Response ID ANON-182Z-Y7RY-G

Submitted to Consultation on Revised Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance
Submitted on 2022-03-22 15:01:06

Introduction

About you

1 What is your name?

Insert full name:
Kay Moore

2 Do you consent for the Department for Education (DfE) to contact you via email about your response?

Yes

If yes, please provide your email address::
consultation@nnpcf.org.uk

3 Would you like us to keep your responses confidential?

No

If yes, please explain reason for confidentiality:

4 In what capacity are you responding? Please select one answer:

On behalf of a representative body

If other, please state below::

5 What is the name of your organisation/school/representative body and what local authority does your response relate to? If relevant, please provide us with the name of your school and the Unique Reference Number.

Comment below, alternatively select one option below::

National Network of Parent Carer Forums (NNPCF) - 152 local authority areas

Not Answered

6 If you are responding on behalf of a school, college or alternative provision provider, please specify below:

Not Answered

If other, please state below::

Changes to the Behaviour in Schools Guidance

Behaviour in Schools Guidance: Section 1 - Creating and maintaining high standards of behaviour

7 Paragraphs 7–8 outline what should be included in a school behaviour policy, for example information on purpose, leadership & management, school systems and pupil support. Do you agree with this approach?

No

If not, please explain why.:

Pupil support needs to be more explicit with regards to children and young people with both identified and unidentified special educational needs.

Schools should consider how a whole-school approach can meet the needs of all pupils in the school, including pupils with SEN or a disability so that everyone can feel they belong in the school community.

The importance of reasonable adjustments needs to be emphasised to make sure that children with SEND can remain and prosper in school environments that are often very challenging for them.

Early intervention and the right support at the right time needs to be included.

The NNPCF request that the policies are coproduced with children, young people, and their parents/carers.

8 We propose a new national minimum expectation of behaviour in paragraph 12 which gives schools the ability to set a benchmark for behavioural standards. This sets out high standards of expectations from schools - for example, pupil behaviour not routinely disrupting teaching, routines, and leaders visibly and consistently supporting all staff to implement the school behaviour policy etc. Do you agree with this approach?

No

If not, please explain why.:

The language used is not helpful and inclusive.

Schools should consider how a whole-school approach can meet the needs of all pupils in the school, including pupils with SEN or a disability so that everyone can feel they belong in the school community.

Some behaviours are more likely to arise from types of SEN or disabilities. There is a need for the environment to adapt rather than the individual child. Pupils with SEN may not fully understand the expectations of behaviour or control their behaviour if they became anxious or overwhelmed.

For schools to be able to support pupils to behave, they need to understand the causes of poor behaviour e.g. disruption is often an indication of an unmet need.

Need to identify need early and use reasonable adjustments to meet need rather than punish.

Uniform is an example of this - some children and young people with SEND may struggle to wear the correct uniform due to sensory processing difficulties. If this is not understood and appropriate reasonable adjustments made the CYP may not be able to access their learning and/or become overwhelmed.

9 Paragraphs 13-15 outline how schools should adopt a whole school approach to behaviour so it can be consistently and fairly implemented across the whole school with all staff adhering to the same expectations. Do you agree with this approach?

No

If not, please explain why. :

Better early intervention and more targeted support to meet individual pupils'
and families' needs would help to reduce behavioural difficulties for many children and young people with SEND.

Some children and young people with more complex needs may struggle to understand rules and any consequences for breaking them. The child/young person may be punished for something that is beyond their control.

10 Paragraphs 33-37 set out the approach to behaviour expectations for pupils with SEND so that everyone can feel they belong in the school community and expectations are not lowered for any pupils. Do you agree with this approach?

Yes

If not, please explain why.:

The NNPCF agrees that where ever possible a school's culture should consistently promote high standards of behaviour and provide the necessary support to ensure all pupils can achieve and thrive both in and out of the classroom.

Schools should consider how a whole-school approach can meet the needs of all pupils in the school, including pupils with SEN or a disability so that everyone can feel they belong in the school community and high expectations are maintained for all pupils.

We accept that schools with good behaviour cultures will create calm, orderly environments which will benefit pupils with SEND, however, pupils with SEND may find the physical environment (noise, smell, light) difficult to manage or may find size of the school and the need to move around the school site a challenge.

The choice of language is not helpful here. 'triggers of misbehaviour' implies it is deliberate on the aprt of the child or young person and this is not necessarily the case. The NNPCF would prefer that the guidance refers to behaviours resulting from a pupil's special educational needs and/or disability.

11 We outline in paragraphs 31-32 how the role of parents is crucial in helping schools develop and maintain good behaviour. We suggest that parents should be encouraged to know the school behaviour policy and take part in the life of the school. There is also an expectation that schools should build and maintain positive relationships with parents. Do you agree with this approach?

No

If not, please explain why.:

Most families of children with SEND want nothing more than for their child to develop and maintain good behaviour. However, this not always straight forward to achieve.
Each child or young person has unique needs and family circumstances will vary; parents of children with SEND need support not 'encouragement' to support the school's policy and reinforce it at home.

Parents of children with SEND know their children the best. Schools need to listen to families and work in partnership with them to agree the behaviour needs of their child and how we can work together to address these. Our members tell us how their children may 'mask' their additional needs whilst at school in order to conform but this then has an impact on their behaviour at home. Alternatively, some children may not display behaviours seen at school within the home environment.

12 We are aware that schools often gather feedback from pupils to hear their views on the school's behaviour policy and wider culture. What is the best way to capture pupil voice and what is the impact on the behaviour standards?

Please explain here.:

Capturing the pupil voice is really important. Schools should create opportunities for all ages of children and young people with SEND to be involved in decision making including taking part in developing the school's behaviour policy and wider culture, whatever their impairment.

Ensuring that their is a representative on the School council who has additional needs is a good place to start.

Any concerns regarding behaviour should be discussed with the child/young person as part of their SEN Support or EHCP review.

13 What would be the workload implications for schools and in particular teachers in developing and implementing a behaviour policy as outlined in section one of the guidance?

Please explain here.:

Behaviour in Schools Guidance: Section 2 - After incidents of misbehaviour

14 The guidance offers advice on de-escalation techniques to help prevent further behaviour issues arising and recurring, for instance schools may use pre-agreed scripts and phrases to help calmly restore order. What other de-escalation techniques could be used by schools?

Please explain here.:

Schools should work with the family to agree any de-escalation techniques, what words to use or to avoid using.

15 Paragraphs 77-78 outline the support that schools may want to provide to pupils following behaviour incidents or a pattern of incidents. This includes engagement with the pupil or parents or inquiries into circumstances at home, conducted by the Designated Safeguarding Lead or a deputy. What other pastoral support should schools consider when trying to support students following behaviour incidents?

Please explain here.:

Families tell us that many SEND pupils are being failed by schools and feel that they do not get the right support from the system which means they are unable to attend school or become frustrated and angry.

Anxiety is a major factor in low attendance for many children and young people with SEND and this has been exacerbated by the Covid 19 pandemic.

Poor behaviour is not just a school's responsibility – needs social care and health (including mental health) engagement.

Families tell us that many SEND pupils are being failed by schools and feel that they do not get the right support from the system. Failure to identify needs, long waiting times to access an assessment, therapies or mental health support means that CYP struggle to attend school. Inquiries into circumstances outside of school, including at home is something that families of children and youg people with SEND really struggle with. It implies a parenting deficit rather than the system that is failing their child.

16 As set out in paragraph 79, removal (sometimes known as isolation) is now defined as "where a pupil, for disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of staff". The guidance says: "The use of removal should allow for continuation of the pupil's education in a supervised setting". Do you agree with this definition and guidance?

No

If not, please explain why.:

The NNPCF are concerned that 'removal' or 'isolation' is being used inappropriately for children and young people with SEND.

In a survey of our forum members 90% said that they were aware of CYP with SEND in their area who have been isolated in school (e.g. taught separately from their classmates) because of their SEND.

17 As set out in paragraph 82, removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons. These generally involve focused, in-school, teacher-led interventions for small groups of pupils with

identified SEN or other needs: for instance, where a pupil is taken out of the classroom to regulate their emotions because of identified sensory overload. Do you agree with this approach?

Yes

If not, please explain why.:

See 16. above

18 As set out in paragraph 81, we outline the reasons when removal should be chosen as the appropriate sanction to demonstrate that it should only be used as a last resort to: restore order and calm following an unreasonably high level of disruption; enable disruptive pupils to be taken to a place where education can be continued in a managed environment. Do you agree with these reasons?

No

If not, please explain why.:

Removal should never be used as a sanction for a CYP with SEND.

19 Paragraph 83 outlines the ways in which headteachers should govern the use of removal: maintain overall strategic oversight of the school's arrangements for any removals, as set out in the school's behaviour policy; make sure the reasons that may lead to pupils being removed are transparent and known to all staff and pupils; outline in the behaviour policy the principles governing the length of time that it is appropriate for a pupil to be in removal; ensure that the removal location is in an appropriate area of the school, that the room is stocked with appropriate resources, and is a suitable place to learn, and is staffed by suitably trained members of staff; design a clear process for the re-integration of any pupil in removal into the classroom when appropriate and safe to do so.Do you agree with these proposals?

No

If not, please explain why.:

See 18. above

20 Paragraphs 84-85 outline how schools should monitor who is removed from classrooms and frequently review this data to identify any patterns relating to any individual pupil and pupils with protected characteristics. Do you agree with this approach?

Yes

If not, please explain why.:

21 Paragraph 86 outlines the specific actions schools should take when dealing with individual removal cases. Both include clear reference to pupils with SEND and their specific needs. Do you think the updated advice provides helpful guidance to schools on the decision-making process over using removal where necessary for pupils with SEND?

No

If not, please explain why.:

Any assessment of underlying factors of disruptive behaviour should be carried out proactively to prevent the CYP from needing to be removed from the classroom.

Where this has not been successful and a pupil is removed, the ability of a SEND pupil to reflect on their behaviour that led to their removal from the classroom and what they can do to avoid such behaviour in the future will depend on their understanding, needs and timing.

Behaviour in Schools Guidance: Section 3 - Preventing recurrence of misbehaviour

22 Paragraphs 96-100 outline how schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and help to reduce the likelihood of suspension and permanent exclusion. We list a range of interventions including providing mentors, in-school units and engagement with parents. What other types of early intervention work well to address behaviour issues?

Please explain here.:

Schools should work in partnership with parents particularly if the child has SEND.

Language is important here. 'Persistently misbehaving' and 'sanctions' implies a lack of understanding and a culture of punishment not support.

23 Paragraph 101 outlines our definition of an in-school behaviour unit as "planned interventions that take place in small groups outside of normal lessons. The approach taken in such a unit should be aligned to the culture of the whole school and delivered in line with the school's behaviour policy". Do you agree with this definition?

Yes

If not, please explain why.:

Any CYP with SEND who is placed in a behaviour unit should have the apprioriate level of support to meet their needs and reintegration into mainstream lessons should take place as soon as possible.

24 Paragraph 105 outlines factors and processes schools should consider when developing an in-school behaviour unit which includes the following: referring pupils based on their needs, including sharing information on previous behaviour incidents with multi-agency partners if appropriate and consulting with parents on the in-school behaviour unit placement; delivering a broad and balanced curriculum offer that aligns to the curriculum in mainstream lessons and supports reintegration; maintaining a visible presence from school leaders to make in-school behaviour units an integral part of the school with wider school staff. Do you agree with this governance approach?

Not Answered

If not, please explain why.:

Parents should always been consulted.

25 Paragraph 108 also outlines how schools should re-integrate pupils back to mainstream lessons, including holding meetings and considering what support pupils may need to help them return to mainstream education. In what additional ways should pupils be re-integrated back into mainstream lessons?

Please explain here.:

Behaviour in Schools Guidance: Section 4 - Responding to specific behavioural incidents

26 Paragraph 113 outlines how schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable and will not be tolerated. It is especially important not to pass off any sexual violence or sexual harassment as 'part of growing up'. This is because it can lead to the normalisation of unacceptable behaviours and an unsafe environment for pupils. How can schools practically avoid unacceptable behaviour becoming normalised?

Please explain here.:

27 Schools should be clear that the same standards of behaviour are expected online as apply offline, including the importance of respect for others. Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nudes or semi-nudes, and sexual harassment should be addressed in accordance with the same principles as offline behaviour. Do you agree with this approach?

Yes

If not, please explain why.:

28 Are there any particular issues you feel are not covered in the revised Behaviour in Schools Guidance?

Please explain here.:

Behaviour in Schools Guidance: Equalities Duty

29 What do you consider to be the equalities impacts of the revised guidance documents on individuals with particular protected characteristics?

Please explain here.:

The guidance if not understood and applied consistently within and across schools may have a negative impact of children and young people with SEND.

Reasonable adjustments MUST be made. Sadly, the NNPCF here of too many examples where sanctions and exclusions are used inappropriately.

The autism in schools project funded by NHSE as part if their LD/A work seeks to address this by focusing on early intervention, reasonable adjustments and proper support as being examples of best practice.

The DfE needs to ensure it takes a joined up approach across admissions, attendance and behaviour guidance to ensure that schools and families did not get mixed messages.

Changes to the Suspension and Permanent Exclusion Guidance

Suspension and Permanent Exclusion Guidance: Proposed changes to the regulations

30 Paragraph 12 sets out how a headteacher may not bring a permanent exclusion to an end after it has begun. In addition, a headteacher may not end a suspension earlier than the agreed end-date once it has begun (that is, when the pupil is no longer attending school). Do you

agree with this proposed change in the law?

Not Answered

If not, please explain why.:

Not Answered

If not, please explain why.:

31 Paragraph 54 introduces a deadline for the headteacher to notify the parents of a pupil's suspension or permanent exclusion, the reasons for this and the period of any suspension. The obligation to do this 'without delay' will remain, but the regulations will also specify that in no case must this take longer than three days. Do you agree with this proposed change in the law?

Yes

If not, please explain why.:

Not Answered

If not, please explain why.:

32 Paragraphs 68-70 expand the headteacher's duty to inform relevant professionals of their decision to suspend or permanently exclude to include social workers. As a result, if a pupil with a social worker is excluded, the social worker must be notified in writing and involved in the governing board meeting and independent review panel, where possible. Do you agree with this change in the law?

Yes

If not, please explain why.:

Not Answered

If not, please explain why.:

33 Virtual School Heads (VSH) should already be closely involved with a school if a looked after child (LAC) is at risk of suspension or permanent exclusion. Paragraphs 68-70 extend the headteacher's duty to inform a VSH if a LAC is suspended or permanently excluded. If a LAC is excluded, the VSH must be notified in writing and, where possible, involved in the governing board meeting and independent review panel. Do you agree with this change in the law?

Yes

If not, please explain why.:

Not Answered

If not, please explain why.:

34 During the coronavirus pandemic when school attendance was restricted, the department amended the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 to regulate the use of remote meetings for governing board considerations of reinstatement and independent reviews. We are proposing to make these rules a permanent option in any circumstances. This is a measure that would benefit governing boards, parents and pupils and enable schools to meet the statutory timescales sooner for such reviews as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. Do you agree with virtual meetings being made a permanent option under any circumstances?

Yes

If not, please explain why.:

Please explain why.:

Suspension and Permanent Exclusion Guidance: Proposed non-statutory changes to the guidance

35 We have sought to provide best practice on the use of managed moves and off-site direction and how they should be used as an early intervention measure for pupils at risk of exclusion. We have set out our expectation of the process and the safeguarding measures that should be put in place for pupils in paragraphs 31-43. To what extent is the process outlined clear and suitable for all involved?

Please explain why.:

36 Please describe both the benefits and risks of introducing stricter oversight of pupil movements between education settings, such as a revised statutory framework for all pupil movement between education settings?

Please explain here.:

37 Following a period of suspension or off-site direction, what are the best approaches to reintegrating a pupil into a mainstream setting?

Please explain why and copy and paste any relevant information here.:

38 The guidance emphasises the importance of monitoring and understanding suspension and permanent exclusion data. Schools, local authorities, and local forums should work together to track and review the information on children who leave schools, by exclusion or otherwise, to establish a shared understanding of how the data on the characteristics of such children feeds local trends. Where patterns indicate possible concerns or gaps in provision, we expect headteachers and other local leaders to use this information to ensure they are effectively planning to meet the needs of all children. Do you agree with this revision?

Yes

If not, please briefly explain why.:

39 Throughout the revised guidance we have set out when and where pupils should be included in the suspension and permanent exclusion process. Is this sufficiently clear?

Not Answered

If not, please briefly explain why.:

40 The current limit on the total number of days a pupil can be suspended in a school year is 45 school days. Should this limit be changed or not?

Not Answered

Please explain how and why.:

Please explain why.:

41 To inform the wider special educational needs and disabilities (SEND) Review and Alternative Provision (AP) Reforms programme, we would like to understand more about the barriers to providing alternative provision before the sixth school day of a suspension or permanent exclusion. Your answers to the following questions will help us to understand what more we need to do to ensure timely support and education is put in place:

Please explain here.:

Please explain why.:

Please explain how and why.:

42 Recently, a High Court case considered the legal position for mandatory off-site education for the purpose of keeping pupils apart for safeguarding reasons. This case involved allegations of child-on-child sexualised behaviour by young pupils in a primary school setting. We need to consider, following the court's decision, whether it is right to suspend or permanently exclude based on safeguarding reasons rather than just disciplinary reasons. We would like to know how this will affect practice in schools and whether there is any further need to clarify or change the law or guidance in this area. Do you think it is positive or negative that the Court has made it clear that pupils can be temporarily excluded for safeguarding reasons as described in the judgement?

Please explain why.:

43 Are there any particular issues you feel are not covered in the revised Suspension and Permanent Exclusion Guidance?

Please explain here.:

Suspension and Permanent Exclusion Guidance: Equalities Duty

44 The Suspension and Permanent Exclusion Guidance sets out how this must be taken into consideration when suspending or permanently excluding a pupil. What do you consider to be the equalities impacts of the revised guidance on individuals with particular protected characteristics?

Please explain here.:

In a recent survey with our members, 80% of forums who responded told us that they are aware of CYP with SEND in their local area who have been unofficially excluded (e.g. asked to be kept at home for a week or two).

95% of forums were aware of children and young people (CYP) with SEND in their Local Authority (LA) that have been excluded from school.

Enquiries