

# Public Document Pack

## Notice of a Meeting

### Education Scrutiny Committee Wednesday, 24 June 2020 at 1.00 pm

Please note that due to guidelines imposed on social distancing by the Government the meeting will be held virtually. If you wish to view proceedings please click on this [Live Stream Link](#) However, that will not allow you to participate in the meeting

#### Membership

Chairman Councillor Michael Waine  
Deputy Chairman - Councillor John Howson

Councillors: Ted Fenton Jeannette Matelot Emma Turnbull  
Mrs Anda Fitzgerald- Gill Sanders  
O'Connor

By Invitation: Donald McEwan Carole Thomson

Notes: **Date of next meeting: 23 September 2020**

#### What does this Committee review or scrutinise?

- a focus on the following key areas:
  - work in relation to the education strategy, and including review of an annual report on progress;
  - constructive challenge on performance issues highlighting issues where the Committee can support the improvement dialogue;
  - reviewing the Council's education functions including early years, Special Education Needs and school place planning;
  - reviewing the progress of, and any issues emanating from, the School Organisation Stakeholder Group with regard to admissions patterns and arrangements;
  - reviewing issues raised by the Schools Forum.
- assists the Council in its role of championing good educational outcomes for Oxfordshire's children and young people;
- provides a challenge to schools and academies and to hold them to account for their academic performance;
- promotes jointed up working across organisations in the education sector within Oxfordshire.

#### How can I have my say?

We welcome the views of the community on any issues in relation to the responsibilities of this Committee. Members of the public may ask to speak on any item on the agenda or may suggest matters which they would like the Committee to look at. **Requests to speak must be submitted to the Committee Officer below no later than 9 am on 4 working days before the date of the meeting.**

#### For more information about this Committee please contact:

Chairman	-	Councillor Michael Waine Email: <a href="mailto:michael.waine@oxfordshire.gov.uk">michael.waine@oxfordshire.gov.uk</a>
Senior Policy Officer	-	Robin Rogers, Tel: 07789 923206 Email: <a href="mailto:robin.rogers@oxfordshire.gov.uk">robin.rogers@oxfordshire.gov.uk</a>
Committee Officer	-	Deborah Miller, Tel: 07920 084239 <a href="mailto:deborah.miller@oxfordshire.gov.uk">deborah.miller@oxfordshire.gov.uk</a>



Yvonne Rees  
Chief Executive

June 2020

## **About the County Council**

The Oxfordshire County Council is made up of 63 councillors who are democratically elected every four years. The Council provides a range of services to Oxfordshire's 678,000 residents. These include:

schools	social & health care	libraries and museums
the fire service	roads	trading standards
land use	transport planning	waste management

Each year the Council manages £0.9 billion of public money in providing these services. Most decisions are taken by a Cabinet of 9 Councillors, which makes decisions about service priorities and spending. Some decisions will now be delegated to individual members of the Cabinet.

## **About Scrutiny**

Scrutiny is about:

- Providing a challenge to the Cabinet
- Examining how well the Cabinet and the Authority are performing
- Influencing the Cabinet on decisions that affect local people
- Helping the Cabinet to develop Council policies
- Representing the community in Council decision making
- Promoting joined up working across the authority's work and with partners

Scrutiny is NOT about:

- Making day to day service decisions
- Investigating individual complaints.

## **What does this Committee do?**

The Committee meets up to 6 times a year or more. It develops a work programme, which lists the issues it plans to investigate. These investigations can include whole committee investigations undertaken during the meeting, or reviews by a panel of members doing research and talking to lots of people outside of the meeting. Once an investigation is completed the Committee provides its advice to the Cabinet, the full Council or other scrutiny committees. Meetings are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session.

# AGENDA

1. **Introduction and Welcome**
2. **Apologies for Absence and Temporary Appointments**
3. **Declarations of Interest - see guidance note of the back page**
4. **Minutes (Pages 1 - 10)**

To approve the minutes of the meeting held on 5 February 2020 (**ESC4**) and to receive information arising from them.

5. **Petitions and Public Address**

*This Education Scrutiny meeting will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on 18 June 2020. Requests to speak should be sent to [deborah.miller@oxfordshire.gov.uk](mailto:deborah.miller@oxfordshire.gov.uk) together with a written statement of your presentation to ensure that if the technology fails then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting.*

*Where a meeting is held virtually and the addressee is unable to participate virtually their written submission will be accepted.*

6. **A Learner Engagement Strategy for Oxfordshire (Pages 11 - 46)**

1.10 pm

This Learner Engagement Strategy has been co-produced by key stake holders and partners engaged in optimising the inclusion in education of all Oxfordshire's statutory school aged children. The purpose is to ensure that children access their full educational entitlement to enable them to thrive as adults and fully participate in the economic, learning, personal and social life of Oxfordshire.

The Committee will receive an update from the Children's, Education and Families Director team on the impact of Covid-19 on learner engagement and the current situation in education more widely.

***The Education Scrutiny Committee is RECOMMENDED to consider and note this report.***

**7. Forward Plan and Committee Business (Pages 47 - 48)**

1.50 pm

An opportunity to discuss and prioritise future topics for the Committee, potential approaches to its work and to discuss the schedule for future meetings (**ESC7**).

**8. Update on the Impact of work on Reducing Exclusions (Pages 49 - 52)**

2.00 pm

Exclusions in Oxfordshire have been a cause for concern to Members, Officers, Parents, the Oxfordshire Safeguarding Board and Children's Trust for several years. Education Scrutiny Committee commenced a deep dive investigation into the issues in 2018. Accordingly, Education Scrutiny Committee has requested an update briefing on the current position of School Exclusions in Oxfordshire.

***The Education Scrutiny Committee is RECOMMENDED to consider and note this report.***

**9. EXEMPT ITEM**

***The Committee is RECOMMENDED that the public be excluded for item 10 in the Agenda since it is likely that if they were present during that part of the meeting there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified in relation to the respective item in the Agenda and since it is considered that, in all the circumstances of each case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.***

**THE REPORT RELATING TO THE EXEMPT ITEM HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS STRICTLY PRIVATE TO MEMBERS AND OFFICERS ENTITLED TO RECEIVE IT.**

**10. School Exclusions in Oxfordshire (Pages 53 - 70)**

2.10 pm

*The information contained in the report is exempt in that it falls within the following prescribed category:*

*2 Information which is likely to reveal the identity of an individual*

*It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law.*

The Committee will receive a briefing on School Exclusion data in Oxfordshire.

## **CLOSE OF MEETING**

2.30 pm.

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

## EDUCATION SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Wednesday, 5 February 2020 commencing at 1.00 pm and finishing at 4.00 pm.

**Present:**

**Voting Members:** Councillor Michael Waine – in the Chair

Councillor John Howson (Deputy Chairman)  
Councillor Ted Fenton  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Jeannette Matelot  
Councillor Gill Sanders  
Councillor Emma Turnbull

**Other Members in Attendance:** Councillor Lorraine Lindsay-Gale, Cabinet Member for Education & Cultural Services

**By Invitation:** Diane Wilson in place of Donald McEwan, Council of Oxfordshire Teachers' Association (COTO); Mrs Carole Thomson (Oxfordshire Governors' Association).

**Officers:**

Whole of meeting Chris Hilliard, Deputy Director Education and Deborah Miller (Law & Governance).

Part of meeting Deborah Bell, Kim James Allyson Milward and Barbara Chillman (Children's Services).

*The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.*

### **1/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

Mr Donald McEwan sent his apologies with Ms Diane Wilson attending in substitution.

### **2/20 MINUTES**

(Agenda No. 4)

The Minutes of the Meeting held on 20 November 2019 were approved and signed subject to the following amendments:

Add Kim James to the list of those present;

Minute 157/19 (Minute 151/19) add 'within the current budget' after the word 'expectation';

Minute 160/19, 4<sup>th</sup> paragraph add the words 'for central services' after the word 'higher'.

Minute 161/19, 2<sup>nd</sup> paragraph replace 'Thompson' with 'Thomson'.

#### Matters Arising

In relation to minute 158/19 recommendation (f), the Cabinet Member for Education & Cultural Services reported that in line with the recommendation, she had written to the Secretary of State asking to restore the ability of Local Authorities to instruct schools under Fair Access and to make it mandatory for all academies to share data with the LA for safeguarding pupils. She awaited a response.

### **3/20 IMPROVING EDUCATIONAL OUTCOMES** (Agenda No. 6)

A strategic review was being undertaken on how Oxfordshire County Council and key stakeholders, including settings, schools, Trusts, Diocesan Authorities and parents could all contribute to further improve education outcomes for young people in Oxfordshire. This review had been commissioned by Lucy Butler, Director for Children, Education and Families.

As part of this review, the Committee's view and opinions on the document 'Improving Education Outcomes – a strategic review' (ESC6) were sought. The review aimed to develop joint priorities which all stakeholders could support and work towards achieving.

In introducing the report, Mr Hilliard, Deputy Director Education emphasised the importance of the Improving Education Outcomes Strategic Review which would help develop a 3-year Strategic Plan for Education across the whole of Oxfordshire. The Plan would go out to consultation in September 2020 and would end on 28 February 2021. The document would clarify the local authorities' areas of responsibilities for children in all schools in Oxfordshire, including:

- Schools and universal services working together with local, targeted and specialist services which was key to improving outcomes;
- Shift the focus to prevention and early help through real partnerships and using resources effectively;
- Support the most vulnerable, including children with SEND, to make sure everyone had an equal opportunity to become everything they wanted to be – for too many of our children and young people outcomes were not yet good enough;
- Deliver responsive services that place children, young people and families at the heart of what we do.

The plan would be overseen by a Strategic Board and would include the Regional Schools Commissioner and Ofsted.



The Chairman, Councillor Michael Waine welcomed the document as a way of laying down the background from where we were to where we were going to in terms of where responsibilities. There was a need to ensure the document was very clear who was responsible for what. He welcomed the fact of the Regional School Commissioner being part of the Strategic Board.

The Committee made the following points during debate:

- Children & Young People were healthier in Oxfordshire but drugs and alcohol misuse was higher than other authorities.
- The Committee felt that the Funding & Skills Council should be included on the Board and that the position of the diocese and Anglican and Catholic MATs should be reflected.
- OTSA Job Boards should offer space on their boards to academies.
- Further work was needed on teacher training as was very deficient on some secondary school subjects.
- It was unclear how the bodies around the table would be the champions of that area of work. How were deprived and disadvantaged represented around the table?

The Committee thanked Mr Hilliard for the report.

#### **4/20 THE MANAGEMENT OF CHANGING ROLLS IN OXFORDSHIRE SCHOOLS** (Agenda No. 7)

Members of Scrutiny Committee received an update on population trends affecting the provision of education services for children and young people in the county at its meeting on 4 September 2019. The Committee now had before it an action plan which set out aims and objectives of a strategy to meet changing demand and promote sustainability for schools (ESC7).

In introducing the report, Allyson Milward and Barbara Chillman set out the factors affecting demand for education provision in the medium term, potential effects of those factors and a framework for actions to ensure sustainability of Oxfordshire schools.

The Strategy set out plans to ensure there was sufficient places in mainstream schools for Oxfordshire's growing population; ensure sufficient provision for children with Special Educational Needs & Disabilities, not only to meet population growth, but also related to changing policy, practice and incidence of specific needs; ensure sufficient Alternative Provision was provided and that there was support for Oxfordshire's schools to respond to changes in demand, both down as well as up.

The Plans objectives were to monitor demographic changes and housing growth in order to inform annual pupil forecasts; plan for new schools and expansions of existing schools; identify emerging spare building capacity which could be reallocated to other uses and to provide guidance to schools on maintaining their affordability/sustainability.

Mrs Milward report that the monitoring would be report back to a Schools Forum Stakeholder Group and that they were entering discussions with MATs to change their PAN in line with their areas. Officers were also linking closely with SEND and Alterative Provision colleagues to link up areas of work.

They were also running three 'Affordable Schools' workshops on how to run affordable schools, including small schools working together to look at structural ways of saving money.

The Committee made the following points during discussion:

The Committee congratulated officers on how well this area of work had performed. The Governor's Association welcomed the alternative use of accommodation, but wanted assurances that any alternative use of schools was ok with the school as it might not be reasonable to have Alterative Provision in the main body of the school and that the education side was looked at as well as accommodation.

The Committee questioned whether they had used spaces for SEND children or whether the Primary Schools just had vacant spaces? In response, Barbara Chillman reported that spaces had been used for SEND children, but that the pace needed to be approved in terms of safeguarding. In reality, there was not huge pockets of space currently, just one or two classrooms.

Diane Wilson on behalf of COTO welcomed any measures that would reduce surplus seats in schools to ensure the correct ratio of pupils to teachers.

The Chairman thanked the officers for their report and asked that any issues coming out of the Stakeholder Group be passed on to Scrutiny for consideration and that members be sent comparative school data from other authorities with statistical neighbours.

**RESOLVED:** to note the trends in requirements for pupil places and to note the action plan to be monitored by officers.

## **5/20 ALTERNATIVE PROVISION COMMISSIONING PROGRESS UPDATE** (Agenda No. 8)

In September 2019, the Committee had received an initial report on plans to commission a range of Alternative Provision (AP) for Oxfordshire with effect from September 2021. The Committee had before them a report (ESC8) which set out a full programme of work which was underway for the tendering of longer-term commissioned alternative education places.

Deborah Bell, Head of Learner Engagement in introducing the report explained that the AP commissioning programme was on track with no slippage on timescales. A full and extensive engagement exercise had already taken place with a wide range of stakeholders. The main themes arising from this consultation was that AP needed to be local to where children were; secondary schools were keen to develop on-site provision; more support and advice was needed for primary schools in managing children who needed AP; that training was needed for parents around the behaviour

of their children and that AP needed to be affordable within already very stretched schools and local authority budgets.

She went on to set out the timetable as outlined on page 2 of the report and cautioned that the AP budget was funded by the High Needs DSG block which was facing considerable pressure and that future provision would need to be contained within the available budget by seeking value for money options.

The Committee noted that the cost of sending a child to Meadowbrook to the Authority was £200 per week and that provision needed to be based locally. They welcomed the idea of Alternative Provision being based in schools where appropriate in terms of safeguarding and pressure on school finances.

The Committee thanked Deborah Bell for the update and requested a further update in September.

## **6/20 EDUCATIONAL ATTAINMENT WORKING GROUP REPORT** (Agenda No. 9)

The Committee had before it a report (ESC9) which was the result of a deep dive by the Education Scrutiny Committee, as set out in its Forward Plan of work. The Committee formed a working group to take the deep dive forward, which met with key officers in the Education Service and visited four secondary schools to learn about good practice and innovation in teaching disadvantaged children.

This report set out why attainment (and progress), particularly of disadvantaged children, was chosen as a deep dive topic, what examples of good practice in education of disadvantaged pupils at secondary schools the working group learned about, and sets out the Working Group's conclusions for officers, Education Scrutiny Committee and the Cabinet Member for Education and Cultural Services. The Education Service was beginning the development of a comprehensive 3-year Education Strategy for Oxfordshire. This report was therefore presenting the findings of the deep dive investigation, and the Working Group's conclusions in the interim, ahead of this important scheme of work.

Councillor John Howson in introducing the report, thanked members, officers and the schools who had taken part in the deep dive for their helpful advice and suggestions.

The Group had looked at good practice which was a key area for Oxfordshire and further consideration to how best practice could be disseminated and collaborated on needed further consideration. Oxfordshire had made significant improvement to absolute deprivation figures, but further work was needed on Progress 8.

The Committee held a detailed debate around pupil premium and the difficulties of parent/pupil take up. The Department for Work and Pensions held the information needed to allow schools to get the relevant funding and the Committee had previously written to the Government jointly with the Cabinet Member for Education & Culture imploring it to release the necessary information.

The Chairman suggested that a further briefing be drawn up for MPs to press the issue further.

Carole Thomson suggested that school admission forms could include a question on pupil premium.

**RESOLVED:** to agree the following conclusions from the report:

1. Education Scrutiny Committee should consider adding to its Forward Plan the following items:
  - annual monitoring reports of both the progress and attainment of disadvantaged children across primary and secondary phases;
  - a report on levels of disadvantage compared with those in existing Opportunity Areas, by Parliamentary constituency.
2. Education Scrutiny Committee should consider using its next visit from the Regional Schools Commissioner to ask how best practice can be actively disseminated and collaborated on by academies for the education of all children in Oxfordshire.
3. Education Scrutiny Committee should consider asking Property Officers to consider investigating how the county council might work with District Councils, Universities, Dioceses and businesses around supporting accommodation access for teachers in the county, including reviewing any county council assets that may be suitable for use as rented teacher accommodation.
4. The Educational Attainment Working Group asks the Cabinet Member for Education & Cultural Services to consider working with Communications on a campaign encouraging Pupil Premium registration.
5. Education Scrutiny Committee should consider asking officers to work with appropriate bodies to identify subjects and phases of education where insufficient teachers are being trained for Oxfordshire schools, being mindful of the forecast secondary school population growth.
6. Education Scrutiny Committee should ask officers to investigate with the teaching school and local universities the possibility for the formulation of a tailored package of professional development for Oxfordshire schools with the aim of closing the attainment gap in the county.

## **7/20 FORWARD PLAN AND COMMITTEE BUSINESS**

(Agenda No. 10)

The Committee considered the forward plan and **AGREED** that the Chairman and Vice Chairman, together with officers would manage the business on the current work programme for the efficient running of the Committee.

<b>TO BE SCHEDULED (2020)</b>					
Update	on	the	To present the impact / results	Deputy	Director

impact of work on reducing exclusions	of implementing the recommendations on exclusions from the committee working group. <b>Summer 2020</b>	Children's Services (Education) / Head of Learner Engagement (Deborah Bell)
Learner Engagement Strategy	To present to the committee the new OCC strategy for learner engagement. <b>Summer 2020</b>	Deputy Director Children's Services (Education) / Head of Learner Engagement (Deborah Bell)
Report on School Exclusions in Oxfordshire	A report on numbers of fixed term and permanent exclusions. <b>September 2020</b>	Head of Learner Engagement (Deborah Bell)
Education Funding Agency	Q&A session with EFA around implications for Oxfordshire schools of changes to funding.	EFA representatives
Home to School Transport Policy	Discussion around forming a working group to input into the formulation of the policy for mainstream schools.	Cllr John Howson
Reintegration Timetabling Update	To receive a report about the number of reintegration timetables being used at schools across Oxfordshire as agreed at the September 2019 committee meeting. <b>For September 2020</b>	Head of Learner Engagement (Deborah Bell)
Draft Oxfordshire Special Educational Needs Strategy	An opportunity for Education Scrutiny Committee to hear about and comment on a draft of the developing Oxfordshire SEND Strategy.	Head of SEND (Jayne Howarth)
Children & Family Centres – Services Linked to Education	A report by the Committee following work to assess consistency of provision across Oxfordshire Children & Family Centres' services linked to education.	Chair of Education Scrutiny Committee (Cllr Michael Waine)

**8/20 IN YEAR FAIR ACCESS POLICY UPDATE**  
(Agenda No. 11)

*The information contained in the report was exempt in that it fell within the following prescribed category:*

*2 Information which was likely to reveal the identity of an individual*

*It was considered that in this case the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law.*

The Committee received an update on the implementation and outcomes of the revised In Year Fair Access Policy (IYFAP) which had been requested by Education Scrutiny Committee. In Year Fair Access protocols with schools were required under the terms of the statutory School Admissions Code 2014. This was to afford a mechanism whereby children requiring a school place outside normal admissions rounds, where local places may not be available or when the child has additional vulnerabilities, can be offered a school place.

The protocol was designed to ensure a fair distribution of non-placed children across all schools. In Year Fair Access protocols must be designed in collaboration with representative school leaders and agreed by the majority. 100% agreement is not required for the IYFAP to be valid and lawful.

The Committee noted the update.

## **9/20 EDUCATION ACHIEVEMENT AND ATTAINMENT IN OXFORDSHIRE AND ITS LOCALITIES' SCHOOLS**

(Agenda No. 12)

*The information contained in the report was exempt in that it fell within the following prescribed category:*

*2 Information which was likely to reveal the identity of an individual*

*It was considered that in this case the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law.*

The Committee considered the Annual Education Performance Report at key stage 4 which gave a summary and overall analysis of key outcomes and progress measures.

## **10/20 OFSTED AND OXFORDSHIRE ACADAMIES**

(Agenda No. 13)

*The information contained in the verbal update was exempt in that it fell within the following prescribed category:*

*2 Information which was likely to reveal the identity of an individual*

*It was considered that in this case the public interest in maintaining the exemption outweighed the public interest in disclosing the information, in that such disclosure would infringe the rights of the individual to privacy contrary to the general law and the duty of the authority to respect human rights and to comply with that law.*

The Deputy Director of Education gave a verbal update outlining Paper recent discussions with Ofsted.

The Committee noted the report.

..... in the Chair

Date of signing .....

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Division(s): All
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## EDUCATION SCRUTINY COMMITTEE – 24 JUNE 2020

### LEARNER ENGAGEMENT STRATEGY

Report by Deborah Bell – Head of Service Learner Engagement

#### RECOMMENDATION

**The Education Scrutiny Committee is RECOMMENDED to consider and note this report.**

#### Introduction

1. Oxfordshire County Council (OCC) led on the creation of a Learner Engagement Strategy to support the Corporate, Children's Trust and Oxfordshire Safeguarding Board aims and aspirations to improve school attendance, reduce exclusions, reduce children missing education & children electively home educated and ensure that Alternative Provision arrangements meet the needs of all schools and children in Oxfordshire.

#### Process

2. Oxfordshire County Council invited partners to form the Learner Engagement (LE) Strategic Board. The first LE Board convened in December 2018. In no priority order, members of the LE Strategic Board include representative:
  - Secondary School Leaders
  - Primary School Leaders
  - Special School Leaders
  - Governors
  - Thames Valley Police
  - School Nursing Service
  - Public Health
  - CAMHS
  - Children's Social Care
  - Parents/Carers
  - District Councils
  - Anglican Diocese
  - Oxford Youth
  - OCC SEN, School Improvement and Early Years
3. The LE Strategy was coproduced by all these representatives based on shared priorities, need and aspirations.
4. Since December 2018 the LE Strategy has informed the LE Work Plan which details strategic and operational actions.

5. In September 2019 a strategic decision was agreed to merge the Early Help (EH) Board with the LE Board as Early Help Services is where the officer resource is placed for early intervention and prevention to review exclusions and poor attendance.

### **Impact**

6. The merger of both multi-agency boards has offered a timely vehicle for strategic medium and long-term recovery work as we emerge from COVID-19 into a new world. This has afforded a sound platform to launch the Early Help network on behalf of schools to ensure a rapid response to emergent issues as children return. It has also facilitated effective partnership work which created this Return to School recovery resource. <http://schools.oxfordshire.gov.uk/cms/content/returning-school-after-lockdown>
7. Elective Home Education rates in Oxfordshire had stabilised pre-COVID-19. This is compared to a 25% increase nationally.
8. The co-produced Behaviour Pathway has been created and shared with school leaders to offer a systematic approach to better meet children's needs, thereby avoiding the need to exclude, using SEND systems, Early Help offer and inclusive practices. It has been used to successfully rescind four proposed permanent exclusions to date since 23<sup>rd</sup> March 2020.
9. Children Missing Education policy and practice has been reviewed and internally audited for risk assessment. This demonstrated effective work with a 'Green' rated finding. Children Missing Education numbers in Oxfordshire are low for the size of the population. All reported Children Missing Education are known, being offered services and tracked.
10. Re-integration Timetable data is now significantly more accurate and being followed up with schools half termly. COVID-19 is anticipated to impact on this and Flexi-Schooling applications by parents.
11. Guidance for schools on managing and engaging abusive visitors has been co-produced, published and welcomed by school leaders.
12. Following requests by school leaders, co-production of model policies and training on the new Relations and Sex curriculum and Anti-Bullying have been produced and awaits sign off by Members at Informal cabinet in September 2020.
13. Cyber-bullying resources and guidance have been produced to drive down the need for children to be absent from school.
14. Alternative Commission recommissioning project is on track for delivery by September 2021. Clarity on amended arrangements from September 2020 are progressing at pace to better meet the needs of excluded children. This will reflect the rise in demand for primary provision and the reduction in demand for Key Stage 4 provision.

15. Restorative Practice training offer has been made to all schools in the county to reduce the need for exclusions. This is in partnership with Children's Social Care and Thames Valley Policy policies and operational approach. It has already been effectively deployed to prevent two exclusions and two elective home education decisions.
16. Primary and Special School overall attendance and persistent absence rates are improving.
17. Oxfordshire remains a low excluding county compared to national averages.

### **Financial and Staff Implications**

18. The financial implications of the LE & EH Strategic Board and Strategy is based on most efficient use of allocated budget for previously disparate service areas within OCC. The resourcing of officer capacity for LE and EH work will be reviewed as part of wider Service design work that has been temporarily suspended during the COVID-19 situation.

### **Equalities Implications**

19. The primary purpose of the LE and EH Strategic Board and associated Strategy is to ensure improved access to all educational opportunities for all children in Oxfordshire regardless of additional needs and social or economic disadvantage.

### **Sustainability Implications**

20. None in addition to OCC and partners usual considerations.

#### **DEBORAH BELL**

Head of Learner Engagement

Background Papers: Annex 1: Learner Engagement Strategy

Contact Officer: Deborah Bell

June 2020

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# A Learner Engagement Strategy for Oxfordshire

**A strategy to build resilience, promote collective responsibility to  
support all pupils access their full educational entitlement**



**v.5 (March 2019)**

## **Executive Summary**

This Learner Engagement Strategy has been co-produced by key stake holders and partners engaged in optimising the inclusion in education of all Oxfordshire's statutory school aged children. The purpose is to ensure that children access their full educational entitlement to ensure that they achieve to enable them to thrive as adults and fully participate in the economic, learning, personal and social life of Oxfordshire.

To this end, the strategy focuses on;

The need to optimise school attendance, minimise school exclusions, serve children missing education by identifying them and facilitating a school place for them in a timely manner, minimise the need for reintegration programmes in schools and respect the rights of the electively home educating community whilst ensuring education is suitable and sufficient for all children's needs.

The strategy is based on statutory duties, the agreed aims of the Education Scrutiny Committee in Oxfordshire and the Oxfordshire Safeguarding Children's Board plan.

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**1. Introduction -****Lucy Butler, Oxfordshire County Council Director of Children's Services**

*The Oxfordshire vision for children and young people prioritises their access to full time suitable education and keeping them safe as is their entitlement. This includes the development of this Learner Engagement strategy to clarify an equitable approach to meeting the needs - in schools and not - of the most challenging and vulnerable pupils in Oxfordshire. I am pleased to introduce this strategy and commend it to all our valued key stake-holders.*

*It is recognised by the Local Authority and school leaders that the rising number of exclusions needs a joined-up approach to address the issue. There are financial implications for schools and the Local Authority in meeting the increased demand for alternative provision and support for pupils displaying challenging behaviour and those with Social Emotional Mental Health needs.*

*The Council's Education Scrutiny Committee and the Oxfordshire Safeguarding Children's Board has identified exclusion, attendance, children missing education, on part-time programmes and Elective Home Education as areas for investigation and recommendation. There is a willingness from school leaders to work together with the Local Authority to develop solutions to the current issues. School leaders, governors, Police and colleagues from Health have all been invited to comment and contribute to this strategy.*

*The recently revised ILACS (Inspection of Local Authority Children's Services) framework indicates a new focus for Ofsted (Office for standards in education children's services and skills) on education inclusion and the responsibilities of the Local Authority in this area.*

*My intention, as part of the Council's improvement programmes, is to secure better joint working across teams supporting children and families to improve behaviour and attendance and prevent exclusion.*

*This strategy informs the Oxfordshire Children's Trust Board 2018-21 strategy reported on to the Well-Being Board and the Oxfordshire Safeguarding Children's Board priorities.*

## 2. The Vision

Whilst recognising that there is no single solution to reducing exclusions and improving attendance, this strategy outlines the way in which education providers, the Local Authority and other relevant agencies can work together to achieve better outcomes for children and young people in Oxfordshire. We recognise the need to collaborate to ensure that early help is available to reduce the number of pupils missing out on their education entitlement due to poor attendance and exclusion. We are committed to developing a sustainable approach, focusing on early help and support. All pupils in Oxfordshire are our collective responsibility. We aim to ensure that every pupil is known, valued and supported to achieve in our education system and that parents are key in delivering that aim.

### Key Priorities

- Schools, the Local Authority and other agencies will work together to meet young people's needs in school wherever possible.
- We, along with partners from within the Children's Workforce will develop how we work together to ensure schools are supported to be responsive to the needs of their pupils and families, whilst retaining responsibility for their own unique and inclusive cultures.
- Early intervention will be available to improve attendance and reduce exclusions, improve the mental health of pupils experiencing difficulties and ensure all children have access to full time educational provision.
- Schools will have a clear understanding of how to access support to develop provision to meet the needs of pupils with Social, Emotional and Mental Health needs and those presenting with challenging behaviour.
- Improve outcomes, including attainment, for young people presenting with challenging behaviour and those with Social Emotional and Mental Health needs by supporting and championing DfE (Department for Education) and OFSTED's scrutiny of inclusive practices and providing effective and specialist services within budget.
- We recognise the need to develop provision to ensure pupils can stay in their locality and reduce the distance pupils are traveling to receive additional support by working with key commissioning partners.
- We will ensure that children not in education will have a swift and equitable reintegration into an appropriate setting in a timely and legally compliant manner.
- All parents / carers who have chosen to electively home educate will be making a proactive, positive and informed decision to do so in the best interest of the child.
- Working with partners our tracking of Children Missing Education, Excluded Pupils, Persistent Absentees and those on Re-integration Timetables will be robust to keep pupils safe.
- Clear guidance will be easily accessible for all schools and partners highlighting when external services including the Education Inclusion team and the Locality Support Service should be contacted as part of a behaviour and attendance pathway.



- Review the County Council commissioned arrangements for Alternative Provision for Oxfordshire resident children, including transport obligations.
- Produce and make available a directory of Alternative Provision that has been quality assured for commissioning by schools.
- Ensure the Oxfordshire Fair Access Protocol and process is equitable to all schools in Oxfordshire, sharing distribution of pupils with additional needs, led by Oxfordshire Head Teachers without a school place in a timely inclusive manner. Spend of high needs funding to be equitable, systematic, accountable and outcomes focussed, to be reviewed with Headteachers in Oxfordshire.
- Ensure the County Council meets all its statutory duties in a timely fashion.
- Ensure that parents are supported to understand their role in ensuring their children receive a full time suitable and efficient education, either at school or otherwise and support educational providers to do same.
- Ensure that pupils with protected characteristics are identified to track their full inclusion.
- Ensure that Early Years attendance is prioritised as it forms good habits and expectations for statutory school years.
- Optimise Primary and Secondary school readiness and transition opportunities
- Recognise the impact of Literacy and Speech and Language difficulties on behavioural presentation
- Ensure effective partnership work with FE (Further Education) providers, particularly pertaining to statutory school age pupils and EHE (Elective Home Education) children

### **3. The Context**

Nationally, both permanent and fixed-period exclusions have been increasing in the last few years to around 0.08% of pupil enrolments (permanent exclusions) and 4.29% (fixed term exclusions). (2015/2016 published data). The government has announced an externally led review into the issue (March 2018). This has been followed up with a national consultation that is due to report in Spring 2019. OFSTED has also announced a revised school inspection framework from September 2019 that will increase scrutiny of schools' inclusive practices and tracking of vulnerable pupils.

Nationally the overall absence rates have followed a downward trend since 2006/07 when the absence rate was 6.5%. The overall absence rate across state-funded primary, secondary and special schools is 4.6% (2015/2016 published data). 2017-18 saw an increase in absence, the first since 2006-07. It remains to be seen whether this was a spike or a trend.

**The current issues for Oxfordshire:**

- Increasing numbers of children in receipt of fixed term and permanent exclusions.
- The high numbers of persistent absentees in Oxfordshire schools compared to National figures.
- Increased numbers of children registered for Elective Home Education with no indication of parental positive education philosophies but because of exclusive practices and unresolved school issues.
- Lack of information from schools and providers about children and young people on part-time timetables; missing out on full-time education and the lack of infrastructure to capture this data consistently, accurately and in real time.
- Reported decreased parental support for schools.
- Increased complexity and prevalence of mental health difficulties within Oxfordshire resident children and young people.
- Pupils at SEN (Special Educational Needs) Support level (a protected characteristic under the Equalities Act) are seven times more likely to be excluded from school.
- Developing pockets of child exploitation risks such as drug and/or sexual.

The following key issues are to be addressed as part of Learner Engagement work with partners.

Background data for all the figures quoted below can be found in **Appendix 2**.

***a) Reducing Permanent Exclusions***

Permanent exclusions from Oxfordshire schools have been growing in recent years, particularly those from secondary schools. A reduction in 2017-18 is yet to be established as a dip or a trend.

<b>CURRENTLY</b>	Exclusion rate is 0.10 (88 pupils) in 2016/17 (primary and secondary)
<b>WITH NO CHANGE</b>	Exclusion rate would be 0.16 (145 pupils) by 2020
<b>TARGET</b>	Exclusion rate of 0.07 (65 pupils) by 2020, with ZERO exclusions for “persistent disruptive behaviour” and Reducing the number of permanent exclusions of pupils at SEND Support

**How this target might be achieved:**

- Develop a behaviour pathway linked to support services that is implemented by all schools (incorporating mental health and parenting provision).
  - Develop a collective understanding of pupils who may be 'at risk' of exclusion with particular focus on children and young people with Special Educational Needs and pupils entitled to Pupil Premium.
  - Develop the curriculum to include a focus on wellbeing for all pupils including an early help offer for pupils 'at risk' of exclusion and/or disengagement and absenteeism.
  - Ensure that early intervention is available and accessed to develop resilience in families and in schools for meeting the needs of pupils 'at risk' of exclusion.
  - Review our IYFAP (In Year Fair Access Panel) and Managed Move processes and develop a similar model to promote inclusion in primary schools. This may include introducing a penalty for schools who permanently exclude to contribute towards alternative provision.
  - Ensure all schools are aware of alternative provision available for commissioning to support pupils with SEMH (Social Emotional & Mental Health) needs and those presenting with challenging behaviour. Commission provision to address deficits in the current model.
  - All schools to develop provision for learners with SEMH and challenging behaviour based on an understanding that we need to identify the reasons for the behaviour and address these for the long-term benefit of the pupil. This will include working with the LCSS (Local Community Support Services) and SEND services. Use of EHAs and TAFs to elucidate the impact of family circumstances and parental needs on pupil behaviour.
  - Where children are open to Social Care as Children in Need, Children on Child Protection, Looked after Children or Children on EHAs, school and social worker co-ordinate their efforts to ensure an inclusion target is integrated in the child's Care Plan.
  - Ensure progress towards the target is regularly shared with schools and partners to inform our progress.
- 
- Ensure attendance and exclusions feature as a key measurable with School Improvement activities.
  - Ensure School Leaders (including Governors) support and challenge peers with positive Inclusion strategies in the face of disproportionate exclusion and absence data.
  - Use exclusions as a last resort having exhausted all internal and external alternatives available.
  - Ensure a coherent and publicised Behaviour pathway is developed with schools and other key stake holders.

***b) Fixed term exclusions***

The rate of children having at least one fixed term exclusion (FTE) from Oxfordshire schools is lower than that nationally, but early figures indicate that this rose in 2016/17, most noticeably in primary schools. Oxfordshire County Council recognises that fixed term exclusion is not an effective behaviour management technique or positive attendance measure designed to support inclusion, safeguarding and attainment.

<b>CURRENTLY</b>	PRIMARY - There were 310 Fixed Term Exclusions in 2016/17 SECONDARY - There were 1430 Fixed Term Exclusions in 2016/17
<b>WITH NO CHANGE</b>	PRIMARY - There would be 415 Fixed Term Exclusions in 2020 (Rate of 0.81) SECONDARY – There would be 1815 Fixed Term Exclusions in 2020 (Rate of 4.75)
<b>TARGET</b>	PRIMARY - Fixed Term Exclusion rate of 0.5 (255 pupils) by 2020 SECONDARY – Fixed Term Exclusion rate of 3.26 (1240 pupils) by 2020

**How this target might be achieved:**

- Ensure pupils presenting with behaviour difficulties have their needs assessed for special educational needs, family or mental health challenges.
- Develop alternatives to exclusion (internal exclusion in the home school, or at another school) and grow alternative provision options.
- Review transition processes to ensure vulnerable learners are supported effectively.
- Review behaviour pathway to ensure reasonable adjustments are made for vulnerable pupils.
- Develop restorative approaches to support pupils to learn from their past behaviours.  
Develop assessment, intervention and support for pupils to develop resilience.
- Utilise and grow Early Health and Mental Health provision with all key stake holders, public, private and third sector.
- Develop a real-time reporting system of FTE to ensure the practice is legally compliant and required as part of Positive Behaviour strategies.
- Develop a real-time reporting system for part-time (or reintegration) pupil programmes to ensure they are consented, short term and of positive intent.
- Use exclusions as a last resort having exhausted all internal and external alternatives available.
- Ensure a coherent and publicised Behaviour pathway is developed with schools and other key stake holders.

**c) Improving Attendance**

Persistent absence rates from secondary schools in Oxfordshire have consistently been much higher than those nationally.

<b>CURRENTLY</b>	PRIMARY – 7.1% (3540 pupils) were persistently absent in 2016/17 SECONDARY - 13.9% (4245 pupils) were persistently absent in 2016/17
<b>WITH NO CHANGE</b>	The rate is falling, locally and nationally.
<b>TARGET</b>	PRIMARY - 6.7% (3025 pupils) persistently absence for 2019/20

	SECONDARY - 10.4% (3335 pupils) persistently absence for 2019/20
<p><b>How this target might be achieved:</b></p> <ul style="list-style-type: none"> <li>• All partners to promote good attendance and reduce absence, including persistent absence</li> <li>• Ensure every pupil has access to full-time education to which they are entitled</li> <li>• Share good practice regarding early intervention to address patterns of absence.</li> <li>• Review our approach to prosecutions to speed up the process of bringing cases to court.</li> <li>• One way to reduce absence figures is to focus on reducing the proportion of sessions that are missed due to both illness (to be in line with the national average) and medical/ dental appointments (to lower than the national average) – these rates are currently higher in Oxfordshire than those Nationally.</li> <li>• Ensure attendance is recorded accurately in all schools in line with the attendance code.</li> <li>• Develop the Community Around the School Offer (CASO)</li> <li>• All partners to consider persistent absence/school refusal as potential mental health or parental neglect and assess for this accordingly.</li> <li>• All partners to log and report children at home or in public during school hours routinely.</li> </ul>	

**d) Children Missing Education**

**Children Missing Education.** Children and young people who do not access school or appropriate alternative education or elective home education are deemed to be vulnerable and their risk is increased the longer they continue to be without a school place. Safeguarding children and young people continues to be a key shared responsibility of the Local Authority, schools and other partners.

The local authority has a statutory responsibility to identify those children who are missing out on education, track their whereabouts and ensure that they have access to a full-time education (where appropriate) through either school, elective home education or commissioning alternative provision.

There were 562 children recorded as being electively home educated (EHE) within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year.

<b>CURRENTLY</b>	<b>31</b>
<b>WITH NO CHANGE</b>	
<b>TARGET</b>	<b>25</b>
<p><b>Key Discussion Points on how the target might be achieved:</b></p> <ul style="list-style-type: none"> <li>• All schools will submit information relating to pupils missing education to the LA in a timely manner this includes pupils on a reduced or ‘part time’ timetable and those removed from roll outside standard times.</li> </ul>	

- Review the Pupils Missing Out process.
- IT systems will be developed to support the sharing of information.
- The Local Authority has removed 'other' from the EHE school exit form in order to provide clarity on the reason for the decision, when parents chose to share this information
- Secure agreement with schools to introduce a two week 'cooling off' period for parents making this decision before a pupil is removed from the school roll. To support this process the LA (Local Authority) will engage with parents making this decision to ensure they have made a fully informed decision and provide mediation between school and parents as required.
- All schools and partners will be alert to and report any suspected 'off-rolling' or illegal exclusions to the LA.

#### 4. What resource is available now?

In developing a Learner Engagement Strategy, we recognise the fact that the majority of pupils in Oxfordshire have their social, emotional and behavioural needs met by the experts working within the school system and seek to identify and share best practice for the benefit of all. The Local Authority is committed to working with partners to identify and share best practice whilst addressing and challenging the issues of rising exclusions and high numbers of persistent absentees in the County. We will work with school leaders and other partners to ensure improvements needed are delivered timely and efficiently, deploying the resources available.

All schools have access to named (County Council Learner Engagement) officers in each locality area - North, Central and South, for statutory attendance issues, attendance strategic advice and exclusion prevention strategic advice.

There are already a range of services that are currently provided by the LA and other organisations (both locally and nationally) to support individual pupils and their needs. Local organisations are set out in the OXSIT (Oxfordshire Schools Inclusion Team) 'Diminishing Difference' document which is available [HERE](#).

The Local Authority will seek to make these services and their parameters more visible to schools to enable ease of access at the point of need.

The Local Authority provides guidance for all schools and partners with regard to accessing attendance, behaviour and inclusion support and legal processes.

LCSS work with the community to identify children with emerging safeguarding needs, this would include issues around attendance and engagement in education. LCSS would support to ensure the needs are identified, through the Early Help Assessment and that school attendance and engagement is part of any Team around the Family plan. LCSS will take a flexible approach to how best to engage the family and will work alongside multi-professional colleagues to reduce the risk of children missing out.

## **5. Governance**

Progress against the targets set out in this strategy will be reported to the Learner Engagement Board, Education Scrutiny Committee, Children's Trust, Oxfordshire Safeguarding Children Board (OSCB) and the Strategic Schools Partnership Board (SSPB).

The development and implementation of the Learner Engagement Strategy (presented here as a draft for discussion) will be overseen by a Learner Engagement Board which operates alongside the Early Help Board. Once the Strategy is agreed with partners and implementation has begun, the Learner Engagement Board will evolve to become part of a forum for identifying good practice around inclusion, addressing strategic issues which arise and challenging all partners to ensure each is fulfilling their obligations and adhering to the agreed principles.

## 6. Impact

The success of the Learner Engagement strategy is dependent on the commitment of all schools, the local authority and other partners. We must commit to working collaboratively to protect pupils from disengaging from education. We will know that we have been successful in 2018-19 if we achieve

1. Increase the % of children reaching a good level of development in early years or foundation stage (target 75% for academic year 17/18)
2. Reduce the number of permanent exclusions to 44 in school year 18/19
3. All permanently excluded pupils will have a new placement within the statutory 6-day limit
4. Reduce the number of primary school children with a fixed term exclusion to 285 or less in school year 18/19
5. Reduce the number of secondary school children with a fixed term exclusion to 1335 or less in school year 18/19

Reduce the level of persistent absence in primary school children to 6.8% or less in school year 18/19

Reduce the level of persistent absence in secondary school children to 11.5% or less in school year 18/19

Reduce the number of children on part time timetables in school year 19/20 by 10%.

9. Reduce the number of permanent exclusions for children with special education needs in school year 18/19 (target 28)
10. Reduce the number of primary school children with special educational needs with one or more fixed term exclusions in school year 18/19 (target 102)
11. Reduce the number of secondary school children with special educational needs with one or more fixed term exclusions in school year 18/19 (target 350)

## 7. Commissioned Provision

The Learner Engagement Strategy will review commissioned alternative provision to ensure it offers sufficiency in terms of locality, flexibility and bespoke offers in a timely manner to meet Oxfordshire's children's needs within Oxfordshire County Council's statutory obligations and budget.



## Learner Engagement Principles

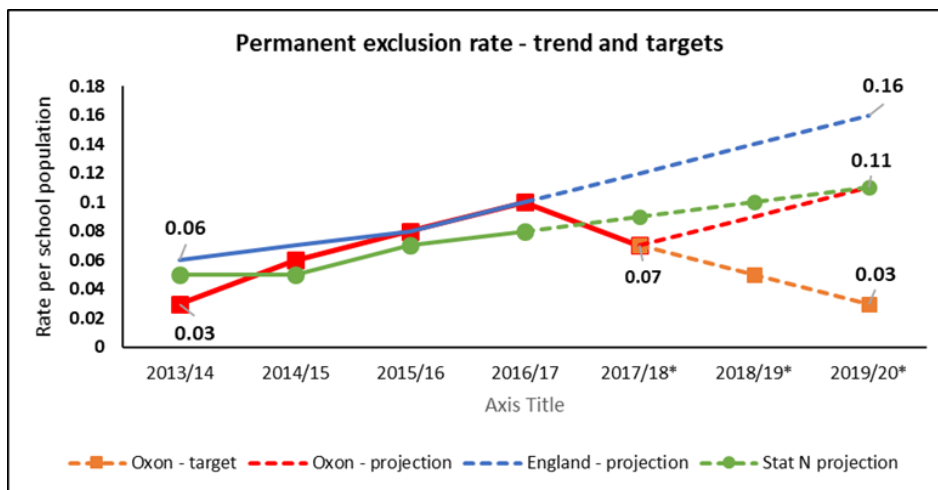
Guidance developed to support this work will be based on the following inclusion principles:

- That in the vast majority of cases the pupil's 'home' school in their local community is their best school.
- That behaviour is communication and that for some pupils a behaviourist approach to discipline (rewards and sanctions) requires significant reasonable adjustments to better meet pupils' needs.
- That restorative approaches to support pupils to remain at their home school should be used wherever possible.
- That all schools are aware of how best to intervene early to support pupils with challenging behaviour and emerging SEMH needs.
- That local alternative solutions for pupils will be sought wherever necessary.
- That early help provision in schools will be promoted through sharing best practice; to reduce movement of pupils.
- That the needs, consent and wishes of the CYP (children & young people) and their family will be prioritised when making decisions together.
- That groups of schools will work together to provide the best education for all young people in our communities whatever their needs or barriers to learning and education.
- That all children on a school roll are entitled to full time education.
- That parents, with the primary responsibility for their children's upbringing and welfare, know their children best and greater parental involvement leads to improved outcomes for children and young people.
- That we will act with due regard to the statutory guidelines for exclusions, children missing education and attendance legislation and at all times in compliance with Equalities legislation

## Data and performance information

### Exclusion Data and information

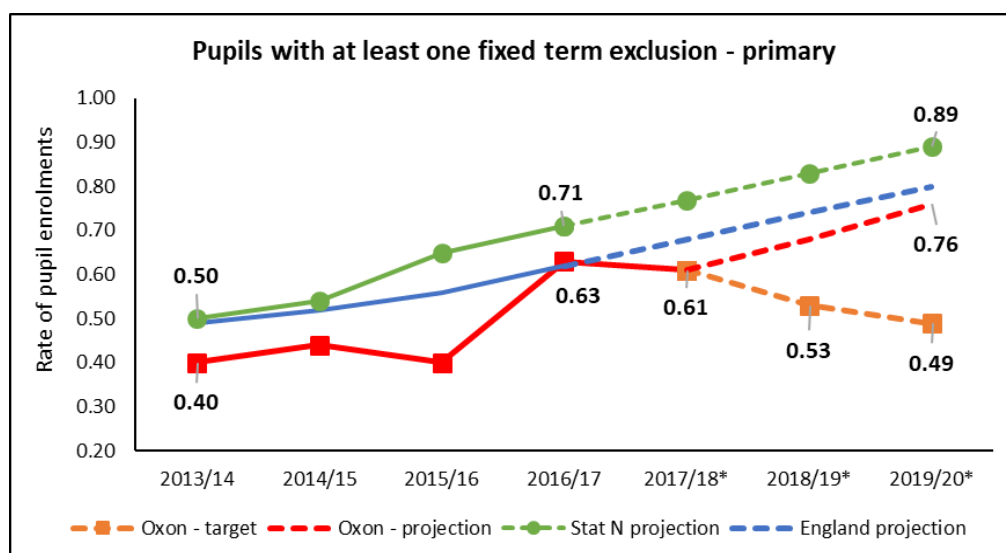
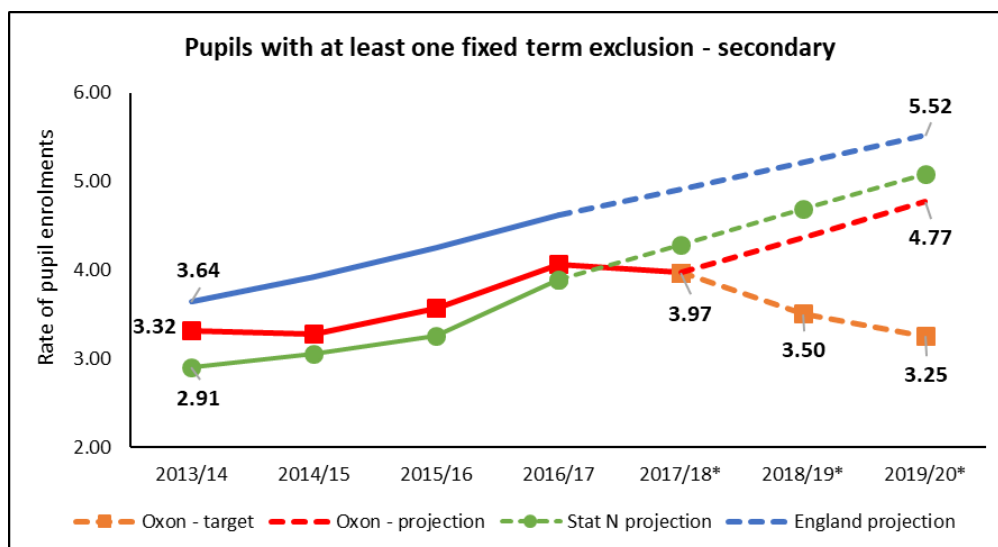
#### a. Permanent exclusions



- Permanent exclusions from Oxfordshire schools have been growing in recent years, particularly those from secondary schools.
- Until 2014/15 the rate in Oxfordshire (for all school types) was lower than that nationally. In 2015/16 the rate increased to be in line with that nationally and has continued to increase.
- In 2016/17 there were 88 permanent exclusions from Oxfordshire schools (a rate of 0.10).
- If the current rate of increase continues then this would mean that that by 2020 the rate of permanent exclusions from all schools would be 0.16 – an equivalent of 145 pupils.

The target aims to reduce this rate of permanent exclusions to 0.07 (65 excluded pupils). This puts it in line with the current statistical neighbour average for example specific strategies need to be put in place to halt or reverse this rate of increase. This will best support attainment improvement across the county, reduce childhood vulnerabilities to underachievement in adulthood, risky behaviours and high spend currently diverted from schools to alternative providers.

**b. Fixed term exclusions**



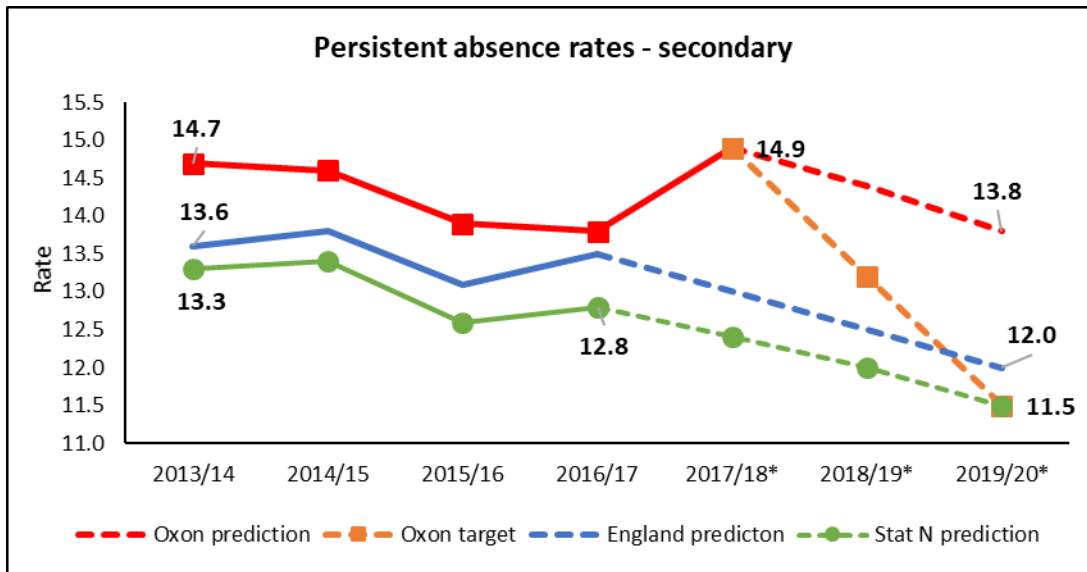
- The rate of children having at least one fixed term exclusion from Oxfordshire schools is lower than that nationally, but unvalidated figures indicate that this rose in 2016/17, most noticeably in primary schools. Comparative data for 2016/17 will be published in July 2018.
- Primary schools
  - In 2016/17, 310 pupils were excluded at least once from Oxfordshire primary schools with this increasing to a predicted 415 (0.81) pupils by 2020.
  - Oxfordshire remains below the national average and has the lowest proportion of children with at least one fixed term exclusion out of its statistical neighbour group.
  - The target aims to continue to reduce this lower trend, to 255 pupils (0.50) by 2020. This equates to 55 fewer pupils than in 2016/17 and 160 fewer than the predicted number.

- Secondary schools
  - In 2016/17, 1430 pupils were excluded at least once from secondary schools in Oxfordshire. This is predicted to increase to 1815 (rate of 4.75) by 2020.
  - The rate of exclusion is lower than the national average but Oxfordshire ranks 9<sup>th</sup> out of its group of 11 statistical neighbours.
  - The target aims to reduce the rate of exclusion to be lower than the statistical neighbour average by 2020.
  - This would mean 1240 pupils with a fixed term exclusion in 2019/20. This is 230 fewer than in 2016/17 – an equivalent of 6 fewer per secondary school and 575 fewer than the predicted number.
- Special schools
  - In 2016/2017, provisional data reports 42 pupils were excluded at least once from special schools in Oxfordshire. There is currently no national or statistical neighbour data available for the 2016/17 academic year so comparisons are made on 2015/16 data.
  - In 2015/16 the rate of exclusion is lower than the national average and Oxfordshire ranked 4<sup>th</sup> out of its groups of 11 statistical neighbours.

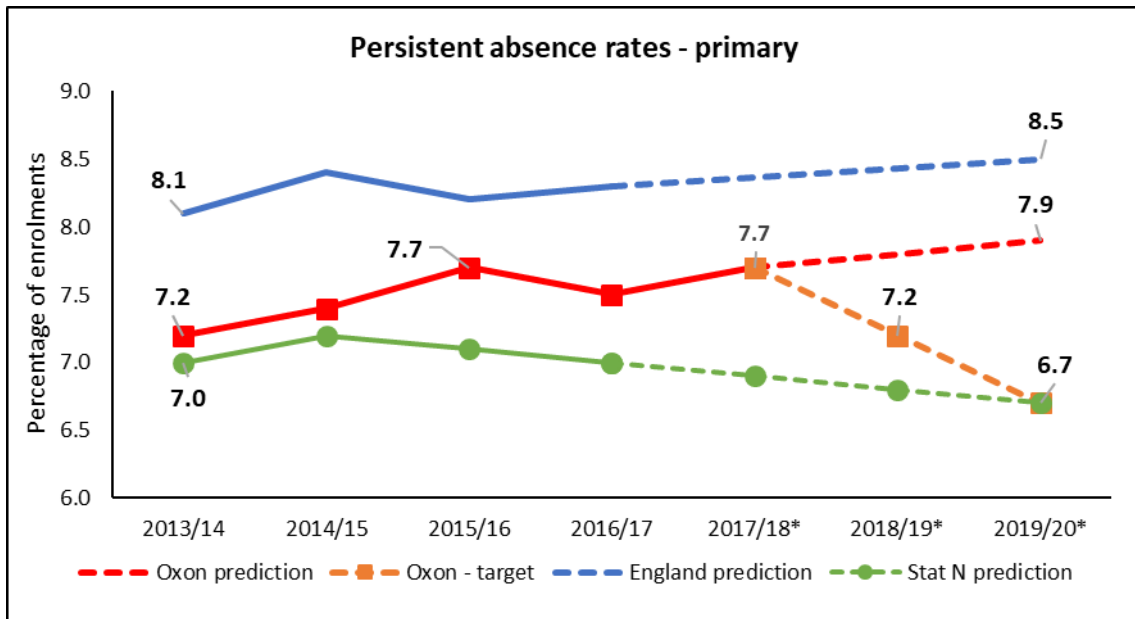
**Proposed Improvement targets**

	Indicator	Trend data				Targets			Comparative Data (2015/16)	
		13/14	14/15	15/16	16/17	17/18	18/19	19/20	Eng	SN
1	Number (rate) of permanent exclusions	30 0.03	53 0.06	69 0.08	88 0.10	82 0.09	75 0.08	65 0.07	0.08	0.07
2a	Number (rate) of pupils with at least 1 fixed term exclusion – primary schools	206 0.40	232 0.44	215 0.40	308 0.60	295 0.58	280 0.55	255 0.50	0.56	0.65
2b	Number (rate) of pupils with at least 1 fixed term exclusion – secondary schools	1202 3.32	1211 3.28	1327 3.57	1468 3.85	1410 3.70	1335 3.50	1240 3.26	4.26	3.26
2c	Number (rate) of pupils with at least 1 fixed term exclusion – special schools	38 3.38	36 3.48	41 3.86	42 4.10				5.05	5.94

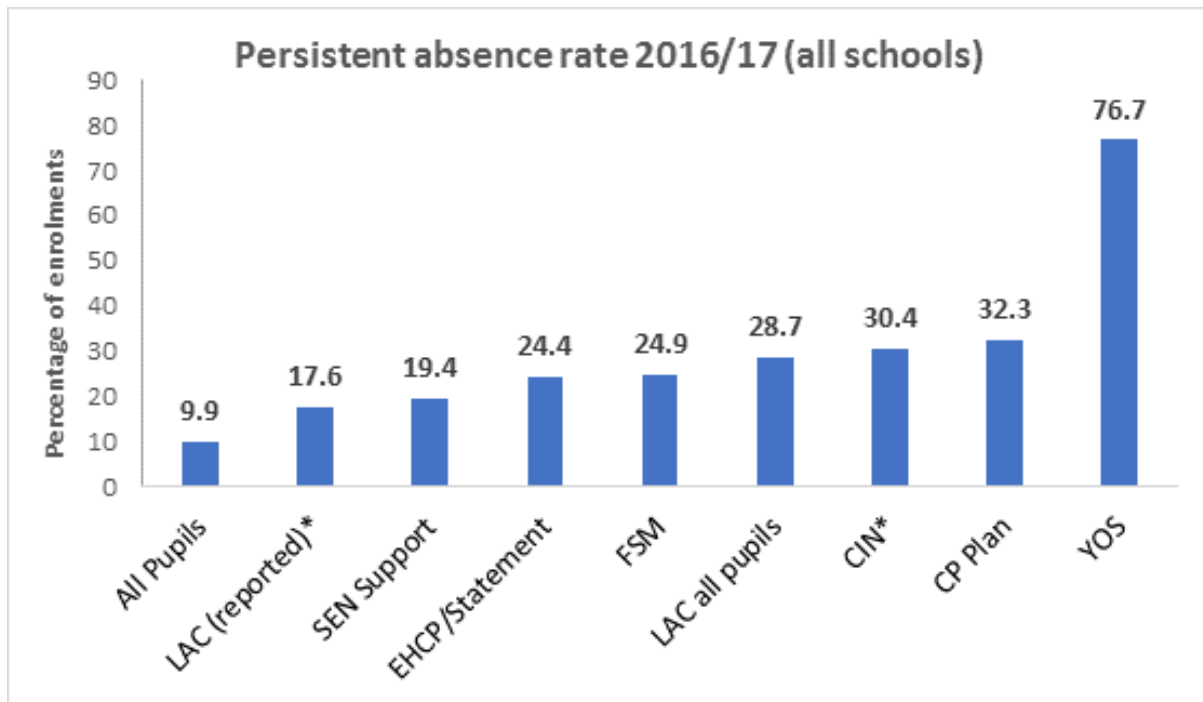
## Improving Attendance



- Persistent absence rates from secondary schools in Oxfordshire have consistently been much higher than those nationally. In 2016 (the most recent academic year for which comparative data is available) 13.9% of secondary school pupils were persistently absent in Oxfordshire, compared with 13.1% nationally. Oxfordshire ranks 8<sup>th</sup> lowest out of its group of 11 statistical neighbours (average of 12.6% in 2015/16).
- In 2016/17 there were 4245 pupils classed as being persistently absent from secondary schools in Oxfordshire.
- The rate of persistent absence from secondary schools has been falling both in Oxfordshire and nationally, however a specific focus on reducing absence will be required in order to move in line with national figures.
- Achieving the target will reduce the rate of persistent absence by more than the decrease nationally, in order that by 2019/20 the rate (10.4% or 3335 pupils) will be lower than the predicted statistical neighbour and national rates.
- This corresponds to 910 fewer children classed as persistent absentees compared with 2016/17, an equivalent of 25 fewer per Oxfordshire secondary school.



- The rate of persistent absence from primary schools in Oxfordshire has remained lower than the national average for a number of years. However, it remains higher than most of its statistical neighbour group (in 2015/16 Oxfordshire was ranked 9<sup>th</sup> lowest out of 11 statistical neighbours).
- In 2016/17 there were 3540 children classed as persistently absent from Oxfordshire primary schools.
- Achieving the target is to reduce the rate of persistent absence from primary schools in order to be lower than the predicted figures.
- The target of 6.7% in 2019/20 would increase Oxfordshire’s ranking to be 4<sup>th</sup> out of statistical neighbours (from current 9<sup>th</sup> position).
- This target corresponds to 3025 persistent absentees, a reduction of 520 from 2016/16 which is the equivalent of 2 fewer persistent absentees per primary school.
- The level of persistent absence in Oxfordshire special schools has risen year on year from 22.2% in 2013/14 to 24.2% in 2016/17. However, this remains below the national and statistical neighbour average.
- Oxfordshire is ranked 4<sup>th</sup> out of statistical neighbours for persistent absence in special schools.
- Persistent absentees account for one third of all authorised absences in Oxfordshire (33.6% compared with 30.9% nationally) and more than half of all unauthorised absences (54.5% in Oxfordshire compared with 53.8% nationally)
- In Oxfordshire secondary schools this rises so that persistent absentees account for 42% of all authorised absences and 72% of all unauthorised absences,
- Of pupils that are classed as persistently absent, the common theme in Oxfordshire is that the rate of authorised absence is noticeably greater than nationally in both the primary and secondary sectors.



Vulnerable learners are overly represented in the persistent absence figures.

**Suggested Improvement targets**

	Indicator	Trend data				Targets			Comparative Data (2015/16)	
		13/14	14/15	15/16	16/17	17/18	18/19	19/20	Eng	SN
3a	Rate of persistent absence – primary schools	7.2	7.4	7.7	7.1	6.9	6.8	6.7	8.2	7.0
3b	Rate of persistent absence – secondary schools	14.7	14.6	13.9	13.5	12.5	11.5	10.4	13.1	12.6
3c	Rate of persistent absence – special schools	22.2	22.7	23.2	24.2				28.5	26.0

## Children Missing Education

Children and young people who do not access school, elective home education or appropriate alternative education are deemed to be vulnerable and their risk is increased as they continue to be without a school place. Safeguarding children and young people continues to be a key shared responsibility of the Local Authority, schools and other partners.

The local authority has a statutory responsibility to identify those pupils who are missing out on education, track their whereabouts and ensure that they have access to a full-time education (where appropriate) through either direct tuition, commissioning alternative provision or elective home education.

Ofsted in their report “Pupils Missing out on Education” published in November 2013 identifies the main pupils missing education groups to be those who:

- have been permanently excluded
- have particular social and behavioural difficulties and have personalised learning plans, meaning that, by arrangement, they do not attend their usual school full time
- have mental health needs and access Child & Adolescent Mental Health Services (CAMHS), either as an in-patient or through services provided in the community
- have medical needs other than mental health needs
- rarely attend school and have personalised learning plans a part of attempts to reintegrate them into full-time education
- are pregnant or are young mothers of compulsory school age
- have complex needs and no suitable school place is available
- have moved from another area and a school place has not been secured
- are new to the country and are awaiting a school place
- are returning from custody and a school place has not been found for them

Information on many of these groups of young people is collected within the local authority but held by different teams and not yet easy to report on.

This includes but is not limited to the number of children on part time timetables.

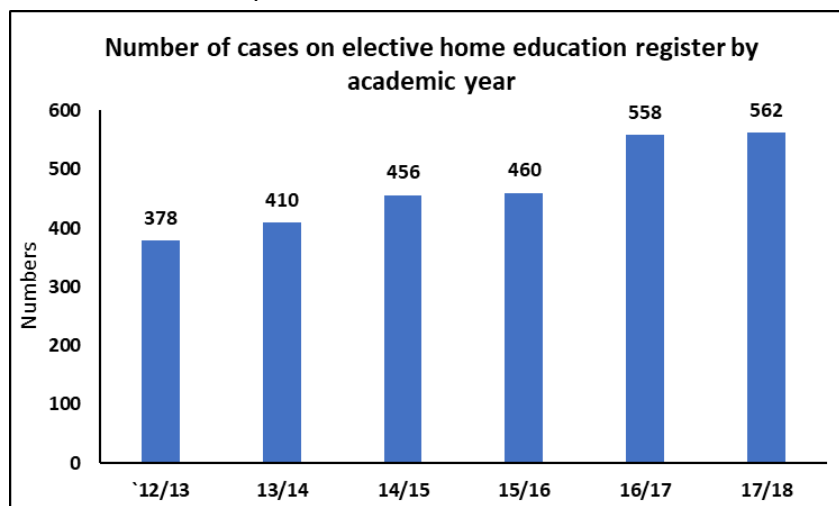
	Group	Indicator	Baseline	Target
1.	Permanently excluded	% of permanently excluded pupils with a new placement within the statutory 6 day limit		100%
2.	Absentees	Number of pupils who are regularly absent from school or have missed 15 day or more (cumulative or consecutive) without permission		7,500



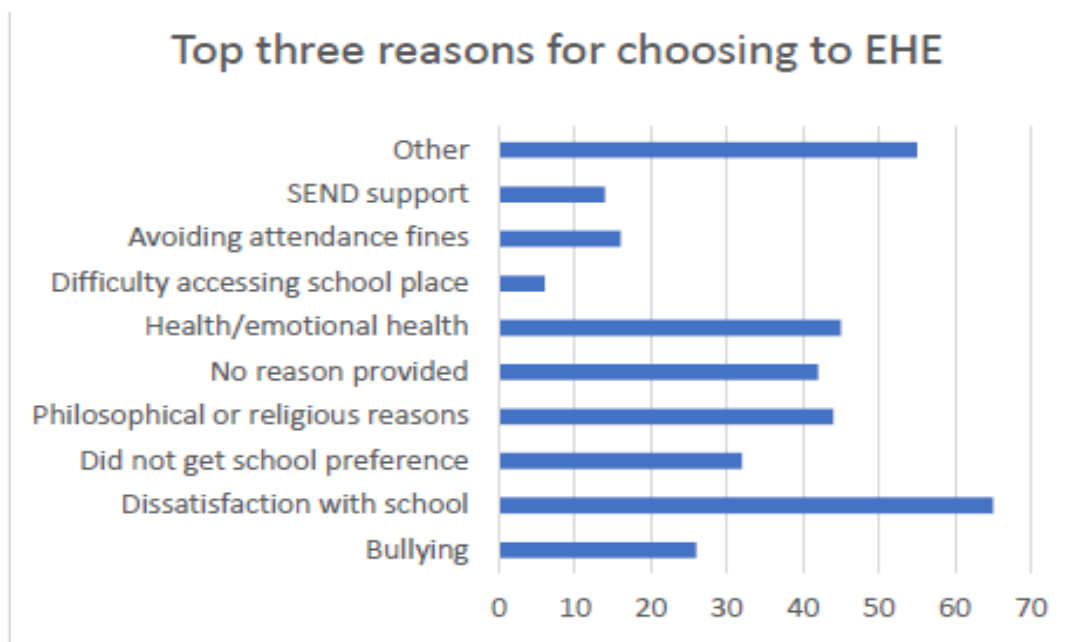
3.	Part time timetables	Number of pupils with a part time timetable  a. medical needs b. mental health needs c. emotional & social needs	Not available to the LA	
4.	Children Missing Education	a. Awaiting an alternative place via the In Year Fair Access Panel b. New to the county and a school place is not currently available c. Complex needs and awaiting a suitable place		<30
5.	Number of pupils in alternative provision	Number of pupils on roll at Meadowbrook  Number of pupils at the Hospital School		106
6.	Number of electively home educated children	Where education is evidently unsuitable and insufficient		Nil

**Elective Home Education Data**

- There were 562 recorded cases of EHE within the last academic year, an increase of 21%. 70 children returned to school, compared with 90 the previous year.
- In two thirds of the recorded cases in 2016/17, the main reason for removing the child from a school roll in order to home educate was “other/ unknown”. This indicates that the parents have either been unable to identify the reason from those offered, or have refused to provide a reason.



- The proportion of electively home educated children where the reason is unknown has increased considerably from 12% (47 cases) in 2012/13 to 66% (249 cases) over this period.
- In October 2017, the Association of Directors of Children’s Services (ADCS) issued a survey to all 152 local authorities in England to understand better the volume and characteristics of the cohort of children and young people who are known to be home schooled.



- This indicates that nationally the most frequent reason for choosing to home educate a child is due to dissatisfaction with school. “Other” (approximately 55%) and “No reason given” (approximately 42%) are also amongst the most frequent reasons, although as this national survey allowed the 3 main reasons to be provided then it isn’t possible to provide a distinct national comparator.
- In the Spring of 2018, DfE conducted a national consultation on elective home education. This is due to report in Spring 2019. Ofsted revised the school inspection framework from September 2019 to scrutinise early leavers and seek satisfaction at their destination delivering sufficient and suitable education.

**Suggested**

Indicator	Trend data				Targets			Comparative Data (2015/16)	
	14/15	15/16	16/17	17/18	17/18	18/19	19/20	Eng	SN
Proportion of Elective Home Educated pupils as the whole child population, compared to the national position									

## Legal Frameworks

### The Legal Framework for Pupil Exclusions.

The principal legislation guiding pupil exclusions is:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

An interpretation of the above legislation can be found in the following statutory guidance: ['Exclusions from maintained schools, academies and pupil referral units in England - September 2017'](#)

The key points from the guide are as follows:

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. 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 allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

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. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision

must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.

An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having SEN, all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

### **The Legal Framework for school attendance and Children Missing Education**

The principal legislation guiding school attendance is:

- The Education Act 1996 - sections 434(1)(3)(4)&(6) and 458(4)&(5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013
- The Education (Pupil Registration) (England) (Amendment) Regulations 2016

Central to raising standards in education and ensuring all pupils can fulfil their potential is an assumption so widely understood that it is insufficiently stated – pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.

The government expects schools and local authorities to:

- Promote good attendance and reduce absence, including persistent absence;
- Ensure every pupil has access to full-time education to which they are entitled; and,
- act early to address patterns of absence.

- Parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly.
- All pupils to be punctual to their lessons.

Local authorities have a duty to put in place arrangements for identifying (as far as it is possible) those children of compulsory school age in their area who are not school registered or receiving suitable education otherwise than at a school. Local authorities should trace those children and ensure that they receive full-time education.

All schools must notify the local authority when a pupil's name is to be deleted from the admission register under any of the grounds prescribed in regulation 8 of the Education (Pupil Registration) (England) Regulations 2006 as amended, as soon as the ground for removal is met and no later than the time at which the pupil's name is removed from the register. This duty does not apply where the pupil's name is removed after they have completed the school's final year, unless the local authority requests for such information to be provided.

Where a school notifies a local authority that a pupil's name is to be deleted from the admission register, the school must provide the local authority with the following information:

- the full name of the pupil;
- the full name and address of any parent with whom the pupil lives;
- at least one telephone number of any parent with whom the pupil lives;
- the full name and address of the parent who the pupil is going to live with, and the date the pupil is expected to start living there, if applicable;
- the name of pupil's other or future school and the pupil's start date or expected start date there, if applicable; and
- the ground prescribed in regulation 8 under which the pupil's name is to be deleted from the admission register.

All schools (including academies) must agree with the relevant local authority, the regular interval that the school will inform the local authority of any pupil who fails to attend school regularly, or has been absent without the school's permission for a continuous period of 10 days or more.

***Electively Home Educated Children -  
Statutory Guidance 2007***

On receipt of written notification to home educate, schools must inform the pupil's local authority that the pupil is to be deleted from the admission register. Schools should not seek to persuade parents to educate their children at home as a way of avoiding excluding the pupil or because the pupil has a poor attendance record.

Schools and local authorities should not seek to prevent parents from educating their children outside the school system. There is no requirement for parents to obtain the school or local authority's agreement to educate their child at home. Parents have a duty to ensure

their child of compulsory school age receives suitable full-time education but this does not have to be at a school.

***Can a school place a pupil on a part-time timetable?***

***School Attendance Regs. 2018***

As a rule, no. All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must record it as authorised absence.

***Can a parent take their child on holiday during term time?***

***School Attendance Regs. 2018***

Head teachers should only authorise leave of absence in exceptional circumstances. If a head teacher grants a leave request, it will be for the head teacher to determine the length of time that the child can be away from school. Leave is unlikely, however, to be granted for the purposes of a family holiday as a norm.

***The legal framework for School Admissions.***

***School Attendance Code 2013***

The information here aims to signpost the relevant law; it does not aim to provide definitive guidance on interpreting the law: that is for the courts.

***Equality Act 2010***

This Act consolidates the law prohibiting discrimination, harassment and victimisation and expands the list of protected characteristics. All schools **must** have due regard to their obligations under the Act and review their policies and practices to make sure these meet the requirements of the Act, even if they believe that they are already operating in a non-discriminatory way.

An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.

An admission authority **must not** harass a person who has applied for admission as a pupil, in relation to their disability; race; or sex.

An admission authority **must not** victimise a person in relation to a protected act either done, or believed to have been done by that person (e.g. bringing proceedings under the Equality Act 2010) in the arrangements and decisions it makes as to who is offered admission as a pupil.

This Act contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

Admission authorities are also subject to the Public-Sector Equality Duty and therefore **must** have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Further guidance on the Public-Sector Equality Duty is available on the website of the Government Equalities Office and from the Equality and Human Rights Commission.

### ***Human Rights Act 1998***

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' rights to ensure that their child's education conforms to their own religious or philosophical convictions (as far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

### ***School Standards and Framework Act 1998***

Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding schools' admissions, including the statutory basis for this Code. Section 86 of the SSFA 1998 provides that the admission authority for a maintained school (with the exception of those that select wholly by ability) **must** comply with any preference expressed by a parent except where to do so would prejudice the provision of efficient education or the efficient use of resources.

Section 94 of the SSFA 1998 provides that parents (and in some circumstances children) may appeal against a decision to refuse admission to the school. Two or more admission authorities in the same local authority area may make joint arrangements.

The Codes largely include the provisions relating to school admissions made in regulations. The most relevant regulations are:

- a) The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012;
- b) The School Admissions (Infant Class Sizes) (England) Regulations 2012;
- c) The School Admissions (Appeals) (England) Regulations 2012; and d) The School Information (England) Regulations 2008

***DFE guidance – School Admissions. School Admissions Code. Statutory guidance for admission authorities, governing bodies, local authorities, school’s adjudicators and admission appeals panels - December 2014***

**Oversubscription criteria**

The admission authority for the school **must** set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied. All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted. If the school is not oversubscribed, all applicants **must** be offered a place.

All schools **must** have oversubscription criteria for each ‘relevant age group’ and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order<sup>18</sup> or special guardianship order). Further references to previously looked after children in this Code means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after. Oversubscription criteria **must** then be applied to all other applicants in the order set out in the arrangements.

Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

***Children with challenging behaviour and those who have been excluded twice;***

Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion. The twice excluded rule does not apply to children who were below compulsory school age at the time of the exclusion, children who have been re-instated following a permanent

Each local authority **must** have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, the local authority **must** ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour. The protocol **must** include how the local authority will use provision to ensure that the needs of pupils who are not ready for mainstream schooling are met.



The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol.

Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority's Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs or Education, Health and Care Plan naming the school in question, as these children **must** be admitted.

Admission authorities **must not** refuse to admit a child thought to be potentially disruptive, or likely to exhibit challenging behaviour, on the grounds that the child is first to be assessed for special educational needs.

A Fair Access Protocol **must not** require a school automatically to take another child with challenging behaviour in the place of a child excluded from the school.

The list of children to be included in a Fair Access Protocol is to be agreed with the majority of schools in the area but **must**, as a minimum, include the following children of compulsory school age who have difficulty securing a school place:

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).

### ***Local authority powers of direction (general)***

A local authority has the power to direct the governing body of a maintained school for which they are not the admission authority to admit a child in their area even when the school is full. The local authority can only make such a direction in respect of a child in the local authority's area who has been refused entry to, or has been permanently excluded from, every suitable school within a reasonable distance. The local authority **must** choose a

school that is a reasonable distance from the child's home and from which the child is not permanently excluded. It **must not** choose a sixth-form that selects by ability unless the child meets the selection requirements, or a school that would have to take measures to avoid breaking the rules on infant class sizes if those measures would prejudice the provision of efficient education or the efficient use of resources.

Before deciding to give a direction, the local authority **must** consult the governing body of the school, the parent of the child and the child if they are over compulsory school age. If, following consultation, the local authority decides to direct, it **must** inform the governing body and head teacher of the school. The governing body can appeal by referring the case to the Schools Adjudicator within 15 days. If it does this, the governing body **must** tell the local authority. The local authority **must not** make a direction until the 15 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school **must** admit the child. The Adjudicator's decision is binding. The Adjudicator **must not** direct a school to admit a child if this would require the school to take measures to avoid breaking the rules on infant class sizes and those measures would prejudice the provision of efficient education or the efficient use of resources.

### ***Local authority powers of direction (looked after children)***

A local authority also has the power to direct the admission authority for any maintained school in England (other than a school for which they are the admission authority) to admit a child who is looked after by the local authority, even when the school is full. The local authority **must not** choose a school from which the child is permanently excluded but may choose a school whose infant classes are already at the maximum size.

Before deciding to give a direction, the local authority **must** consult the admission authority of the school it proposes to direct. The admission authority **must** tell the local authority within 7 days whether it is willing to admit the child. If, following consultation, the local authority decides to direct, it **must** inform the admission authority, the governing body (if the school is a voluntary controlled or community school), the local authority that maintains the school, and the head teacher.

The admission authority can appeal by referring the case to the Schools Adjudicator within 7 days. If the child has been permanently excluded from two other schools and the most recent exclusion was within the previous two years, the governing body (if the school is a voluntary controlled or community school) may also refer the case to the Adjudicator. The admission authority or governing body **must not** refer the case unless it considers that admitting the child would seriously prejudice the provision of efficient education or the efficient use of resources. If the admission authority or governing body does refer the case, it **must** notify the local authority that looks after the child. The local authority **must not** make a direction until the 7 days have passed and the case has not been referred.

If the case is referred to the Adjudicator, the Adjudicator may either uphold the direction or determine that another maintained school in England **must** admit the child. The

Adjudicator's decision is binding. The Adjudicator **must not** direct an alternative school to admit a child unless the local authority that looks after the child agrees, nor if the child is permanently excluded from that school, nor if the admission of the child would seriously prejudice the provision of efficient education or the efficient use of resources.

***Secretary of State's power of direction (Academies)***

Where a local authority considers that an Academy will best meet the needs of any child, it can ask the Academy to admit that child but has no power to direct it to do so. The local authority and the Academy will usually come to an agreement, but if the Academy refuses to admit the child, the local authority can ask the Secretary of State to intervene. The Secretary of State has the power under an Academy's Funding Agreement to direct the Academy to admit a child, and can seek advice from the Adjudicator in reaching a decision.

**Glossary of terms**

<b>CASO</b>	<b>Community around the school</b>
<b>DfE</b>	<b>Department for Education</b>
<b>EHE</b>	<b>Elective home education</b>
<b>FE</b>	<b>Further Education</b>
<b>FTE</b>	<b>Fixed term exclusion</b>
<b>ILAC</b>	<b>Inspection of Local Authority Children's Services</b>
<b>IYFAP</b>	<b>In year fair access panel</b>
<b>LA</b>	<b>Local Authority</b>
<b>LCSS</b>	<b>Local Community Support Services</b>
<b>OFSTED</b>	<b>Office for standards in education, children's services and skills</b>
<b>OSCB</b>	<b>Oxfordshire Safeguarding Children's Board</b>
<b>OXSIT</b>	<b>Oxfordshire schools' inclusion team</b>
<b>SEMH</b>	<b>Social, emotional and mental health (needs)</b>
<b>SEN (D)</b>	<b>Special educational needs (and disabilities)</b>
<b>SSPB</b>	<b>Schools strategic partnership board</b>

## Education Scrutiny Committee Work programme (2020)

Outlined below is the Education Scrutiny Committee’s preliminary work programme.

The programme aims to prioritise areas of scrutiny where the Committee can add most value, either by holding to account or contributing to policy development. It does this by focusing on areas of public interest, where the committee’s impact can be measured, interrogating performance information and keeping abreast of current areas of change / review.

Agenda Item	Reasons and objective for item	Lead Member / Officer
<b>24 June 2020</b>		
Learner Engagement Strategy	To present to the committee the new OCC strategy for learner engagement including COVID-19 update from Deputy Director Children’s Services (Education)	Deputy Director Children’s Services (Education) / Head of Learner Engagement (Deborah Bell)
Report on School Exclusions in Oxfordshire	A report on numbers of fixed term and permanent exclusions.	Head of Learner Engagement (Deborah Bell)
<b>23 September 2020</b>		
Alternative Provision Commissioning Progress Update	An update as requested at February 2020 meeting, on the progress of Alternative Provision commissioning by the county council. – Sept 2020	Head of Learner Engagement (Deborah Bell)
Reintegration Timetabling Update	To receive an annual report about the number of reintegration timetables being used at schools across Oxfordshire as agreed at the September 2019 committee meeting.	Head of Learner Engagement (Deborah Bell)
Education, Health and Care Plans (EHP)	To receive a report on EHP process and performance including a focus on Exclusions/Elective Home Education/Part time timetable and on the Early Intervention Service (joint report with Performance Scrutiny Committee)	Deputy Director Children’s Services (Education) / Head of SEND (Jayne Howarth)

<b>TO BE SCHEDULED (2020)</b>		
RSA/Ofsted/ Education Funding Agency (in private session)	Engagement session (September)	RSC/Ofsted/EFA representatives/Deputy Director Children's Services (Education)
Draft Oxfordshire Special Educational Needs Strategy	An opportunity for Education Scrutiny Committee to hear about and comment on a draft of the developing Oxfordshire SEND Strategy.	Head of SEND (Jayne Howarth)
Educational Attainment in Secondary Schools – Annual report	Feb/March 2021 (and annually)	Deputy Director Children's Services (Education)
2021/22 Admission Scheme changes	School Organisation Stakeholders Group asked Education Scrutiny to look at a report on the changes approved in the 2021/22 admissions scheme.	Head of Access to Learning (Allyson Milward)

<b>ISSUES RAISED BY MEMBERS FOR PROGRAMMING</b>		
Home to School Transport Policy	Discussion around forming a working group to input into the formulation of the policy for mainstream schools.	Cllr John Howson

Division(s): N/A
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## **EDUCATION SCRUTINY COMMITTEE – 24 JUNE 2020**

### **UPDATE ON THE IMPACT OF WORK ON REDUCING SCHOOL EXCLUSIONS IN OXFORDSHIRE**

Report by Deborah Bell – Head of Service Learner Engagement

#### **RECOMMENDATION**

**The Education Scrutiny Committee is RECOMMENDED to consider and note this report.**

#### **Introduction**

1. Exclusions in Oxfordshire have been a cause for concern to Members, Officers, Parents, the Oxfordshire Safeguarding Board and Children’s Trust for several years. Education Scrutiny Committee commenced a deep dive investigation into the issues in 2018. Further data with detail will be presented in closed committee and is subject to a separate report to prevent the risk of identifying individual children which would breach their right to privacy.

#### **Update**

2. Exclusions of children from schools in Oxfordshire have increased in 2019-20 to date. This is reflected nationally. Head Teachers and Governors make the decisions to exclude children. Following Education Scrutiny Committee’s working party Deep Dive into Exclusions which commenced in 2018, significant work has been delivered by Oxfordshire County Council to support school leaders to minimise exclusions where possible. The children most likely to be excluded are those at SEN Support and those from socio-economically disadvantaged backgrounds.

#### **Actions to support schools in reducing exclusions**

3. Since the Education Scrutiny Committee deep dive, the sharing of school level data for school leaders to reflect on and support and challenge each other was not agreed. However, individual support and challenge conversations were booked with high excluding school leaders, although these have been suspended due to COVID-19.
4. The Learner Engagement Team has co-produced (with school leaders and parents) a behaviour pathway as a checklist to support schools to reduce exclusions.
5. Based on data received termly, schools that are high excluders are identified for ‘support and challenge’ conversations between senior leaders and the Head of

Service Learner Engagement or Education Inclusion Manager. These conversations needed to be suspended due the exceptional circumstances surrounding the COVID-19 outbreak.

6. An officer post was created to act as a 'blue light' advice provider for school leaders when they are at the point of exclusion. The Behaviour and Attendance capacity that was carved out from Easter 2019 from existing capacity has been retained as an early intervention and prevention offer to schools.
7. Restorative Practice training has been offered to all schools in the county at no charge alongside a new suite of anti-bullying resources and guidance.
8. Exclusions awareness and reference to inclusive cultures and ethical leadership are routinely referenced at Heads and Chairs termly briefings.
9. Thames Valley Police is working with secondary schools to avoid exclusion of children at risk of criminal activity.
10. Case work for children with behaviour that challenges sits with Early Help in Children's Social Care. There is limited support for schools unless they pay for traded services through Oxfordshire Schools Inclusion Team (OXSiT).
11. Revised Governor and Trustee training has been produced and delivered in February and May 2020. This highlights Governors' duties and responsibilities with Exclusions guidance. Uptake of the offer has been disappointing despite being widely publicised.

### **Impact of COVID-19**

12. It is too early to fully assess the impact of COVID-19 on school exclusions in Oxfordshire. To date, as might be expected, permanent exclusions ceased from 23<sup>rd</sup> March 2020. However, a small minority of schools sought to exclude vulnerable children still attending school after that date. Learner Engagement services were able to reverse these decisions through preventative intervention and challenge under the exceptional circumstances. It is anticipated that there may be an increase in exclusions once schools are fully operation due to children's relationships with school staff having been fractured and the mental health and well-being impact of COVID-19 lockdown on children and staff. Learner Engagement services have tried to pre-empt these challenges by creating a 'one stop shop' of services for schools on immediate return, addressing longer term impact through the Learner Engagement and Early Help Board and creating new free training for all schools on methods to settle children into regular routines and structures.

### **Sustainability Implications**

13. None in addition to OCC and partners usual considerations.



**Deborah Bell**  
Head of Learner Engagement

Contact Officer: Deborah Bell

June 2020

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