

COMPOSITE MINUTES OF THE 2019 SUMMER TERM AREA MEETINGS OF THE LA AND ESSEX PRIMARY HEADS' ASSOCIATION

North East	Wednesday 12 June 2019
South	Thursday 13 June 2019
West	Wednesday 19 June 2019
Mid	Thursday 20 June 2019

Action

1. WELCOME, THANK YOU AND NOTICES

- a) Clare Kershaw, Director for Education, and the Area Chairs, welcomed those present to the meetings, extending a particular **welcome** to the new (or new in post) headteachers in each area, who are:

North East

Dave Ashley	Mistley Norman Primary (Interim)
Cherry Curle	Engaines Primary (Acting)
Lisa Frith-Sly	Camulos Academy (Acting)
Jackie Irwin	Stanway Fiveways Primary
Karen Jones	Great Clacton Juniors
Nicky Sirrett	Alton Park Juniors (Interim)

South

Claire Smith	Riverside Primary
Melissa Heatherson	Westerings Primary (Executive head)

West

Anne Marie Black	St Alban's Catholic Academy (Head of School)
Bryony Collins	Felsted Primary (Co-headteacher)
Jackie Diggle	Freshwaters Academy
Shaun Kelliher	St John Fisher Catholic Primary (Acting)
Anne Marie Kendal	St Luke's Catholic Academy (Head of School)

Mid

Neil Kirsh	Maylandsea Primary (Acting Head of School)
Sarah Meares	Terling Primary (Acting Headteacher)
Maire O'Regan	Roxwell CE Primary (Interim Headteacher)
Lisa Waters	East Hanningfield Primary

Welcome to new School Effectiveness Partners:

Hilary Luckman – South

Vicki Webber – South

- b) **Thank you and farewell** to those headteachers who are retiring or leaving their current post this term:

North East

Dave Ashley	Mistley Norman Primary
Lehla Abbott	St George's Infant School
Sinead Harper	Unity Primary Academy
Sally Leung	Montgomery Infants
Mark Millbourne	All Saints Primary, Harwich
Stephanie Newland	Rolph CE Primary
Sam Norfolk	Alton Park Juniors
Lorraine Ratcliffe	Rolph CE Primary
Rita Tingle	Prettygate Infants and Juniors

South

Jon Brewer	Castledon School
Lyn Corderoy	Grange Primary
Helen King	Kents Hill Academy
Jenny McCutcheon	Fairhouse Primary
Nina McKay	Kelvedon Hatch Primary
Sheila Rainsford	St Helen's Catholic Infant School

West

Gary Brown	Ashdon Primary
Sharon Dalby	Alderton Infants
Jonathan Furness	Ivy Chimneys Primary
Stephen Hale	Chigwell Row Infants
Chris Jarman	St John's CE Primary
Janet Matthews	William Martin Infants and Juniors
Fiona Reid	St Mary's CE Primary Saffron Walden
Dianne Ryan	Oak View Special School
Karen Wallace	Moreton Primary

Mid

Paula Barningham	Our Lady Immaculate Catholic Primary
Nikki Batt	Howbridge Juniors
Dida Burrell	Maldon Primary
Diane Deans	White Court Primary
Fiona Dorey	Great Bradfords Juniors
Chris James	St Andrew's Juniors, Hatfield Peverel
Maria Rumsey	St Michael's Juniors, Chelmsford
Rowena Prigg	Powers Hall Academy
Pam Smart	Terling Primary
Vanessa Thomas	St Margaret's Toppesfield

Clare also noted that Liz Cornish, Assistant Director in Mid, is leaving to take up the position of Headteacher at Glenwood Special School in Benfleet, and thanked her for her work as Mid Assistant Director. Her successor has been appointed and will start in September.

2. LOCAL AUTHORITY UPDATE

Clare Kershaw, Director of Education

Philippa Holliday (North East meeting)

Lisa Fergus (South meeting)

Liz Cornish (Mid meeting)

Nicola Woolf (West Meeting)

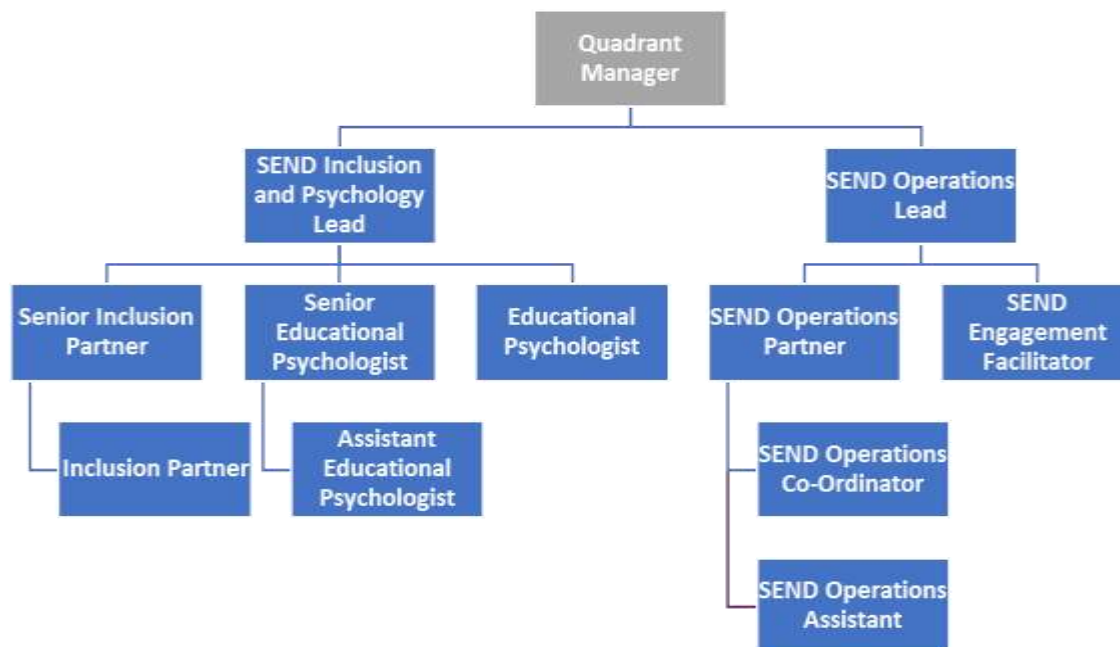
a) SEND re-organisation update

The SEND redesign is not being undertaken in isolation, the wider SEND transformation includes:

- The embedding and strengthening of the school led SEND system including sign up to an inclusion statement, development of the minimum offer, the construction of an outcomes framework and the introduction of SEND peer review. Steve Whitfield has co-produced a Trauma Perceptive Practice programme which will be rolled out to all schools from the autumn term.
- Co-production of a new SEND strategy and the creation of a SEND specific preparing for adulthood strategy
- The completion of the strategic review of Essex's High Needs Block
- The launch of an Appreciative Inquiry into the Annual Review process
- A SEND pupil place planning mechanism leading to the first Ten Year Plan for SEND;

- Essex's capital programme for SEND with the development of the first special school expansions
- The early feedback from the public consultation (which received 1500 responses) has told us that
 - 96% of parents understood the strategic vision we have shared;
 - 93% of parents agreed or strongly agreed with the vision.

The SEND workforce is being re-organised within a quadrant structure.



The SEND Operations team will administer the statutory processes, including EHCPs and one-planning. A SEND Engagement Facilitator will be appointed within each quadrant; part of their role will be to work with parents and families.

The Inclusion and Psychology team will offer support to schools. Clare stressed that, while there will no longer be a Specialist Teacher Team (in name), schools will still be able to access support from specialist teachers and Education Psychologists.

The ambition is to create a system whereby support and resources are available without the need for an EHCP.

County wide teams will include:

- HI, VE, PNI, MSI Sensory Teams remain as is but centralised
- New strategic posts for Autism, SEMH and Language and Communication. Clare stressed the aim to strengthen capacity and understanding at the forefront of research, for example in autism.
- EWMHS co-ordinator roles created, investing in emotional wellbeing and mental health. Part of their role will be to map and co-ordinate the existing provision in Essex, which is extensive but fragmented.
- New targeted employment team created, to strengthen the transition to adulthood.

Clare stressed that it will be business as usual during the autumn term

- Small local workshops will be held for schools (governors, heads and SENDCos) to explain new structure and changes in ways of working in the Autumn term
- The final structure will go live in January 2020.

b) Safeguarding – lessons learnt from recent Ofsted inspections

A key issue, raised in a number of recent Ofsted inspections, is the effective oversight of governors and ensuring that they offer appropriate support and challenge:

- What is reported to governors?
- What questions do governors ask – where are the checks to the system?
- What do governors look for when they visit?
- How is this recorded and reviewed?
- Is there an action plan to ensure safeguarding is effective?
- Who monitors and reviews this?
- How do governors know all staff are able to recognise and report concerns appropriately?
- How do governors know all staff are appropriately inducted and trained?

Child Protection records continue to be an issue in a number of inspections.

Issues highlighted included:

Where is the voice of the child? How is this evidenced?

Schools should not rely on the knowledge of the Designated Safeguarding Lead – all information should be within the CP files

The files should ‘tell the story’ – a clear audit trail of all incidents, responses, actions (record all conversations / interventions).

- Where there are multiple children in a family (in the same school), ensure checks are undertaken on all children where there is a concern for one child
- How does the school respond to a concern raised? What advice was sought – what action was taken and recorded?

c) Excellence in Essex

There will be review, linked to the School Improvement System for 2019/20.

Review to include:

- Greater involvement of schools in local partnership when a school becomes vulnerable and requires a level of intervention
- RAG to include criteria which reflect inclusion: SEND and Disadvantaged outcomes
- School Effectiveness Partners support for partnerships to include allocation for new headteachers, schools due inspection, schools with enhanced provision

The support for partnerships in 2019/20 is being revised, and will include:

Term	Focus
Autumn Term - 1 day (2 half days)	Analysing data, identifying strengths and weaknesses across the partnership and how they will support each other Support review of MOU/ToR
Spring Term - 1 day (2 half days)	Work on agreed focus coming out of the above
Summer Term - 1 day (2 half days)	Review of impact of Partnership – could be through the use of the Partnership Evaluation and Development Tool

In addition to the above:

- SEP will attend Partnership/steering group meetings
- Partnerships with schools that are due Ofsted (3 years from their last Ofsted or had Ofsted letter to say returning to undertake a section 5) will have additional half day allocated to each school
- Additional half day will be allocated to each new headteacher in the partnership (even if been a head in another school)

SEP time will also be allocated to individual schools identified as needing additional support through the RAGs of schools

SEPs will support partnerships to develop their strength, maturity and sustainability, and will

- support partnerships to support vulnerable schools
- support schools with issues of multi-belonging
- support leads with schools' engagement in partnerships

SEPs will support partnerships with the Quality Assuring of Peer Review to ensure it is having a positive impact across school.

Heads of Education will continue to support quadrant meetings.

It was noted that Stephen Chynoweth will be the new EY and Education Manager in North East Essex from September.

- d) There was an update on the **School Partnerships**. Headteachers were reminded that the LA needs updated partnership lists, and were asked to inform Nicola Woolf if the Partnership Lead changes.

There is now a link on the home page of the Essex Schools Infolink to the School Led Improvement System pages.

e) **Education Traded Data Package**

The Education Team strongly believe that it is essential that all schools have a firm understanding of how well their pupils are progressing and how their schools' achievement data compares with schools locally and nationally for all pupils and for key groups. From September a data package will be available from the Educational Data Traded Services (data provided previously by the LA will no longer be free). The package includes:

- Subscription to **Fischer Family Trust (FFT)** - *School and national data* (KS1-5 – including progress from Early Years)
- **Essex Primary School Data booklets** - *School, LA and national data*
- (Early Years, Phonics, KS1,2 attainment and progress, Groups) Available Mid-August
- **NOVA reports** - *School, LA, Regional and national data*
- (Early Years, Phonics, KS1,2,4,5)
- NOVA is used to create the Essex Primary School Data booklet and this is just one aspect of this tool as schools can use this, if purchasing the LA traded data package, to create their own customised reports
- **Data Training** – ASP, IDSR, FFT Aspire, Essex primary School Data Booklet, NOVA

The Essex School Data Booklet provides an overview of a school's attainment and achievement at EYFS, Phonics, KS1 and KS2 relative to early borough and national benchmarks (where available); the information is of particular use in data reviews, school self-evaluations and planning service delivery.

Schools who purchase this service will receive their analysis by mid-August 2019 and the information will be updated on a regular basis.

Partnership Data reports - If there is full sign up from all schools within the partnership, a full and comprehensive pack will be provided at no extra cost.

It was noted that the Nova package is currently available to view. A number of examples of reports were shared at the meeting.

At the West meeting a headteacher asked why secondary schools were able to purchase parts of the package, while primary schools were only able to buy the whole package. It was noted that the data package was discussed at ASHE Council, and the LA was informed that most secondary schools already buy a data package and don't need every part of the LA data package. The headteacher argued that many primaries are in the same position, and some (for example through HEC) already purchase parts of the system on offer. Nicola noted that she is discussing this issue with HEC. She stressed that as this is the first year of introducing this package if **partnerships** want to have a discussion re the sign up to this package please contact Nicola Woolf at Nicola.woolf@essex.gov.uk

For all other queries please contact education.performance@essex.gov.uk

f) **Elective Home Education**

DfE Guidance published in April 2019: Implications for schools

- From September 2016 the Local Authority must now be informed of all deletions from the admission register when this takes place at a non-standard transition time.
- Currently schools are asked to advise the LA when removal from roll is due to EHE on the following link

https://essex-self.achieveservice.com/service/Notification_of_Parental_Decision_to_Electively_Home_Educate?accept=yes

- Schools should not exert pressure of families to home educate
- Ofsted has a focus around “off rolling” and is likely to ask local authorities about withdrawal rates at schools and whether action has been taken to identify patterns and a suitable strategic response.

The Local Authority's responsibilities for children who are, or appear to be, educated at home

- Should provide parents with a named contact ehe@essex.gov.uk
- Ordinarily makes contact with home educated parents on at least an annual basis
- Have a named senior officer with responsibility for elective home education policy and procedures – Anita Patel-Lingam
- Organise training on the law and the diversity of home education methods for all officers
- Ensure LA staff who may be the first point of contact for a potential home-educating parent understand the right of the parent to choose home education.

Section 7 of the Education Act 1996 states:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—

- (a) to his age, ability and aptitude, and
- (b) to any special educational needs he may have,
- either by regular attendance at school or otherwise.

Reduced timetables guidance is on Infolink and will be updated over the summer

The key points are:

- Children are entitled to a full time education so a decision to place on reduced hours must be an exception.
- Parents / carers must agree to the reduced timetable. If they don't it can't be put in place.
- The school should complete a risk assessment covering the hours the child is not in school (there is an exemplar risk assessment in the guidance document);
- There must be a clear action plan to ensure the pupil is moved towards a full timetable as quickly as possible.
- Regular reviews must take place
- The school should let Education Access know at provision@essex.gov.uk
- There is a dedicated officer, Megan Crombie, who will liaise with the school around reduced provision and, if necessary, will ask other colleagues / teams to support the school as necessary.
- The time the child is not in school should be coded as an authorised absence

One headteacher at the Mid meeting noted that, in the past, if schools reported safeguarding concerns about children who were home educated there was little response by the Local Authority. Clare explained that the Local Authority's legal powers to intervene are limited, but that the CME/EHE (Children Missing Education and Elective Home Education) team has been strengthened. She **AGREED** to check that whether the team gives feedback to schools who have reported concerns.

CK

g) Flexi Schooling – guidance to Essex schools

- A document has been produced by the Education Access Team at Essex County Council to provide additional advice and guidance to schools who may need to consider requests from parents who are considering flexi-schooling as an option for their child (uploaded onto ESI).
- The decision on whether to approve a request for flexi-schooling must be made by the Headteacher of the school who has received the request.
- The document clarifies what is meant by the term flexi-schooling and aims to support conversations between parents and schools about this approach to education.

Arrangements for flexi-schooling can only be made at the request of the parent/carer. This is not an arrangement that can be initiated by the school. However, while there is a legal right to a school placement and to elective home education, there is no legal right to flexi-schools. Headteachers can refuse to agree to such requests and there is no right of appeal against the decision of the headteacher not to agree a flexi-schooling request.

- Schools may find it helpful to read the April 2019 departmental guidance for local authorities on elective home education which references flexi-schooling
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

h) Sale of EES

ECC is now in final negotiations with one exclusive bidder, Juniper Education. The outcome of final negotiations will need cabinet approval. Clare confirmed that existing contracts will transfer to the new buyer and are guaranteed until the end of March 2020.

A headteacher in the North East asked for reassurance that the relationship between HR and schools (particularly community schools) will continue, including support such as payment for barristers if needed. Clare stressed that in the short term the existing

support will not change, and the Education Team retains a service level agreement with HR. She noted that Essex Legal Services is not part of the EES sale.

i) Headteacher wellbeing and support

Clare explained that she will be working with Jo Barclay and Nicki Harris over the summer to develop and strengthen the guidance and support for schools in relation to critical incidents. This will include guidance to governors to ensure that their support is appropriate.

3. SSIF IMPROVING READING AND PHONICS PROJECTS

Improving Reading

Rachel Pritchard (Lyons Hall and the Professional Learning Network Teaching School Alliance) – West and Mid meetings

Rachel explained that Lyons Hall Primary had analysed its reading results a couple of years ago which led them to reconsider how they should be teaching reading across the schools. The TSA developed a reading programme which they started to roll out to Braintree schools, and were then able to extend this further when the Local Authority was successful in a bid to the DfE Strategic School Improvement Fund (SSIF).

Essex data shows that out of 432 disadvantaged boys in Essex in Year 11 last year, just 7% managed a GCSE pass.

Rachel quoted The Matthew effect (Daniel Rigby) which explains that “advantage begets advantage”:

While good readers gain new skills very rapidly, and quickly move from learning to read to reading to learn, poor readers become increasingly frustrated with the act of reading, and try to avoid reading where possible.

- Children who read for 20 minutes a day are exposed to 1.8 million words a year.
- Children who read on average for 4.6 minutes a day are exposed to 282,000 words a year.
- Children who read for less than one minute a day are exposed to 8,000 words a year.
- So it would take a child who reads for less than one minute a day a whole year to read the number of words that a child who reads for 20 minutes a day would read in 2 days.

She quoted Keith Topping who defines reading as:

“The unlocking of the language in a written text so that it is accessible and open to interpretation, debate and question.”

Alex Quigley has written a number of excellent books on the topic, including “Closing the Vocabulary Gap”. He suggests that good readers:

- read a lot.
- decode words fluently, quickly mapping out their meaning.
- read for longer, with greater effort and persistence.
- actively draw upon their broad background knowledge to make sense of the text.
- possess a broad and deep vocabulary knowledge.
- read a lot and are repeatedly exposed to vocabulary, gaining a depth of word knowledge, and they are better served with yet more background knowledge
- automatically deploy comprehension strategies, like predicting or summarising.
- constantly monitor their comprehension, asking questions like: ‘Does this make sense?’

Overview of the Programme

Day 1

- Reading for pleasure
- Reading resilience
- Fluency

Day 2

- Activating prior knowledge
- Reading for meaning in the moment
- Assessing

Day 3

- Vocabulary
- Inference
- Predicting

Day 4

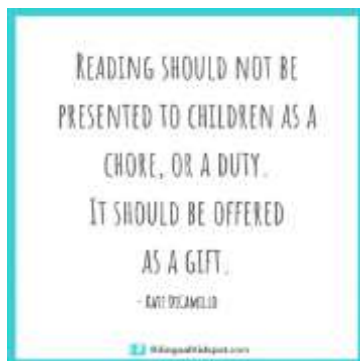
- Teaching sequence
- Lesson structures
- Other Reading strategies

Key messages from delegates on the programme

- Prioritise reading and make time for it
- Always read – raise the profile of reading across the curriculum
- Allow children as much choice as possible
- Discuss with children why they are doing reading tasks
- Reflection on own practice and renewed enthusiasm for teaching reading = MASSIVE IMPACT
- Get children to enjoy reading – it is half the battle
- Invest in good books
- If it is important, make time for it

Natalie, a teacher from Mersea Island School shared their experience of the reading programme. Their first focus was to encourage and develop reading for pleasure, including reviewing the book corners and library. Pupils were encouraged to identify the books that they didn't want to read, and then to bring in books that they did read and would recommend to others.

They introduced an initiative call SQUIRT – Super Quiet Uninterrupted Individual Reading Time. This was more focused and structured than quiet reading, and has transformed the way children read and enjoy books.



For more information go to Prolearnnet.com, click on the training tab and scroll down to Developing Reading Programme

PLN is working with the LA to roll out the programme to other schools in the future

Improving Phonics

Bridget Harris, Natalie Banthorpe and Karen Fairfield (Priory Street Teaching School Alliance) – South and North East meetings

The TSA had analysed phonics results in a school in Colchester and had developed a programme of teaching to improve the outcomes. They determined that results were low for a number of reasons:

Phonics was not seen as a priority

It was “fitted in” around other things

Often the first session to be dropped

Teachers tended to teach the most able, whilst less able pupils were taught by Support Assistants who were less well qualified and might not have the same understanding and skills to teach phonics.

The programme involved 40 schools and 1 nursery, most of which were funded by the SSIF. Training included a day for teachers and a day for support staff, with follow up visits from SLEs.

A typical lesson involved:

- Whole class input from the teacher
- Scaffolded support
- Follow up activities
- 20 minute lesson – every day
- Embedded across the curriculum

Karen Fairfield (KS1 phase lead at Beckers Green) explained the impact of undertaking the programme, and showed their improved results.

What worked well for them?

- Quality first teaching
- Lesson demons
- Training
- Bespoke support
- Format of the lesson
- Daily lessons
- Whole class teaching

Barriers include

- A resistance to change
- Trusting TAs with the more able children
- Managing other issues, such as behaviour.
-

For more information about the phonics programme, please contact the Priory Street Teaching Schools Alliance – website is at <http://www.stthomasmores.co.uk/teaching-school>

4. **CROSS PHASE PARTNERSHIP WORKING (North East meeting)**

Jo Santinelli, headteacher at St Benedict's Catholic College, and Bridget Harris, headteacher at St Thomas More's Catholic Primary, gave a presentation about the development of effective cross-phase partnership working.

The historical partnership working had included:

- Presentation Evenings
- Leavers' Mass
- Year 6 Transition Days
- Y6 transition meetings in the primary school
- Subject liaison meetings

Development of cluster work:

- Strengthened the relationship between the Headteachers.
- Gave a better understanding of each other's data, systems, pressures. Jo noted that it was particularly interesting to see the start and development of curriculum subjects. It has strengthened the secondary school staff's understanding of what Year 6 children are taught and achieve.
- Going into each other's school for peer review was a real catalyst for deepening the partnership.
- Relationships within the schools have developed – mainly the subject leads and senior staff.

Next steps for the two schools include the consideration of a Multi-Academy Trust, and developing Teach Meet.

5. **ESSEX MUSIC SERVICE**

Charly Richardson - Music Service Lead Officer, and Peter Lovell gave a presentation about the 2019/20 package to schools.

Essex Music Services – part of Essex County Council – is the lead partner in Essex Music Education Hub. They are supported by funding from the Department for Education via Arts Council England. Along with partner organisations that make up the Hub, the service offers a range of musical services, projects and opportunities throughout Essex schools and within the community.

The funding supports 5-18 year olds, and the team also deliver specific EYFS and post-18 initiatives. They aim to support and enhance the music curriculum in schools, as well as providing progression opportunities for young musicians in the community.

Charly outlined the range of services including:

Learn-It! Instrumental & vocal tuition KS1-5

Vocal and instrumental lessons across the county, covering most orchestral and band instruments as well as music technology, rap, and song writing.

Play-it!

Formerly known as First Access. Play-It! is a combination of one classroom of KS2 children and their teacher, a specialist tutor, a class set of instruments, and fantastic online resources, and over a 10-week period teaches them music through the instrument, usually culminating in a concert for parents and carers. All maintained schools, academies and free schools with KS2 are entitled to a FREE term (10 weeks).

E-learning package including access to the following resources:

Charanga Musical School for EYFS, KS1, KS2, KS3

The best-selling, modern resource for delivering primary music teaching.

The award-winning Charanga Musical School Scheme provides teachers with week-by-

week lessons for each year group in the school from ages 5 –11. It is ideal for both specialists and non-specialist teachers.

O-Generator for advanced KS1 users, KS2, KS3

O-Generator is a cloud-based music making tool meaning all young people can access this great resource online and instantly begin to Create, Learn, Play and Perform Music at home and beyond the classroom setting.

Band-It!

Small group Rock and Pop

Band-It! is a new offer, most appropriate for KS2, which allows your students to come together and engage in instrumental learning in a band setting, learning popular genres and covering well-known songs. This involves 10x30 min group sessions per term.

Teach-It! Music Curriculum provision

Essex Music Services can offer PPA and music curriculum cover within schools.

Live Music Experiences

Bring musical instruments to life with a performance from one of our touring trios. Whether you want brass, woodwind or strings, a Live Music Experience is a great way to meet the national curriculum requirements of access to Live High-Quality Music and launch instrumental learning in your school.

Full details of the service can be found online at

www.essexmusicshub.org.uk

Contact Charly Richardson on 0333 013 8953

6. UNDERSTANDING THE DEMANDS OF THE EXCLUSION PROCESS

Presentation by James Hutchon, Paralegal, Dispute Resolution Team, Essex Legal Services.

The EPHA Professional Officer explained that she had attended an Independent Review Panel meeting in 2018, and had been taken aback by the demands of the process, particularly for headteachers and governors. James Hutchon was the clerk and adviser at the meeting, and she asked him to deliver introductory training to headteachers at these meetings. EPHA will offer whole-day training in the autumn term, delivered by Tanya Callman, a barrister specialising in education law.

The objectives of the training were to consider:

- The exclusion process
- Focus on permanent exclusion
- Getting it right from the start
- Highlighting areas of concern & common issues
- Avoiding pitfalls, criticism & future challenges.

The guidance is relevant to maintained schools, academies and pupil referral units. The current exclusions procedures are governed by the various pieces of legislation:

- Education Acts of 1996, 2002 and 2011
- Education and Inspections Act 2006
- School Discipline (Pupil exclusions and reviews) (England) regulations 2012

DfE guidance – September 2017

- Shows the process of excluding a pupil
- Outlines a fairly strict set of rules.

- Once a headteacher is aware of behaviour that may warrant an exclusion it is vital the guidance is consulted and, in the main, followed.

<https://www.gov.uk/government/publications/school-exclusion>

The guidance is statutory, not advisory.

To not follow a mandatory instruction where the word **MUST** is used, can leave you with little room for maneuver when your decision is later reviewed, either by the Governors or by any independent review panel.

The first **MUST** is:

- Headteacher/Governing Boards/Independent review panels and SEN experts;
- **MUST** have regard to the Guidance when carrying out their function in relation to exclusion

The Guidance cannot cover every single situation. There will be rare occasions that might cause you to depart from it. If you ever find yourself in that situation record your reasons and seek advice.

Basic structure

Exclusion as a last resort - schools are expected to look at all available sanctions and avoid exclusion if possible.

If permanent exclusion is the only viable sanction it must

Only be used to 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 staff members, other pupils and visitors.

This sets a high bar, which must be outlined in the school's behaviour policy:

- Up-to-date and ratified
- Policy does not have to be exhaustive – look at type of behaviour and be prepared to justify

If exclusion is based on persistent breaches of policy, the individual behaviours do NOT have to be a serious but collectively they do have to be seriously disruptive.

The decision to exclude must be lawful, reasonable and fair.

You must not discriminate against a pupil on the basis of a protected characteristic e.g.

- Race
- Disability

Take particular care about children with SEN, and vulnerable groups, including travellers and children in care.

Governors Discipline Committee (GDC)

Permanent exclusion must be reviewed by GDC within 15 school days

Not simply a rubber stamp of the headteacher's decision

GDC have power to uphold the exclusion (decline to reinstate)

OR

Direct reinstatement immediately or on a particular date

Independent Review Panel (IRP)

If GDC does not reinstate, parent can seek an independent review of that decision

Allegations of race and disability discrimination go to different tribunals (although both can form part of a parent case at IRP).

The IRP role is to review the GDC decision. This inevitably involves examining the headteacher's decision and the IRP will dig deeply into the facts of the incident(s) in question and headteacher's investigation.

IRP powers

Can Uphold the GDC decision

Can recommend reconsideration by GDC

IRP cannot direct reinstatement

If IRP decide GDC decision is flawed when considered in light of judicial review principles it can:

- Quash the exclusion and
- Direct the GDC to reconsider its decision and
- It can direct the school to make a payment of £4,000 if the GDC subsequently decide not to reinstate.

The IRP is (or should be) inquisitorial, not adversarial

Expect lots of questions based on your decision.

It can feel intimidating. Your professionalism is under the spotlight; in front of parents and sometimes the pupil.

IRP are particularly looking for decisions that are:

- Lawful – Illegality
- Reasonable – Irrationality

AND

- Fair – Procedural Impropriety

ILLEGALITY – Did the GDC act outside of its powers?

e.g. without proper authority – governor not eligible to sit on committee

IRRATIONALITY – Did the GDC reply on irrelevant points?

Fail to take account of relevant points

or

Make a decision so unreasonable that no GDC acting reasonably could have made

PROCEDURAL IMPROPRIETY –

Was the procedure so procedurally flawed or unfair that justice was clearly not done?

Not simply a minor breach of procedure but must impact on the quality of the decision.

Examples

Judge in own cause

Poor evidence gathering by school

Significant delay – GDC did not convene for 8 weeks

Headteacher's PA acted as clerk

Governor had prior knowledge of child

IN EXCEPTIONAL CIRCUMSTANCES A PERMANENT EXCLUSION CAN

IMMEDIATELY FOLLOW A PERIOD OF FIXED TERM EXCLUSION

- Not a “conversion” – fixed term exclusion must end
- Make it clear that is what you are doing and record your reasons for that decision
- Example – discover of new evidence

The mechanics of exclusion

Investigation and evidence

1. Colleagues can investigate and report to Headteacher

2. Reports should be contemporaneous

3. Headteacher should consider interviewing staff and pupils

Excluded pupil should, where practical, be given the opportunity to present their case / version of events. The Headteacher should always try to establish reasons for

particular behaviour – e.g. bereavement or bullying. May still be appropriate to exclude but Headteacher should record that such information has been considered.

The guidance is clear - permanent exclusion of pupils with EHCP or looked after children should be avoided if at all possible.

Pupils with EHCPs – the Headteacher should work in partnership with others e.g. multi-agency assessment and

Consider alternatives to exclusion

Consider early review of EHC plan

Notification of a permanent exclusion

If permanent exclusion is the only reasonable response then HT must:

- Notify parent(s), in writing and without delay AND set out clearly the reason for the permanent exclusion
- Telephone
- Email
- Text?

Ideally – in person or by telephone on the day of decision and followed up in writing

Don't send pupil away with the letter in their book bag (it's been known)!

- Bear in mind responsibility to ensure a parent understands what has happened and why.
- Headteacher must be satisfied that the information has been properly communicated. Keep in mind possibility that English may not be first language etc.
- Must give parents information setting out their right to have the decision reviewed by GDC and their right to attend that meeting
- Detailed procedural rules set out in guidance at section 4
- Make use of model letters on Essex schools INFOLINK

The Headteacher must inform Governing Board of the permanent exclusion decision without delay and include a summary of reasons.

Following permanent exclusion a Governing Body (GDC) must essentially consider the reinstatement of the excluded pupil within 15 school days of being notified of the decision to permanently exclude.

Things to consider

- GDC must have minimum of 3 appropriately trained governors
- GDC must/should convene within 15 school days of being notified of permanent exclusion
- Must try to convene earlier if permanent exclusion may result in pupil missing a public exam
- Parents must be invited to GDC meeting and given the right to make representations
- HT must attend GDC – also consider SENCO etc
- LA representative to be invited. If an academy, parents can request LA to attend BUT representative can only make representations with Governing Board's consent.

HT report to GDC – reasons for exclusion:

- Witness Statements;
- EHCP;
- Other pupils relevant information;
- Behaviour policy, SEN policy or any other relevant policies e.g. drugs/weapons etc

- GDC minutes to be given to IRP

Be aware that copies of **ALL** documents will be circulated to all parties and the excluded pupil is encouraged to be involved. The excluded pupil is entitled to know

- The details of the allegation
- Who their accusers are
- The content of all statements (staff and pupils)
- Who the statement maker is
- The GDC should also accept any statement given in support of the character of the accused and give whatever weight it sees fit to that information.

Statements

- The GDC should also accept an impact statement from the victim(s)
- The impact of the excluded pupil's behaviour will, however be dealt with by the HT in his/her report to the Governors when looking at the second limb of the basic requirements: I.e. that the pupil should remain in school it will seriously affect the education of the pupil or others at the school.
- It is ok for the HT to ask a victim if they wish to set out their views in writing but care should be taken to ensure that a victim impact statement is not influenced in any way.
- All written statements should be attributed, signed and dated. If there is good reason to anonymise a statement it should be dated and labelled in such a way that allows it to be distinguished from others and for the statement maker to be identified at a later stage if it becomes necessary.

Evidence

- If the HT's decision to permanently exclude is based on several breaches of policies, he/she must produce evidence to support each one.
- The GDC and IRP are also required to make findings on each.

In addition to witness statements other evidence can be used to support the HT's case for permanent exclusion.

- Physical items should be retained if practical to do so.
- Photographs should be taken and labelled with the date, time and photographer.
- CCTV should be retained and if auto delete is a possibility then screen shots should be taken
- Facebook live, WhatsApp, Snapchat etc – video clips often short lived. Efforts should be made to retain this.
- If not possible, detailed contemporaneous statements of content should be obtained together with a brief explanation of why the physical evidence is not available.

Common issues that may cause exclusion to be overturned

- Failure to give reasons for decision – HT and GDC
- Failure to investigate
- School introducing new reasons for exclusion
- BIAS – don't be overly familiar with GDC before, during or after hearing
- Lack of evidence and undated or unsigned statements
- Failing to consider relevant information – commonly SEN information
- Not considering alternatives to permanent exclusion
- Untrained GDC members and not following procedure
- Decision maker having prior knowledge of child. Parent Governor on GDC

The Professional Officer reminded headteachers that governing bodies may have collaborative arrangements with other schools/governing bodies. The terms of reference/constitution of any committee **MUST** legally be agreed at Governing Body level, and if you enter a "partnership" arrangement with one or more other Governing

Bodies, they must also ensure that their own terms of reference reflect this. You must also ensure that the terms of reference are agreed in advance of any exclusion (i.e. you can't simply introduce the arrangement at the last minute). This does help avoid the problem of governor conflict of interest and impartiality (as well as avoiding perceived bias), and it means that you could use staff governors from other schools if appropriate.

ELS Legal Advice Helpline

The ELS legal advice line supports school leaders by providing unlimited access to legal support at the end of a telephone.

www.elslegal.org.uk

E: James.Hutchon@essex.gov.uk

T: 0333 013 9653

7. DATES AND TIMES OF FUTURE MEETINGS

Area Heads Meetings

Autumn term 2019

N-EAST	Wednesday 13 November	Weston Homes Community Stadium
SOUTH	Thursday 14 November	Holiday Inn, Basildon
WEST	Wednesday 20 November	Weston Homes Business Centre, Takeley
MID	Thursday 21 November	Chelmsford City Football Club

Spring term 2020

N-EAST	Wednesday 4 March	Weston Homes Community Stadium
SOUTH	Thursday 5 March	Holiday Inn, Basildon
WEST	Wednesday 11 March	Weston Homes Business Centre, Takeley
MID	Thursday 12 March	Chelmsford City Football Club

Summer term 2020

N-EAST	Wednesday 10 June	Weston Homes Community Stadium
SOUTH	Thursday 11 June	Holiday Inn, Basildon
WEST	Wednesday 17 June	Weston Homes Business Centre, Takeley
MID	Thursday 18 June	Chelmsford City Football Club

EPHA Conferences

Headteachers' Conference

Friday 20 March 2020 Stock Brook Country Club, Nr. Billericay

Deputy/Assistant Headteachers' Conference

Friday 4 October 2019 Weston Homes Community Stadium

Pam Langmead

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