

**Include Youth response to Suspension and Expulsion  
Procedures Proposals for Change**

**July 2004**

## **Introduction**

Include Youth promotes best practice with young people at risk of social exclusion. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities which attempt to influence public policy and public awareness locally and nationally.

Include Youth manages the Give and Take Scheme which is a direct service to vulnerable young people providing them with supported work placements and a personal development programme. Include Youth also facilitates the Looked After Children and Education (LACE) project which aims to make education a more positive experience for 'looked after' children and young people in Northern Ireland and to improve their levels of educational achievement, acknowledging that these are interdependent. The Young Voices project aims to facilitate the participation of socially excluded and at risk young people in policy debate and formulation.

Amongst the young people at risk with whom and on whose behalf Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those who have had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities or of being harmed themselves.

Include Youth welcomes the opportunity to respond to the consultation document 'Suspension and Expulsion Procedures – Proposals for Change'. In formulating our response, we have consulted with professionals from across Northern Ireland working directly with challenging and vulnerable young people through our Practitioners' Forum. We have also referred to existing research and consultations with young people through our LACE project and our Young Voices project.

Having viewed the submission by the Children's Law Centre, Include Youth would endorse this completely and the following comments are in addition to the Children's Law Centre response.

## **Young Voices**

The Young Voices response to 'Children's Strategy – Pre-consultation' outlines that "In terms of education, the participants all were or had been disenfranchised from school. They had felt labelled and judged as 'bad' from an early age. They all had experienced significant family trauma, some at an early age, and others over a protracted period. But key to the discussion – *they ALL wanted to stay at school*. They felt that they had not been heard or understood by their teachers, and that sufficient effort had not been made to take the child's individual circumstances into account. Indeed they felt that the teachers could not relate to their life experience –teachers were perceived to be from middle class backgrounds."

## **Children In Trouble With the Law**

Include Youth believe that young people should be kept in full time education for as long as possible. It is our experience that young people who are out of school are more likely to engage in offending behaviour. This view is backed up by research carried out by The Youth Justice Board, (England and Wales), who conducted a survey with 4963 11 -16 year olds from mainstream education and 586 young people who had been excluded from the education system within England.

This study showed “In 2003, 25% of young people in mainstream education and 60% of excluded young people admitted to committing a criminal offence in the 12 months prior to taking part in the research. The figures for 2002 are in line with this: 26% of mainstream pupils and 64% of excluded pupils.”

Therefore there are clear links between being excluded from mainstream education provision and the offending of young people. It is vital our education system looks creatively at how young people can be kept in full time education.

## **Looked After Children**

The majority of children who are looked after attend ‘ordinary’ schools in their communities. Although research has highlighted their educational achievements are significantly below those of their non-looked after peers. School is an important normalising experience as it provides them with social contacts and experiences outside the care system and can sometimes offer a valuable haven from the turmoil of family relationships and stresses within the care placement, (Fletcher-Campbell and Hall 1996).

However Jackson and Sachdev (2001) state that simply the fact of being in care carries a high risk of being denied the opportunity for mainstream education. In contravention of the UN Convention on the Rights of the Child (1989), there is evidence that some looked after children have been deprived of their right to education altogether (Blyth and Milner 1994).

Unfortunately for many children and young people in care, education does not feature as a priority and yet it is acknowledged by society that education is a passport to a successful future for all our children and young people.

The educational underachievement of children and young people who are looked after, is reflected in the following statistical facts:

- Across the UK, estimates indicate that up to 70% of young people in foster care and over 80% in residential care leave school with no qualifications (Marsh and Peel 1999)
- Fewer than 20% go on to further education and fewer than 1 in 100 go on to university compared to 68% of the general population (Biehal et al 1995)

- Children in care are 10 times more likely to be excluded than their peers and as many as 30% are out of mainstream education because of either truancy or exclusion (Social Exclusion Unit 1998)
- Between 50% and 80% are unemployed between the ages of 16 and 35 years (Scottish Executive 2000).

Unfortunately all the available evidence suggests that the experience in Northern Ireland is very similar to that in Britain. Pinkerton and McCrea (1996) found that almost 50% of the 95 care leavers in their study had no qualifications six months after leaving care. About one quarter had at least one GCSE, just 2% had an A Level qualification while 13% had a vocational qualification. These figures compare unfavourably with the school population at that time, of whom only 5% left with no qualifications, 43% had achieved CGSEs and 33% had obtained A levels (NISRA1998).

These findings are broadly consistent with earlier leaving care studies in England and the trend is further replicated in figures from the DHSSPS for care leavers in Northern Ireland for 2001/02: 56% had no GCSEs, 44% had at least one GCSE and 2% had obtained an A Level qualification.

Research findings suggest that looked after children and young people are over represented in figures on suspension and expulsion in Northern Ireland. Kilpatrick and Barr (1999) found that 16% of their looked after group had been suspended at least once during the academic years 1997/8 and 1998/9. Seven were suspended in both academic years; all but one of these pupils were at secondary level. The stated reasons for suspension did not seem different from those reasons given for the general school population: 37.5% had been involved in repetitive acts of 'low level misbehaviour' and 21 % of suspensions were for acts of violence against other pupils and teachers.

Almost half of the looked after children in one of the Trusts studied in the NHSSB Audit (2000) had been excluded from school during the previous school term, two permanently and five on a temporary basis. A similar proportion had been excluded in the SHSSB Area Audit (2000).

There is an absence of baseline information regarding looked after children and the information on the achievements of looked after children as a distinct group is not produced routinely by the Department of Education. The DHSSPS does not record any education information on its regional social services client record system (SOSCAR) such as the school attended and any indicator of special educational need. However during 2002 the DHSSPS introduced a process of collecting data (OC1 and OC2 forms) on the educational attainment of looked after children. Whilst this process will provide an important source of information to monitor progress and measure improvement targets, it does not appear to record specific information regarding suspensions and expulsions. Consequently there are no current figures to state whether looked after children and young people are over represented in suspensions and expulsions in Northern Ireland.

The LACE research highlighted the need for improvements in communication and knowledge on care issues amongst professionals. One residential social worker saw her role as ‘advocating for young people in the education system’ but she stressed the importance of being knowledgeable about the system before doing this effectively. Professionals highlighted the importance of having up to date knowledge of educational policies and were particularly keen to have more information on topics such as special needs, statementing and codes of practice, suspension procedures and the variation between the Maintained and Controlled sectors.

Many professionals referred to the lapse in time between information being shared between schools on young people in care. This often results in learning difficulties not being picked up early enough, difficulties securing new placements after moves in care and exclusions and lack of alternatives to mainstream education being offered. Professionals were aware of the frequency with which information can be lost between professionals when children and young people move placements and schools and it was suggested that a tracking system should be put in place. The pilot of personal education plans (PEPs) in some Trusts and Education and Library Boards should go some way towards collating education information for looked after children and young people as part of the LAC review process.

Findings from studies strongly suggest that a number of looked after children and young people are identified as having a special educational need (SEN). For example, 30% of the sample in Kilpatrick and Barr’s study (1999) had statements of SEN compared to 2% for the general school age population. Reasons given for a statement of SEN included learning difficulty, behavioural difficulty and a combination of behavioural and learning difficulties. A further 29% of their looked after sample were on the SEN register of their school. 60% of the pupils on the SEN register in Kilpatrick and Barr’s study were there because of numeracy and literacy problems.

## **Comments on Document**

### **Section 3 Suspension and Expulsion Schemes**

Include Youth welcomes the proposal that all schools should be required by law to use the same model scheme for the suspension and expulsion of pupils. We would also welcome a consultation period on details within the scheme and would suggest that parents and young people (including looked after children and young people and those outside of mainstream schools) should be involved in this. The scheme should be disseminated to all parents and pupils in an accessible way.

### **Section 4 Suspensions**

Include Youth agrees with the proposal for the Department to issue guidance to schools on the legislation relating to suspensions. The practitioners involved in making our response would reiterate the findings of the Review Group, some young people they have

worked with had been on rolling suspensions for more than 45 days, some young people had been suspended for minor disciplinary issues and others had been sent home until their parent came to the school – making it unclear if they had been suspended or not. On many occasions young people have been deprived of their education due to family problems. A lot of young people are not happy to be out of school – it is often their only place of safety.

Include Youth is concerned over the maximum of 45 days suspension in a school year, we would regard this as being an extremely lengthy time for a young person to be out of school. There needs to be an outline of specific reasons for suspension and it should be seen as a very extreme and severe sanction. As we have stated earlier young people engage further in risk taking behaviour when out of school.

Include Youth agrees that the ETI should monitor a school's suspension procedures. We would have concerns that even though the law already states conditions for suspensions schools have not complied with this and therefore there needs to be greater and more stringent monitoring of schools.

### **Education Provision**

Practitioners have had a mixture of experiences regarding education provision for young people who have been suspended. Some schools have been very efficient in providing academic work for the young person others have been far from efficient, for example, one practitioner arranged three times to collect work for a young person and on all three occasions the work was not there to collect. It is well known that a young person under the ECHR (Article 2 Protocol 1) and UNCRC (Article 28) has the right to education. Therefore we welcome the change in legislation clarifying the position on a school's responsibility regarding education provision. We particularly endorse the Children's Law Centre's recommendation for procedures to review suspensions and education provision being made after a period of 15 days. (see 3.27 of CLC response).

Suspension and expulsion from school not only excludes young people from their school but serves to isolate them further from society as well as strongly diminishing their life chances. Include Youth strongly advocates for children and young people to be kept within mainstream education until they are the legal school leaving age. The education system should be moving from a culture of exclusion to inclusion. Awareness should be raised around the implications of excluding a young person from mainstream school and clear guidelines should be developed outlining the reasons to keep young people in school and strategies for doing this. It should be in extremely exceptional circumstances for a young person to be excluded from mainstream education. In these rare cases we would emphasise that it should be deemed as in the child or young person's *best interests* to be excluded and educated outside school (Article 3 UNCRC) and this should be a short-term measure. There needs to be an emphasis on reintegration into mainstream schools and any alternative education provision needs to mirror what goes on in mainstream schools and adhere to the same curriculum within full-time education provision.

## **Appeals**

Include Youth strongly disagrees with the proposal that a formal right of appeal against a suspension should not be introduced. With reference to Article 12 of UNCRC, the right of appeal should be accessible to young people, especially when it is clear that suspensions have such a detrimental effect on a young person's education, young people have been suspended prior to all the facts being known and for minor disciplinary incidents. We agree with the Children's Law Centre's response that teachers should be given training in how to investigate situations that may render a suspension.

The information for parents and guardians on the legal position in respect of suspensions is welcomed however consideration should be given as to how best to pass on that information. Some parents have literacy difficulties and therefore would need other accessible information. Consideration also needs to be given to who receives this information regarding looked after children.

## **Section 5 Expulsions**

Include Youth agrees that expulsion procedures should operate in an equitable manner across all school sectors and welcomes the creation of an independent expelling authority. We also welcome the team of independent assessors representing the interests of the pupils and/or parents where an expulsion has been proposed.

Expulsions should be seen as the very last resort. We would suggest that there should be early intervention when dealing with any problematic behaviour and schools should take a multi-disciplinary approach to this. Schools should be given the resources to access outside professional help and services rather than taking the child or young person out of school. We would promote an inclusive approach rather than exclusion and would welcome the Department and other Education partners exploring the idea of 'cooling off' or 'time out' areas in the school and considering how a young person could be kept within mainstream schools further. Better use should be made of initiatives that have been piloted and positively evaluated within Northern Ireland. For example School Group Conferencing, which has been piloted by Barnardos in the Dungannon and Armagh area should be funded and rolled out to other areas, this approach is effective in dealing with problems before they come to the stage of exclusion. Other effective initiatives include Mediation (including Peer Mediation), Communities in Schools and the Extended Schools project. We suggest awareness of these and other effective initiatives should be raised and should be resourced so that they are made available to schools across Northern Ireland.

## **Consultation Process**

Again the practitioners involved in this response would endorse the Review Group findings that the consultation meeting was a formality, with a pre-determined outcome. We would endorse the Children's Law Centre's recommendations (see 3.52 of CLC Response) for meaningful consultation meetings.

## **Appeal Tribunal**

Include Youth agrees with the proposals to establish an independent expulsions process to deal with appeals on a regional basis. Parents and young people should be made clear on how this process will work.

## **Education Provision**

Include Youth is concerned that 15 days is too long before education provision is established. In Republic of Ireland the pupil does not get expelled until future education has been arranged.

## **Section 6 Prevention and Support Systems**

Include Youth strongly endorses the proposal that pupils with statements of special educational needs should not be expelled. We reiterate the Children's Law Centre recommendations regarding this area. As we stated earlier there needs to be more resources put into training for teachers to deal with problematic behaviour. A multi-disciplinary approach should be taken to benefit from professionals with specific expertise in this area. A holistic approach can only benefit the child or young person and their family. The lack of Educational Psychologists and the length of waiting lists is of great concern. Our experience is that a number of young people fail to be statemented and fall through the net, meaning their behavioural difficulties are not dealt with in an adequate way. The Code of Practice needs to be reviewed and refined to meet the needs of these young people. There also needs to be recognition of the needs of young people who are 'looked after' with consideration as to the best way to deal with behavioural difficulties they may display as well as consideration that removes the option of expulsion from this group of children and young people. Exclusion from school really only serves to isolate them further.

## **Admission to another School**

Include Youth agrees legislation should be changed to require schools to make admission decisions within 15 school days.

## **School Clusters**

Include Youth would be interested to examine the findings of the school clusters pilot. We would share the Children's Law Centre's reservations of ensuring a new school is appropriate for the young person and not just a method to remove them from a particular school.

### **Suspensions and Expulsion Data**

Include Youth welcomes the access for relevant parties to detailed and consistent data, with the premise that care should be taken to ensure anonymity remains for the young people concerned. Young people have reported that their personal details and situation have been repeated to a whole class when they wanted them to remain confidential.

### **Conclusion**

In conclusion Include Youth welcomes that the issue of exclusion from school is being debated. We also welcome the opportunity to respond to these proposals. It is our view that children and young people have the right to education and should be kept in full time education for as long as possible.

For Further Information Contact:

**Lorraine Thompson** - Development Worker

**Lorraine Devlin** - LACE Co-ordinator

Include Youth

Alpha House

3 Rosemary Street

Belfast

BT1 1QA