

Consultation on Revised Exclusions Guidance - September 2007

Consultation Response Form

The closing date for this consultation is: 18 May
2007

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential.

Name Lorriann Robinson
Organisation (if applicable) Barnardo's
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If your enquiry is related to the policy content of the consultation you can contact Gerald Staines on:

Telephone: 020 7925 7393

e-mail: Gerald.staines@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: consultation.unit@dfes.gsi.gov.uk

Please mark an X in the box below that best describes you as a respondent

<input type="checkbox"/> Local Authority	<input type="checkbox"/> Head Teacher	<input type="checkbox"/> Parent
<input checked="" type="checkbox"/> Charity / Voluntary organisation	<input type="checkbox"/> Governor	<input type="checkbox"/> Professional Association
<input type="checkbox"/> Other (Please Specify)		

Please Specify: **Barnardo's**

Barnardo's runs education services across the UK, our projects exist to ensure that every child fulfils their potential. We work with children and young people from the ages of 0-24 years with the aim of enhancing their skills for employment and/ or independent living. Some projects provide vocational education directly to young people while others work with young people who are experiencing difficulties in school, involving their families and teachers.

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This question refers to paragraphs 10 and 29-31 of the guidance.

1 Is the guidance on the circumstances in which a pupil may be removed from the school site and redirected to off-site provision under section 29 of the 2002 Education Act clear?

Yes
 No
 Not Sure

Comments:

This question refers to paragraph 18 of the guidance.

2 This paragraph sets out the expectation that children should be encouraged to participate in the exclusion process. Do you think this is sufficient?

Yes
 No
 Not Sure

Comments:

Barnardo's strongly agrees that children and young people should have the opportunity to participate and present their views at all stages of the exclusion process. Some children may need additional support to enable them to make a meaningful contribution- this could range from a child who lack confidence through to a child with communication difficulties. Schools and local authorities should consider how this may best be achieved, to ensure that participation is not just a token gesture.

Children and young people should have that right even in the absence of parental approval; they should not be denied the right to express their views if they have difficult or disengaged parents. Indeed in such circumstances, it may be all the more important for that young person to be able present their point of

view.

This question refers to paragraph 21f of the guidance.

3 We have made it clear that in reaching a decision to exclude a pupil, head teachers should keep records of actions taken, including any interview with the pupil concerned. Are there any practical difficulties in this for head teachers?

Yes
 No
 Not Sure

Comments:
 Barnardo's believes it is essential that schools keep accurate records of actions taken in the exclusion process. This will assist with communication with the parent and the child, and will allow corrections of facts to be made. It will also assist in monitoring the circumstances in which different groups (e.g. looked after children, BME groups, pupils with disabilities and SEN) are excluded and action taken. Greater monitoring could lead to improvements in how schools make decisions about exclusions.

This question refers to paragraph 24e of the guidance.

4 The guidance on breaches of school uniform rules makes it clear that head teachers can send pupils home to change, without this being exclusion. Should the Department issue more guidance on when, in these circumstances, head teachers can send pupils home without excluding them?

Yes
 No
 Not Sure

Comments:

We are pleased that the guidance clearly states that official or unofficial exclusions for school uniform infringements are illegal. It is critical that schools should be aware that school uniform infractions may occur as a result of poverty or other circumstances at home (e.g. family breakdown, bereavement, temporary housing) which may result in a child not having clean or suitable clothes to come to school in. Staff must be sensitive to such circumstances and very careful not to reinforce the disadvantage that such young people already face.

This question refers to paragraphs 35 - 37, and 47 - 48.

5 Is the parents' responsibility during the first five days of exclusion and the school's responsibility to notify them of that responsibility clearly expressed?

 Yes

 No

 Not Sure

Comments:

Further clarification is required about what constitutes a 'public place'- for example would this include a child going to public library, the zoo or a community event with their parents? There could be circumstances in which such outings would be beneficial to the individual's education.

As parents will be subject to fixed penalty notices for breach of these rules, we believe there needs to be clear guidance on what constitutes a public place or reasonable justification- highlighting the need to be sensitive to the child/family's circumstances and the potential benefit to the child.

This question refers to paragraphs 35-37 of the guidance.

6 Is the school's duty to provide education from day 6 clearly expressed?

 Yes

 No

 Not Sure

Comments:

The next four questions refer to paragraphs 38 - 40 of the guidance.

7 Who is the most appropriate person to conduct a reintegration interview?

<input type="checkbox"/> Head Teacher	<input type="checkbox"/> Senior Staff Member	<input type="checkbox"/> Governor
<input type="checkbox"/> Another Person (Please specify)		

Comments:

8 Should the pupil always be present at a reintegration meeting?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Pupils do not necessarily need to be physically present during reintegration interviews- some may find it very stressful for example. However, it is essential that all children and young people are given the opportunity to participate and contribute to the interview process in a meaningful way- and schools and LAs should be required to support their participation if they face particular barriers, such as communication difficulties or a lack of self confidence. It should be remembered that it is the child that is being reintegrated into their own reintegration plans.

Proceeds should be conducted in a child-appropriate way when pupils are not present in interviews, any agreed outcomes must be communicated to the pupil in an appropriate manner.

9 Should schools arrange for reintegration interviews to take place in the parent's home, if it would be inconvenient for the parent to attend at the school?

Yes

No

Not Sure

Comments:

We agree that when it is inconvenient for reintegration interviews to take place in schools, interviews should take place in a parent's home or at a convenient third party or alternative location. Schools and local authorities must be sensitive to family -work and other commitments when making decisions about the timing or location of reintegration interviews. It should also be recognised that some parents may not want school staff in their homes, there maybe a role for Education Welfare Officers in the process.

10 Are the time limits within which reintegration interviews should be held realistic?

Yes

No

Not Sure

Comments:

This question refers to paragraphs 47 - 48 of the guidance.

11 Is the Local Authority's duty to provide education from day 6 clearly expressed?

Yes

No

Not Sure

Comments:

This question refers to paragraph 78 of the guidance.

12 Where a pupil is resident in another Local Authority (LA) area should the head teacher just inform the school's maintaining LA and leave it to that LA to inform the pupil's home LA?

Yes

No

Not Sure

Comments:

Model Letters 1-4

Do these sufficiently emphasise to parents their obligations to ensure:-

13 a) that their child is not found in a public place in school hours without reasonable justification during the first five days of exclusion?

Yes

No

Not Sure

Comments:

Further clarification is required about what constitutes a 'public place'- for example would this include a child going to public library, the zoo or a community event with their parents? There could be circumstances in which such outings would be beneficial to the individual's education.

As parents will be subject to fixed penalty notices for breach of these rules, we believe there needs to be clear guidance on what constitutes a public place or reasonable justification- highlighting the need to be sensitive to the child/family's circumstances and the potential benefit to the child.

Letters should be written in less technical terms, or perhaps accompanied by a leaflet. Consideration should be given to how it is communicated to parents with learning difficulties.

13 b) that their child attends alternative provision from day 6?

Yes

No

Not Sure

Comments:

This question refers to paragraphs 109 -110 of the guidance.

14 Is further guidance needed on how appeals can be heard together?

Yes

No

Not Sure

Comments:

15 Please use this space for any other comments you would like to make.

Comments:

Provisions for looked after children

- Further clarification is need on who has responsibility to provide full time education during the first five days of a fixed term exclusion for children looked after by local authorities? Are similar duties as outlined in the guidance for parents, to apply to foster carers, residential workers or social workers? If so, would they have similar responsibilities to ensure looked-after children who are subject to fixed-term exclusion are not found in public places during school hours? And would similar penalties apply?
- We would like further clarification explaining how proposals for the provision of a full time education will be applied to looked after children. The guidance provides schools with the flexibility to provide full-time education for pupils during the first five days of exclusion either on-site or off-side on a voluntary basis. We recommend that there should be clear expectations about the need to make such provisions for looked after children- because improving their outcomes is a national priority and because they are less likely to have stable home environments to return to. Higher rates of exclusion only reinforce disadvantage already faced by this group. There should be a requirement for schools to make similar provisions for looked after children during the first five days of exclusion, or for local authorities to provide alternative provision.
- The legislation and guidance provides new opportunities for early intervention and on-going support through parenting contracts and new re-integration procedures. Further clarification is required as to how such measures will apply to looked after children. The guidance who schools should engage with, how these duties would apply to those caring for looked after children including, foster carers, social workers and residential workers. A joined up approach to avoid the need for exclusion is essential

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 18 May 2007

Send by post to:

Consultation Unit
Department for Education and Skills
Area 1A
Castle View House
East Lane
Runcorn
Cheshire WA7 2GJ

Send by e-mail to: exclusionsguidance.consultation@dfes.gsi.gov.uk