

MIDDLESBROUGH COUNCIL

FINAL REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL

PUPIL EXCLUSIONS IN MIDDLESBROUGH

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AIMS OF THE INVESTIGATION

1. The aims of the investigation were:

- To ensure that positive and timely alternative education provision was available for excluded pupils.
- To ensure that effective and successful models of intervention were in place to prevent difficulties escalating to the point of exclusion.

TERMS OF REFERENCE

2. The terms of reference for the scrutiny panel's investigation were as follows:

- a) To investigate the rates and reasons for permanent and fixed period exclusions in Middlesbrough and how these compare locally and nationally.
- b) To consider the responsibilities of head teachers, governing bodies, the Local Authority, Academy Trusts and independent review panels.
- c) To examine the alternative education in Middlesbrough, for excluded pupils.
- d) To investigate the factors that influence schools' decisions to exclude, and their interaction with other public services whose interventions, in partnership with the school and the family, might otherwise have helped to avoid exclusion.
- e) To identify the work being undertaken to reduce the number of exclusions in Middlesbrough and explore good practice in managing children identified as being at risk of exclusion.

BACKGROUND INFORMATION AND RESEARCH

BEHAVIOUR POLICIES

3. A clear school behaviour policy, consistently applied, underpins effective education. School staff, pupils and parents should all be clear of the high standards of behaviour expected of all pupils at all times.
4. Schools should have in place a range of options and rewards to reinforce and praise good behaviour, and clear sanctions for those who do not comply with the school's behaviour policy. These will be proportionate and fair responses that may vary according to the age of the pupils, and any other special circumstances that affect the pupil.
5. When poor behaviour is identified, sanctions should be implemented consistently and fairly in line with a school's behaviour policy.¹

EXCLUSION

6. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where

¹ Department for Education, Behaviour and Discipline in Schools – Advice for Head Teachers and School Staff, January 2016

allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

7. There are 2 kinds of exclusion - fixed period (suspended) and permanent (expelled):
 - **Fixed period exclusion** - fixed period exclusion refers to a pupil being temporarily removed from school. The pupil can only be removed for up to 45 school days in one school year, even if they've changed school. If a pupil has been excluded for a fixed period, schools should set and mark work for the first 5 school days. If the exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, e.g. at a pupil referral unit. When this sanction is used, schools should have a strategy for reintegrating pupils that return to school, and for managing future behaviour.
 - **Permanent exclusion** - Permanent exclusion refers to a pupil being expelled. In this instance, local authorities must arrange full-time education from the sixth school day.²
8. The decision to exclude a pupil must be lawful, reasonable and fair.

ALTERNATIVE EDUCATION PROVISION

9. Local authorities are responsible for arranging suitable education for permanently excluded pupils. Governing bodies of schools are responsible for arranging suitable full-time education from the sixth day of a fixed period exclusion.
10. Responsibility for the alternative provision used, rests with the commissioner. The nature of the intervention, its objectives and the timeline to achieve these objectives should be agreed and clearly defined. Progress against these objectives should be frequently monitored, appropriate reviews should be built in and continuity into the next stage in the child's life should be considered. Where reintegration to the school is an objective, there should be agreement on how to assess when the pupil is ready to return and the school should provide an appropriate package of support to assist their reintegration. These objectives and plans should be agreed with providers, set out in writing and regularly monitored, including through frequent visits to the provider.³

PREVENTION OF, AND ALTERNATIVES TO, EXCLUSION

11. Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion.

Good practice: In-school provision

12. Schools use a range of specific preventative strategies such as seclusion, de-escalation, break out spaces, and restorative justice; having key workers/personnel and learning or academic mentors; effective monitoring and review; and parental support.⁴

² <https://www.gov.uk/school-discipline-exclusions/exclusions>

³ Department for Education, Alternative Provision – Statutory guidance for local authorities., 2013

⁴ National Foundation for Educational Research, Office of the Children's Commissioner, School Exclusions Inquiry: Perspectives of Teaching Staff and Other Professionals, 2013

13. In 2014, the Department for Education (DfE) published a School Exclusion Trial Evaluation-Research Report. The School Exclusion Trial tests the benefits of schools having greater responsibility for meeting the needs of permanently excluded pupils and those at risk of permanent exclusion. This includes schools having more responsibility for commissioning alternative provision, and local authorities passing on funding to schools for this purpose. The findings of the trial highlighted that learning support units, inclusion coordinators, and revised school timetables are considered effective in relation to preventing exclusions, improving attendance, improving attainment and improving behaviour. Schools are also making more effective use of data to identify patterns of behaviour in order to put in place appropriate support for pupils. Findings also emphasise the importance of schools monitoring the effectiveness of interventions and focusing support as effectively as possible.⁵

Models of Intervention

14. In 2010 Barnardo's published a report in respect of understanding and preventing exclusions. The main content of the report includes an in-depth study of different models of intervention. The key features of effective practice are identified as:

- Intervening early before problems become entrenched.
- Working with parents and families.
- Small group work.
- Applied vocational options.
- A youth work approach.
- Persistence and belief.⁶

15. In 2012, the Office of the Children's Commissioner conducted a Schools Exclusions Inquiry, which examined various models being used as alternatives to exclusion across England. The inquiry identifies that the best provision, whether delivered by schools or providers, offers high-quality, cost-effective alternatives to both permanent and fixed period exclusion. Where they are done well, managed and monitored alternatives to exclusion are formalised, and carried out openly, transparently and in the best interests of the child. Of the provision examined, the following characteristics sum up good practice:

- Students have curriculum continuity, allowing them to be more easily re-integrated into the mainstream when their issues have been addressed. In the very best provision, students are taught by, or have regular contact with, the teachers they would meet in class, and remain on the same examination courses as their peers.
- The child's underlying behavioural issues are dealt with, not simply "parked". In the best cases, interventions include counselling provided by trained staff, and the use of formally implemented restorative approaches, both to confront students with the consequences of their behaviour, and to demonstrate what things could be like if matters improve.
- Support is tailored to the individual, rather than a "one size fits all" approach being used.
- There are strong links to mainstream provision. For students still in school, this is often the opportunity to mix with their peers at break or lunchtime, and to engage in extra-

⁵ The Institute of Education (IoE) and the National Foundation for Educational Research (NFER), School exclusion trial evaluation – Research report, 2014

⁶ Barnardo's, Not present and not correct: Understanding and preventing school exclusions, 2010

curricular activities. For alternative providers, links with the “home” school are strong and visible.

- The provision is well equipped and is an attractive learning environment. There is no suggestion of this provision being “second best”.

16. Many parts of England operate “managed move” systems as an alternative to formal exclusions. When a school is no longer able to educate and support a child as a result of a child’s behaviour, the school makes an agreement with another school or an alternative education setting for the child to move without a formal exclusion appearing on their record.

17. The inquiry identifies a number of elements that emerged that characterise good practice in managing moves between schools. Where practice is good:

- There is a formalised system (usually through fair access and managed moves protocols), which set out clearly the responsibilities of all concerned.
- Schools co-operated, rather than competed with each other.
- Relationships between head teachers are strong and based on mutual respect. Head teachers therefore support, and when necessary, challenge each other.
- Children, young people and their parents are involved in the necessary decision-making. They are given the opportunity to express their views and have those views taken into account, and are expected to reciprocate as a result of the meetings concerned.
- Decisions are made collaboratively, in the best interests of the child.
- Both “excluding” and “receiving” schools share responsibility for the child who is moving, until the point where they are settled in the new environment, at which point they are formally and fully transferred.⁷

18. In 2013, the Office for Public Management published a report that evaluates three therapeutic early interventions to prevent school exclusions and truancy:

- **Care Guidance Support Stages (CGSS)** is an approach to managing behaviour in schools, which aims to identify pupils with behavioural issues as early as possible, and offer targeted support to address these issues. It is designed to facilitate positive relationships and communication between pupils, schools and parents. The system allows all members of staff to raise concerns about pupils so that they are picked up straightaway and a clear action plan put in place. The CGSS define different ‘stages’ of support depending on the severity of a pupil’s behavioural problems. Each of the stages includes a range of indicators to help decide where each pupil best fits in the model, and a set of ‘consequences’ which clearly explain which actions will trigger which response.
- **Family Group** is a highly targeted intervention working with children and parents in school-based, multi-family therapy sessions using the Marlborough model⁸. Families identify their problems and devise ‘targets’ to address them. They take part in activities which are designed to promote positive parent-child interaction and to help members to articulate and understand their feelings and identify unhelpful patterns of behaviour and responses that they can then work to change. Members are encouraged to develop their capacity for self-reflection, equipping them with the skills and tools to cope with future challenges.

⁷ Office of the Children’s Commissioner, “They never give up on you” – School Exclusions Inquiry, 2012

⁸ Asen E, Dawson N, McHugh B, Multi Family Therapy – The Marlborough Model and its Wider Applications, 2001

- **Learning 2 Learn** delivers creative, therapeutic support in primary schools to children who have been excluded, or are identified as being at risk from exclusion. The aim is to enable children to develop their self-awareness, empathy and reflective capacity, express their feelings and take responsibility for their behaviour. Children receive support from intervention workers, who are qualified counsellors, in a group or one-to-one sessions. The project also aims to improve relationships between parents and schools by involving parents in the intervention.

19. All of the projects, although different in their approaches, generate positive impacts at a number of levels:

- Children and young people experience improvements in emotional wellbeing, behaviour, ability to learn and relationships.
- Schools increase their understanding of behaviour and their capacity to manage it, and enjoy fewer disruptions from problematic behaviour.
- Relationships between children, schools and parents are improved.

20. A summary of the cross-cutting learning to emerge from the evaluation is as follows:

- **Parental engagement:** The projects identified the need to engage with parents in order to break intergenerational patterns of poor relationships with schools and develop a shared responsibility for their child's progression as well as a more positive home environment. The projects have involved parents in many different ways, including sharing decisions, offering support and advice and seeking their regular feedback.
- **Appreciative models of support:** All three projects help children and families to recognise that they have strengths, resilience and skills, as well as areas for development and improvement. This has been shown to help improve parents' relationships with school and increase their confidence as parents.
- **At whole school level,** success factors include: being prepared for the investment of time and effort required and willingness to make changes along the way; strong strategic-level support to champion the intervention; consistency of messaging and practice throughout the school; use of inset days, line management meetings and staff team meetings to reinforce staff roles in implementing the intervention; dedicated administration support to develop and manage databases and other information sharing systems; and sharing early examples of success across the school to help maintain momentum and enthusiasm.
- **With targeted approaches,** success factors include: working holistically with the child and family to address all relevant issues, by being linked into the wider infrastructure of support for a family; accessibility of project workers to establish a power dynamic that is different from the traditional teacher-parent relationship; regular communication and information sharing with schools; opportunities for school-based staff to observe and, where appropriate, co-deliver sessions with project workers in order to develop their practice and increase their confidence in working with children and young people with emotional and behavioural issues.
- **Individual and school-level impacts:** Targeted approaches have the capacity to translate into wider school-level benefits, for example, a change in the way schools understand and interpret children's behaviour, and fewer disrupted lessons.
- **The importance of early intervention:** Timing is crucial to the effectiveness of the projects; schools have seen the value of addressing issues at an early stage before they

reach crisis point, and all of the projects have made adjustments to intervene even earlier than initially planned.

- **Exiting from targeted support:** Careful consideration of how children and families exit the project is important to sustaining impacts. Depending on the needs of the children and families involved, the exit may need to be different for different children/families, as the improvement trajectory cannot be assumed to be linear.⁹

Promoting wellbeing and positive mental health

21. The Department for Education's behaviour and discipline in schools advice states that schools should consider whether continuing disruptive behaviour might be a result of unmet educational or other needs.

22. In 2016 the Department for Education published advice for schools in respect of mental health and behaviour in schools. The document stated that surveys suggest that disproportionately large numbers of pupils with conduct and emotional disorders fall behind in their overall educational attainment, missing school and/or being excluded. Schools offer important opportunities to prevent mental health problems by promoting resilience. Strategies to promote positive mental health have been identified as follows:

- **Personal, social, health and economic (PSHE) education.** Schools have the flexibility to create their own PSHE curriculum and many use this to focus on developing children's resilience, confidence and ability to learn.
- **Positive classroom management and small group work.** Evidence has shown that an effective approach to promote positive behaviour, social development and self-esteem is to couple positive classroom management techniques with one-to-one or small group sessions to help pupils identify coping strategies.
- **Counselling.** Evidence shows that school staff, children and young people evaluating the service, are positive about school-based counselling, viewing it as an effective way of bringing about improvements in mental health and well-being, and helping children and young people to engage with studying and learning.
- **Child psychologist.** Specialising in the mental health of young people, a child psychologist may provide help and support to those experiencing difficulties. A CAMHS team will include a child psychologist, but it may also be possible for schools to use the services of a local authority educational psychologist or to commission one directly themselves, depending on local arrangements.
- **Developing social skills.** Helping children and young people to develop these skills, for example through Social Skills Training (SST), can be an effective element of multi-method approaches to bolstering the ability to perform key social behaviours that are important in achieving success in social situations.
- **Working with parents/carers.** Evidence shows that if parents/carers can be supported to better manage their children's behaviour, alongside work being carried out with the child at school, there is a much greater likelihood of success in reducing the child's problems, and in supporting their academic and emotional development.
- **Peer mentoring.** Some schools also find peer mentoring to be an effective (and low cost) approach to supporting pupils.

⁹ Office for Public Management, Therapeutic early interventions to prevent school exclusion and truancy: evaluation of three contemporaneous projects, 2013

Children with more complex problems

23. For children with more complex problems, additional in-school interventions may include:
- **Support to the pupil's teacher**, to help them manage the pupil's behaviour within the classroom, taking into account the needs of the whole class.
 - **Additional educational one-to-one support for the pupil** to help them cope better within the classroom.
 - **One-to-one therapeutic work with the pupil**, delivered by mental health specialists (within or beyond the school), which might take the form of cognitive behavioural therapy, behaviour modification or counselling approaches.
 - **An individual health care plan.**
 - **Medication** may be recommended by mental health professionals.
 - **Family support and/or therapy** could also be considered by mental health professionals to help the child and their family better understand and manage behaviour.
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24. In 2015, Professor Katherine Weare published advice covering two overlapping areas of school practice: promoting positive social and emotional wellbeing for all in schools, and tackling mental health problems of pupils in more serious difficulty. Weare demonstrated that there is clear evidence from well-conducted systematic reviews to support schools in employing the following approaches to improve outcomes:

Adopt whole school thinking

- Take a whole school approach – and implement it carefully.
- Start with a positive and universal focus on well-being.
- Develop a supportive school and classroom climate and ethos.
- Identify and intervene early.
- Take a long-term approach.
- Promote the well-being of staff and tackle staff stress.

Engage the whole community

- Promote pupil voice and peer learning.
- Involve parents, carers and families.

Prioritise professional learning and staff development

- Understand risk and resilience to actively respond to problems and difficulties.
- Help all students with predictable change and transitions.

Implement targeted programmes and interventions (including curriculum)

- Use a range of leaders for specific programmes.
- Teach social and emotional skills.

Develop supportive policy

- Provide clear boundaries and robust policies.

Connect appropriately with approaches to behaviour management

- Understand the causes of behaviour.

¹⁰ Department for Education, Mental health and behaviour in schools - Departmental advice for school staff, March 2016

Implement targeted responses and identify specialist pathways

- Provide clear pathways of help and referral.
- Provide more intense skills work for those with difficulties.¹¹

25. For further information, in respect of the scrutiny panel's investigations and findings, please see **Appendices 1 to 3**.

CONCLUSIONS

26. Based on the evidence, given throughout the investigation, the scrutiny panel concluded that:

TERM OF REFERENCE A - To investigate the rates and reasons for permanent and fixed period exclusions in Middlesbrough and how these compare locally and nationally.

Exclusion rates 2012/13 – 2015/16

- a) In 2015/16 exclusions data published by the Department for Education (DfE) highlighted that Middlesbrough's rates of fixed period and permanent exclusions had increased significantly and were well above local and national averages. With regard to the levels of permanent exclusion, in the academic year 2012/13 - 15 exclusions had been reported, in 2013/14 – 36 exclusions were reported, in 2014/15 - 52 exclusions had been reported and in 2015/16 – 80 exclusions were reported. DfE data demonstrates that the majority of exclusions occur in Middlesbrough's secondary schools and that the number and rate of both fixed period and permanent exclusions has increased year-on-year. Evidence suggests that it would be beneficial if a subset of data was recorded by the Local Authority that identifies the number of pupils affected by exclusions.

Reasons for exclusion

- b) In Middlesbrough, the main reasons for permanent exclusion are identified as persistent disruptive behaviour that has an impact on the learning of the pupil or others in the school, physical assault against staff or pupils, verbal abuse or threatening behaviour. Evidence highlights that the high level of permanent exclusions in Middlesbrough has been a result of a number of factors, including - the implementation of new behaviour models and policies in schools, a very limited range of interventions to improve behaviour, a lack of funding and resources, a lack of clarity with regard to the financial model and the high needs funding from Government and a lack of focus on early interventions for pupils with challenging behaviour.

Exclusion rates 2016/17

- c) Since December 2016, the Local Authority has been working with schools to implement models of intervention and establish alternative pathways for pupils at risk of permanent exclusion. This work is to be commended as it has secured an extremely positive decrease in the rate of permanent exclusions in the current academic year (2016/17), with only 36

¹¹ Professor Katherine Weave, What works in promoting social and emotional well-being and responding to mental health problems in schools? Advice for Schools and Framework Document, 2015

exclusions being reported (31 between September and December 2016 and only 5 between January and July 2017).

TERM OF REFERENCE B - To consider the responsibilities of head teachers, governing bodies, the Local Authority, Academy Trusts and independent review panels.

Legal responsibilities in relation to exclusion

- d) Statutory guidance and legislation governs the exclusion of pupils from all schools. The guidance provides information on the processes and procedures that have to be followed by those who have legal responsibilities in relation to exclusion, such as head teachers, governing bodies, local authorities, academy trusts, independent review panels etc. However, whilst Government statutory guidance does provide a framework and safeguards for vulnerable pupils (e.g. Special Educational Needs and Disabilities - SEND), it is for individual schools to decide their own discipline and behaviour policies and therefore their own 'thresholds' with regard to behaviour and its management. In Middlesbrough, when appropriate, the Local Authority does challenge the content of policies and exclusion decisions made by schools. It is crucial that the Local Authority continues to work with primary and secondary sectors to ensure consistency of practice across all schools.

TERM OF REFERENCE C - To examine the alternative education in Middlesbrough, for excluded pupils.

Alternative provision in Middlesbrough

- e) In Middlesbrough, there is a broad range of alternative education provision on offer, with places available at the Local Authority's Pupil Referral Unit (PRU) - River Tees Multi Academy Trust (RTMAT), The Keys (Key Stage 4), MC Academy (part of Middlesbrough College Key Stage 4) and Lingfield Farm (Key Stage 4 vocational focussed). Additionally, there is a range of smaller organisations that offer bespoke packages of alternative education locally. Middlesbrough's alternative education provision caters for both the academic and vocational needs of pupils to ensure that students gain a broad and balanced education, which enables them to achieve their potential. The provision aims to improve educational outcomes and provide pupils with a bespoke, well-planned intervention. Pupils are assessed and well-planned, personalised programmes of learning are delivered. Delivery of support is tailored to meet each pupil's individual needs and clear, measurable targets are set. Although the range of services is regarded to deliver high-quality provision, to enhance quality assurance, local systems for quality assuring the alternative provision in Middlesbrough should be reviewed to ensure that there is frequent monitoring and a thorough assessment of the quality of staff, the facilities, the referral process and outcomes. Furthermore, findings should be reported to schools regularly to enable them to choose suitable provision for their pupils.

Demand for alternative provision

- f) On average, there are approximately 180 pupils, at any one time in Middlesbrough, who need to be educated in an alternative education setting and for whom an alternative pathway needs to be found. The demand for alternative education provision remains high and

schools have encountered difficulties in securing places for their pupils. For example, capacity at the RTMAT is around 150 to 160 and the Local Authority commissions 92 places, this results in schools being unable to access the provision in an attempt to prevent exclusions. If capacity at the RTMAT increased, the provider would be able to undertake some intervention work with schools to assist in preventing exclusions. Due to the high demand, the Local Authority has undertaken a rigorous consultation, with the head teachers across Middlesbrough, to develop an allocation model for all alternative education places. The model will ensure that each school has access to its own allocation of places in alternative provision. The new model will assist in ensuring additional places become available for the purposes of intervening early. If a school exceeds its allocation it will need to pay the full cost recovery of that placement (approximately £18,000), if a school does not require its full allocation it will only be expected to pay the Age Weighted Pupil Unit (AWPU) for that child. However, further work is required to establish whether schools should gain more control over alternative provision and its funding, and whether schools should retain responsibility for the education of pupils they permanently exclude.

Alternative provision for primary-aged pupils

- g) For primary-aged pupils, there are currently only 12 alternative education provision places available at the RTMAT. However, the number of places will increase to 16 in September 2017. The Local Authority has also invested in implementing an early intervention assessment phase, as part of the Holmwood School set-up, for primary-aged pupils. This provision will provide 10 rolling assessment places and is regarded as a vital component in intervening early and developing a targeted approach for younger children.

Challenges for alternative education providers

- h) A challenge experienced by alternative education providers is the rising mental health problems among young people in education. There is currently a lack of places available in Middlesbrough's Special Schools, which results in those pupils with special educational needs (SEN) being placed with alternative education providers. It is of the utmost importance that there is an accurate assessment of needs to ensure children and young people with mental health conditions and/or Special Educational Needs (SEN) are educated in the correct setting. Evidence suggests that referral documentation can be quite misleading and there is a need for all agencies involved with the child, including primary schools, secondary schools, Child and Adolescent Mental Health Services (CAMHS), to ensure that the information conveyed at the referral stage is comprehensive and of high-quality. Furthermore, if the bid is successful, the establishment of a Tees Valley Commissioned Special Free School will provide therapeutic hubs for assessment and early interventions for those with Special Educational Needs and Disabilities (SEND).

TERM OF REFERENCE D - To investigate the factors that influence schools' decisions to exclude, and their interaction with other public services whose interventions, in partnership with the school and the family, might otherwise have helped to avoid exclusion.

Factors that influence schools' decisions to exclude

- i) Every school has a behaviour policy, all are based on positive behaviour enforcement and identify sanctions for poor behaviour. Evidence received from primary and secondary schools highlights that the sanction of exclusion, both fixed period and permanent, is used a

last resort. Evidence suggests that a pupil will only be permanently excluded if there is a serious breach, or persistent breaches, of the school's behaviour policy. The factor that is considered first and foremost is whether allowing the pupil to remain in the school will seriously harm the education or welfare of that pupil or others at the school. As each school has a responsibility to safeguard and protect pupil welfare, if a pupil poses a risk to that, then exclusion will be considered. Removal of a pupil from the school premises by exclusion only occurs to protect the health and safety of the individual or others or prevent disruption to learning. When considering the sanction of exclusion, each child's individual circumstances are assessed and any contributing factors that lead to an incident of poor behaviour are taken into account.

Interaction with other public services

- j) The recent restructuring of relationships between schools and the Local Authority demonstrate a positive inter-professional collaboration. However, evidence suggests the need to establish a formal partnership, based on a collective responsibility for all Middlesbrough's children at risk of exclusion. Partners would include agencies and services that are involved with children, such as schools, specialist support services (including therapies), CAMHS and other health services, the Local Authority and other education providers. Establishment of such a partnership would ensure effective, multiagency, integrated case working for young people with particularly challenging issues. The partnership could work to determine a variety of approaches to match the needs of children and young people, including prevention, managed moves between schools and onsite provision including use of therapies and CAMHS.

TERM OF REFERENCE E - To identify the work being undertaken to reduce the number of exclusions in Middlesbrough and explore good practice in managing children identified as being at risk of exclusion.

Whole school approach - being fully inclusive of all children

- k) Well-developed practice is evident across primary and secondary sectors and schools recognise the importance of education as a whole, being fully inclusive of all children. The Local Authority is in the process of developing an inclusion matrix. It is essential that the inclusion matrix enables schools to assess their inclusivity against a number of criteria and demonstrate their ability to support pupils through periods of crisis and arrange alternative provision. Once the matrix has been finalised and introduced, the information received from schools should be analysed by the Local Authority and examples of best practice identified and shared with all schools.

Prevention strategies in schools

- l) Evidence suggests that the range of preventative strategies used in schools, include learning support units, strong behaviour management, good pastoral support, dedicated key workers/mentors/specialised staff, positive classroom management strategies and effective teaching techniques. Evidence also highlights that there is positive relationships and effective communication in place between schools, pupils and parents. Specialist services, such as counselling or play therapy, are also accessed to offer targeted support and facilitate positive outcomes for pupils. It is also evident that robust re-integration measures, plans and strategies are in place to support each child's return to school and assist with

managing future behaviour. Schools view a holistic approach as worthwhile because it is recognised that behaviour difficulties do not occur in isolation and cannot be remedied by simply removing a young person from school. To support consistency it would also be beneficial for the Local Authority, in collaboration with schools, to develop a robust good practice guide for schools that focuses on reducing exclusions by promoting the resilience and wellbeing of pupils. The guide should include the evidence-based models of intervention and effective practice highlighted in this report in addition to the good practice demonstrated by schools in the area. It is crucial that the guide provides a reference point for all targeted approaches, dedicated actions, interventions and alternative provision. In addition, the elements that characterise good practice in the effective use of data to identify patterns of behaviour, managing moves between schools and providing packages of support to assist with reintegration should also be detailed in the guide.

Solutions and interventions

- m) There is a clear commitment to developing positive relationships and local cross-school partnerships are recognised as effective and highly valued. In partnership with schools, the Local Authority has worked hard to find solutions and appropriate interventions to avoid permanent exclusion for challenging pupils. The increased use of partnership working and collective decision-making has involved encouraging schools to develop learning support units by utilising the funding available through the Behaviour Partnership, establishing new alternative education focusing on vocational pathways, securing managed transitions to other schools, establishing a new assessment setting, developing a new directory of alternative education providers and implementing a new financial model and high needs alternative provision budget for Middlesbrough. The next stage of the process will see the introduction of inclusion panels in early autumn. Inclusion panels will provide an agreed methodology and referral process for pupils with challenging behaviour and will further reinforce and embed the Local Authority's early intervention focus.
- n) In terms of early intervention to promote emotional wellbeing and respond to mental health needs in schools, positive steps are being taken. Recently, educational psychologists have been employed and locality-based CAMHS workers have been introduced. The Local Authority should work to improve communication between schools, CAMHS and educational psychologists to improve the assessment and referral process and assist in promoting good emotional health, preventing mental health issues and identifying mental health problems. The Local Authority should also continue work to increase access to the Headstart Programme to improve young people's well-being and give them the best chance to do well at school and in life. Furthermore, schools should also be encouraged to implement the restorative practice model, which helps families to increase their understanding, knowledge and skills enabling them to develop their own emotional resilience.

RECOMMENDATIONS

27. The Children and Learning Scrutiny Panel recommends to the Executive:

- a) That a subset of data is recorded by the Local Authority, which identifies the number of pupils affected by exclusions.

- b) That the Local Authority and Middlesbrough's schools are commended for implementing effective solution-focused approaches and interventions, which have resulted in the rate of permanent exclusions falling significantly since January 2017.
- c) That the Local Authority continues to work collaboratively with primary and secondary sectors to:
- Ensure schools continue to use exclusions appropriately and proportionately.
 - Implement strong mechanisms, which support consistency of practice across all schools.
- d) That local systems for quality assuring the alternative provision in Middlesbrough are reviewed to ensure that there is frequent monitoring and a thorough assessment of the quality of staff, the facilities, the referral process and outcomes. Furthermore, that findings are reported to schools regularly to enable them to choose suitable provision for their pupils.
- e) That capacity at the River Tees Multi Academy Trust (RTMAT) is increased for the purpose of providing a number of targeted early intervention places, for those pupils identified as being at risk of exclusion.
- f) That the Local Authority conducts a full and in-depth review to determine whether schools should gain more control over alternative provision and its funding, and whether schools should retain responsibility for the education of pupils they permanently exclude.
- g) That a formal partnership, based on a collective responsibility for all Middlesbrough's children at risk of exclusion, is established to ensure effective, multiagency, integrated case working for young people with particularly challenging issues. The partnership should:
- Include agencies and services that are involved with children, such as schools, specialist support services (including therapies), CAMHS and other health services, the Local Authority and other education providers.
 - Work to ensure effective assessment and identification of children's needs and high-quality referral pathways.
 - Work to determine a variety of high-quality support packages to match the needs of children and young people, including key school-based preventative strategies, interventions, targeted approaches, alternative provision and managed moves between schools.
- h) That the inclusion matrix is finalised and introduced to enable schools to assess their inclusivity against a number of criteria and demonstrate their ability to support pupils through periods of crisis and arrange alternative provision.
- i) That the Local Authority, in collaboration with schools, develops a robust good practice guide for schools that focuses on reducing exclusions by promoting the resilience and wellbeing of pupils. The guide should:
- Reference the evidence-based models of intervention and effective practice highlighted in the scrutiny panel's report.
 - Demonstrate the range of preventative strategies, targeted approaches/responses, school-based interventions and alternative provision in Middlesbrough, which have generated positive impacts.
 - Provide examples of best practice identified by the inclusion matrix.

- Contain elements that characterise good practice in the effective use of data to identify patterns of behaviour, managing moves between schools and providing packages of support to assist with reintegration.
- j) That the Local Authority works to improve communication between schools, CAMHS and educational psychologists to assist in promoting good emotional health, preventing mental health issues and identifying mental health problems (this recommendation is linked with recommendation g).
- k) That the Local Authority:
- Continues work to increase access to the Headstart Programme to improve young people's well-being and give them the best chance to do well at school and in life.
 - Encourages schools to implement the restorative practice model, which helps families to increase their understanding, knowledge and skills enabling them to develop their own emotional resilience.

ACKNOWLEDGEMENTS

28. The Children and Learning Scrutiny Panel would like to thank the following individuals for their assistance with its work:

- A. Crawshaw – Head at Acklam Grange School
- L. Harries – Chief Executive Officer, River Tees Multi Academy Trust (RTMAT)
- M. Hassack – Head at Outwood Academy Ormesby and Outwood Academy Acklam
- C. Jones – Head of Learning Support, River Tees Multi Academy Trust (RTMAT)
- C. Kemp – Community Learning Service Manager, Middlesbrough Council
- C. Kemp-Hall – Head at North Ormesby Primary Academy
- P. Latham – Head at Macmillan Academy
- Z. Lewis – Principal/Chief Executive, Middlesbrough College
- P. Mitchell – Head of Access to Education, Middlesbrough Council
- J. Rodwell – Head at Park End Primary School
- C. Walker – Head at Sacred Heart RC Primary School
- A. Williams – Director of Education, Middlesbrough Council

ACRONYMS

29. A-Z listing of common acronyms used in the report:

- AWPU – Age Weighted Pupil Unit
- CAMHS – Child and Adolescent Mental Health Services
- CGSS – Care Guidance Support Stages
- DfE – Department for Education
- LAC – Looked After Children
- PRU – Pupil Referral Unit
- RTMAT – River Tees Multi Academy Trust
- SEN – Special Educational Needs
- SEND – Special Educational Needs and Disabilities

BACKGROUND PAPERS

30. The following sources were consulted or referred to in preparing this report:

- Reports to, and minutes of, the Children and Learning Scrutiny Panel meetings held on 8 March 2017, 5 April 2017 and 19 July 2017.
- Written evidence submitted by Acklam Grange School, Macmillan Academy and Sacred Heart RC Primary School.

COUNCILLOR JORDAN BLYTH

CHAIR OF THE CHILDREN AND LEARNING SCRUTINY PANEL

Membership 2016/17 - Councillors J Walker (Chair), M Walters (Vice-Chair), R Brady, D Davison, A Hellaoui, J McGee, L McGloin, G Purvis, B Taylor and Fr G Holland.

Membership 2017/18 – Councillors J Blyth (Chair), M Walters (Vice-Chair), D Davison, L McGloin, G Purvis, M Storey, Z Uddin, J A Walker, J Young and Fr G Holland.

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EXTRACT FROM MINUTES OF CHILDREN AND LEARNING SCRUTINY PANEL

8 MARCH 2017

PUPIL EXCLUSIONS IN MIDDLESBROUGH - AN INTRODUCTION

The Director of Education and Head of Access to Education were in attendance at the meeting to provide the scrutiny panel with a general introduction/overview of pupil exclusions in Middlesbrough.

The Director of Education explained that every school was required to have a behaviour policy and all were based on positive behaviour enforcement. However, it was explained that there was also a need for schools to identify sanctions for poor behaviour.

Members were informed that there were two types of school exclusions. Fixed term exclusions were a sanction used by head teachers, for a specific number of days, as an important part of their discipline and behaviour management processes in school. Permanent exclusions referred to a pupil who was excluded and who would not come back to that school (unless the exclusion is overturned). It was explained that a pupil would be permanently excluded if there was a serious breach, or persistent breaches, of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The scrutiny panel was advised that there was a form of internal exclusion that did not require reporting to the Department for Education, which involved separating children from their peer group in order to improve behaviour. The internal exclusion mechanism was used by many schools.

Members heard that the Department for Education had published statutory guidance and legislation that governed the exclusion of pupils from all schools. The scrutiny panel was informed that guide provided information on the processes and procedures that had to be followed by those who had legal responsibilities in relation to exclusion, such as head teachers, governing bodies, local authorities, Academy Trusts, independent review panels etc. It was explained however, that whilst the government statutory guidance did provide a framework, guidance and safeguards for vulnerable pupils (eg. SEND), it was for individual schools to decide their own discipline and behaviour policies and therefore their own 'thresholds' with regard to behaviour and its management.

Local authorities were responsible for arranging suitable full-time education for pupils from the 6th day following permanent exclusion. In Middlesbrough there was a number of pupils who needed to be educated outside of mainstream schools, some pupils had special educational needs and were educated at special schools. There was a separate cohort of children who were educated either part-time or full-time in alternative education due to challenging behaviour or disengagement from mainstream schools.

In Middlesbrough, the following alternative education places were available:

- River Tees Multi Academy Trust (RTMAT) - 92 places
- The Keys (Key stage 4) - 30 places
- MC Academy (part of Middlesbrough College Key stage 4) - 24 places
- Lingfield Farm (KS4 vocational focussed) - 24 places. This provision opened in September.

It was highlighted that, additionally, there was a range of smaller organisations that offered bespoke packages of alternative education locally.

Members were informed that some schools had established and developed Learning Support Units, as part of their own learning support models. These units enabled students to remain on-site and provided specialist support to enable pupils to overcome their personal challenges.

The scrutiny panel heard that it was a requirement for schools to work in partnership with the Local Authority to plan alternative education, prior to a pupil being excluded.

It was conveyed that due to the high levels of permanent exclusion in Middlesbrough, the Local Authority's main provider (RTMAT) was full, subsequently there had been a need to identify new alternative education provision.

A Member queried the financial implications in respect of commissioning new alternative education provision. In response, the Director explained that each child had an age weighted pupil unit (AWPU). The AWPU was the rate local authorities set to allocate basic entitlement funding for all pre-16 pupils in mainstream schools. If the child became excluded, that money could be recovered by the Local Authority and used to access alternative education provision for the child. However, the AWPU was highly unlikely to cover the full costs of alternative education and potential transport costs.

A Member queried the reasons for Middlesbrough's high rates. In response, the Director explained that exclusions occur in an attempt to manage behaviour. A discussion ensued in respect of the management of disruptive and challenging behaviour. A Member commented that training of staff could enable schools to manage behaviour more effectively.

A Member queried the content of behaviour policies in schools. In response, the Director explained that the content of some policies had been challenged by the Local Authority and head teachers clarified the reasons for criteria and thresholds.

The scrutiny panel was advised of the number of pupils permanently excluded in Middlesbrough, since 2012/13. In the academic year 2012/13, there had been 15 permanent exclusions, in 2013/14 there had been 36, in 2014/15 there had been 52 and in 2015/16 there had been 80. It was explained that for the current academic year (2016/17) there had been 32 pupils permanently excluded, prior to 31 December and only 1 in 2017.

The data included in the submitted report was outlined to the scrutiny panel. It was explained that the data demonstrates that the majority of exclusions, both fixed-period exclusions and permanent exclusions, occurred in Middlesbrough's secondary schools. It was added that in primary schools there was a consistency of teaching staff and more flexibility in respect of the use of teaching assistants. It was commented that if early intervention and prevention work was undertaken with pupils of primary school age, this could trigger a reduction in the number of secondary school exclusions.

A Member queried the data detailed in the report and the reasons for high rates of secondary fixed term exclusions. The Director explained that the data did not represent the number of pupils excluded for a fixed period, it demonstrated the number of exclusions recorded. For example, there could be a pupil that was excluded a number of times and each time he/she was excluded this would be recorded.

A discussion ensued regarding figures and the way information was reported. In response, the Head of Access to Education explained that the data was requested, from schools, by the Department for Education. However, it was commented that it would be beneficial if a subset of data was requested that identified the number of pupils affected by exclusions.

The Director of Education referred to the main reasons for permanent exclusion which were detailed in the submitted report. The most common was persistent disruptive behaviour that had an impact on the learning of the pupil or others in the school.

It was commented that in 2015/16, the full 80 permanent exclusions had been considered at governor review meetings and one decision had been overturned. Furthermore, Independent Review Panels had been held in respect of two permanent exclusions and both were overturned.

A Member queried what work was undertaken by Academy Trusts to ensure that alternative education provision was in place for pupils who were at high risk of being excluded. In response, the Director explained that the Local Authority had undertaken work with head teachers to encourage them to consider a managed transition to another school. The Head of Access to Education added that the Local Authority had held discussions with the Regional School Commissioner and Ofsted to encourage them to assess each schools' ability to support pupils through periods of crisis and arrange alternative provision when required.

When discussing individual school exclusion rates, a Member queried the reason for the highest rate. The Director explained that significant difficulties had been encountered by the school. It was added that, when appropriate, the Local Authority did challenge exclusion decisions made by schools. The Head of Access to Education explained that following recent work with schools, changes had been made to the way in which difficult and challenging behaviour was being managed.

A Member commented that there was a requirement for parents to be involved with the exclusion process. The Director advised that a Parent Choice Advisor post had been created. The purpose of the post was to provide support and advice to parents when their child was at risk from exclusion or had been excluded.

The scrutiny panel was advised that individual schools were responsible for providing exclusion training. Staff required sufficient training to ensure that their actions were compliant with the statutory guidance and legislation. In addition, training was offered to governing bodies on exclusions via the Local Authority Governor Support Services. Members heard that training on exclusion appeals, was also available to Middlesbrough schools, from Hartlepool Council. It was added that schools could seek exclusion advice and guidance from the Local Authority.

In respect of the steps being taken to reduce the number of exclusions, it was advised that there had been a high level of challenge to head teachers directly from the Local Authority and via the Regional School Commissioner. The Local Authority had undertaken a robust consultation exercise with head teachers. The purpose of the consultation was to consider options for utilising funding to manage the number of places and support for those pupils unable to access full-time mainstream provision.

The scrutiny panel was advised that the high level of permanent exclusions in Middlesbrough was a result of a number of factors, including:

- The implementation of new behaviour models and policies in Middlesbrough schools.
- A very limited range of interventions to improve behaviour.
- Lack of clarity with regard to the financial model in place with the high needs funding from Government.
- No school agreements in place on a behaviour framework and process to focus on early interventions for pupils with challenging behaviour.

A Member queried schools' responsibilities in respect of interventions. In response, the Director explained that for every child who had special educational needs, the school was required to pay the first £6,000 towards additional support. Schools tended to use the funding to buy-in support staff and services, however, when those needs arose there was a requirement for the school to provide funding for specialist support to individual pupils.

A Member expressed concerns in respect of how pupils with mental health issues were supported. The Director explained that Middlesbrough's Child and Adolescent Mental Health Service (CAMHS) was currently undergoing a transformational restructuring to improve the service. It was also commented that the Local Authority was working to increase access to the Headstart Programme. HeadStart aimed to help build the emotional resilience of young people, before issues developed into more serious mental health problems in later life. It was also added that a Senior Educational Psychologist had been employed, two experienced educational psychologists had been recruited and two trainee posts had been created.

The scrutiny panel was advised that in its role as a convener of partnerships, the Local Authority had worked with schools to establish the Behaviour Partnership. The partnership involved representatives from the Local Authority and all Middlesbrough schools. The achievements of the partnership were as follows:

- Schools had been encouraged to utilise Behaviour Partnership funding to develop Learning Support Units. Evidence suggested that Learning Support Units enabled schools to manage behaviour more successfully to avoid permanent exclusions. It was added that Middlesbrough Community Learning were utilising Behaviour Partnership funding to pilot new alternative education provision at Lingfield Farm, which focussed on vocational pathways.
- A new assessment setting in the Community Learning Building, at Acklam Grange School, had been established. The purpose of the setting was to assess secondary pupils who had been permanently excluded, ensure 6th day education was provided and deliver support for reintegration into mainstream schools. The setting was also working directly with schools to identify pupils at risk of permanent exclusion and to implement solutions to avoid permanent exclusions.
- A new directory of alternative education providers had been developed and made available to all Middlesbrough schools. Furthermore, new providers had been encouraged to offer their services to Middlesbrough schools.
- In light of the findings of recent consultancy work, a new financial model had been developed and a new high needs alternative provision budget for Middlesbrough would be introduced on 1 April 2017. Following agreement with schools, a specific penalty would be introduced in respect of permanent exclusions - not only would the AWPU for that pupil be withdrawn but schools would also be charged a fee of £5,000 to fund alternative education provision for the pupil. Following analysis of pupil numbers, the Local Authority had identified the maximum number of pupils that each individual school could exclude. If a school went above its

quota it would be required to pay the full cost recovery of the placement, which would be £18,000. It was also commented that payments would be backdated. Within the new model there were clear additional costs to schools for any pupils who had been permanently excluded through a clear cost recovery model. The scrutiny panel was advised that the new model was evidenced-based and had been implemented in Durham and Lincolnshire to achieve a reduction in the number of permanent exclusions.

On average, the Local Authority had approximately 180 pupils at any one time in Middlesbrough who needed to be educated in an alternative education setting and for whom an alternative education pathway needed to be found.

The scrutiny panel was provided with data in respect of permanent exclusions in the current academic year 2016/17. Members were advised that data clearly demonstrated a clear increase in schools utilising interventions to avoid permanent exclusions.

It was advised that new Inclusion Panels, which would involve a group of head teachers, were being established in Middlesbrough. The panels would provide an agreed methodology and referral process for pupils with challenging behaviour and would further re-inforce and embed the Local Authority's early intervention focus.

Following a query from a Member, the scrutiny panel was advised that the Local Authority was responsible for all pupils living within the Middlesbrough area, regardless of whether the pupil was attending a school outside of Middlesbrough. The Local Authority had developed positive working relationships with neighbouring authorities to ensure access to education. It was added that Tees Valley Commissioned Special Free School was being developed to enhance the current Special Educational Needs and Disability (SEND) education provision across the Tees Valley. The school would involve the implementation of therapeutic hubs for assessment and early interventions.

Members heard that the work highlighted was now beginning to have an impact. The Local Authority and schools were working hard to find solutions and appropriate interventions to avoid permanent exclusion for challenging pupils.

Following receipt of the evidence, the scrutiny panel discussed and agreed the terms of reference for the review.

AGREED as follows:

1. That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.
2. That the terms of reference for the review be agreed as detailed:
 - a) To investigate the rates and reasons for permanent and fixed-period exclusions in Middlesbrough and how these compare locally and nationally.
 - b) To consider the responsibilities of head teachers, governing bodies, the Local Authority, Academy Trusts and independent review panels.
 - c) To examine the alternative education in Middlesbrough, for excluded pupils.
 - d) To investigate the factors that influence schools' decisions to exclude, and their interaction with other public services whose interventions, in partnership with the school and the family, might otherwise have helped to avoid exclusion.
 - e) To identify the work being undertaken to reduce the number of exclusions in Middlesbrough and explore good practice in managing children identified as being at risk of exclusion.
3. That evidence be submitted to the next meeting on the alternative education in Middlesbrough, for excluded pupils.

EXTRACT FROM MINUTES OF CHILDREN AND LEARNING SCRUTINY PANEL**5 APRIL 2017****PUPIL EXCLUSIONS IN MIDDLESBROUGH - ALTERNATIVE EDUCATION**

The purpose of the meeting was for the scrutiny panel to receive evidence from Middlesbrough's main alternative education providers, for excluded pupils. Representatives from Middlesbrough College, River Tees Multi Academy Trust and Lingfield Farm Choosing Pathways Programme were in attendance. The Local Authority's Director of Education and Head of Access to Education were also in attendance.

The aim of the meeting was to consider information in respect of each provider's:

- Aims and objectives.
- Policies, rules, interventions, rewards and sanctions, which assist in managing behaviour and helping pupils to achieve their full potential.
- Achievements, including performance data
- The scrutiny panel agreed to vary the order of business, due to the Principal of Middlesbrough College's time constraints. In respect of Briefing Paper 2, the Principal presented the scrutiny panel with evidence in respect of the alternative education provision offered at Middlesbrough College.

It was explained to Members that around 10 years ago Government funding had been made available to schools to enable them to access vocational education provision for their pupils. As a result, Middlesbrough College enrolled approximately 800 14 to 16 year olds on a flexible part-time basis. The funding was then removed in 2010/11.

In September 2013, Middlesbrough College Academy (MC Academy) commenced delivery of full-time education for 14 to 16 year olds, following a change in the law to allow General Further Education (GFE) Colleges to enrol, and receive direct funding from the Education Funding Agency (EFA) for 14 to 16 year olds who wished to study vocational qualifications alongside general qualifications within the Key Stage 4 curriculum. It was hoped that the good progress achieved by students would increase the demand for the offer. However, demand had not increased, which had resulted in a cumulative loss to Middlesbrough College of £496,900 between 2013 and 2017. Demand for the full-time vocational offer remained stagnant, with between 30 and 35 14 to 16 year olds accessing the offer each academic year. Currently there was 31 full-time enrolments. The vast majority of those pupils were from Middlesbrough, however, the figure also included pupils from other areas.

In September 2013, approximately 80 14 to 16 year olds were accessing MC Academy's vocational provision on a part-time basis. It was highlighted that over the years, the demand from schools for Middlesbrough College's part-time vocational offer had continued to decline, with only a handful of students currently accessing the provision.

Members were advised that after careful consideration, Middlesbrough College had recently decided to discontinue the full-time direct entry to MC Academy and there would be no further recruitment for the Year 10 cohort. However, it was explained that the college was committed to providing education to the current 15 Year 10 pupils who would progress into Year 11 and continue until the end of the academic year in 2018. It was advised however, that the offer could still be accessed on a commissioned basis, which enabled schools to buy the alternative vocational offer. Curriculum and fees could be discussed on request. Work had been undertaken by the college to present the vocational offer to secondary head forums.

It was added that the college would continue with its MC Academy part-time alternative curriculum offer for 14 to 16 pupils who would like to gain vocational qualifications alongside their school GCSE programme.

A Member queried the retention rate in respect of the vocational offers. The Principal explained that the rate was around 89%, with a maximum of three students disengaging each year. It was added that the students in the academy had a history of poor attendance during their Key Stage 3 education and often had poor behavioural and academic records.

The scrutiny panel was advised that MC Academy assessed pupils on entry and then assessed the progress they made to determine whether they were achieving above or below their expected progress. The full-time Year 11 MC Academy students, who completed in the academic year 2015/16, made good progress considering none had made the expected national progress between Key Stage 2 and 3 whilst at school. The majority of students made at least expected progress across the core subjects of English Literature, mathematics and science while the majority made above expected progress in English Language, in comparison to their starting points. All students then progressed into full-time education.

Members heard that MC Academy provided a vocational pathway to those students who had been excluded from the school system or perhaps would have been excluded had the alternative provision not been arranged. Members were advised that for some learners, practical vocational-based courses were particularly suitable and offered the perfect introduction to their potential chosen career path. MC Academy had a long standing reputation for delivering vocational qualifications to school-aged learners and was proud of the achievements of its past students. Its vocational programmes were designed to provide young people with an understanding of the 'world-of-work' and the opportunities that were available to them. MC Academy offered a wide-range of vocational qualifications; strong progression routes to full-time courses and apprenticeships to young people who didn't benefit from a conventional classroom experience; extensive links with local employers and commercial, industry standard learning environments; resources and specialist delivery staff. Impartial careers guidance and advice was also offered to support students in making informed choices about their future pathways. The MC Academy also played a key role in supporting, engaging and motivating young people to help them to progress into full-time education.

MC Academy was currently working with partner schools and the Local Authority to explore alternative ways of supporting full-time 14-16-year-old students access vocational-based courses. It was added that it would be beneficial if a review was undertaken of current vocational progression pathways with an aim to improve engagement levels.

In respect of Briefing Paper 1, the Interim CEO and the Head of Learning Support for River Tees Multi-Academy Trust (RTMAT) provided Members with an outline of the work undertaken by RTMAT schools.

It was explained that in recent years, Middlesbrough's Pupil Referral Unit (PRU), formally the Complementary Education Service, had moved away from its PRU status and had become the RTMAT. Members heard that the RTMAT had three alternative provision academies in Middlesbrough (Primary, Middle and High) together with a Home and Hospital Teaching Service that included the delivery of education in the hospitals (James Cook and West Lane). It was added that the RTMAT was inspected and judged like all other schools and had been judged as at least Good by OFSTED and other external reviewers.

Members heard that the RTMAT offered a second academic chance to disengaged pupils and it aimed to give students a broad and balanced curriculum leading to valued and valid qualifications.

Capacity at the RTMAT was around 150 to 160 and the Local Authority commissioned 92 places, this resulted in schools being unable to access the provision in an attempt to prevent exclusions. Furthermore, it was commented that if the RTMAT had increased capacity, it would be able to undertake some intervention work with schools to assist in preventing exclusions.

Members were advised that one challenge experienced by the RTMAT was the rising mental health problems among young people in education. The scrutiny panel heard that up to 80% of children and young people within the RTMAT's schools either had involvement with mental health support in the past, or were referred for support following admission. It was also added that there was a lack of places available in Middlesbrough's Special Schools, which resulted in those pupils with special educational needs (SEN) being placed with the RTMAT. It was commented that a high number of pupils had SEN and many were put forward for assessments for Education Health and Care Plans to enable them to be appropriately placed in specialist provision. Currently 9 students at the RTMAT's schools had EHCPs and 38 were identified as needing SEN support, possibly leading to a request for assessment for an Education Health and Care Plan. It was added that previously, during one term, the RTMAT had put in place 40 Education Health and Care Plans.

The purpose of RTMAT academies was to provide support on a short-term basis, which then enabled students to return to mainstream schools or to be placed in a specialised educational setting. However, the percentage of children and young people returning to mainstream provision was declining due to rise in mental health issues among young people.

A Member queried how mental health conditions were managed by the RTMAT. In response, it was explained that the RTMAT worked with outside agencies to support students into a more appropriate setting to continue their education,

however, in the interim the RTMAT aimed to prevent those challenges becoming barriers to learning. It was commented that there was an issue in respect of the quality of information provided in the referral paperwork from schools. It was added that referral documentation could be quite misleading and there was a need for all agencies involved with the child, including primary schools, secondary schools, Child and Adolescent Mental Health Services (CAMHS) etc to ensure that the information conveyed at the referral stage was comprehensive and of high-quality.

Members heard that for those pupils attending the RTMAT, a well-planned, personalised program of learning was devised that provided a solid platform to then tackle any social, emotional and mental health issues that may be present. Swift intervention programs had been designed to provide short-term remedial help when an individual faced additional challenges in their lives, which would impact on their ability to learn.

The Director of Education added that meetings had been held with the Director of Public Health and CAMHS. Currently, CAMHS was undergoing a major service transformation programme to significantly re-shape the way services for children and young people with mental health needs were being commissioned and delivered. The Local Authority continued to be involved with the transformation programme to ensure a joined-up multi-agency approach. The importance of multi-agency working, specifically around assessments, was conveyed to the scrutiny panel.

Members heard that West Berkshire had delivered an emotional resilience programme, which demonstrated a more preventative approach to mental health conditions. The restorative practice model was also referred to, which helped families to increase their understanding, knowledge and skills enabling them to develop their own emotional resilience. There were a number of different agencies in Middlesbrough that provided a universal offer in respect of mental health support to children and young people. It was commented that it was important that Middlesbrough had effective multi-agency arrangements in place with a clear sense of purpose shared by all agencies, together with shared assessment, case management and regular multi-agency case review processes.

A Member queried the issues surrounding the increase in the prevalence of mental health problems. The CEO explained that the reason for the increase in mental health conditions was unknown, however, the RTMAT would continue to undertake reviews of latest research to identify possible causes.

A discussion ensued regarding the problems experienced without the early diagnosis of mental health conditions and/or special educational needs (SEN). It became evident that there were some complex cases that did not have a clear clinical diagnosis. A Member commented that it was of the utmost importance that children and young people with mental health conditions and/or special educational needs (SEN) were educated in the correct setting.

The Director of Education commented that nationally there had been an increase in the prevalence of mental health conditions. An increase in the awareness of mental health conditions was identified as a contributing factor. It was explained that there was a recent research document entitled Future in Mind. The study suggested that, at that time, less than 25% - 35% of those with a diagnosable mental health condition accessed support. The importance of prevention and early intervention for the mental wellbeing of children and young people was highlighted. Members were advised that there was a need to act early to prevent harm, by investing in the early years across all settings, supporting families and those who care for children and building resilience through to adulthood.

The CEO advised that the RTMAT had identified a number of trends in recent years, these included an increase in KS4 females; an increase in the impact and abuse of social media and an increase in very young children facing possible exclusion in Reception, Year 1 or Year 2. Historically, at the RTMAT there had only been a requirement to support children over the age of 8 years old, now there was a need to ensure support was available for younger children.

The Head of Access to Education advised that a meeting with Holmward School had recently taken place and there was a proposal to set up a new assessment centre, focussing on KS1. The Head had conveyed that his objective was to increase capacity, skills and knowledge within the school. The Director of Education added that school improvement funding was available from the Local Authority.

Members heard that work was currently being undertaken by Middlesbrough Achievement Partnership (MAP) to remove barriers and introduce effective parenting strategies to support parents.

A discussion ensued regarding the impact of social media on parenting and on a child's or young person's learning.

The Head of Learning Support advised that staff at RTMAT participated in a weekly journal club to review latest research on improving academic outcomes for students who face social and emotional challenges. That reflective and,

impact driven, style of working ensured that staff delivered learning within the most appropriate education to meet individual needs and ensure maximum progress.

A Member queried the lack of places available in Special Schools. The CEO explained that the level of need had increased. However, the solution wasn't to increase capacity, there was a need to intervene early and establish the root causes to prevent further issues arising.

In respect of permanent exclusions, the Head of Access to Education commented that since January, approximately five pupils had made a successful transition to another mainstream school. It was added that the Head at Outwood Acklam and Ormesby had indicated a willingness to enrol pupils that had been permanently excluded from other schools.

In respect of Briefing Paper 3, the Community Service Learning Manager provided Members with an outline of the work undertaken by Lingfield Farm Choosing Pathways Programme.

The Community Service Learning Manager advised the scrutiny panel that in April 2016 the Community Learning Service (MCL) was asked to establish an alternative provision for 14 to 16 year olds based on a vocational delivery model. The reason for the request was that the MCL already had provision in place for 16 to 18 year olds, which was delivering good outcomes. The project took its first referral at the beginning of November 2016.

The Choosing Pathways Programme was a three day provision with the remaining two days based in school studying English and mathematics. The initial aim was to work with young people who were at risk of exclusion and provide a vocationally-based alternative curriculum, to re-commit the pupils to learning and either integrate them back into school or develop effective progression pathways. Currently, 18 pupils were attending the programme, seven Year 11, five Year 10 and six Year 9.

Members heard that the objectives of the programme were:

- To complete a selfing programme. Selfing was a very in-depth initial assessment to identify what made the pupil tick, triggers, motivators etc.
- Identify a chosen vocational pathway.
- Complete a work placement in the chosen pathway.
- Either transition back into school or work towards a traineeship (depending on age).

It was explained that Choosing Pathways had a capacity for 24 learners, in three cohorts of eight.

In respect of outcomes, four Year 11 pupils had secured a positive pathway onto a traineeship programme with the potential for an apprenticeship at the end. The remaining three Year 11 pupils would all have a traineeship before they completed the programme. Although the programme was in its early stages of development, the progressions were looking very positive.

Members were advised that the project was initiated with a learning and skills behavioural policy based on a traffic light system or three strikes. This was currently being re-written to align more with a schools based behavioural management policy.

It was commented that challenges had been encountered because the programme's ethos was different from a school and therefore the transition back into school required a lot of support.

A Member commented that the programme was a good example of intervening early to identify pupils at risk of exclusion, providing them with effective progression pathways and securing positive outcomes.

If schools wanted to access the provision for their pupils, they would be asked to pay 50 % of the cost, which was aligned with the child's age weighted pupil unit (AWPU).

A discussion ensued regarding the need for alternative provision to cater for both the academic and vocational needs of pupils to ensure that students gain a broad and balanced education, which enabled them to achieve their potential.

The scrutiny panel was advised that the other main alternative education provider in Middlesbrough, was The Keys. The Head had been invited to attend the meeting but had unfortunately not responded to correspondence. The Director of Education explained that The Keys offered an intervention that provided vocational training, or working in areas with

local businesses where there was a high level of adult supervision. The Keys provided a range of vocational provisions, hands-on learning and access to work experience opportunities.

Following receipt of evidence at the meeting, the scrutiny panel agreed that it would be beneficial to invite a selection of head teachers to the next meeting. The purpose of the meeting would be to hold a round table discussion, which would be centred around the following themes - the factors that influence schools' decisions to exclude, the work being undertaken by the schools to reduce the number of exclusions and new ways of managing children identified as being at risk of exclusion.

It was suggested that a meeting be scheduled for Tuesday 14 June at 2.00 p.m. to provide head teachers with advanced notice and increase the likelihood of attendance.

AGREED as follows:

- That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.
- That the scrutiny panel's next meeting be scheduled for Wednesday 14 June 2017 at 2.00 p.m.
- That a several head teachers be invited to the scrutiny panel's next meeting to take part in a round-table discussion.

EXTRACT FROM MINUTES OF CHILDREN AND LEARNING SCRUTINY PANEL**19 JULY 2017****PUPIL EXCLUSIONS IN MIDDLESBROUGH - EVIDENCE FROM HEAD TEACHERS**

The scrutiny panel was advised that a small group of head teachers had been invited to the meeting to participate in a roundtable discussion, centred around the following themes:

- The responsibilities of head teachers, governing bodies and independent review panels in relation to exclusions.
- The factors that influence schools' decisions to exclude.
- The work being undertaken by schools to reduce the number of exclusions.
- Interaction with other public services whose interventions, in partnership with the school and the family, might otherwise have helped to avoid exclusion.
- New ways of managing children identified as being at risk of exclusion.

The Chair invited head teachers to discuss the themes identified.

The Head of Park End Primary School explained that Park End Primary School was a larger than average school, with over 600 pupils enrolled. Members heard that, over the past five years, the Head had not permanently excluded a pupil. However, the Head had excluded pupils for fixed periods. The Head explained that last year a Year 4 pupil was excluded for a fixed period of five days for threatening another pupil with an offensive weapon. The child was excluded to demonstrate to pupils, parents and the community that behaviour, such as that, would not be tolerated and that maintaining safety within the school was the primary focus. Upon returning to school, the child was moved to a different class and support was put in place to monitor the child's behaviour.

A Member queried the impact of the exclusion on the child. In response, the Head explained that being excluded did have a positive impact, the child's behaviour had improved and no further incidences had occurred. The Head also commented that using exclusion as a sanction had increased the awareness of staff, parents and professionals of causal factors including family issues, additional needs and extra support that might be needed. It was conveyed, for example, that in certain circumstances counselling services would be accessed to offer targeted support and facilitate positive outcomes for pupils. The school also had access to Parent Support Advisor (PSA) service, which provided targeted support to families where children were experiencing difficulties. The Head informed the scrutiny panel that the school worked well with parents.

In respect of a head teacher's power to exclude, the Head advised that the factor that should be considered first and foremost was whether allowing the pupil to remain in the school would seriously harm the education or welfare of that pupil or others at the school. The risks that the child poses would need to be assessed and analysed. The Head explained that Park End Primary School was wholly inclusive and exclusion, both fixed-term and permanent, was seen as the last resort. However, the school had a responsibility to safeguard and protect pupil welfare and if a child posed a risk to that, then exclusion would need to be considered.

A Member queried the factors that influence a decision to exclude. In response, the Head explained that when considering the sanction of exclusion, each child's individual circumstances were assessed and any contributing factors identified would be taken into account.

Members heard that, since being appointed, the Head at North Ormesby Primary Academy had not permanently excluded a child. Furthermore, no fixed-term exclusions had been sanctioned in the past three years.

The Head explained that North Ormesby Primary Academy had a student population of approximately 250, however, the academy educated a large number of children who moved in and out of the school frequently, which resulted in high turnover and a constant transition of pupils. It was advised that the students currently enrolled at North Ormesby covered 31 nationalities.

Members heard that due to the high turnover of pupils it was extremely important to identify and take into account any

contributing factors that led to an incident of poor behaviour. It was explained that the school offered an alternative curriculum, which assisted in removing barriers to learning and managing behaviour. The scrutiny panel was informed that the school had recently contributed to a Department for Education report on how to improve behaviour. The school had a unique ethos that provided a supportive environment to its pupils and positive action was taken to manage behaviour in the school.

A Member queried what involvement the school had with the Child and Adolescent Mental Health Service (CAMHS). In response, the Head explained that CAMHS was difficult to access for pupils due to the transient nature of the student population. Members were advised that the school would benefit from CAMHS professionals providing support in the school environment, although it was evident that the service was under-resourced.

The Head at Park End Primary School advised that pupils from Park End Primary School did have access to CAMHS support, however, the school had a more stable student population. It was commented that at present, there were approximately 25 pupils accessing CAMHS.

The Head at North Ormesby Primary Academy explained that, although the school experienced difficulty in accessing CAMHS, alternative provision had been arranged by the school. Play Therapists had worked children to gain an insight and understanding of their experiences. That work had assisted in increasing emotional resilience and developing coping strategies, whilst decreasing problematic behaviours.

The Director of Education acknowledged the problems schools experienced with accessing CAMHS. The scrutiny panel heard that the Director was working with the Lead for CAMHS and the Director of Public Health to identify ways to improve access. The Director of Education advised that a system of locality-based CAMHS workers had recently been introduced. However, it was acknowledged that further work was required to ensure that schools were aware of their assigned locality worker. It was envisaged that implementation of locality-based CAMHS workers would be key to the assessment and referral process and would assist in promoting good emotional health, preventing mental health issues and identifying mental health problems early.

The Director of Education commented that it was envisaged that funding would be received to support migration and new families arriving in the area. Ways to best utilise the funding were being researched, in liaison with the Lead for CAMHS. It was explained that it was essential that the funding was utilised to implement highly-targeted interventions that work with the whole family to address problems and overcome difficulties. Two interventions currently identified to support children and their families were Play Therapy and health worker involvement. Members were advised that interventions would be in place by September 2017.

A Member queried whether schools had specialised behaviour management teams. The Head of Outwood Academy Acklam and Outwood Academy Ormesby commented that there was now an acceptance within schools that behaviour management and support was everyone's responsibility. The need to promote good behaviour, self-discipline and respect in schools was the responsibility of Heads and all school staff. It was advised that many of the measures used by schools to manage poor behaviour were teaching strategies, which could be delivered in the classroom environment.

The Head explained that permanent exclusions had reduced significantly for both academies since the last academic year. In 2016/17 Outwood Academy Acklam had permanently excluded 3 pupils (in 2015/16, 8 pupils were permanently excluded). Outwood Academy Ormesby had permanently excluded 10 pupils in the current academic year (in 2015/16, 31 pupils had been permanently excluded).

The Head explained that a pupil would be permanently excluded for reasons such as setting a fire in school, possession of an offensive weapon, setting off a fire alarm etc. The Head advised that permanent exclusion was used as a last resort and the sanction had to be rational, reasonable, fair and proportionate.

Members heard that only the head teacher of a school could exclude and he/she had a duty to inform parents about an exclusion, the period of the exclusion and the reasons for it. Parents also needed to be informed that if their child was found in a public place during the period of exclusion, without reasonable justification, they could be issued with a fixed penalty fine. Furthermore, there was a requirement for the school to make arrangements for setting and marking school work during the exclusion period. The Head added that a robust re-integration process was of the utmost importance to ensure that measures, plans and strategies were in place to support each child's return to school and assist with managing their future behaviour.

A Member queried whether fellow classmates were informed of the reasons for an exclusion. The Head advised that

every year an assembly was held to raise awareness of the reasons for fixed-term and permanent exclusions within the school.

A Member queried the role of school governors in the exclusion process. The Head explained that head teachers were required, without delay, to notify the governing body and the local authority of any exclusions. Members heard that governing bodies had a duty to consider parents' and head teacher representations about an exclusion. Following consideration of the evidence, a governing body could decide to overturn the decision of the head teacher and reinstate the excluded pupil.

A Member asked what support schools received from the Local Authority when a pupil was excluded. The Head complimented the work that had been recently undertaken by the Local Authority to help reduce exclusions in schools across Middlesbrough. It was also advised that the Local Authority worked in partnership with head teachers to arrange suitable full-time education for excluded pupils and alternative provision was always arranged quickly and efficiently.

A Member queried the costs of alternative education provision. The Head explained that essentially funding followed the child.

The Head of Access to Education informed the scrutiny panel that the Local Authority was undertaking a rigorous consultation, with the head teachers across Middlesbrough, to develop an allocation model for all alternative education places. The model would take into consideration factors such as the number of pupils with Special Education Needs (SEN) and number of Looked After Children (LAC) etc. Members heard that the model would ensure that each school had access to its own allocation of places in alternative provision. If a school exceeded its allocation it would need to pay the full cost recovery of that placement, if a school did not require its full allocation it would only be expected to pay the Age Weighted Pupil Unit (AWPU) for that child.

The Head of Access to Education explained to the scrutiny panel that alternative education was an expensive provision, costing approximately £18,000 per place. Provision of alternative education was funded by the high needs budget and cost around £3.2 million, which supported approximately 180 pupils a year. Members were advised that the number of exclusions could increase or decrease, however, the number of pupils accessing alternative education provision outside of mainstream schools remained fairly static.

The Director of Education commented that over the past year, extremely positive work had been undertaken with secondary schools in arranging provision and support for children who had been at risk of permanent exclusion. It was advised that the work undertaken with schools had also secured an increase in the number of places being offered by alternative mainstream schools to permanently excluded pupils.

The Head of Access to Education informed the scrutiny panel that in 2015/16 80 pupils from Middlesbrough schools had been permanently excluded. It was added that there had been a significant reduction in 2016/17, with only 36 pupils being permanently excluded (30 between September and December 2016 and 6 since January). It was commented that the Local Authority began work in December, with secondary schools, in respect of finding alternative pathways for pupils at risk of permanent exclusion. Subsequently, the work had secured a positive decrease in permanent exclusion rates.

The Head of Access to Education commented that the next stage of the process would see the introduction of behaviour panels in early Autumn. Behaviour panels would be established to intervene early and consider cases of pupils who were at risk of exclusion, ensuring that support was put in place to manage and improve behaviour.

The Head of Outwood Academy Acklam and Outwood Academy Ormesby commented that the recent work of the Local Authority was of significant importance in securing improvements and assisting schools to reduce the number of exclusions. It was explained that as a result of the Local Authority's work, schools now had access to a wider range of high-quality alternative provision.

In respect of primary schools, the Head of Access to Education commented that only 12 alternative education provision places were currently available, for primary-aged pupils, at the Local Authority's Pupil Referral Unit (River Tees Multi Academy Trust - RTMAT). However, the number of places would increase to 16 in September 2017. It was added that the Local Authority would be implementing an early intervention assessment phase, as part of the Holmwood School set-up, for primary-aged pupils. It was commented that £1 million had been assigned to Holmwood School to provide 10 rolling assessment places.

A Member queried the role of the parents in respect of exclusions. The Head of Outwood Academy Acklam and

Outwood Academy Ormesby explained that there was an expectation that parents would be involved in the exclusion process. It was commented that parent involvement was particularly important when a pupil was being re-integrated into mainstream education.

In response to a Member's query regarding Local Authority involvement in the exclusion process, the Head explained that the Local Authority had demonstrated understanding and empathy with regard to individual schools' behaviour policies and expectations. It was also highlighted that the Local Authority never made judgements about the different practices that were apparent in schools. The Head advised that the Local Authority's primary aim was to undertake work with schools to help facilitate positive outcomes for children and young people.

A Member queried whether any additional work could be undertaken to further reduce the number of exclusions. In response, the Head advised that in respect of increasing the number of early intervention places, work was ongoing. Members heard that implementation of the alternative provision allocation model would assist in ensuring additional places became available for the purposes of intervening early.

A Member made reference to the written submission from Macmillan Academy, which had been circulated with the agenda papers. The Member advised that, included within the submission, the academy had commented that there was little incentive to be inclusive, that there was no credit attached to not permanently excluding and that there was an indirect financial disadvantage. The Head of Access to Education explained that in terms of inclusivity, an inclusion matrix was currently being developed. It was envisaged that the tool would be used to assess a school's number of exclusions, LAC pupils, SEN pupils and international pupils, in addition to its use of interventions and management of successful moves from other schools. In terms of finances, the Head of Access to Education explained that a previous White Paper had recommended that schools should be wholly responsible for alternative education provision and that they should be held to account for the outcomes of students they had previously excluded. Members heard that work was currently being undertaken to identify how funding should be devolved to schools. It was also explained that implementation of the allocation model should improve access to alternative education provision for Macmillan Academy. The financial pressures identified by the academy, for running the Personalised Learning Centre (PLC) were acknowledged and Members heard that the academy had successfully applied for Behaviour Partnership funding to expand that provision.

The Director of Education added that although a funding application to set-up a Tees Valley Commissioned Special Free School had previously been unsuccessful, extensive work was being undertaken to re-submit the bid. It was hoped that, if successful, the opening of the school would provide therapeutic hubs for assessment and early interventions for those with Special Educational Needs and Disabilities (SEND). In turn, that would secure an increase in available alternative education places for schools.

A discussion ensued regarding children and young people with different nationalities attending schools in Middlesbrough. The Head at North Ormesby Primary Academy explained that work was being undertaken to encourage older pupils to act as mentors for younger children in an attempt to develop language within the school. The Director of Education advised that as part of the Local Authority's work regarding school improvement, it had been agreed that a language development group of schools would be established to assist other schools to implement good practice and support to develop language skills.

Members discussed the evidence received and acknowledged the positive work being undertaken by schools and the Local Authority.

AGREED as follows:

- That the information presented at the meeting be considered in the context of the scrutiny panel's investigation.
- That those Heads who were unable to attend, be invited to submit written comments. This would provide the Heads with the opportunity to contribute and add value to the panel's review. It would also assist in ensuring that the positive work undertaken in those schools was referenced in the panel's final investigation report.