Rights and remedies: safeguarding young people and their learning

Introduction

Social mobility and inclusion is driven by a number of factors, and the most recent report of the UK's Social Mobility Commission (1) reminds us that access to education is one of the five factors they consider most important:

> 'quality and equity, such as the ability to get to good quality schooling and post-school education, exclusion rates and equality of learning when you're at school'.

Being prevented from accessing good quality schooling, or being helped to re-engage with it, has long-term social and economic consequences (2) such as being more likely to be not in education, employment or training (NEET). It is also well understood that some students are more likely than others to experience or be subject to circumstances that can lead to this outcome. A 2018 report for the Department for Education (DfE) in England (3) noted that absence from school (including being excluded) during key stage 3 or 4 was one of the lead indicators of risk concerning future social and economic well-being.

Absence from school, exclusion, or leaving a school roll, has been a growing feature of the state school system in England for a number of years, as the Education Policy Institute has noted (4). The fact that many of these moves are 'entirely for unknown reasons' is surely a troubling finding in itself, as is the observation that such moves affected as much as 8.1% of the most recent cohort they studied. Pupils experiencing an unexplained move were most likely to have been: (at some point) in contact with the social care system; experiencing some form of economic disadvantage; from a black ethnic background; absent frequently from primary school; excluded either permanently or for a fixed-term; and/or in a low-attainment group at primary school. Given what is now known about the extent of learning loss as a result of the pandemic, showing how periods away from formal schooling can have a negative impact on pupils' and students' progress, particularly where other factors are also having a bearing (socioeconomic status, ethnicity, sex/gender), concerns for the progress of excluded students should be magnified (5).

Many students and pupils live and work with many of these factors that could at some point cause them to disengage (or be excluded from) from formal education. If major life-changing events, such as the Grenfell Tower fire are added into this complex mix, then it is entirely possible that these factors may be amplified. This is the situation that appears to have arisen for many young people who either lived in or close to the tower or had families and friends who lived there.

Over the last four years, many of the agencies working with families and their children within the local area affected by the Grenfell Tower fire have observed a growing trend in young people being excluded from schools. The reasons for this are not always clear or easy to resolve, but it has generated a strong sense that parents and carers are finding it increasingly difficult to navigate the landscape between their sons and daughters, their schools, and the bodies that should be in place to ensure that the risk of a child losing their entitlement to good quality education (what the DfE referred to as the 'hallmark of a civilised society' (6)) is minimised.

This paper describes an initiative, funded by the Grenfell Foundation, involving Coram (a UK charity with direct and historic interests in supporting the most vulnerable children and young people) and the ClementJames Centre (CJC) (a community-focused charity seeking to empower local people in one of London's most disadvantaged areas realise their potential) that was designed to help bridge the gap between parents, carers, their children, and the schools that can do so much to positively influence their lives.

The intervention

Professionals from Coram and CJC identified a number of cases where children and young people had been excluded for one reason or another from their schools. In spite of good engagement CJC and other professionals, their parents and carers had not had access at an early point to clear information and advice regarding their legal position and potential remedies to the situations they found themselves in. Equally, parents and carers were often unsure of the processes that had to be followed (by them and the schools) or who the key people to involve were. This, unsurprisingly generated feelings of helplessness and frustration, and a sense of schools and parents, carers and their children being in opposition.

It is well understood that early intervention - identifying and providing effective early support to children and young people who are at risk of poor outcomes[1] – is effective. This innovation was designed to ensure that those with least means did not have to wait the longest for expert analyses of their challenges so that situations drifted and problems that could have been remedied become embedded and harder to shift. It began as an in-person training and consultancy session for parents and professionals in 2019 and was repeated for other professionals in an online format in 2020. In 2021, the approach was expanded to take on five 'live' consultations, and this report draws on evidence from those who have been involved at each stage.

A case review approach was adopted, involving able professional staff from a variety of backgrounds (for example, legal, educational psychology, and education) and the consultees were briefed with appropriate paperwork concerning each case. In a guided and managed discussion (around two hours) each case was reviewed, with appropriate expert questioning and reflection, and a clear focus on identifying active and forward-looking next steps. Typically, the parents and carers (or children and young people) were not present at this stage but their representative was. The reviews aimed to equip the parent/carer representatives with the knowledge and understanding, particularly of the legal and procedural steps they could and should take to make progress with their particular issue.

Reflections from participants

Interviews were conducted with nine individuals who had been involved in the cases (and in the development of the intervention). These interviews covered four main themes, covering:

- The need for such an intervention.
- The balance of skills/interests required and represented.
- The difference the intervention made and whether it could be improved.
- Was this a model for a unique set of circumstances?

The interviewees' thoughts are reported anonymously and without any reference to the details of any particular case.

The need for such an intervention

Interviewees agreed that the complexity of the school system, especially as the direct link between schools and multi-service local authority have altered, is undeniable. When issues arise that require more than the school and any parents or carers to work together, it can be difficult to know who to turn to. This service did much, admittedly with a small number of cases, to try to address this. Some saw this as a shift in the balance of power between

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[1] https://www.eif.org.uk/why-it-matters/what-is-early-intervention

schools, local authorities, children and young people and their parents and carers, which can result in an oppositional approach to any interactions. Several interviewees felt that too many elements of this system were simply failing to join up, and that something had to inhabit the central ground to make this happen more regularly and effectively.

Interviewees also noted that the language used to engage with parents and carers by schools could be seen as (deliberately or otherwise) setting out to create a sense of 'otherness' amongst parents and carers or to make them feel unable to challenge decisions taken about their children. It's important to note than many comments reflected a belief that individual teachers did not want to act in a way that actively damaged a child's chances of succeeding or making a good next step, but that plans were often mooted but not followed through, or the impetus to act dissipated over time as sense of 'opposition' grew and engagements became less rewarding.

All of those asked to reflect on the need for the intervention agreed that it was necessary to bring a fresh approach to the sometimes longstanding issues (some of which are recurrent themes – exclusions and pseudo-exclusions, resonating with the concept of pupils and students disappearing from school rolls for entirely unknown reasons). In many instances, it was felt that school governors could be looked to as a group to take an interest in pupils being taken off the roll of a school (for any reason), and who genuinely needed to be representative of the parents at the school (so that all voices could be heard). However, it appeared that there were many cases not being brought to the attention of governors as they were not full-blooded exclusions and that the roll of governing bodies in some types of schools was becoming less visible and influential.

Finally, respondents agreed that advocacy could often only take cases so far. Often, discrete and specialist knowledge was required to truly unpick what may seem like intractable issues. Most often this required detailed legal insight coupled with a strong understanding of how the school, health, and social care systems worked across a local authority (which was a feature of the reviews) giving consultees increased and more full confidence to represent the view of the parents and carers they were working with.

In summary, there was full support for a multi-service approach that establishes a safe environment to discuss (in confidence) highly personal cases that had either stalled or resulted in a perceived unfair/unjust outcome and work towards concrete 'next steps'.

The balance of skills/interests required and represented

The pilot work that led to the establishment of the case review intervention identified the need for greater understanding of the legal intricacies concerning school exclusions, removal from school rolls, planning and support for next steps and (indeed) the language used to describe steps taken and their importance (and how challengeable these may be).

The presence of skilled and authoritative individuals in the reviews did much to clarify what actions were appropriate and how these might be articulated. The review were also enormously educational and empowering for those involved. All interviewees came away from the process feeling more confident in their knowledge (sometimes vindicated) and ability to advise others, as well as being able to take the existing case forward.

Having a flexible and responsive pool of expertise that could be shaped to meet the needs of particular cases was valued. All interviewees commented on the positive way the meetings were prepared and led, with a high degree of inclusion and a focus on moving forward.

In summary, respondents noted that the creation of a skilled and flexible pool of expertise had managed to meet the demand of the cases involved and had benefitted both the cases and the skills-base of those involved.

The difference the intervention made and whether it could be improved

There was a genuine sense from the interviewees that the case review approach had made a positive impact on all of the cases that came before them, with notable progress being made with two-three of them. At the very least, the reviews have acted to galvanise cases where progress had halted and there was no sense or vision of a positive outcome.

Whilst most understood that the model was experimental, there was general agreement that this kind of approach has merits. Owing to the nature of this phase of developing the intervention, there was only scope for one review per case, with actions then being taken up by the parent/carer representatives. Several respondents noted that a very valuable next step, having agreed what a reasonable and concrete course of action would be, should be engaging with parents and carers. This was not an appropriate step for the initial stage, as sometimes some 'distance' between those with the concerns and the experts might be necessary to develop a dispassionate view of what has happened and what should happen next, but it should certainly feature as an element of any new model that develops. The involvement of parents and carers could even feature prior to case reviews, as part of an evidence gathering approach and one that builds confidence and trust between parents and advisers, something that has often been damaged as a result of interactions with (say) schools and school leaders.

The complexity and delicacy of the cases involved is notable, and the desire of parents and carers to both do the best for their children and to continue to work with the schools involved was considerable. In two cases, the reviews identified a strong case to initiate a judicial review of the approaches taken by the schools, a high stakes option that the parents and carers were reluctant to pursue: in spite of feeling ill-served, they were keen to avoid direct confrontation.

Several respondents commented very favourably on the way the group was managed: the preparation of information, the chairing of the meetings, and the setting of ground rules for examples. It may be useful to document this as a set of principles and protocols that could be sued by others seeking to replicate this model.

In summary, the intervention had benefitted all of the cases reviewed and in some cases more notable positive differences had been made. It would have been ideal to involve parents and carers in the reviews to share the emergent ideas and next steps.

Was this a model for a unique set of circumstances?

This group was brought together to tackle an outstanding and intractable set of issues surrounding the remove of students and pupils from school rolls either as exclusions or under other guises. Whilst these cases have many and various strong and understandable links to the ongoing impact of the Grenfell Tower fire on families, the issue of being denied access to good quality education during the formal years of schooling is a regular refrain here and elsewhere. It is also the case that the complexity of the school system continues to grow across England and that it is likely that there are families grappling with understanding what *should* happen to their son or daughter when a school decides to take particular actions. It was noted more than once that if these case are happening as we continue to

focus on support for young people following a catastrophic incident, then it is likely that many more are happening where there is less scrutiny.

The consultative model could usefully be applied longer-term here and elsewhere with parent and carer engagement as a development to ensure their engagement and to reduce any sense of more decisions being taken for them but not by them. Local authority involvement was essential, but they should probably not be the central convenor for such work, as sometimes their role may be under review too. School governors were also seen as a very important group, helping to ensure that schools' 'good sense' checking is active and reasonable – perhaps involving them requiring regular feedback on not only exclusions but also removals from roll, and the monitoring of plans concerning pupils and students who are at risk of or are making a managed move from the school. Interviewees noted that the ownership of the process by a community-focused, trusted and independent institution - an anchor organisation - was a critical element of the approach (especially where there may be tensions between protagonists).

The input of skills require to tackle each of these reviews was notable, with perhaps 10 experienced professionals taking time to brief themselves and to attend a two-hour review meeting. However, setting this off against the cost of doing nothing for a student at risk of disengaging from education and the long-term impact of this, alters that perspective. The model is, unsurprisingly, not cost-free and it is important to draw in appropriate expertise as it is required and to be able to frame the input from professionals as costed work (rather than a voluntary contribution). How this kind of intervention should be funded and who should own it, if this type approach is to be developed is still undecided and there are no immediately obvious solutions, although it probably needs to sit outwith the local authority, as sometimes its actions in cases may need to be reviewed and considered objectively.

In summary, the model adopted to take the cases resulting from the impact of the Grenfell Tower fire has worked well here and is likely to be an approach that would be useful elsewhere. In a developed model, perhaps parents, carers and governors could also be involved, to help reduce the sense of remoteness and the potential for adversarial positions to be taken. A neutral and trusted convenor/owner of the approach is required and equally neutral funding to ensure that all parties can act in the best interests of the children and young people.

Conclusion

The attempt to establish a responsive, flexible and authoritative pool of expertise that creates a safe and trusted space in which to review sensitive case details about children and young people at risk of being lost from formal education has worked well. Advocates and others involved in each case have emerged with a clearer and defensible sense of the rights of the pupils and students they are concerned about and some clarity about concrete steps to be taken towards the best remedies.

There is a clear sense that this is not an approach that is a one-off and that the idea would work in other circumstances as parents and carers try to work their way through the increasingly complex school system in England. There is no overwhelming sense that there is an active attempt in any quarter to do anything but the best for children and young people, but for a number of reasons (time, budgets, accountability, oversight) key elements of the system that should act in pupils' and students' best interests do not always link up. This intervention, acting to convene, diagnose, advise, and guide has attempted to do just that and has shown some signs of early success, which could usefully be built upon with some core funding to support a longer multi-professional pilot. Who should fund and own

the development of this concept, ensuring its neutrality and trusted position, needs some further consideration.

References

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