

TRAFFORD COUNCIL

Report to: Children and Young People's Scrutiny Committee

Date: 16th March 2021

Report of: The Chair of the Children and Young People's Scrutiny Committee

Report Title

Children and Young People's Scrutiny Committee Task and Finish Group on Special Educational Needs and Disabilities (SEND) and School Exclusions

Summary

The Task and Finish Group examined the interaction between the disciplinary sanction of school exclusion and the existing policies and processes to support SEND pupils in Trafford. The group gathered information from Council officers, parents' representatives, advisory groups and schools. The Task and Finish Group also sought to gather the view of head teachers from mainstream schools but these were not able to take part to the meetings.

Members' key findings for the five year period investigated (2014-19) are:

- A significant increase in the number of students with SEND being excluded from Trafford schools (2.1% in 2014-16 to 27% in 2018-19)¹. This mirrors the findings of the Timpson Review of School Exclusions (May 2019) which investigated SEND exclusions across England. The hugely negative impact that exclusion, particularly permanent exclusion, has on children's life outcomes has been well documented and includes: lower GCSE attainment; a higher risk of becoming Not in Employment, Education or Training (NEET); and of becoming a victim or perpetrator of crime².
- Many Trafford children did not have their need for an Educational Health Care Plan (EHCP) assessment identified and approved in a timely fashion for much of the period in question. As a result, these children are likely to have experienced unnecessary delays in accessing the additional resources as an EHCP should enable them to participate in education. It should be noted that from 2016 to 2019, 20% (34) of permanently excluded students were excluded before an EHCP application was submitted by Alternative Education Providers (AP). This provides clear evidence that significant numbers of SEND children, some of the borough's most vulnerable, were failed by the system.

Members concluded that the main causes of these unacceptable outcomes were:

1. Reoccurring, real-term annual budget cuts for schools by the Department for Education, starting 2015;

¹ Internal reports prepared by Council's Officers for the Task and Finish Group

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

2. An inflexible set of school performance management indicators that limit students to a narrow curriculum pathway, increasing the risk that disproportionate numbers of SEND students disengage, which in turn increases their risk of exclusion.

In contrast to the above findings, Members also became aware of the following positive developments in SEND provisions by Government, Trafford Council, schools and local agencies, in particular:

- As a result of investment in Trafford Council's Vulnerable Students Unit in 2019/20, an increase in staffing has meant that the statutory 20 week target for the completion of an EHCP from the date of the first request for assessment was achieved for the first time in 2019/20 – though, as across the country, the Council's emergency response to Covid-19 pandemic has had the effect of this target not being met since March 2020.
- The high quality of the services provided by Trafford Parents Forum, Trafford SEND Information and Advice Support Services (SENDIASS) was further enhanced as a result of additional Council funding made available in 2019 to increase the number of advice hours on offer to enable parents to navigate the complex EHCP process, including appeals.
- The good practice being offered by SEND specialist schools in the borough and their efforts to reach out to mainstream schools to improve their SEND provision.

Members also identified the following recurring themes: the need for early identification of SEND and appropriate levels of intervention; the necessity to provide training for all school workers on existing pathways and processes; the need to access vocational training for children who do not thrive in academic settings; the importance of having adequate resources in place to support children in special educational settings; the need of support and advisory mechanisms for parents and families to understand and access SEND support; the opportunity to capitalise on the existing expertise of education professionals in Trafford and share existing good practice.

Recommendation(s)

The Task and Finish Group recommends:

1. That Trafford schools and colleges:
 - a) Support all employees working directly with students undergo training, which sets out: their responsibility to identify and refer any indication of undiagnosed SEND amongst students to their school's SENCO; the school's SEND assessment process and provision.
 - b) Promote the Trafford Inclusion Charter.
2. That Trafford Council:
 - a) Procure a data system that allows the systematic and periodic monitoring of all SEND students' experience of education in Trafford, including but not limited to: progress and attainment; Further Education progression, NEET, attendance, exclusions (Fixed Term and Permanent);
 - b) Consider increase funding for independent SENDIASS support and advisory services for parents and families which would benefit outcome and enhance the services;

- c) Facilitate opportunities for Trafford schools to capitalise on the existing expertise of SEND professionals in Trafford by sharing good practice;
- d) Encourage all Trafford schools to ensure that, except in the most extreme cases, any child at risk of permanent exclusion has had adequate and appropriate assessment, including an EHCP, prior to a 'managed move' to a school with specialist provision and before a school makes a final decision to permanently exclude;
- e) Enable parents to report on the Council's website their concern about their child and get advice on what to do if there is no action from school;
- f) Ensure all EHCPs are of good quality and legally compliant. This will involve ensuring assessments are also done in a timely manner and to a good standard. Quality should not be replaced by quantity;
- g) Continue the provision of the Step Out Program.

Contact person for access to background papers and further information:

Name: Fabiola Fuschi, Governance Officer
 Mobile number: 07813 397611

Background Papers: None

1 Background

- 1.1 One of the roles of the Children and Young People's Scrutiny Committee is to review the actions taken in connection with the discharge of the Council's function as an education authority under the relevant legislation, as well as to consider any matter affecting the area or its residents.³
- 1.2 During the Municipal Year 2018/19, the Committee formed a Task and Finish Group to review the process concerning Education Health and Care Plans (EHCPs) for children with Special Educational Needs and Disabilities (SEND). From this piece of work, the Committee produced several recommendations and stated the intention to explore other issues which had come to its attention during the review, one of these being the significant increase in the number of school exclusions in Trafford.⁴ This also appeared to be a national issue.^{5 6}
- 1.3 At the beginning of the current Municipal Year 2019/20, the Committee agreed to form a Task and Finish Group to look at SEND and School Exclusions. Members of the Task and Finish Group were Councillors D. Western, Acton, Carey, Dillon, Longden and New and the terms of reference of the main committee, also applied

³ Council Constitution Part 4 Rules of Procedure <https://www.trafford.gov.uk/about-your-council/about-us/docs/part-4-constitution-procedure-rules.pdf>

⁴Task and Finish Group Report on Education Health and Care Plans <https://democratic.trafford.gov.uk/documents/b9748/SEND%20Task%20and%20Finish%20Group%20Final%20Version%2009th-Jul-2019%2018.30%20Children%20and%20Young%20Peoples%20Scrutiny%20.pdf?T=9>

⁵ <https://www.theguardian.com/education/2018/oct/23/send-special-educational-needs-children-excluded-from-schools>

⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

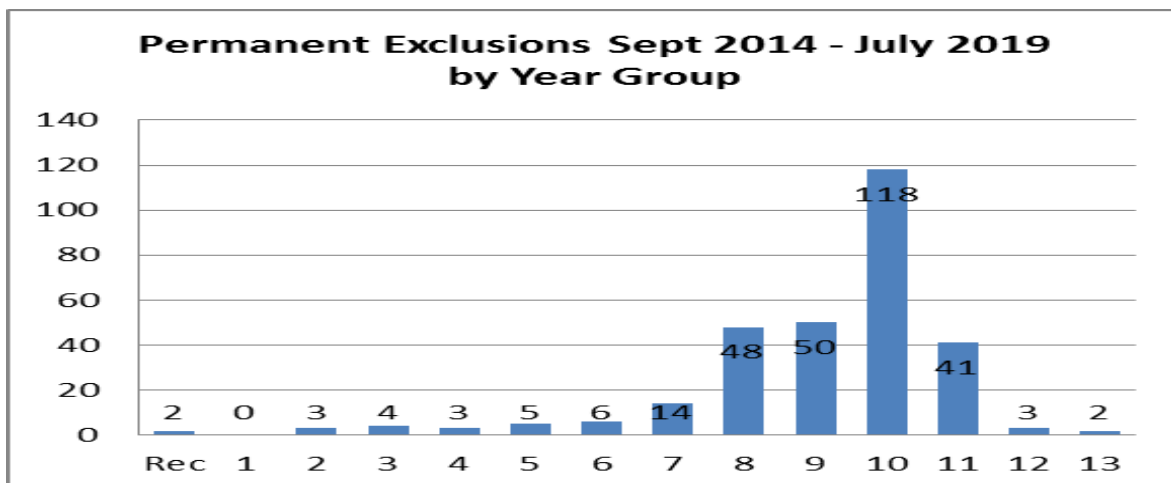
to the Task and Finish Group.

- 1.4 In order to understand the current position on school exclusions in Trafford, Members gathered information and data from Council's officers and met with a representative of the Trafford Parents Forum. At the same meeting, Members also met with the manager of Trafford Parent and Young People Partnership Service (PYPP) now Trafford SEND Information and Advice Support Services (SENDIASS); this is a service commissioned by Trafford Council to provide impartial information, advice and support to children with SEND and their families. The team provides support with EHCP process, attending reviews and signposting. SENDIASS receives funding from the Department for Education (DfE) through the Information Advice and Support Services Network. Members also met with the Head Teachers of Trafford High School, which is the Pupil Referral Unit for the Borough, and Egerton High School; this is a special school. The Task and Finish Group also sought to gather the view of head teachers from mainstream schools but these were not able to take part to the meetings.

2 Understanding the Context

- 2.1 The Task and Finish Group looked at data and information provided by officers of the Council. The full Committee also received a progress report on School Exclusion in October 2019.⁷
- 2.2 Since 2013/14 there has been an increase in the number of permanent exclusions in Trafford as well as at national level.
Data also showed that, in recent years, there has been a rise in the number of children receiving an EHCP following permanent exclusion.
- 2.3 The rate of exclusions in grammar schools is very low and is usually an exception. The high excluding schools are also those schools that take a higher proportion of pupils with SEND. 70% of excluded pupils were male.
By ward, the highest numbers of excluded pupils are residents Out of the Borough (OOB). The highest number of exclusions for Trafford ward is Bucklow and other four wards in the north of the Borough.
- 2.4 By looking at the data, the Task and Finish Group observed that most permanent school exclusions seem to take place in Year 10. This is the school year when pupils are 14-15 years old and at the start of their General Certificate in Secondary Education (GCSE) examinations.

⁷<https://democratic.trafford.gov.uk/ie/ListDocuments.aspx?CId=490&MIId=2984&Ver=4>



- 2.5 The Task and Finish Group also enquired about off-rolling⁸ (this is the practice of removing a pupil from the school roll without applying the measure of permanent exclusion) as it appeared that, at times, parents could be persuaded to take this option. Officers confirmed that they were not aware of any pupil being taken off-roll for a reason not covered by any of the 15 grounds listed in the regulations. However, should this happen, these instances can be reported to the Ofsted.
- 2.6 In providing this information to the Task and Finish Group, Council's officers explained that data sits within different databases. Consequently, analysis of information is lengthy and poses high demand on resources. Identifying vulnerable groups and tracking their progress is also problematic.⁹ Members of the Committee at the meeting of 8th October 2019 endorsed the service plan to acquire a new system which would allow better data gathering and analysis.¹⁰

3 Support Services' and Families' Perspective

- 3.1 The Task and Finish Group met with representatives of the Trafford Parents Forum and Trafford SENDIASS on 3rd October 2019. Members learned that the demand for support had doubled compared to 2018/19. An additional part-time worker had been employed to respond to enquiries mainly concerning EHCPs, temporary and permanent exclusions and transport. As at the date of the meeting SENDIASS had received five enquiries in the last three weeks regarding fixed and permanent exclusions. Members were also informed that, recently, there had been positive changes as schools had introduced new strategies and pathways to support pupils with SEND such as the Autism and Social Communication Pathway. Special Educational Needs Coordinators (SENCOs) followed the Graduated Approach¹¹ to support pupils with SEN.
- 3.2 The representative from SENDIASS also informed that the increase in the approvals of EHCP requests could be explained with the fact that the legal bar to access the assessment is low and once there is evidence of SEN, the process continues to provision; this is a national trend.

⁸ <https://educationinspection.blog.gov.uk/2019/05/10/what-is-off-rolling-and-how-does-ofsted-look-at-it-on-inspection/>

⁹ <https://democratic.trafford.gov.uk/ieListDocuments.aspx?CId=490&MId=2984&Ver=4>

¹⁰ <https://democratic.trafford.gov.uk/mgAi.aspx?ID=33878>

¹¹ <https://www.trafforddirectory.co.uk/kb5/trafford/fsd/advice.page?id=6uHRIwbYTJY>

- 3.3. As at the time of the meeting, the 20 week target from the first request for assessment to the completion of the EHCP was being achieved in Trafford, following the increase in the number of members of staff. Workload could vary from week to week and consequently pressure on resources.
- 3.4 With regard to children receiving an EHCP after being excluded, the tendency is that most of them have some form of previously unidentified SEN. However, the cohort of children and young people excluded from school present different characteristics.
- 3.5 In view of SENDIASS, children and young people who are excluded should automatically undergo a SEND assessment. Exclusions in Year 9 and Year 10 followed by EHCP and change of placements, indicate that pupils had SEN and should have been assessed earlier.
- 3.6 Members concurred that curriculum is an important factor in pupils' engagement. Humanities subjects, such as history or geography, might not be the right option for all students. Children who are excluded would go through an alternative curriculum in Pupil Referral Unit (PRU) / specialist schools. Additional support might be necessary as children in Year 9 and 10 go through a pressurised environment because of exams and they would benefit from a more flexible, broader curriculum.
- 3.7 The representative of the Trafford Parents Forum provided the perspective of families and informed Members that trust sometimes prevented parents from challenging teachers to request support for their children.
- 3.8 Several factors were analysed and brought to the attention of the Task and Finish Group. The SEN register is not a fixed register and children can be moved on and off the register which is kept by the school. Parents sometimes lack knowledge about exclusion (e.g.: changes to the timetable). It takes two terms (Assess, Plan, Review) to implement support for children and young people who struggle with learning; if this support is not sufficient, schools can apply for EHCP; the amount of work that goes into this process is enormous and parental referrals can be quicker. In primary schools it is easier to put intervention in place because curricula are more flexible.
- 3.9 Parents have raised an issue around whether their concerns about their child within a school could be raised on a web-site. Concern was expressed when no all contacts from parents who raised an issue were recorded.
- 3.10 Children have different abilities and not all children perform well in academic settings. There is an issue around support and there are not enough teaching assistants and psychologists. Some schools have more children with what schools may describe as challenging behaviours than others. It is important to make sure that all schools carry a fair weight when dealing with these issues.
- 3.11 Small schools and small classes work well. Some schools have excellent provisions and resources in supporting children with SEN. There are pockets of good SENCOs' practice and experience. It would be useful to pull all this information together and create a map of SEND resources and share them with other educational settings. Another issue is that some children suffer from severe

anxiety and they may not be able to go to school. Parents do not know how to ask for support. Schools also struggle with supporting these children.

- 3.12 Examples were given where families and children with SEN had no support and situations have escalated and school exclusion has been used as a way to manage situations that should have been addressed differently and, probably at an earlier stage. Many parents say that, in their experience, issues started earlier and they have not been addressed. There is a need for early intervention and support for families some of whom do not know about SEND and are not aware of the fact that their children are on SEND support. Temporary exclusions and off rolling are used as measures to manage pupils' 'behaviour' which might be linked to a SEN or a disability. How educational settings can be supported to understand this issue?

4 Feedback from the Front Line

- 4.1 At the meeting with the Head Teachers from Trafford High School and Egerton High School on 21st November 2019, Members learned that early detection of SEN is pivotal. The cohorts of children who attend Trafford High School arrive with no diagnosis of SEN. However, after a period at the Pupil Referral Unit, they are sent to special educational settings. A case study which outlined this scenario was provided.
- 4.2 Members learned that Planned Admission Number (PAN) at Trafford High School was 32, but the average year to year intake was reported to be 41. Members acknowledge that having a higher PAN would allow the school to be proactive in terms of resources and staffing. Members agreed that it is important to ensure that PRU is used appropriately and as a last resort.
- 4.3 Members were also informed of Step Out. This is a prevention pathway where children at high risk of exclusion attend Trafford High School for a period of time before going back to their educational setting; a mentor would go out with them to provide support while they are being reinstated in their mainstream placement. This program has been suspended for lack of funding.
- 4.4 It was reiterated the importance of opportunities for children who do not have an academic inclination to do practical/vocational disciplines.
- 4.5 At Egerton School, members of staff ensure that children and young people have an EHCP. Time is spent during the induction process to ensure that transition is as smooth as possible and details are gathered from previous placements to understand why the child was permanently excluded in the first place to prevent a further placement breakdown. There are three levels of support. However, at the beginning of the placement, many pupils receive one to one provision to rebuild trust and confidence.
- 4.6 There are measures and techniques utilised at Egerton that could apply to mainstream schools such as allowing children to remain in the same class all day to minimise disruption and manage anxiety levels (so like Trafford this is about sharing expertise with other schools).
- 4.7 Members learned about the ongoing work to develop Trafford Inclusion Charter led by the Council's Educational Psychology Service to build a collective response to

manage move before school exclusion. One important theme in the charter is “collective responsibility”: all agencies involved in young people’s support should adopt agreed principles to apply consistently and work towards a shared responsibility for inclusion. Two case studies were provided by the Head Teacher of Egerton High School to demonstrate how a shared view and approach can positively affect young people’s outcomes.

- 4.8 Members learned that a sensory room and breakout spaces are much needed at the school (Egerton School). Also music therapy is a very valuable resource, as well as having more mentors and skilled and experienced people such as teaching assistants. A good example in Salford is Brighter Future.¹²

5 Conclusions

- 5.1 From the information gathered during the meetings of the Task and Finish Group, Members were able to draw several conclusions.
- 5.2 Members noted that there seems to be a general issue with pressure and anxiety of children who approach GCSE examination, this at times seems to lead to what schools sometimes perceive as lack of engagement. This was based on the fact that the number of school exclusions is higher in Year 10. Members also observed that in primary schools children have one teacher most of the time and this was seen as an opportunity to start the Graduated Approach as soon as the need for additional support is identified by school or parents.
- 5.3 Members agreed that early intervention is pivotal. School staff in early years settings and primary schools receive training on the Graduated Approach to be able to identify children with SEN, assess them and put support in place. If the necessary support is in place, the needs of pupils with SEN can be managed and supported appropriately; school exclusion should only be used for its intended purpose to sanction persistent and serious breach of school’s behaviour policy.
- 5.4 Members acknowledged that current national school performance indicators have led to an increasingly narrow, academically focused curriculum which can be demotivating for many SEND students, sometimes leading to disengagement and the associated issues that increase risks of exclusion. Some SEND students have learning or emotional difficulties which require a broader curriculum in order to maintain engagement. A national curriculum that empowers schools to meet these broader SEND needs is essential to tackle the high number of SEND exclusions. At the same time early and appropriate EHCP provision would also ensure that able SEND students can readily access the narrower English baccalaureate curriculum.
- 5.5 Members agreed that schools should make a record every time a parent approaches them with a concern about their child. Parents should also be able to access a directory page on the Council’s web-site where they can report their concern about their child and what to do if there is no action from school.
- 5.6 Members valued and endorsed the development of Trafford Inclusion Charter and recommended its adoption in all educational settings.

¹² <https://www.bfeducation.org.uk/>

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