REPLY BY THE PRESIDENT OF
THE COMMITTEE FOR EDUCATION, SPORT & CULTURE
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE RULES OF
PROCEDURE BY DEPUTY LESTER QUERIPEL

Question 1:

Can you tell me please, apart from going down the route of excluding a child from school, what is a teacher permitted to do in an attempt to discipline a child who has misbehaved and is disruptive in school?

Response 1:

By way of background, it is useful to know that as long ago as 2004, the States, following a review carried out by the then Children Board under the presidency of the late Deputy Pritchard, and presented to the States by the then Health and Social Services Department with Deputy Roffey as its Minister, resolved to direct the then Policy Council to consider extending international conventions, including the United Nations Convention on the Rights of the Child (UNCRC), to Guernsey.

One of the overarching actions of the Children and Young People's Plan 2016-2022 was for Guernsey to sign up to the UNCRC, and that Plan also saw all States-maintained schools in Guernsey and Alderney achieve Rights Respecting Schools Awards through Unicef.

The UNCRC was formally extended to Guernsey in 2020, but its principles have been a key reference point for matters relating to children and young people in the island for many years.

In the context of this question, it is first important to make a distinction between excluding a learner from a specific school setting and excluding a learner from education.

It is the Committee's position that no learner should be excluded from education, and this position supports the right of every child to education, as described in Article 28 of the UNCRC.

However, there might be circumstances where either a short-term exclusion of the learner from their school, or exclusion from that school is appropriate.

There are a number of alternatives to the permanent exclusion of a learner from a specific school setting. These options can have a positive impact upon the ability of a young person to engage successfully in education, and include:

- **A restorative approach which establishes what harm has been done, what is needed to put things right and how the situation can be avoided in the future.**

- **Internal suspension which is used when the aim is to remove the learner from class but not from the school site. This approach should be carefully planned, with clear outcomes agreed, and last for a set period of time. Learners experiencing internal suspension will have access to education and support within the school but beyond the usual classroom environment.**

- **Short term off-site support.**

In some circumstances, it might be appropriate and necessary to consider moving a learner from one school to another. When this happens, the learner should transfer from one school to another school through a managed move process which usually takes place only after other interventions have been unsuccessful.

A managed move is a formal agreement between two schools, a learner and their parents/carers. It allows a learner at risk of developing a pattern of (time limited) exclusions to transfer to another school or education setting and gives the student the opportunity of a fresh start. The school, family and professionals involved must share the view that the proposed school/setting is likely to be able to offer an environment and/or support sufficiently different from the current setting to make the managed move likely to succeed. The factors leading to that success might include:

- **the size and/or location of the new school**

- **the opportunity to integrate into a new peer group**

- **the opportunity to form relationships with a new teaching team**

- **a different curriculum (depending on the particular issues being experienced by the learner).**

Permanent exclusion is rarely successful and often further alienates a young person whose behaviour might well be a symptom of, and result from, factors external to the school, and in respect of which the learner requires additional - and sometimes specialist - support.

<u>Question 2:</u>

On the issue of excluding a child from school, surely excluding a child from school who doesn't even like school and doesn't want to be there in the first place, is more of a blessing than a punishment. So could you please provide me with your views on that? To clarify, I'm not asking for evidence or statistics, what I am asking for is your view on the issue.

Response 2:

Any exclusion is made only following a rigorous process and after careful consideration focused on the best interests of the individual learner and the broader school community. The Committee does not agree that any exclusion should be described as a 'blessing', but does recognise that for a very small minority of learners, their behaviour might be prompted by a desire not to be in school. There are occasions when a time-limited exclusion can allow the learner to reflect on their actions/behaviour and allow school staff to reflect on the provision in place for that learner. Such reflection might result in additional support being provided to the learner and, in some cases, to their wider family, through a multi-disciplinary approach. The Committee is also very cognisant of the direct correlation between levels of attendance and outcomes for learners.

This approach seeks to address the underlying causes of the issues being experienced in school and can result in a comprehensive plan being put in place to ensure that the learner is able to access appropriate education and move forwards.

Question 3:

I can't see where excluding a child from school is any different to someone being excluded from our community, because both result in alienation. So bearing that in mind, doesn't excluding a child from school 'fly in the face' of the very mantra the majority of people out in our community, which includes members of the States Assembly, consistently champion, which is that we must always do our absolute utmost to INCLUDE everybody and never seek to EXCLUDE anybody?

Response 3:

The Committee agrees that exclusion from a specific school should always be the last resort and should happen only when an alternative plan is in place and agreed, as described above.

In line with the jurisdiction's international obligations and in line with our Education Strategy's priority to achieve equity, safety and inclusivity, the Committee does not permit the permanent exclusion of any child from education.

Fairness in education is pivotal to our Education Strategy and we strive to remove barriers to ensure every learner has access the things they need to be successful, which is why a multi-disciplinary approach is necessary for some learners and their families.

Our commitment to inclusivity ensures that all learners can benefit from the same opportunities. Our commitment to equity builds on that by recognising that learners need

varying levels of support to attain the same progress, and the teaching and other assistance they receive should reflect their individual needs.

To be able deliver on these commitments, everyone needs to feel safe in our educational settings so that they can be confident and be the best they can be.

Recognising that we also need to equip school staff with the skills they need to tailor their approach to the needs of different learners, our Education Strategy includes a commitment to invest in and retain a robust, evidence-informed and highly skilled education workforce and to provide excellent continuous professional development.

Question 4:

Principle 3 of the Education Law reads as follows: Education will be provided, as far as possible, for those who want to pursue life long learning,' so can you please clarify the 'as far as possible' bit? (what does it mean in practical terms?)

Response 4:

For the sake of clarity, the Principle referred to in the question is that set out paragraph 4.2 of the Policy Letter entitled 'Education Law Review' which was withdrawn from debate at the 21st June 2023 States Meeting.

Lifelong learning is the concept of pursuing additional education and the development of further skills beyond an individual's formal or compulsory education. Lifelong learning is generally voluntary and self-motivated based on a pursuit to learn more, gain new skills or support professional development.

Lifelong learning is viewed as increasingly vital to employers, individuals and to the future growth and development of the further education and skills sector.

With the future of the workplace looking to change dramatically with automation, Artificial Intelligence and the growth of entirely new industries, re-training and skill development will be critical to ensure the islands' future economic needs are met.

For individuals, lifelong learning is increasingly important to ensure competitiveness and future employability. A commitment to learning and professional development is a highly sought-after quality by employers. Adults seeking to grow, either personally or professionally, can stand out in a challenging job market and gain an edge over others. In an employment market where skills needs will evolve rapidly in the future, lifelong learning is likely to become integral to continue employment and progression.

The COVID-19 crisis has also demonstrated that lifelong learning has many benefits beyond skill development and employability. During the pandemic there was huge

demand for online courses and a large appetite to gain new skills and learn something entirely different. Personal enjoyment, a feeling of achievement and a demand to reduce social isolation are all great benefits for adults wanting to engage in lifelong learning.

The language used in the Principle referred to in the question reflects the desire to promote and support lifelong learning, and balances this with the need for pragmatism when it comes to the numbers and types of lifelong learning opportunities that may be made available at any given point in time. This recognises that the provider will have to take account of a number of factors, including but not limited to:

- **The demand for a specific course of study**
- **The availability of the necessary teaching/lecturing skills**
- **Facilities and physical space requirements to provide quality teaching and learning**
- **Rules of awarding bodies and education providers e.g. minimum cohort sizes, any lesson/timetable restrictions and delivery structures**
- **Digital access to learning opportunities**
- **The cost of delivery**
- **The extent to which delivery costs should/could be met by the learner or should be subsidised (and by whom)**
- **The likely benefit and application of the acquired skills/knowledge for the learners and the within the wider community.**
- **The output of the GWP workstream relating to Human Capital / Skills development.**

Taking examples from different ends of the spectrum to illustrate the point, and mindful of the above factors: it might be both possible and appropriate to offer adult literacy and maths courses free of charge for those who do not yet hold a Level 2 (GCSE-level) qualification in those subjects as this will open up further education and employment opportunities and promote social mobility. However, it might be neither possible or appropriate to offer a Level 4 (degree-level) course in Astrophysics if there was only very limited demand and limited application in the local context.

The operational policies that would sit beneath specific Principles and/or Objectives set out in primary legislation would fall under the mandate of the Committee *for* Education, Sport & Culture (and its successors) and would be subject to periodic review to ensure that, at all times, such policies had regard to the financial, economic and societal needs of the community.

Question 5:

Bullet Point 2 in the law reads as follows, 'To prepare learners for employment by equipping them with knowledge and skills and, so far as possible, to enhance those in adults through provision of appropriate lifelong learning opportunities. So, in relation to that, can you please,

a. Clarify your departments definition of the word 'appropriate'?

Response 5a:

For the sake of clarity, the Objective referred to in the question is that set out paragraph 4.3 of the Policy Letter entitled 'Education Law Review' which was withdrawn from debate at the 21st June 2023 States Meeting.

Please refer to the response to Question 4 above.

Question 5b:

b. Who will decide what's 'appropriate' and what criteria will they employ to enable them to decide what's 'appropriate' and what isn't?

Response 5b:

The operational policies that would sit beneath specific Principles and/or Objectives set out in primary legislation would fall under the mandate of the Committee *for* Education, Sport & Culture (and its successors) and would be subject to periodic review to ensure that, at all times, such policies had regard to the financial, economic and societal needs of the community, along with factors such as those set out in response to Question 4 above.

Such policies, would be informed by consultation with stakeholders including, but not limited to:

- **Careers Guernsey**
- **Industry**
- **Education providers**
- **Awarding bodies**

Question 6:

In the recent Policy Letter laid before the States by your committee focusing on the Education Law, it stated in paragraph 6.9 on page 23, that there were 735 respondents to the online questionnaire on the issue. So in relation to that, was the questionnaire provided

online exclusively, or was it made available in paper form for people who don't have access to computers and those who prefer to respond on paper?

Response 6:

Should there have been a request to do so, the Committee's officers would have facilitated any member of the public, group, organisation or employer who wanted to provide a response but who was unable to complete the on-line questionnaire. No such requests were made, but a number of written responses were received and taken into account by the Committee in the formation of the final proposals.

See also the response to Question 7 below.

Question 7:

735 respondents is extremely disappointing when one bears in mind educations affects us all here in the community. So with that in mind, do you resonate with my view and my concerns that there were only 735 respondents to the questionnaire?

Response 7:

The numbers of respondents to the online questionnaire should be considered in the context of the engagement and consultation activities outlined below that took place in advance of public consultation.

In comparison with other surveys offered through gov.gg/your views in the past six months, the Education Law questionnaire received a significantly higher response rate. The average response rate during this time has been around 200.

It should also be acknowledged that legislation is something that few people in the community have a direct interaction with – it provides the legal framework for education, but it is the operational delivery of services that resonate more with individuals in our community.

Online consultation and engagement activities (between March 2020 and March 2023) were aimed at reaching large number of the local population and to encourage a range of responses. These activities included:

- **Two public questionnaires with 314 responses in 2020 and 735 responses in 2023**
- **In excess of 55,000 views of the animations which provided information on the proposals and encouraged people to respond to the consultation questionnaire in 2023**

- **Specific questionnaires on governance with 495 responses (from parents/carers and staff working in education settings)**
- **Specific questionnaires targeted to families known to be home educating were used in both 2019 and 2023, with the 2023 survey resulting in 18 responses.**

Letters were also sent to specific stakeholders (during both the 2020 and 2023 public consultation periods) including: Grant-aided Colleges, the Diocese of Portsmouth, School Committees, principal States Committees, the Youth Commission and the Health Improvement Commission. The letters highlighted key areas of consultation and invited responses (either via the questionnaire or by other means). 25 written responses were received.

External stakeholders including children and young people, parents/carers, special interest and advocacy groups, were invited to participate in over 25 different discovery, engagement and consultation activities, including workshops, presentations and meetings.

The majority of these focused on the following topics:

- **Learners with additional and different needs**
- **Home Education**
- **Independent, voluntary and Grant-aided settings**
- **Governance for education settings**

It should be noted that groups such as the Guernsey Disability Alliance represented their members and acted as the conduit for information and feedback.

Internal consultation took place with education settings staff, headteachers and principals, services staff across education and other areas of public service including Law Officers and social workers.

Over 100 meetings, workshops and presentations took place across all areas of the education law review. These helped to highlight concerns and strengths with the existing legislation, as well as providing first-hand accounts of experiences of working with children and young people and their families. These groups and individuals were consulted on options for new provisions (powers and duties) and provided subject matter expert feedback to the Committee (through presentations and papers).

Other engagement included meetings with the Office of the Children's Convenor, States Members presentations and Q&A sessions and with the education unions (local and national).

Notwithstanding the considerable consultation and engagement activity set out above, the Committee has confirmed that it will continue to explore different ways to consult and engage with members of the community in the course of its policy proposals review.

Question 8:

Bearing in mind the States has a pretty poor record when it comes to communicating with the public, do you think your department could have done more to publicise and promote the questionnaire?

Response 8:

Please see the response to Question 7 above.

With over 170 touch points with stakeholders as described above, the Committee can evidence that it has communicated and consulted widely, using a range of methods and channels to ensure the voice of the community and that of specific stakeholder groups was represented in its policy proposals. However, it willingly accepts that further opportunities to engage with stakeholders in respect of this significant workstream are needed and it is committed to providing those opportunities.

The Committee's propositions were finalised only after considering all the feedback received as a result of its engagement and consultation and were influenced by it.

Date of receipt of the Question: Thursday 29 June 2023

Date of Reply: Friday 14 July 2023