improved levels of attainment.
69. The scheme involves the employment of two full time behaviour mentors who support vulnerable pupils and pupils who are displaying behaviour problems. This support is available to pupils in short sessions on a 1:1 basis. The mentors have also been involved in work with parents - such as local excursions for families who would not otherwise have these opportunities; support for single parents; and arranging activities for parents and children to do together. All of these initiatives have impacted very positively on improving behaviour in the school.

Additional Information

70. The scrutiny panel also examined information in relation to the following issues, which although not related directly to the terms of reference of the review, arose during the scrutiny exercise:

- Exclusion levels
- Funding sources for behaviour improvement programmes

Exclusion levels

71. The scrutiny panel considered DfES data on exclusions from 2004. This indicated that for fixed exclusions, Middlesbrough is close to the national average and is below comparative “statutory neighbour” levels (ie below levels of similar local education authorities). There were 9.49% fixed exclusions in Middlesbrough, compared to 10.95% for a nearby statutory neighbour (SN) and 8.66% nationally.
72. The national level of permanent exclusions in 2004 was 0.25%. Middlesbrough’s level was 0.17% and one nearby statutory neighbour had a level of 0.38%. Middlesbrough’s low percentage figure has been achieved despite a number of schools being located in areas of deprivation.
73. In discussing exclusion levels, the scrutiny panel heard that a rise in the number of exclusions might not necessarily result from an increase in incidents of bad behaviour. Other factors, such as changes in school policies or a change of headteacher, can lead to an increase. However, as all schools are required to produce statistical returns on exclusions and attendance, any serious changes or problems would be brought to the attention of the local authority and officers would investigate and act on any significant changes in levels. In addition, every school has a structured approach to potential exclusions with a number of steps to be followed before an exclusion can be made. Although Middlesbrough’s academies had initially recorded high numbers of permanent exclusions, these have now been reduced.
74. It is anticipated that the new admissions protocol that is to be introduced from January 2007 will result in further reductions in exclusion levels.

Funding sources for behaviour improvement programmes

75. Behaviour improvement programmes are funded from three main sources, as follows:
- from budgets which are delegated to schools.
 - from government funding for national programmes (for example Key Stage 3 national programme).
 - buy-back of the behaviour support service by schools.
76. In addition to the above, schools are able to seek external funding from any appropriate source to deliver their own behaviour support initiatives.

CONCLUSIONS

77. Based on the evidence presented to it in the scrutiny investigation the Panel concluded that:
1. Behaviour in schools is a major issue that can impact significantly on pupils’ learning.
 2. There is a high level of commitment - both in the local authority and in schools - to supporting vulnerable and excluded pupils.

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3. Early intervention is important - both in terms of supporting younger pupils and ensuring that pupils who are at risk or are vulnerable are identified as soon as possible. The use of the Council's behaviour support service by primary schools is an important element of such intervention.
4. Excluded pupils need to be returned to mainstream education as soon as possible.
5. There are a lot of examples of good practice in schools, such as the use of behaviour mentors and the development of mentoring schemes to address bullying. It is important that information on these is exchanged between/made available to all schools.
6. The transition between primary and secondary education is important - schools are not always aware of potential problems or pupil history. A consistent approach to information sharing would assist.
7. It is anticipated that the new admissions protocol for placing difficult pupils in schools will have a positive impact on their education and will assist in reducing exclusion numbers.
8. The direct role of the Council in managing behaviour in schools and developing behaviour policies has diminished. The authority is now involved in more of a "commissioning" role as schools develop their own policies and behaviour support provision.
9. The Council's behaviour support service (which is bought by individual schools) still plays an important role.
10. The position regarding the behaviour support service is volatile as the level of usage and service buy-back can vary. This may relate to difficulties faced by schools in longer term financial planning due to uncertain budget positions.
11. There have been problems in filling the post of Behaviour and Attendance Co-ordinator as the post is offered on a short-term fixed contract. This has affected service provision.
12. The fact that none of the costs associated with excluded pupils can be recovered from academies - but can be recovered from other schools - is of great concern as this has an adverse impact on Council budgets.

RECOMMENDATIONS

78. Following the conclusions reached above, the Children and Learning Scrutiny Panel recommends to the Executive:
1. That in order to assist secondary schools in providing support to new pupils, a standard document, which specifically identifies any potential behaviour issues or history of behaviour problems, is introduced for all pupils transferring between primary and secondary schools.
 2. That all primary schools be informed of the work undertaken by the scrutiny panel and the panel's view that it is important that accurate and up to date pupil information is supplied on pupils who are transferring to secondary schools.
 3. That all primary and secondary schools be informed of the work undertaken by the scrutiny panel and the panel's view that it is important that vulnerable/at risk pupils are identified at an early stage as possible so that appropriate behaviour support can be provided.

4. That a system be put in place to ensure that all examples of good practice in relation to behaviour support and management, including availability of external funding, are shared between schools.
5. That the effectiveness of the new admissions protocol for hard to place pupils, which is to be introduced early in 2007, is monitored and its effect on exclusion levels is reported to the Children and Learning Scrutiny Panel, together with a general update, after 12 months of operation.
6. That representations be made to appropriate bodies at a national level in respect of the fact that none of the costs associated with a pupil excluded from an academy can be recovered.
7. That every effort continue to be made to recruit to posts of educational psychologist and the effect of changes in qualification requirements on vacancy and retention levels be monitored.
8. That every effort be made to recruit to the post of behaviour and attendance consultant and officers be requested to examine whether - if the post cannot be made permanent - there is any way in which it can be made more attractive to applicants.
9. That the Council's Behaviour Support Service is actively promoted to those schools which do not currently use it.

ACKNOWLEDGEMENTS

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- J McCallum - Macmillan Academy
- J Smith - Assistant Head of Pupil Support; Children, Families and Learning
- D Sands - Support Service Manager; Children, Families and Learning
- D Snaith - Senior Standards Adviser; Children, Families and Learning

BACKGROUND PAPERS

The following background papers were consulted or referred to in preparing this report:

- (a) DfES Publication - Key Stage 3 National Strategy (2003) - "Advice on Whole School Behaviour and Attendance Policy".

(Cont....)

- (b) DfES Publication - Key Stage 3 National Strategy (2003) - "Behaviour and Attendance"
- (c) OFSTED Report (2006) - "Improving Behaviour - Lessons Learned from HMI Monitoring of Secondary Schools Where Behaviour Had Been Judged Unsatisfactory".
- (d) Report of the Practitioners on School Behaviour and Discipline - " Learning Behaviour - What Works in Schools".
- (e) OFSTED Report (2005) - "Managing Challenging Behaviour".
- (f) Minutes of children and Learning Scrutiny Panel meetings: 24th July, 6th September, 21st September, 16th October, 9th November and 14th December 2006.

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26th February 2007

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