

At a meeting of the CHILDREN, EDUCATION AND SKILLS SCRUTINY COMMITTEE held in COMMITTEE ROOM 1 of the CIVIC CENTRE, SUNDERLAND on THURSDAY 30th NOVEMBER, 2017 at 5.30 p.m.

Present:-

Councillor P. Smith in the Chair

Councillors Bell, Francis, Hunt, Jackson, O'Neil and Tye together with Mrs. A. Blakey

Also in attendance:-

Mr. James Diamond, Scrutiny Officer, Sunderland City Council
Mr. Simon Marshall, Director of Education, Together for Children
Ms. Elaine Matterson, Attendance Manager, Sunderland City Council
Mr. Thomas Newton, Sunderland Youth Parliament
Ms. Annette Parr, Support and Intervention Officer, Together for Children
Mr. Liam Ritchie, Sunderland Youth Parliament
Ms. Gillian Robinson, Area Coordinator, Sunderland City Council
Mr. Alan Rowan, Business Relationships and Governance Manager, Sunderland City Council
Ms. Joanne Stewart, Principal Governance Services Officer, Sunderland City Council

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Elliott, Foster, Miller, F. and Stewart and on behalf of Mr. S. Williamson.

Minutes of the last ordinary meeting of the Children, Education and Skills Scrutiny Committee held on 2nd November, 2017

1. RESOLVED that the minutes of the last ordinary meeting of the Children, Education and Skills Scrutiny Committee held on 2nd November, 2017 (copy circulated), be confirmed and signed as correct record.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest made.

Compliments, Complaints and Feedback

The Chairman advised that personal circumstances had meant that there was not an Officer available to attend the meeting to present the report this evening, and as such it was:-

2. RESOLVED that the report be deferred to the next meeting of the Committee.

Education Fixed Penalty Notices

The Executive Director of People Services submitted a report (copy circulated) which provided Members with an update on Fixed Penalty Notices for primary and secondary schools in Sunderland.

(for copy report – see original minutes)

Ms. Elaine Matterson, Attendance Manager, presented the report advising that it set out for Members information further detail on the current policy around Fixed Penalty Notices together with the current data.

Ms. Matterson referred to requests from the last time she had attended the Committee to review the current policy in relation to Fixed Penalty Notices and advised that legal services had advised the department not to proceed with the review until the findings of the High Court, and then the Supreme Court case, regarding Mr Platt's case had been given.

The Department for Education had since advised that they were to offer new guidance to local authorities and the local authority would proceed to review the policy in its entirety once this was published.

Members having fully considered the report, it was:-

3. RESOLVED that the information contained within the report in relation to the Council's current method of operation in regard to the issue of fixed penalty notices be received and noted.

Elective Home Education

The Executive Director of Peoples Services submitted a report (copy circulated) which provided Members with an overview of the statutory requirements regarding elective home education and also contained information on the number of children who were home educated in Sunderland.

(for copy report – see original minutes)

Ms. Matterson, Attendance Manager and Mr. Rowan, Business Relationships and Governance Manager, presented the report advising that the law states that the responsibility for a child's education rests with their parents and whilst education is compulsory, attending school is not.

Members were provided with information on the current legal position and on the current data in relation to children who were electively home educated as of 30th October, 2017. Ms. Matterson advised that the data in Sunderland, as in other Councils, may not demonstrate the full cohort of children home educated, as children of parents who had never applied for a school place may not be known to the local authority and parents were under no duty to inform the Council if their children were being home educated.

Mr. Marshall, Director of Education, Together for Children, informed the Committee that they were working closely with Ms. Matterson around the lack of control the authority has. Together for Children were also looking to commission an Independent Advocacy Service who could look to provide independent advice to parents considering elective home education and inform them of the legalities and what was expected from them, so that they could be clear that parents were making the right and informed decision for themselves and their child. He also added that the Council could not force parents to interact with the service at all if they did not wish to. Ms. Matterson advised that as a rule of thumb at present a letter would be sent to parents asking them to share their reasons as to why they opt to home educate but parents did not always respond.

Ms. Matterson advised that Lord Soley had presented a bill to the House of Lords to make provision for local authorities to monitor the educational, physical and emotional development of children receiving elective home education which would only be of benefit for local authorities and she explained that this was out for consultation at present.

Mr. Marshall commented that there were some occasions where it may be right for the child and the family to home educate but the concerns of Officers lay where a parent may be choosing to electively home educate because of an issue they may have with the school their child attends or that the child is at threat of permanent exclusion; and the service wanted to differentiate and separate the genuine cases and those where it is not necessarily the right route for the child.

Councillor Hunt commented that she would have liked to have seen the breakdown of reasons as to why the children were home educated; the report explained the reasons but did not detail how many young people fell into which criteria. She commented that it may be down to the particular school failing to meet the needs of the child and it would be good to have the information as to why children were home educated, especially those with special educational needs.

Mr. Marshall explained that it tended to be in exam years where the greatest numbers of young people were seen to withdraw from schools for home education and they had challenged Headteachers over this issue. There were processes in place if relationships broke down between families and schools to ensure that a young person remains in education in a way that suits all parties and the introduction of the advocacy service would enhance this.

Councillor Hunt went on to comment on the dramatic increase of the number of young people being home educated since 2015/16 and Mr. Rowan explained that parents appeared to be much more aware of the right to electively home educated their children but that they were unsure as to where this new awareness was coming from.

In relation to Councillor Hunt's concerns around the numbers of young people who may not be known to the local authority as they had never registered for a school place and therefore were not in the system, Mr. Marshall advised that there was a piece of work to be undertaken around that particular issue but explained that this was a national phenomenon. Work was being carried out with health visitors and medical staff to join up information sharing around children and young people in the city and raise concerns where they may not be in education.

Councillor Hunt commented that the young people were recorded when born but that they appeared to be lost following that and Mr. Marshall stated that there was a statutory visit which had to be undertaken with the child at the age of two but that there was a gap between then and the child attending a nursery/school unit which needed to be addressed.

When asked by Councillor Smith who needed to be involved to ensure this gap closes and young children are not lost from the system, Mr. Marshall advised that as many agencies as possible needed to be involved including Early Help, the Health Visitor Service and external partners such as housing providers who could share information to identify these young people. Councillor Smith asked if representatives from Early Help and the Health Visitor Service could be invited to a future meeting of the Committee to discuss the concerns Members had around children and young people who may not be known to the local authority and what was being done in relation to the matter.

Councillor O'Neil asked what happened in relation to older children who were home educated and moved into the city from other areas and was informed that the Local Authority the family were moving from would contact the Local Authority they were moving to and advise them of the family and the children within it who were home educated.

Mr. Rowan informed the Committee that there were some really positive examples of elective home educating so it did have value for some families and young people when used in the correct manner. They were looking to engage a network of parents to meet and share their experiences of successful home educating, which the advocacy service could look to feed into and meet with on a regular basis as it could provide an example to other parents considering the home education route.

Members having no further questions and having fully considered the report, it was:-

4. RESOLVED that:-

- i) The information provided within the report be received and noted; and
- ii) The Scrutiny Officer be asked to invite a representative from Early Help and the Health Visitor Service to a future meeting of the Committee to discuss their concerns around children and young people not in education and not known to the local authority.

Schools Exclusions and Levels of Attendance in Schools

The Director of Education submitted a report (copy circulated) which updated Members of the Committee of the current schools exclusions and attendance data.

(for copy report – see original minutes)

Mr. Marshall, Director of Education and Ms. Parr, Support and Intervention Officer, presented the report which provided an overview of information relating to referrals for placements, fixed term and permanent exclusions, managed moves and in year fair access requests.

Mr. Marshall advised that they had met with all of the Secondary Headteachers recently to discuss the introduction and use of the mental health Charter Mark for young people in the city. He advised they had also discussed what schools could do to manage the curriculum to ensure they were meeting the needs of their pupils and adapting it where possible to best suit the individual, particularly in relation to the challenges around the Key Stage 3 curriculum. All secondary schools had a representative present at the meeting and had given positive feedback on the introduction of the mental health Charter Mark.

In response to a question from Councillor Jackson around the pressure put upon schools to produce results and those pupils who the traditional curriculum is not working for and how to bring change to the curriculum to support those pupils, Mr. Marshall advised that they had to work to empower and support schools, Headteachers and Governing Bodies. In relation to permanent exclusions they had to ensure that the Governor's were asking all of the relevant questions at the disciplinary panels and ensuring that all the other options available to the school had been looked into prior to the decision being made to permanently exclude a child.

Councillor Jackson went on to comment that she was aware that teachers were, at times, blamed for pupils not getting the results they should and it needed a change in the culture so that this was not the case. Mr. Marshall advised that he could see why these issues occurred as schools and teachers were penalised when it was seen that pupils were not hitting their targets and that there was work to be done around the training of Governors to ensure they took the position of an independent advocate when considering pupils who had been permanently excluded. The Governor's role was not just about supporting the Headteacher in their decision but in about challenging them to ensure the correct decision had been made and it was the right thing for the pupil and that they were looking at putting together a training package for Governing Bodies to help instil this.

Ms. Parr advised that the earlier prevention could begin in schools, the more difference it could make to a pupil's journey and therefore it was about having a significant impact at the early stages, in Key Stage 1, so that behaviours were stopped and not seen returning when the pupils were older and in Key Stages 3 or 4.

Councillor Tye raised serious concerns over the levels of pupils with special educational needs that were being permanently excluded and the variations in numbers between maintained schools and faith schools and asked what the reasons were for permanently excluding pupils who may be some of the most vulnerable. He understood that cohorts of pupils between schools would vary but commented that he would like to understand what the tolerance levels of schools were before permanent exclusions were considered appropriate. He stated that it may be beneficial for the Scrutiny Committee to invite Headteachers to a future meeting so they could discuss their issues and concerns and gain a better understanding.

Mr. Marshall advised that the concern was as more multi-academy trusts were developed around the country and schools converted to academy status, they then could act completely independent of the local authority and Together for Children and their policies. Officers spend a substantial amount of time going out to Headteachers and going into the details and reasoning's behind permanent exclusions and the questions raised from Members today around the equity and being fair to all children across the city were pertinent. He advised that some schools in the city chose rarely, if at all, to permanently exclude pupils but this could

then have an impact upon the targeted results they set to achieve. Mr. Marshall advised that with Ms. Parr they could come up with a set of criteria which could show what could trigger a Headteacher to reach the decision to permanently exclude a pupil and bring it back to a future meeting of the Committee for their consideration.

Ms. Blakey commented that it was fair to say there were some issues around the numbers of permanent exclusions of pupils but added that there were some cases of extremely good practice within schools in the city and it was not always just down to how the pupil may affect the outcome of results for a school. She stated that at times she could appreciate how Headteacher's could really struggle with the decision to permanently exclude a pupil when they can be faced with a vulnerable pupil with obvious needs but then also they have a tight budget to manage and the duty of care to other very young pupils in the school and to members of staff. As a Headteacher she would always go to local authority Officers for support and guidance when considering the options available to her. Ultimately, she believed that the majority of Headteachers did not want to permanently exclude any pupils from their school but that they were put in very difficult positions, especially when they had to consider the health and safety of the rest of the school as a whole.

Mr. Marshall agreed that there was a finite and limited amount of resource available and that when schools permanently exclude pupils for small incidents, which may not warrant it, it would drain resources which were required for more serious examples and that this fed back to the varying levels of threshold between schools in the city and what warrants the action of permanently excluding a pupil. Ms. Blakey concurred that there was no apparent joined up thinking between schools in relation to thresholds as each school worked independently and Mr. Marshall commented that this could be where a training package developed around this area for Headteachers and Governing Bodies alike could help in addressing these issues.

Mr. Newton commented that children and young people learn behaviours from the home environment in the first instance and in some cases permanently excluding a young person would only increase the pressure on the family life and possibly see a continuance of bad behaviour continue to spiral out of control. He felt that there were so many social factors that could feed into inappropriate behaviour from a young person and that they needed to look at ways to prevent the behaviour and educate children to help improve the wellbeing of themselves, the family unit and the communities around them.

Mr. Marshall advised that he could go back to the behaviour partnership and take with him the threshold document that was currently used in relation to social care, with a look to draw up a similar document in relation to thresholds for permanent exclusions. A conversation could then be held with Governing Bodies and Trust Boards around how they could look to approach some of the issues that had been identified so that a level of consistency around the threshold criteria could be set through an engaged dialogue. Ms. Parr commented that Ms. Michelle Burlinson, Inclusion and Access Officer for Together for Children, had already had conversations with Headteachers around the city investigating undertaking a similar procedure for primary schools, and had received positive feedback from all Headteachers to want to be involved.

Ms. Parr advised the Committee that the In Year Fair Access Panel met to consider cases for young people in the city who had not been in any form of education for at least two months or children moving into the area, with a look to identifying the most

appropriate route for them to take. She informed Members that during the last academic year the panel had considered eighteen cases in total, with thirteen of them being eligible for the panel to direct the young person into education. This term the panel had considered nineteen cases already, with seventeen of those being eligible for direction to place in education. The panel had picked up from those cases that a number of parents were being given the impression, from their current school, that it would be better for their child to remove them from the school and a tutor would be provided for them which was most definitely not the case.

Councillor Hunt stated that it was imperative that actions were put in place to address some of the issues and concerns that had been raised during the discussion as the report was obviously highlighting that there was a rising trend in permanent exclusions and early intervention had to be the key.

Mr. Marshall commented that schools had to be seen to be taking the responsibility for their pupils and not putting undue pressures on already limited resources. Ms. Parr advised that there had been nineteen permanent exclusions since September, 2017 and that a high percentage of these had been from one Academy. Members felt it may be beneficial that the Headteacher of the Academy be one of those invited to attend a future meeting of the Scrutiny Committee.

There being no further questions for the Officers, the Chairman thanked the Officer for her attendance, and it was:-

5. RESOLVED that:-

- i) The information provided within the report be received and noted;
- ii) The Director of Education continue to provide data in relation to permanent exclusions to the Scrutiny Committee on a more frequent basis for their consideration;
- iii) The Scrutiny Officer be asked to work with the Director of Education to identify and invite Headteachers from schools around the city to a future meeting of the Committee to discuss the issues and concerns around permanent exclusions and the reasons for them; and
- iv) The Director of Education submit to a future meeting of the Committee threshold criteria by which a Headteacher may consider permanent exclusion of a pupil appropriate and example questions the Governing Body should be asking at the disciplinary panel.

Consultation with Social Work Staff – Permanence Team

The Head of Member Support and Community Partnerships submitted a report (copy circulated) which provided Members with feedback from the Committee's visit to meet social work staff based in the Permanence Team.

(for copy report – see original minutes)

Mr. James Diamond, Scrutiny Officer presented the report advising that it set out feedback from the meeting held on 6th November, 2017 between Committee Members and social work staff based in the Permanence Team based at the Sandhill Centre.

There being no further comments or questions, it was:-

6. RESOLVED that the feedback contained within the report be received and noted.

Annual Work Programme 2017/18

The Head of Member Support and Community Partnerships submitted a report (copy circulated) attaching for Members' information, the work programme for the Committee's work being undertaken for the 2017/18 municipal year.

(for copy report – see original minutes)

Mr. Diamond, Scrutiny Officer, presented the report advising that he had been informed that the Youth Justice Plan was to be submitted to Cabinet for consideration at a later date than expected and therefore it would be necessary to move the item on the Committee's work plan from the January meeting to the meeting scheduled for February, 2018.

Members discussed the recent resignation of Mr. A. Hopkins, Director of Children's Services and Chief Executive of Together for Children and asked that the Chief Executive, Sunderland City Council be invited to a future meeting of the Committee as soon as possible. It was suggested that, if diaries allowed it, the Scrutiny Committee look to hold an extraordinary meeting in December to discuss the recruitment process of the Chief Executive of Together for Children.

7. RESOLVED that:-

- a) the information contained in the work programme be received and noted;
- b) the Youth Justice Plan be deferred to the meeting of the Scrutiny Committee to be held in February, 2018; and
- c) the Scrutiny Officer request that the Chief Executive be invited to a future meeting of the Committee; or an extraordinary meeting to be arranged in December, 2017, should diary availability allow it.

Notice of Key Decisions

The Head of Scrutiny and Area Arrangements submitted a report (copy circulated) providing Members with an opportunity to consider those items on the Executive's Notice of Key Decisions for the 28 day period from the 14th November, 2017.

(for copy report – see original minutes)

8. RESOLVED that the Notices of Key Decisions be received and noted.

The Chairman then closed the meeting having thanked Members and Officers for their attendance and contributions to the meeting.

(Signed) P. SMITH,
Chairman.