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Second Edition
Chair’s Foreword

This review has taken place over the last twelve months as a result of discussion at the Scrutiny stakeholder event in 2009.

This review has considered a wide range of evidence and taken through panel meetings and workshops; visits to schools and pupil referral units (PRUs), desktop research, questionnaires and direct discussions with parents and carers. The review has also engaged at every stage with the community and voluntary sector who are working with children, young people and their families on a daily basis to:

- tackle challenging behaviour
- offer support through the exclusion process
- offer day six provision.

It is important, particularly as schools become more independent from the local authority, that parents and carers are supported and given accurate information about their rights and the framework within which exclusions must take place. We must also ensure our most vulnerable young people have the support they need and that the safeguarding of all our children and young people are at the heart of all decisions taken. This is the key to this agenda. Parents and carers need to understand the exclusions process, currently a large number do not and this has to be addressed.

This report considers the avoidance of exclusion and also how a young person can be engaged with to avoid further exclusion and to ensure they have real access to continued learning.

Nationally a high number of excluded children and young people end up in the criminal justice and prison systems later on in life. By targeting resources and support at preventative work we can help avoid the much higher resources that are needed if people enter into the criminal justice and prison systems later in life.

I would like to thank everyone who helped us throughout this review, particularly parents of those young people who have been excluded. Many parents and carers have expressed the wish that by talking to us and outlining the problems and barriers they faced
then other parents and carers may not have to go through the same problems in the future. Their personal experience has been invaluable to this review. Similarly the input from schools and the pupil referral units in the borough has helped us find some excellent practice which can be shared to ensure that everything possible is done to avoid exclusion, which must therefore be a last resort when preventative measures have failed.

Exclusion of children and young people is a challenging agenda and one where everyone must be protected. I hope that this review goes some way to helping everyone in school settings.

Councillor Trevor Crumpton  
Chair of the Education and Lifelong Learning Scrutiny Panel
Glossary

**Admission & reintegration panels**
See appendix 4

**Community and voluntary sector (CVS)**
Registered charities, as well as non-charitable, non-profit organisations, associations and self-help groups and community groups. Must involve some aspect of voluntary activity, though many are also professional organisations with paid staff, some of which are of considerable size. Community organisations tend to be focused on particular localities or groups within the community; many are dependent entirely or almost entirely on voluntary activity.

**Day six provision**
If an exclusion is for more than five days, from the sixth day the school (for a fixed term exclusion) or the local authority (for a permanent exclusion) must provide suitable full time education. This is not normally on the school site.

**Internal exclusion**
Internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons. It may be a formal process within the school but it is not a legal exclusion so exclusions legislation and the department’s guidance on exclusion from school does not apply.

**Looked after children**
Looked After Children and Young People are children in the care of the Council, through a Care Order made by a court or voluntary agreement with their parent(s) to accommodate them. They may be looked after in a children’s home, by foster carers, or other family members. All unaccompanied asylum seeking children are also Looked After Children.

**Managed moves**
A “Managed Move” is a strategy open to a school to prevent a permanent exclusion. The “principles” agreed demonstrate that this should be considered when a range of other alternatives have been unsuccessful (e.g. range of in-school support, referral and engagement with external specialist agencies, intervention placement in a pupil referral unit, etc.).
A pupil would be Dual Registered with their original and ‘new’ school for a 7 week trial period. If the placement breaks down during this time the pupil would return to their original school for conduct issues to be dealt with under that school’s Behaviour Policy (this might then result in permanent exclusion). If the placement is successful, the pupil then transfers to the roll of the ‘new’ school.

Parental consent has to be obtained (to ensure parents are supportive and so that they can be made aware if the placement is unsuccessful they cannot subsequently request a place at this school).

**Mediation**
Mediation is an informal dispute settlement process run by a trained third party, called a mediator. Mediation is intended to bring two parties together to clear up misunderstandings, find out concerns, and reach a resolution. The process is voluntary.

**OfSTED**
The Office for Standards in Education, Children's Services and Skills is a government department that inspects and regulates institutions in England providing education to learners of all ages and providers of care for children and young people.

**Pupil Allocation Panel (PAP) Funding**
This is a method of supporting individual pupils in mainstream schools with significant SEN without the need for a statement of SEN. The Local Authority can support pupils in a timely manner following the early intervention agenda. Schools have to submit evidence of what they have done together with supporting information from a SEN support service.

**Pupil Referral Unit**
A Pupil Referral Unit (PRU) is a centre for children who are not able to attend a mainstream or special school.

**Special educational need (SEN)**
The term 'special educational needs' (SEN) has a legal definition, referring to children who have learning difficulties or disabilities that make it harder for them to learn or access education than most children of the same age.
Special educational need (SEN) statement
A special educational need (SEN) statement sets out a child or young person’s needs and the help they should have. It is reviewed annually to ensure that any extra support given continues to meet the child or young person’s needs.

Young carers
Young carers are children who help look after a member of the family who is sick, disabled or has mental health problems, or is misusing drugs or alcohol.
Context

National context
The current government guidance covering this agenda is the ‘improving behaviour and attendance: guidance on exclusion from schools and pupil referral units’, September 2008. By virtue of their funding arrangements academies must also have regard to this guidance.

The guidance promoted ‘positive behaviour and early intervention’, outlining that exclusion should always be a last resort by schools, when every other method to improve behaviour has failed. Each school must have behaviour policies which are widely publicised and their application must be consistent, rigorous and non-discriminatory. There are also a number of alternatives to exclusion, including:

- restorative justice
- mediation
- internal exclusion
- managed moves

There are two kinds of exclusion, fixed term and permanent. Such action can only be taken by the head teacher. Permanent exclusions should only be taken:

- in response to serious breaches of the school’s behaviour policy
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Fixed term exclusions should only be in response to ‘breaches of the school’s behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate’. Fixed term exclusions should be for the shortest time possible so as to make reintegration into the school setting easier. OfSTED surveys evidence that 1-3 days are often long enough to secure the benefits of exclusion and the total number of fixed term exclusion days for an individual pupil can not exceed 45 school days in one school year. Furthermore, even a short exclusion of half a day must be recorded as an exclusion and lunchtime exclusions count as half a day.
When a school gives a fixed term exclusion for longer than six days they have a duty to arrange suitable full time educational provision from and including the sixth day of the exclusion. The local authority has this responsibility for permanently excluded pupils. If a pupil is ‘looked after’ by the local authority these duties apply from day one of the exclusion.

The guidance also highlights that over two thirds of all permanently excluded children have been identified as having a special educational need (SEN). Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements of SEN.

The guidance also goes on to explore when an exclusion is not appropriate:

- minor incidents such as not completing homework
- poor academic performance
- lateness or truancy
- pregnancy
- breaches of rules of appearance
- punishing pupils for the behaviour of their parents
- protecting victims of bullying by excluding them from school

The guidance is explicit that informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents and carers. Similarly, being sent home during the day to ‘cool off’ has no basis in law.

**Sandwell context**

Sandwell has a mix of schools including pupil referral units (PRUs) across all key stages. It also has three admission and reintegration panels for secondary schools (renamed ‘Behaviour and Attendance Partnerships since the start of the summer term, 2010) and seven learning communities for primary schools.

It is important to note that in recent years the number of reported exclusions taking place in Sandwell has declined. However, the panel heard evidence which suggests that there are still unofficial exclusions taking place in the borough’s schools. It is also important that the rate of exclusions continues to reduce.
Across the borough’s schools and PRUs the panel came across examples of each of the alternatives to exclusion as outlined above. The following statistics outline the Sandwell context:

<table>
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<tr>
<th></th>
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</tr>
<tr>
<td>Secondary - fixed</td>
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<td>1652</td>
<td>1864</td>
<td>1497</td>
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Findings

Parent Partnership
Parent Partnership is a service for parents and carers of children with SEN, ensuring that they get information and advice on SEN. This organisation is not an exclusion support organisation, but by virtue of working with parents and young people with SEN it often supports parents through the exclusions process. Because of higher numbers of young people with SEN becoming excluded this has become a key part of their work, without additional resources for this targeted work being given. In order that the Parent Partnership is able to focus on its core work there needs to be a dedicated exclusions officer commissioned by the Children & Young People Trust Partnership who can support parents, carers and young people through the exclusion process. This should be a universally available service to anyone, regardless of SEN status. The local authority has a team of exclusion officers who already carry out this function in line with statutory guidance. A dedicated post within Parent Partnership would compliment this function.

Recommendation 1

An independent, dedicated exclusions officer be commissioned within Parent Partnership.

The review held group sessions with parents and carers that had been supported by Parent Partnership. A number of key messages came out from these discussions, including:

- schools were not consistent with how they dealt with SEN pupils when they were facing potential exclusion or had been excluded
- parents were not aware of their rights under exclusion guidance
- getting meetings with school governors was not always easy with letters from parents not responded to
- communication between the school and parents was sometimes erratic and not properly managed
- SEN funding was not always following the pupil
- parents were not receiving copies of minutes of meetings they attend with the school
• complaints were being dealt with at the head teacher/ chair of governors level, with other school governors not being informed or involved in the complaints process
• parents not knowing what they can do if they feel the governing body has not listened to them
• behaviour policies were being applied instead of a SEN policy
• when parents are requested to attend a meeting at school it is often done at very short notice and information about what the meeting is about and the format of the meeting (including those present) is often not forthcoming

Recommendation 2

When a meeting takes place between a school and parents regarding an exclusion the rights and responsibilities of the parent and pupil be explained and that minutes of the meeting are sent to the parents within three working days.

A key issue which arose out of these discussions was that a large number of ‘incidents’ which led to exclusion happened at lunch time. A number of parents in these discussions felt that lunchtime supervisors did not have adequate training to deal with the behaviour of young people with SEN. Often, some parents felt that lunchtime supervisors were not properly trained to appropriately support their child and resolve behaviour issues appropriately as they arise. It was reported that a number of schools specifically train lunchtime supervisors in dealing with challenging behaviour during lunchtime. This training is often delivered by ‘Inclusion Support’ from the local authority as part of the local authority traded offer to schools. This training should be rolled out across the borough so that lunchtime supervisors can confidently deal with challenging behaviour and are supported in this role by schools.

Some parents reported that lunchtime supervisors were not maintaining confidentiality but were inappropriately talking with other parents about their child and their behaviour. Each school develops and maintains their own contracts for lunchtime supervisors. Therefore, to remedy this concern the local authority should encourage schools to develop the contracts offered to lunchtime supervisors to include standards of confidentiality and provide appropriate training around confidentiality.
Recommendation 3

Schools to develop contracts for lunchtime supervisors which include standards of confidentiality and appropriate training on confidentiality and working with pupils with challenging behaviour.

Exclusions and the framework in which they take place is a complicated one and would benefit from a peer support scheme possibly through the formation of a ‘buddy group’. This would be a group of parents and carers who were going through, or who had already gone through, the exclusion process and could offer support and guidance to others.

Recommendation 4

A ‘buddy group’ be established of parents who have been through the exclusions process to support parents who are currently going through the process.

Unauthorised exclusions

Unauthorised exclusions are:

- when a young person is sent home from school and this is not recorded as an exclusion
- inviting parents to move their child to a new school rather than facing an exclusion
- when a pupil is sent home during an inspection so that their behaviour does not impact on the inspection outcomes

Throughout the review, from a wide range of sources it became evident that parents and the community and voluntary sector (CVS) felt that unauthorised exclusions, were still taking place. This practice is illegal and yet parents are not aware of its illegality and schools do not inform parents that this is the case. Many parents only find out about its illegality after some time, usually after a formal exclusion has taken place and they are seeking independent advice. Parents
need to understand the legal framework surrounding exclusions and therefore the local authority should independently inform all parents and carers about the whole exclusion process including what should and what should not happen during an exclusion. This information should be given out each time a young person starts at a new phase of their education i.e. at the start of nursery school, infant school and secondary school. This information should also be put on the council’s website along with information about what recourse are open to parents if they feel their child has been subject to an unauthorised exclusion.

A managed move is a strategy open to a school to prevent a permanent exclusion when a range of other alternatives have been unsuccessful. A pupil is dual registered with their original and new school for a seven week trial period. If the placement breaks down during this period the pupil would return to their original school. If the placement is successful the pupil transfers fully to the roll of the new school. Similar to other parts of the exclusion agenda there does not appear to be readily available information on what a managed move is for parents. Rather, there is a reliance that schools will adequately inform parents about the process. This could lead to differing quality of advice being given and furthermore, it is not necessarily impartial advice. Guidance needs to be created by the local authority which can be given to parents offering them an overview of what the managed moves process is, the ‘pros and cons’ of the process and who is responsible for what.

**Recommendation 5**

At the start of primary school and secondary school parents receive comprehensive information about the exclusion process, including managed moves, rights and responsibilities, options of recourse and where they can go for support. This information to also be placed on the council’s website.

Parents are often unaware that being encouraged to move their child to another school, rather than the school permanently excluding them, constitutes a ‘backdoor exclusion’ and is not allowed. This process benefits the school since it avoids them having to pay the £5000 levy they have to pay to the school the young person subsequently goes to if they actually exclude them and it could be
argued that it benefits the pupil because they do not have an exclusion on their record. Such a way of working, however, is an example of a school merely moving the perceived problem rather than going through proper processes to deal with it which may include looking at the needs of the pupil. Therefore, in the long term this process does not benefit the pupil since underlying problems are not being addressed. Therefore, analysis should be undertaken looking at the number of in year mobility cases. Where a community school has disproportionate numbers they should be held accountable by school improvement partners as to why there are such high numbers. Where this challenge takes place and highlights incidents of this practice the local authority should hold the school to account either itself or through the Department of Education for academy schools.

**Recommendation 6**

*Analysis be undertaken on the number of in-year mobility occurrences in schools and where high numbers are found schools be challenged to ensure that these are not ‘backdoor exclusions’.*

Derbyshire County Council has undertaken a number of initiatives to manage and reduce the number of unofficial exclusions taking place. It has developed a guide for parents on the whole exclusions framework which would be useful to replicate in Sandwell since there is very little on exclusions on the Sandwell website. The Derbyshire guidance can be found at:


**Recording attendance**

Some pupils have been marked present in school when they have not been there. Besides being illegal due to the register being a legal document in law, this has serious safeguarding implications. If a child is recorded as being present in school and this is not the case then no one is necessarily aware of where that child is. Again, parents often do not know how to report this or where to report it, with many feeling that if they do so such action may result in their child suffering.
Recommendation 7

Schools are reminded that recording a child as present when they are not is illegal and that such practice can have safeguarding implications. Also, where a child has been recorded as present in school and they are not, the Local Safeguarding Children Board be informed by the local authority.

Behaviour policies and SEN policies in schools
One of the key issues of the parents who had gone through the exclusion process was the concern that behaviour policies were being used without reference to SEN policies, leading to the exclusion of young people with SEN or the exclusion of young people whose SEN had gone unrecognised and was only recognised subsequent to the exclusion. In light of this, school improvement partners as part of their monitoring on the outcomes of schools’ SEN policies should ensure that they are robust and are integral to behaviour policies. Furthermore, when parents challenge whether SEN policies are being utilised schools should be challenged to evidence how, if a young person with SEN is excluded, the SEN policy was used in attempts to avoid the exclusion.

Recommendation 8

When a school excludes a pupil who has special educational needs it evidences how its special educational needs policy was used in attempts to avoid exclusion and that governors and clerks to governing bodies are made aware that such challenge should be part of the exclusion appeal process.

Ensuring that exclusion policies, SEN policies and behaviour policies are all robust and working in unison to avoid exclusion and support young people with SEN is important. Therefore, the local authority through its school improvement partners, should undertake an audit of all three policies for each school to ensure they are fit for purpose and where they are not they should offer school support for improvement. This audit should also include discussions with parents and carers and organisations such as the Parent Partnership.
Recommendation 9

An audit of schools’ exclusion, SEN and behaviour policies be undertaken in partnership with parents, pupils and independent organisations.

Role of the community & voluntary sector

The CVS is commissioned by schools and the local authority to provide sixth day provision outside of a school setting and support parents, carers and the young person to avoid exclusion and support after exclusion. There are excellent examples across the borough where an organisation has been invited into a school to work with a young person on a one-to-one basis. This gave the young person dedicated support from someone who was independent of the school, whilst working with the school and was someone who the young person could relate to. There are some schools, however, which don’t recognise the positive impact the CVS can have in a school setting. Therefore, examples and case studies need to be gathered and shared as good practice with schools to avoid exclusion and improve behaviour. This information should then be shared around schools. A directory of organisations that are able to support schools and young people in avoiding exclusions should be compiled and distributed to all schools. Furthermore, through Behaviour and Attendance Partnerships schools should continue to be challenged to see what CVS involvement they have in behaviour management and in the wider exclusion agenda.

Recommendation 10

A directory of community and voluntary sector organisations that can assist schools in trying to avoid exclusions be developed alongside the compilation of examples and case studies of where such organisations have been involved with schools to help avoid exclusions. Furthermore, when schools exclude a pupil they evidence what engagement with the community and voluntary sector they had to help avoid the exclusion.
To some parents their own experience of school and education was negative. Therefore, some either struggle with the authority of a school or lack confidence to enter back onto a school site. This is another area where the CVS can help. Being a voice for a family who otherwise would not have one and helping to build a constructive relationship between the school and the family are two areas where the CVS can have a very positive input.

During the course of the review evidence was also taken from a number of CVS organisations in respect of the work they undertake in the community to give young people aspiration. The message which is important here is that preventative work which reduces the number of exclusions does not just take place in, or by, schools.

For some young people who have been excluded, mainstream education provision can be part of the problem of them not being able to engage appropriately with the curriculum. The CVS offers more tailored opportunities to reach out to young people and provide educational opportunities to them in a way with which they can engage. Individual plans for an excluded pupil which looks at why the young person disengaged with education and then creates an individual plan is an excellent method of ensuring that exclusion does not mean the end of a young persons engagement with education and learning.

The development of a Sandwell Exclusion Strategy which schools, the local authority, the police and relevant CVS organisations could sign up to would be of great benefit. This would strategically link up the key players on the exclusion agenda and give guidance when needed. It would also act as a day-to-day resource for people working on the exclusions agenda.

**Recommendation 11**

**A Sandwell Exclusion Strategy be developed.**

It appears the ‘information passport’, which should be received by day six providers on the excluded young person, is not always as thorough as it should be. A strategy as outlined above could show what was needed by day six providers and what feedback could be expected by schools once reintegration measures had been agreed.
Individual work in schools
One of the areas that schools raised as helping to avoid school exclusions were learning mentors. These are members of staff who work on a one-to-one basis with young people to assist with learning and behavioural support. Schools are concerned about the future funding of these posts and this is something which will need to be addressed within the mix of CVS involvement in schools and the outreach work which PRUs undertake in schools. Whilst in the current economic situation it is likely that cuts will have to be made we should still ensure that children and young people who need one-to-one support are able to access this. Schools and the local authority should also remember that this can be in done in a variety of innovative ways. It is this package of individual support which has some of the best results in avoiding exclusion.

Examples were given of some excellent practice taking place within schools and learning communities. This includes engagement with parents from the moment a pupil starts school. This would appear to be a crucial element in avoiding exclusion. Furthermore, having a philosophy which teachers, parents and pupils can all buy into is a good way of ensuring everyone has knowledge of their individual rights and responsibilities. Such good practice needs to be disseminated more widely than individual learning communities and consideration needs to be given about how good practice can be more widely shared on a peer basis across the borough.

Recommendation 12

Good practice of school, pupil and parent engagement be collated and disseminated across the whole borough.

Parenting classes
During the review evidence was received from organisations delivering the Triple P parenting programme. This is an eight week course which trains in positive parenting. There has been success with this programme since school exclusions could be as a result of poor behaviour management in the home or due to parental denial that their child has a behaviour problem. There were also examples of individual schools offering this course and this should be encouraged. If parents are able to give out the same discipline
messages at home as the school gives out this could have an impact on lowering the number of exclusions. Furthermore, schools should be encouraged to use this training approach as one of the exclusion avoidance measures available to them.

Parenting programmes can also assist parents in dealing with their own anxieties about schools and teachers.

Schools also value the role that parenting classes played in equipping parents to deal with their child’s behaviour and as such helping to avoid exclusions.

Recommendation 13

Schools have information about and be encouraged to signpost parents to parenting classes.

Pupil referral units

Aspects of the role of PRUs and the Behaviour and Attendance Partnerships is currently under review at a national level and in light of this it is important that members are kept aware of what these developments are and how excluded young people are going to continue to receive good and timely education when they have been excluded. Information will also be needed on how the outreach work and intensive one-to-one work delivered by the PRUs to prevent exclusion will be undertaken in the future.

Recommendation 14

Scrutiny be kept informed on the development of the pupil referral unit (PRU) agenda and how the provision delivered through PRUs will be delivered in the future.

A piece of work which would assist in even further targeted work is around keeping track of those young people who are excluded at key stage 3 and then again at key stage 4. This would ensure that at key stage 4 much more intensive work can be undertaken with the young person before they leave the education system.
Recommendation 15

Monitoring and targeted work be undertaken with pupils who are excluded at key stage 3 who go on to be excluded at key stage 4.

Schools
During discussions with schools in the borough some excellent practice was illustrated where a lot of the findings of this report were echoed with work being done to avoid problems. Some schools also have a practice of not excluding pupils. These schools have excellent track records in engaging with and working with parents and pupils and working collaboratively with other local schools to pool resources and tap into the knowledge held by teachers with specialist skills or knowledge.

When considering the behaviour policies of schools there are some excellent examples across the borough that illustrate how they work alongside SEN policies and outline all the preventative measures the school will take to work individually with the pupil and to try and avoid exclusion.

Transition
There are issues at the point of transition from primary to secondary school can aggravate behaviour problems sometimes resulting in exclusion. Therefore, targeted work on behaviour, aspiration and confidence with young people at this stage could have a real impact on reducing exclusions later. Further evidence of such work having an impact can be seen in the West Bromwich North learning community where schools have a close relationship with the local secondary school with teachers from primary and secondary travelling across both sites during the years 5, 6 and 7 to ensure ongoing support during this two year transition. And this is the key to its success, seeing transition not as a process which takes place just over three months but rather as a process which takes place and needs embedding over a longer period. The transition process between primary and secondary school will form part of the work programme for this scrutiny panel during the 2010/11 municipal year.
Looked after children and corporate parenting
As corporate parents the council has a duty towards looked after children in all areas of their life. This duty includes helping children and young people during their school career and during any instances of behaviour problems in school where parents would normally be involved. Currently, there is no strategy or protocol about how looked after children and young people would be supported by their corporate parent in measures trying to prevent an exclusion and then, if these were unsuccessful, during an exclusion process.

Immediate work needs to be done to develop protocols. These would then need to be communicated to schools, looked after children and foster carers.

Recommendation 16
Strategy and protocols be developed on how looked after children and young people will be supported by their corporate parents in trying to avoid exclusion and during the exclusion process.

Young carers
Young carers are another group of young people who may face an unfair and disproportionate number of exclusions due to their caring responsibilities. Such reasons for exclusion may be persistent lateness due to simply being tired or having to take younger siblings to school or parents to medical appointments or homework not being completed. Other issues include emotional distress at school which may express itself through poor behaviour. Young carers should receive support in the school setting to avoid exclusion. This subject, however, is being considered as an in depth review by the Children and Young People Scrutiny Panel and recommendations will be made as part of that piece of work.

However, schools need to be asked by the local authority to develop a young carers strategy for their school. This would highlight the young carer agenda, making staff and pupils aware of the needs of young carers and could substantially help in preventing the exclusion of young carers. To assist with this, the organisation Sandwell Young Carers has a template strategy which schools can use as a basis for its local development. This may also encourage Young Carers to
identify themselves, which in turn can enable support to be made available.

**Recommendation 17**

**Schools be asked to develop a young carers’ policy.**

**Prevention work in schools**
Across Sandwell there are a large number of schools and teachers with different background and expertise. Therefore, the local authority should work with schools to create a directory of teachers with specialist skills in behaviour management. These teachers could then be called by schools when they have a pupil with particular behavioural problems. This could help with the preventative agenda and help share resources, good practice and talent across the borough.

**Recommendation 18**

**A directory of specialist skills held by teachers in the borough be developed and shared amongst schools.**

**Fair access process and reintegration panels**
Local authorities are required to set up arrangements to ensure the education placements of excluded and other ‘hard to place’ pupils. These arrangements are designed to ensure that time out of school is minimised but also to ensure that excluded and ‘hard to place’ pupils are distributed fairly and equitably, with no one school being asked to take more than their fair share. In addition, meetings for fair access arrangements are increasingly being used to enable strategies and good practice to be shared.

At primary level fair access is dealt with through the seven learning communities and at secondary level is dealt with by the three Behaviour and Attendance Partnerships. Sandwell also has a ‘fair access protocol’ (December 2006) and whilst almost every school has signed up to this it is not clear in law as to how the original academy schools have to operate within it (new academies must “collaborate” with the protocol). Therefore, with the potential increase
in the number of academies the local authority needs to seek clarification and guidance from the Department of Education on how the original academies and those academies developing since May 2010 have to interact with the protocol. Further clarification should also be sought on what happens if schools refuse to take a share of young people with challenging behaviour.

Recommendation 19

Guidance from the Department of Education be sought on how the original academies and those created since May 2010 have to interact with the ‘fair access protocol’.

Youth offending service (YOS)
The YOS is a multi-agency partnership which protects the public from further crimes whilst addressing the factors and needs of the young people that contributed to the initial offence being committed. YOS are present at all Behaviour and Attendance Partnerships and provide interim education packages for excluded young people and those leaving custody. Secondary schools need to more thoroughly engage and communicate with the YOS. This should include informing the YOS as soon as a young person is permanently excluded and more broadly discussing potential issues with the YOS at an early stage as part of attempts to manage behaviour and prevent exclusion. This should only be for pupils already known by the YOS. Therefore, the local authority should ensure that each school has a named individual who acts as the link between the school and the YOS and is responsible for that ongoing exchange of information and wider communication. Knowledge of this person should also be disseminated across all staff in the school so they know how to get access to the support available through the YOS.

Recommendation 20

Closer, named links between schools and the youth offending service be formed.
The Police and School Exclusions
National research would suggest that for some people there is a link between school exclusions and being in the criminal justice system in the longer term. Although this is not a universal situation, not all young people who are excluded end up in the criminal justice system.

Currently, work is being undertaken on Safer Schools Partnerships which would create a partnership between each school and the police. This would ensure that where it is appropriate linked police officers or PCSOs are informed about relevant exclusions in the school and that where appropriate they are then involved in creating an individual action plan to avoid further exclusion and successful reintegration back into the school. The underlying principle with this however is to help the pupil avoid further exclusions and not criminalise them unnecessarily. The process of forming these partnerships is time consuming as the police need to have an individual agreement with every school. However, such a process would greatly assist in the exclusion agenda and work towards fewer young people entering into the criminal justice system later in life.

School Governors
There are questions around the knowledge of school governors on the framework for exclusions. Furthermore, a questionnaire was sent to the members of the Association of Sandwell Governing Bodies asking a series of questions about school exclusions. One of the key outcomes from this is that governors do not appear to have a thorough understanding of the requirements around exclusions, particularly feeling that sending a young person home for part of the day to ‘cool off’ and not record this as an exclusion is an acceptable practice. Therefore, more work needs to be done on training school governors on school exclusions to ensure they are able to challenge head teachers when they hear appeals for exclusions for example, and that this knowledge is tested by school improvement partners when they have discussions with school governors.

Recommendation 21
That governors are adequately trained on the exclusions agenda.
SEN Statements
One of the highest groups of excluded young people are those who have been assessed as having SEN or go on to be assessed as having SEN. As already outlined schools need to be increasingly challenged about how they have used SEN policies to ensure the prevention of exclusions but also a number of parents spoken to are confused about the statementing process. Part of this confusion is mixed messages about:

- who statements children and young people in Sandwell
- what support is available to young people with SEN who do not have a statement
- what having a statement means
- who decides whether to look at whether a young person may need a statement
- what pupil allocation panel (PAP) funding is for, whether it follows the child or not and how it is renewed and who is responsible for renewing it
- how the local authority ensures that PAP funding is being used

Therefore, work needs to be done communicating this complicated process to parents so that during the difficult time of handling their child’s SEN they do not also have to respond to complicated bureaucracies.

Examples of other local authorities work on the SEN agenda include, local authority written toolkits such as one used in Solihull, ‘pathway for primary age pupils with emotional social and behavioural difficulties’. Such toolkits, whilst assisting schools through this process would also give parents transparency and consistency in the way their child’s SEN had been managed.

Recommendation 22
Clear information on special educational needs processes are developed for parents and carers and include information on exclusions.
Future Challenges
This review was undertaken before the new Government published new plans for education and schools, including a desire to increase the number of academy schools. Therefore, as schools become more independent from the local authority it is important that everyone still has fair access to schools and education. It is also important that all schools take turns in working with young people who have SEN or behavioural difficulties. Work needs to be done during the process of more schools becoming more independent from the local authority so that the local community can be assured that the exclusion agenda will be managed fairly and robustly and that pupils will not loose out on an education because of SEN or challenging behaviour.
Recommendations

Based on the evidence received, the Education & Lifelong Learning Scrutiny Panel makes the following recommendations, which are stated in relationship to the order of presentation of findings in this report and not in order of priority:

Timescales are illustrative and therefore open to discussion.

<table>
<thead>
<tr>
<th>Ref</th>
<th>Recommendation</th>
<th>Lead agency</th>
<th>Date</th>
<th>Intended outcome</th>
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<tbody>
<tr>
<td>1</td>
<td>An independent, dedicated exclusions officer be commissioned within Parent Partnership.</td>
<td>Children &amp; Young People Trust</td>
<td>July 2011</td>
<td>To ensure professional advice and support is available to parents through the exclusions process.</td>
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<td>2</td>
<td>When a meeting takes place between a school and parents regarding an exclusion the rights and responsibilities of the parent and pupil be explained and that minutes of the meeting are sent to the parents within three working days.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>December 2010</td>
<td>An open and transparent system where parents are not at a disadvantage to put a case forward.</td>
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<td>3</td>
<td>Schools to develop contracts for lunchtime supervisors which include standards of confidentiality and appropriate training on confidentiality and working with pupils with challenging behaviour.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>July 2011</td>
<td>Lunchtime supervisors who are able to work appropriately with pupils who have challenging behaviour.</td>
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<td>4</td>
<td>A ‘buddy group’ be established of parents who have been through the exclusions process to support parents who are currently going through the process.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>A support network for parents and carers working their way through the exclusions process.</td>
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<td>5</td>
<td>At the start of primary school and secondary school parents receive comprehensive information about the exclusion process, including managed moves, rights and responsibilities, options of recourse and where they can go for support. This information to also be placed on the council’s website.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>September 2011</td>
<td>Parents are better able to understand the exclusions process as they will have easier access to information about the exclusions process.</td>
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<td>6</td>
<td>Analysis be undertaken on the number of in-year mobility occurrences in schools and where high numbers are found schools be challenged to ensure that these are not ‘backdoor exclusions’.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>An understanding on the numbers of ‘backdoor exclusions’ taking place and schools challenged about this where examples are found of this practice.</td>
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<td>7</td>
<td>Schools be reminded that recording a child as present when they are not is illegal and that such practice can have safeguarding implications. Also, where a child has been recorded as present in school and they are not, the Local Safeguarding Children Board be informed by the local authority.</td>
<td>Cabinet Member for Children &amp; Families, Local Safeguarding Children’s Board</td>
<td>December 2010</td>
<td>No pupil being recorded as present in school when they are not present. That the Local Safeguarding Children’s Board (LSCB) is aware of the situation and can take appropriate action to ensure the safety and wellbeing of pupils.</td>
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<tr>
<td>8</td>
<td>When a school excludes a pupil who has special educational needs it evidences how its special educational needs policy was used in attempts to avoid exclusion and that governors and clerks to governing bodies are made aware that such challenge should be part of the exclusion appeal process.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>That pupils special educational needs are being met and schools challenged to ensure this is the case.</td>
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<td>9</td>
<td>An audit of schools’ exclusion, SEN and behaviour policies be undertaken in partnership with parents, pupils and independent organisations.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>September 2011</td>
<td>That these policies are suitable, robust and up to date to ensure that all pupils receive appropriate levels of support to avoid inappropriate exclusions.</td>
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</table>
| 10  | A directory of community and voluntary sector organisations who can assist schools in trying to avoid exclusions be developed alongside the compilation of examples and case studies of where such organisations have been involved with schools to help avoid exclusions. Furthermore, when schools exclude a pupil they evidence what engagement with the community and voluntary sector they had to help avoid the exclusion. | Cabinet Member for Children & Families | January 2011  | Schools have information on support they can access through the community & voluntary sector.  
Schools understand the impact the CVS can have when used to work with pupils to avoid exclusion.  
That schools are accountable and aware of the potential implications when they choose not to use the CVS to avoid exclusion. |
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<tr>
<td>11</td>
<td>A Sandwell Exclusion Strategy be developed.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>March 2011</td>
<td>A strategy which links up all of the key stakeholders in the exclusion process, their roles and responsibilities to ensure more effective joint partnership working to reduce the number of exclusions, as appropriate and where exclusions happen to ensure pupils get appropriate support and interventions through an integrated partnership approach.</td>
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<td>12</td>
<td>Good practice of school, pupil and parent engagement be collated and disseminated across the whole borough.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>A resource that can be shared across all schools on school, pupil and parent engagement.</td>
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<td>13</td>
<td>Schools have information about, and be encouraged to, signpost parents to parenting classes.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>December 2010</td>
<td>Parents understanding what parenting classes are, the benefits of them and how they are accessed.</td>
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<td>14</td>
<td>Scrutiny be kept informed on the development of the pupil referral unit (PRU) agenda and how the provision delivered through PRUs will be delivered in the future.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>Ongoing</td>
<td>Scrutiny members have up to date information on the future of PRUs in the borough and have opportunities to make recommendations on any developments or changes being propose.</td>
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<td>15</td>
<td>Monitoring and targeted work be undertaken with pupils who are excluded at key stage 3 who go on to be excluded at key stage 4.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>December 2010</td>
<td>Targeted work to help pupils repeatedly excluded to still achieve skills and qualifications to their full potential.</td>
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<td>16</td>
<td>Strategy and protocols be developed on how looked after children and young people will be supported by their corporate parents in trying to avoid exclusion and during the exclusion process.</td>
<td>Cabinet Member for Children &amp; Families, Corporate Parenting Board</td>
<td>January 2011</td>
<td>To ensure corporate parents understand their role in order to provide challenge in an attempt to avoid exclusion and then ensure appropriate support and interventions through the exclusions process.</td>
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<td>17</td>
<td>Schools be asked to develop a young carers’ policy.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>December 2010</td>
<td>Schools have a coherent approach to understanding and supporting young carers effectively and thereby reducing the likelihood of young carers being excluded.</td>
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<tr>
<td>18</td>
<td>A directory of specialist skills held by teachers in the borough be developed and shared amongst schools.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>Teachers skills used across the borough where they are most needed.</td>
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<tr>
<td>19</td>
<td>Guidance from the Department of Education be sought on how the original academies and those created since May 2010 have to interact with the ‘fair access protocol’.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>December 2010</td>
<td>An understanding on how the original academies and new academies interact with the ‘fair access protocol’.</td>
</tr>
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<td>20</td>
<td>Closer, named links between schools and the youth offending service be formed.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>A strong working relationship between schools and the YOS so that pupils who need the support of the YOS are able to access it easily.</td>
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<td>21</td>
<td>That governors are adequately trained on the exclusions agenda.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>Governors who understand the exclusions process and are able to robustly challenge schools about exclusion avoidance work and during exclusion appeal meetings.</td>
</tr>
<tr>
<td>22</td>
<td>Clear information on special educational needs processes are developed for parents and carers and include information on exclusions.</td>
<td>Cabinet Member for Children &amp; Families</td>
<td>January 2011</td>
<td>Parents who understand SEN processes, through having readily accessible information about them.</td>
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<td>23</td>
<td>That all of the findings of this review are given careful consideration and taken into account when making decisions in relation school exclusions in Sandwell.</td>
<td>Cabinet Member for Children &amp; Families</td>
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<td>24</td>
<td>A detailed action plan be created outlining how the recommendations and findings of this review are to be taken forward by the relevant Cabinet Member(s), officer(s) and partner(s). That progress against this action plan is reported to relevant Cabinet Member(s), officer(s), partner(s) and scrutiny every six months until such time as the recommendations and findings have been addressed</td>
<td>Director of Learning Scrutiny Unit</td>
<td>October 2011</td>
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</tbody>
</table>
References

Advisory Centre for Education; Permanent Exclusion, a practical guide to parents’ legal rights

Advisory Centre for Education; Fixed period exclusion, a practical guide to parents’ legal rights

Advisory Centre for Education; A young persons guide to exclusion

Behaviour policies of Sandwell Schools

Berridge, David; The independent effects of permanent exclusion from school on the offending careers of young people; 2001

Brown Jacobson; A human right to education?; 24 March 2006

Department for children, schools and families; Improving behaviour and attendance: guidance on exclusion from schools and pupil referral units; September 2008

Department for children, schools and families; Back on track: a strategy for modernising alternative provision for young people; May 2008

Department for children, schools and families; Permanent and fixed period exclusions from schools and exclusion appeals in England, 2007/08

Department for education and skills; Exclusion of black pupils: priority review; September 2006

Department for Education and Skills; Help your children to learn: formal meetings with teachers

OfSTED; Reducing exclusions of black pupils from secondary schools: examples of good practice; March 2008

OfSTED; The exclusion from school of children aged four to seven; June 2009

Sandwell MBC; Hard to place young people (secondary); December 2006

### Scope of the review

<table>
<thead>
<tr>
<th>Project title</th>
<th>School Exclusions (Primary and Secondary) in Sandwell</th>
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| **What questions will this review answer?** | • What preventative work is being undertaken?  
• What groups have higher number of exclusions?  
• What the role of the pupil referral units have in exclusions?  
• Whether parents/carers, pupils, governors and teachers feel supported through the exclusion process?  
• Whether legal processes are being adhered to? |
| **Lead members** | Councillor Trevor Crumpton (chair)  
Councillor Paramjit Kaur Randhawa (vice chair) |
| **Officer review team** | Adam Hadley (Senior Scrutiny Policy Officer)  
Bob Brookes (Head of Governance, Management Support and Access Service)  
Pat Evans (Principal Adviser for Inclusive Learning Service)  
Lyn Nicholas (Team Manager - Pupil Assessment & Placement) |
| **Aim and scope of the review** | To scrutinise:  
• permanent and fixed term exclusions in schools (primary and secondary) across Sandwell  
• the reasons behind exclusions and the legislative framework laid down by the Government for dealing with potential and actual exclusions  
• the collaborative working undertaken between schools around the exclusion agenda  
• a demographic breakdown of those children and young people being excluded |
| **Specific outcomes or outputs required** | Develop a set of recommendations that will ensure:  
• school exclusions in Sandwell are fair, appropriate and that legislation is being adhered to  
• exclusions are avoided  
• that excluded children and young people continue to be robustly educated and have the same opportunities as every other child or young person in the borough  
• excluded child being are offered support to return to mainstream education |

|
Appendix 2

Education and Lifelong Learning Scrutiny Panel terms of reference
2009/10

The terms of reference for the Education and Lifelong Learning Scrutiny Panel state:

‘the Education and Lifelong Learning Scrutiny Panel shall:-

(1) under the direction of the Scrutiny Management Board, undertake reviews which include matters which fall within the terms of reference of this Panel and any other scrutiny panel

(2) as set out in the scrutiny procedure rules, scrutinise recommendations, consider referrals under the Call for Action and the Pre-Decision Scrutiny (Call in) processes and review and advise on the Council’s policies and practices in respect of, and upon such terms as are set out below:-

- all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time (i.e. pre-school, statutory and post 16 education)
- strategic development of adult education
- skills and training
Membership

Elected members
Councillor Dr Trevor Crumpton (chair)
Councillor Paramjit Kaur Randhawa (vice-chair)
Councillor Liz Bowler
Councillor Shirley Ching
Councillor Gurinder Singh Josan
Councillor Anne Hughes
Councillor Paul Sandars
Councillor Gurcharan Singh Sidhu
Councillor Kim Wilkinson

Co-opted members
Mr Darren Barton
Mr Harmohinder Singh Bhatia
Rev Timothy Francis Burke
Mrs Paulette Duzan
Mr Anthony Hampton
Mr Carl Hopkins
Mr Richard Marshall
Mr Myles Wilson

Principles

We undertook this review in line with the following principles within which Scrutiny strives to operate:

- inclusive
- non adversarial
- evidence based
- factual and unbiased
- open and transparent
Methodology

In undertaking this review the panel was supported by the scrutiny unit.

The following presentations and reports were received and considered by panel members:

- West Bromwich African Caribbean Resource Centre
- The Albion Foundation
- Reports and data from the Learning Directorate, Sandwell MBC
- The Youth Offending Service (YOS)
- The Partnerships and Housing Directorate, Sandwell MBC
- The Anti-poverty team
- Work done on the Tibbington Estate, Tipton
- Murray Hall Community Trust and the ‘Triple P’ Parenting Programme
- Sandwell Young Carers
- West Midlands Police

The following schools and pupil referral units were visited:

- Devonshire Infant School
- Grove Vale Primary School
- Oakham Centre (Key Stage 3 PRU)
- Wodens Rise PRU (Key Stage 3)
- The Bridge Centre (Key Stage 4 PRU)
- The Primrose Primary Centre (Key Stage 1 and 2)

The review undertook independent consultation through:

- one to one discussions with parents
- Parent Partnership
- West Bromwich African Caribbean Resource Centre
Appendix 4

Primary and Secondary Fair Access Protocols

Each Local Authority (LA) is required to set up arrangements to ensure the education placements of excluded and other “Hard to Place” pupils as per the Admissions Code which is Statutory Guidance. These arrangements are designed to ensure that time out of school is minimised but also to ensure that excluded and “Hard to Place” pupils are distributed fairly and equitably, with no one school being asked to take more than their fair share. In addition, meetings for Fair Access arrangements are increasingly used to discuss cases to enable strategies and good practice to be shared.

(a) Primary Schools: Fair Access is dealt with through the 7 Learning Communities

(b) Secondary Schools: Fair Access is dealt with through 3 “Admission and Re-integration” Panels (North, South and West) which meet every three weeks. The panels are now developing into “Behaviour and Attendance Partnerships” as per Department of Education requirements but this is very much at an early stage.

Full copies of the protocols are available from the Learning Directorate at Shaftesbury House, West Bromwich.
YOU’RE PART OF A BIGGER TEAM
We now share priorities with all of our partners.

Sandwell’s Shared Partnership Priorities 2010-13
Active and well people  A safe and clean place to live  Educated and skilled people in employment

GREAT PEOPLE, GREAT PLACE, GREAT PROSPECTS
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