

## Episode 32 | Support available for children and families about school exclusions transcript

Welcome to CoramBAAF Conversations, a podcast series dedicated to adoption, fostering and kinship care. We ask children, social care professionals, and experts by experience to join us, to share with us and you, our listeners, their experiences, reflections and knowledge. I hope you enjoy.

Hello, my name is Augusta Itua. I am one of two legal consultants at CoramBAAF and I'm joined today by Richard to talk about school exclusions. Whilst they may not be the happiest topic to be talking about, I'm quite excited to be having this conversation because this is an area that in my opinion, is not only just very important for professionals to have a great understanding about, but it's also something that has been of interest. Both in my capacity at CoramBAAF, but also in previous positions, including just for kids, all Richard is part of Coram Children's Legal Centre, which promotes and protects the rights of children in the UK and internationally. In line with the United Nations Convention on the Rights of the Child, today we'll be discussing the issue of school exclusions from recent research to the legal framework and practical advice for parents, carers and guardians navigating this challenging area. Once again, thank you Richard, for joining us. Would you like to tell us more about yourself and your role?

So my name is Richard, from Coram's Legal Centre CLC as a policy information leads. I work across a couple of different teams. After week I worked on this is that Department for Education on the service office. Free legal advice from family law and education law issue and the other half of my time. Spent working on a conclusion project voiced in action and that transferred across from just because N the CLC at the end of last year, the project funded by Mission 44. And that's the charity that founded by the Lewis Hamilton.

Before asking you some specific questions to help our understanding, it might be helpful to just set the context and why we are having this conversation. School exclusion refer to a school's decision to remove a pupil from an educational setting, either temporarily or permanently. There are effectively 2 main types of exclusions, 1 whereby the child is temporarily removed, also referred to as suspension fixed term of fixed period exclusion. And where the child is permanently removed from. The school role. Research has told us that school exclusions can have a significant long term impact on the child's educational attainment, mental health and future employment. Prospect and often children that are excluded are more likely to leave. Two without qualifications and are at a higher risk of. Movement in the criminal justice system. Richard, could you tell us more about what type of work you're doing on the topic of school exclusion in CLC in core and how can help those impacted by the by school exclusion?

Advice. As I mentioned earlier, we offer free legal advice on family law and education law. Cheap producing foods, advising on school exclusions, as well as many. Other kind of linked

educational topic, our contact details are included on letters that with the required sense parent when a child is included and we're also listed in the Destory School exclusion guidance. So we are often the first point of contact for parents who want to know a little bit more about their rights and what happened next in terms of our school exclusions project. We have a variety of kind of activities and resources. We have our school exclusion club and this is an online resource and it contains. Lots of useful information template. Suggested working documents, things like that. As it stands, the hub is primarily aimed at professionals who work with those affected by school exclusion. However, we are currently in the process of developing the hard to include more content which is particularly towards children and young people. You know as well as maybe teachers. We also have a school teacher in it. This is a service that provide free legal representation to parents or carers of children who've been permanently excluded from london-based books. So we had a couple of specialist exclusions listed in how to lead the clinic. And we also collaborate with volunteers from local law firms. You know, this is really valuable service. Obviously, there's no legal aid available in this area. So particularly for those who are vulnerable or who first language is not English, it can be really hard to expect them to represent themselves effectively in the appeal process. So. This is really great resource of yourself. And then just maybe lastly, we have a table of young young ambassadors page that instance size. They all have kind of lived experience exclusion and they're really at. Because of all the work that we do, you know they have they lived experience so they can offer some really kind of valuable insights and Dr our work forward. So that's kind of the basic overview of the type of work that we do.

Thank you very much, Richard. That was very helpfully set out. You mentioned the young campaigners group. Would you mind sharing some additional information about the work that you're doing and? And more importantly, what opportunities there might be for young people aged 16 to 25 who have experienced school exclusion.

You're in the process of recruiting so young people aged hitting Spencer, boys who have leaked experience to exclusion, we really welcome them to apply. You can find more information. It's on the main core website. I believe if you type in voices in action ambassadors into Google, it will come up with the relevant page. The information how to reply, it's just really a great opportunity for young people to take part in, in the work that they're doing, so they'll be creating the digital content for the club. It will be working on campaigns.

Hmm.

Change policy in this area. You know sharing your views with governments and other interested parties and media work, stuff like that. So you know, we think it's a really great. Opportunity.

That's great. And thank you for also sharing information about where to access more information about the group, which is on column's website. Thinking about the role of profession. What steps should professional take in immediately after her teacher's decision to exclude the students?

I mean, initially in many cases expedition may not arrive, but entirely unexpected. Typically there's a builder and an opportunity for, you know. That's all fine. Avoid exclusion where possible with both. Ideally you know intervention would occur before. The decision for leaders made, however, you know if the decision has been made to. And or family please. It's important to note that the headteachers don't have the power to council rescind an exclusion as long as the government board hearing, it's not your taking place. There is still an opportunity in early days to see if the situation can be resolved by a means other than include. But yeah, if the head teacher document solution will will go ahead. I mean an important first that would be to gather all relevant paperwork will help the parents or a carer through the people first. So this is likely to include requesting the child's educational records, ensuring that the school issued a formal. That the legal duty and ensuring that the family has access prior to the governing board appeal hearing, all of the evidence and information that they have relied on to make it decision. So you'll need really all of this kind of evidence and paperwork in order to make suitable. Representation.

Yeah. And and would you say that's quite a fast process within which things are happening after the exclusion process is initiated?

We probably, I mean it, the time fails to depend a little on whether the child was permanently excluded or whether they were expended. But I mean, for example, of a permanent exclusion. The governing boards have to convene the hearing within 15 school days. So it it? Yeah, it can happen fairly quickly.

Thank you, Richard. That really leads me to an additional question I had for you on how professional can effectively challenge exclusion at a governing board meeting.

Firstly, it's important that the professional are being tend to represent or advocate for a family, a governing board hearing. They do need to notify the board ahead of time just to let them know and request attendance. But it. Of changing vision again, you know pretty should be properly. You know, in terms of formulating arguments, understanding the legal aspects of the case, understanding the practicality of how the hearing is going to be conducted, focusing on argument is probably going to be very case specific. So if, for example, the child's educational national polities. Then you he asked me that the school you know failed properly except for children. Or they fail to provide adequate support. Then this led to or contributed to the exclusion. So you'd be kind of approaching it from a disability, from nation angle, you know,

head teachers should really always consider vulnerabilities such as mental health, you know, whether the child looked after the child. They should always be considering that before making the decision to include and you know if you can demonstrate. That this wasn't considered, it's not part of their argument for their evidence. Then this is something that, you know, can be challenged.

Thank you. Thank you for that. Our response, could you talk a little more about the second stage of the appeal process? And with that, I mean the independent review panel, which would be the next stage? After the governing board meeting.

Team. This is the second page, so yes the basically if the governing board decides to uphold the decision to permanently exclude the parents or parents, have the option of taking the case to the independent of the. Panel, the IRP and the RP. It doesn't have the power to direct the government body to to reinstate and include the people, however, where they find that the government body division is flawed, they can recommend that the governing body reconsider their decision or it can crash the. Decision and direct the governing body to consider the exclusion again, so the the they consider and the public law principles as part of the review process. So they're that that illegality, directionality, procedural quality. But yeah, it is. It is quite a complicated stage. And it's particularly difficult. Or parental care through residential infill. You know, the latest exclusion statistics revealed a very few parents escalating appeal to the IRP. So there is clear there is clearly a lack of kind of engagement and confidence with this stage of the process. And the CRC have actually recently been involved in a. The landmark piece in the high.

That's.

Where we've been arguing that legal aid should be available for this particular stage of the appeal process, we we're coming yet to do and our page, but that would be really welcome if legal aid for three stages.

Which is the the conflict really? The lack of access to professional legal advice? This, however, a process that's there whereby there is an expectation for children, their families and professionals to engage with, although the process itself is quite legalistic.

Definitely, yeah, definitely. The second phase is particularly legalistic, you know. I'm sure more can. More can definitely be done. Revisit this stage of the process. And make it more accessible to families who are that's facing themselves. But as it stands, you know, there are some advice services out there and we do our best to support. People who are going through this process.

And would you say that the independent review panel is truly the end of the process, especially in a context where they cannot, they they can't make a decision to reinstate a pupil. However,

they can make a recommendation to the governing board which the governing board may or may not follow. So. Is that the conclusion of the process? Even where perhaps with the governing body not following that decision, it may feel that there is still. Or a lack of resolution. So is there anything more that can be done at that stage or that really does conclude the process?

If they recommend those direct the governing body to reconsider, and the governing body still decide to uphold the inclusion. Regardless of what the IRP. It says then typically that is the end of the process. Aside from, I would imagine some form of legal action in the form of maybe judicial review or something like that. But but generally it would be.

One question I did have was in relation to the additional considerations that. Are. Are legally required to be taken into account across all of these stages for particular group of children, including children, who are looked after and in relation to particular ethnic groups which have been found repeatedly to be disproportionately. At risk of higher risk of school exclusion if if that's something that you can talk a little bit more about.

That you needed to. Marginalised group. They're significantly overrepresented in full exclusion, so to give some examples, choosing from black ethnic. Gypsy were established communities and people with special educational needs and disabilities are disproportionately included. Some schools. It's been a long standing issue and even the latest it's still confirmed that it's an issue. I think there are lots of things that could potentially be done to. With the proportionality for example. The current band system is completely broken. That's quite widely acknowledged, and this is a problem which needs to be urgently addressed by the new government. The school exclusion. That's true guidance. It talks in quite a general fashion about variation, parity, things call it through the rate. In the school, the local party should be aware of friends, but I think it it could be a much stronger than identified. The cohorts that are disproportionately. You did and you know data tools that they need to be aware that there is this disproportionality affecting the particular group and they need to think twice before, you know, making a decision to exclude. And broadly I think one of the most important things to improve on is to diversity and in particular increase. Inclusivity in school is promoting a culture in which everyone, regardless of their background or characteristics, they feel valued and respected. And you know, it may be a good opportunity now to bring in kind of the national framework around inclusion, you know, provide a clear definition of inclusion so that schools have kind of clarity on how to support children from these vulnerable groups or have, you know, children who have additional vulnerabilities.

Rather than focusing on the exclusion part, we're actually focusing on the inclusion part because along with those that we've mentioned. And just by reference to the teams and reviewers called exclusion, which is now a little dated, but we have known for quite some time

and also there is other research both predating that, but also more recent revealing how children who have been supported by social care, so including also children. Need we've spoken about looked after children, but also those that have left care through adoption. The garden shape. We've spoken about C&D but also those that are eligible for free school meals. Yeah along with. Specific ethnic minorities, in particular Black Caribbean, Juicy Roman travel, Children, Irish heritage, are so, yeah. So in inclusion that that really tries to meet the needs of all these different groups of children who are currently disproportionately. Representing the statistics, however, who? Have great support needs that require quite a tough through inclusion package, and while we're on this topic, actually the DFA, the Department for Education has recently released some statistics which show alarming rise in exclusion in the year. 2022 and 2023, with permanent exclusion jumping. Are jumps 44% in a year? Do you have anymore information about to share any more insights and reflection to share about that?

They are alarming attention and permanent inclusions increased significantly from the previous year. We have always yes, there were 10,000. Exclusions in almost 800,000 suspensions and as I mentioned, you know the the long standing trend of certain cohorts being disposed. Excluded was also ever. And so obviously these statistics are really concerning, so it makes the work that you know, we're doing this area and other organisations are doing in this area and makes it even more important.

Yeah, which? Yeah, which makes this conversation even more important that, you know, as we're concluding this recording this conversation, it would be helpful if if there was one message that you wanted to convey, to communicate, what would that be in this context? What message would you want to pass on or share, which perhaps is not always so clear and tangible, especially. As people find themselves navigating an incredibly complex process at a very difficult time for the child.

I. Obviously exclusions have a massive impact on children and young people, not just in the short term, but in the long term. And you know the evidence that it cleared exclusions have an adverb. You know, impact on the child or young person. So I think it's important that everyone is focusing talk that.

You know, I like what you were saying about the impact and the long term impact because I can appreciate that when exclusion is imminent or when you're going to the proceedings, there is a lot of focus on the now and then and perhaps sometimes there isn't much time to think and process about. The long term impact on that child. Of the decision that has been made now, but also how you know, there is perhaps even a degree of. You know, double jeopardy, but a degree of double discrimination when it comes particular children who are already at risk and who already we know that might have more challenges as they grow into adults. This just add a layer to that. At which is why we ought to gay rights.

Absolutely. Yeah. I think if that intersectionality isn't it, when you've got more than one vulnerability, it can really have a massive impact on the young person. But I would just encourage anyone who's going through this process to really reach out support from, you know, for example.

Absolute.

From from our services that we offer child law advice and as well as our school exclusion.

Club. I know that you have lots of resources that can be that most of them being quite interactive. However, perhaps the first point of call would be to still try and reach. To the child law advice and get some initial understanding if next steps are not so clear.

Yeah, absolutely.

Well, thank you so much for your time today, Richard. This has been very insightful and I hope those listen. I have found it also helpful and I hope that we have communicated the availability of some of your resources and also of your advice like service and that. That can be for some a first point of call. If they're involved in the life of a child who is going through this process, do you have any final thoughts or comments you want to share with our Members?

I'd just say yes. Thanks very much for speaking to me. You know, if anyone does want to get in touch with any questions or inquiries, feel free to e-mail me at [richard.oldershaw@coram.org.uk](mailto:richard.oldershaw@coram.org.uk). In terms of travel advice, I would recommend that you look on our website.

The advice log.

[Childlawadvice.org.uk](http://Childlawadvice.org.uk). And it provides lots of information as well as the contact details for our server.

Yeah. And then and that's a separate framework to the school exclusions that you've mentioned, the school exclusions are as a resource that professionals can use and assess. And I was wondering if you might be able to speak to us a little bit more about that?

The school exclusions hub is mainly aimed at professional with other. And and the the type of content that we provide that we have, it's kind of broken down. We have step by step guide. So they each cover a different stage of the school exclusion process and they break that page down into manageable and practical. And and each step is imported by, you know, key information linked to guide or and downloadable resources. And we have template documents for these are being made documents that they would be like, especially if you're supporting a family or a young person. You may need to get permission to act on their behalf, so we have template of documents that people like they a form of authority documents to enable you to to

like request records on behalf of a young person and stuff like that. And then we have. Tested well, they've got the. So these each contain a set of paragraphs that you can use in making your argument to the governing board or making your arguments to be IRP. So they're kind of like template. They require you to complete. The key information and puts in the name of the young person and anything particular circumstances of the case. But yeah, we feel it's quite a a broad range of resources that can really help a family and professional goes through this process.

Thank you. And and I'm sure people can answer that to slow because it really is a wealth of resource that has been very carefully collated over many years for it to look like it does now. So hopefully that's there. Starting point for people to explore. Thank you so much very much.

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