

Scrutiny Review Terms of Reference Document

Scrutiny Review	Scrutiny Review of School Exclusions
Responsible Committee	People Scrutiny Committee
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1 Background

1.1 At its meeting in June 2019 the People Scrutiny Committee agreed to establish an Initial Scoping Board to explore the merits of undertaking a scrutiny review of issues relating to school exclusions. Members heard evidence that East Sussex was an outlier in terms of the proportion of pupils who were excluded from school. This was with regard to both fixed term exclusions (FTE) and Permanent Exclusions (PEX).

1.2 The Scoping Board subsequently met on 24 February 2020 and based on the written and verbal evidence provided to it by the Children's Services Department, it agreed to recommend that a scrutiny review of issues relating to the rates of school exclusion in East Sussex should proceed. In reaching this conclusion, the Board noted a range of evidence which included:

- that East Sussex had higher than average rates of both FTE and PEX.
- that reducing the number of exclusions is a key target for the County Council.
- the detrimental and long-term impact that exclusion often has on the individual concerned.
- the disproportionate numbers of vulnerable children and young people who are subject to exclusion. Children in this group include those in receipt of free school meals and those who have special educational needs.
- the impact of part-timetables where they are used as a form of unofficial exclusion.

1.3 As with any scoping exercise, the Scoping Board not only had to determine whether there are significant issues which are not being addressed, it also had to carefully consider the likelihood of a potential review delivering realistic recommendations that are within the power of the Council to take forward. With this in mind, the Board carefully considered a number of limiting factors, including that the decision to exclude is a school one and that academies are wholly outside of the remit of the local authority (LA).

1.4 However, whilst acknowledging the above limits, the Board were informed that the LA retains important responsibilities, including:

- a duty to ensure a permanently excluded child is provided full-time education within the 6th day of the exclusion decision being taken;

- ensuring that children with SEN are identified in a timely manner and have their needs met appropriately, especially if they have Education, Health and Care Plans (EHCPs); and more generally
- as a provider of advice and guidance and a facilitator of partnership working with and between schools.

1.5 In this context the Board concluded that there was scope to develop effective recommendations around the following areas:

- the status and role of the Governing Board with regard to the school's approach to managing poor behaviour issues and the exclusion process.
- the status and role of the SENCO and other specialist support available to schools;
- strategies, such as therapeutic thinking, which help promote a preventative approach.

1.6 Delivery of the Review was subsequently paused due to the coronavirus pandemic and the limitations this placed on the capacity of the Children's Services Department, schools and school leaders to engage with the Review. In light of the pause in progressing the Review, a further Scoping Board was held in on 12 January 2023 to consider the latest position for school exclusions in East Sussex; whether it still remained valuable and appropriate for the Committee to proceed with a Review of this area, and if so, if the previously agreed Terms of Reference remained relevant.

1.7 At the January 2023 meeting the Scoping Board received an update on:

- the latest data for school exclusions – which noted that while there had been an improvement in county-level data for **permanent exclusions** with a reduction in the rate of permanent exclusions for all schools combined (primary, secondary and special) to below the national average, **suspension rates** (previously called fixed term exclusions) for all schools combined remained above the national average.
- current concerns – including that vulnerable pupils, including those with Special Educational Needs and eligible for Free School Meals, remained more likely to be suspended than their peers; and that there had been an increasing number of decisions to exclude very young children at primary phase.
- the range of work the Council was undertaking with education, health and care partners to reduce use of exclusions and limitations to this.

1.8 Informed by the evidence presented, and a discussion with officers about the relevance of the previously agreed lines of enquiry, the Scoping Board agreed the topic remained appropriate for a scrutiny review, with updates to the scope reflected below.

2 Scope of the Review

2.1 Given the above, and with particular regard to the needs of vulnerable children, the January 2023 Scoping Board agreed to recommend the following lines of enquiry:

- 1) Could the Council do more to develop levels of understanding amongst school leaders of **preventative** strategies, such as therapeutic thinking, to help reduce the likelihood of exclusion?
- 2) Could the Council do more to join up **early help** and education services as a preventative approach to support reduction in school exclusions?
- 3) Could the Council do more to help develop a better understanding amongst schools of what constitutes an appropriate **response** to a child who is at risk of exclusion? This line of enquiry to include consideration of:
 - the role and status of the SENCO and their involvement in developing appropriate responses to a child who is at risk of exclusion;
 - appropriate responses to very young pupils at risk of exclusion in primary school; and
 - appropriate responses to vulnerable pupils at risk of exclusion at secondary phase.
- 4) Could the Council develop its training and advice for governors around, for example, providing effective **challenge** in the circumstance where a Head teacher has taken a decision to exclude and the Governing Board are required to consider reinstatement. This line of enquiry could also explore the role of Governors in helping to develop best practice at the school.
- 5) Within consideration of each of the above lines of enquiry, is the Council's **messaging** clear on the need to reduce, and benefits of reducing, school exclusions?

2.2 The Review will be based on the following **principles**:

- It will be forward looking and exploratory
- It will focus on what can be done locally in East Sussex (as opposed to changes requiring national action)
- It will focus on the specific role of the Council, what is within the Council's sphere of influence and what can be achieved within available resources

2.3 The Review will have a focus on what can be done to help reduce the levels of school exclusion in East Sussex and will have particular regard to vulnerable children and young people (as this group are disproportionately at risk of exclusion).

3 Review methods

3.1 It is anticipated that the Review Board will consider documentary evidence, question witnesses and undertake research in order to gather evidence to inform its recommendations. The review will draw on information already gathered at the scoping stage.

3.2 The following list is not exhaustive and will change and develop as the review progresses. As part of the review the Board members will:

- Speak to a range of witnesses, for example:

- School leaders
 - Governing Board members
 - SENCOs and or other professionals, such as teaching assistants, who have a role in supporting vulnerable children and young people
 - Staff working in early help and social care, including the Head of the Virtual School
- Review a range of documentary evidence, for example:
 - National and regional evidence with regard to school exclusion and related matters
 - Findings from engagement with representatives of local schools

4 Review Organisation and Responsibilities

4.1 Initial Scoping Board

The January 2023 scoping for this review was undertaken by Councillors Sam Adeniji (Chair), Kathryn Field, Johanna Howell and Wendy Maples.

4.2 Review Board

- The Review Board is: *to be appointed by the Committee*
- The Chair of the Review Board is: *to be appointed by the Committee*

4.3 The Review Board is responsible for:

- Making decisions regarding the scope and direction of the review;
- Monitoring and control of the overall progress of the review;
- Agreeing where Board members will undertake evidence gathering activities as required by the review;
- Considering and providing challenge to all evidence presented to it; and
- Developing and agreeing the final report, including the findings and recommendations of the review.

4.4 Scrutiny Review Support

Support for the review will be provided by the Policy Team to:

- Manage the review process;
- Undertake research as agreed by the Board;
- Draft the final report

The Lead Officer who will support the review from the Policy Team is Rachel Sweeney, Senior Policy and Scrutiny Adviser. Their role is to manage the review, ensuring its aims and objectives are met and that the final report is delivered to the People Scrutiny Committee within the agreed timescales.

5 Scrutiny Review Completion

5.1 When the review has been completed the Lead Officer will co-ordinate the production of a final report outlining the findings and recommendations for agreement by the Review Board. Once agreed, the Review Board will present this to the People Scrutiny Committee for it to agree the recommendations.

5.2 The report will then be presented to Cabinet for comment and County Council for approval. Progress updates on how the recommendations are being implemented by the department will be presented to the People Scrutiny Committee in due course (usually six and twelve months after the review has been approved by County Council).

6 Review Timetable

Based on the initial scoping of the review, the Review Board aims to submit the final report to the People Scrutiny Committee at the meeting to be held on 13 November 2023.

An initial timetable of the meetings and activities required to complete the review is outlined below. [*The number of review board meetings is not fixed and there can be more or less depending on the nature of the review. The Review Board will agree the number and content of the meetings and review activity*].

Activity	Timescale/Date
<u>Initial Review Board Meeting</u> <ul style="list-style-type: none"> • Consider lines of enquiry/terms of reference • Review evidence gathered at scoping stage • Agree further evidence gathering requirements 	April 2023
<u>Review Board Activity/Meeting</u> <ul style="list-style-type: none"> • Evidence gathering 	May
<u>Review Board Activity/Meeting</u> <ul style="list-style-type: none"> • Evidence gathering 	June
<u>Review Board Activity/Meeting</u> <ul style="list-style-type: none"> • Evidence gathering 	July
<u>Review Board Activity/Meeting (if required)</u> <ul style="list-style-type: none"> • Evidence gathering 	September
Draft scrutiny review report and findings and recommendations of the review	September - October
<u>Final Review Board Meeting to agree Report</u> Review Board meeting to agree draft report, findings and recommendations with input from key officers.	October

Deadline for Report Dispatch	3 November 2023
<u>Report to People Scrutiny Committee for agreement</u>	13 November 2023
Report to Cabinet	12 December 2023
Report to Council	6 February 2024