

## NGA Consultation Response

### *6. Fairness for children and young people*

*Too many children and young people in Britain face discrimination and barriers to opportunity, from prejudice or a lack of proper support in education settings to unequal access to work. Many of these issues have been worsened due to the pandemic.*

#### NGA Response

Below is further detail on why we think that the three identified issues will help improve fairness for children and young people and so should be a priority for the ECHR.

#### EFFECTIVE GOVERNANCE

Ethical, effective and accountable governance is key to ensuring that schools and trusts have the right culture and practices within their settings.

Governing boards have strategic responsibilities within schools and trusts and so are in a position to influence change and cultivate a school/trust wide culture that allows all children and young people to thrive.

Although governing boards must regard to their duties under the Equality Act, a governing board's commitment to equality should extend beyond its legal obligation. It should be a visible element of a school/trust culture that encourages pupils to appreciate the diverse society they live in. Cultivating a school/trust culture of equality and inclusion requires deliberate, consistent efforts at all levels – starting with the board.

Having a governing board with a diversity of skills, experiences, characters, backgrounds, perspectives and abilities will help them go beyond the core legal duties. It also means having governing boards that are reflective of (but not representatives of) the community the school serves and wider society. This is advantageous because it allows boards to make better decisions in the interest of all pupils.

Having a diverse governing board is beneficial for a variety of reasons:

- It helps to avoid groupthink: where the people making decisions are similar, there can be a keenness to reach a consensus and therefore a lack of critique. When the people around the table come from different places and think different things there is sufficient challenge which helps to ensure robust decision making.
- Setting a culture for equality and diversity to thrive is a critical role of the governing board. By committing to diversifying itself, the governing board will set an example about inclusion from the top down and be a catalyst for achieving diversity at all levels of the organisation.



- Seeing governors and trustees from ethnic minorities provides role models for young people and can give them confidence in what they can achieve. As an important part of the leadership of the school, a governing board is also an important role model for parents, staff and the wider community.
- Having a diverse governing board provides a connectedness between the school and its community, and ensures all stakeholders feel valued. It can increase the confidence of the community in the school because those making decisions understand the lives, context and aspirations of the community it serves.

To improve outcomes for pupils and address historic underrepresentation at board level NGA launched the 'Everyone on board campaign' with the aim to increase the participation of people from ethnic minorities and young people in school governance. Additionally, NGA recently conducted research exploring:

- the picture of representation and inclusion in school and trust governance, and the impact of the current landscape
- the experiences and perceptions of governing boards and their practice from groups which are underrepresented
- how boards can best make it possible for people to join by taking a different approach to recruitment and practice
- the importance of a diversity of thought and representation to increase governance's positive impact for children and young people
- the responsibility of governing boards and the organisations that support them to drive the change needed, and identify approaches to doing so
- how to move forward with intention and practical action

The promotion and introduction of other similar initiatives are imperative in addressing discrimination, barriers to opportunity, prejudice and/or a lack of proper support for children and young people.

The commission should consider how it can use its influence and power to encourage governing boards to do more than what's legally required because the board is key in setting the tone, culture and practices that either encourage or hinder the progress of pupils.



## INCLUSIVE PRACTICES BY SCHOOLS INCLUDING A FOCUS ON MINIMISING EXCLUSIONS

While the management of behaviour in schools is an operational role for the senior leadership team, governing boards also have a role in approving relevant policies and reviewing exclusion decisions where required by law. Considering whether or not to uphold the headteacher's decision to exclude is one of the most challenging and important role that school governors and trustees have to fulfil, because it has significant implications for a child's education and future.

There is compelling evidence that shows the impact being excluded from school has on a child or young person, particularly those who are vulnerable, disadvantaged and/or have specific protected characteristics, which is why excluding pupils should always be viewed by schools as a last resort.

Evidence that disadvantaged, vulnerable and pupils with specific protected characteristics are disproportionately excluded have been frequently reported and highlighted, although the issue persists. For example, analysis conducted as part of the Timpson review shows that 78% of permanent exclusions issued in the period under review were to pupils who either had SEND, were classified as in need or were eligible for free school meals. A report by the All-Party Parliamentary Group on knife crime published in October 2019 also revealed a "disturbing correlation" between children excluded from school and those exploited by violent gangs. The report urged mainstream schools to be more accountable for the children they exclude, adding that "too many children are being socially excluded and marked as failures, with tragic consequences.

Additionally, it was recently reported that Black Caribbean girls in England are twice as likely to be excluded from school.

Considering the significant implications exclusions have on a child and young person's education and future, coupled with disproportionate exclusion rates of certain pupil populations, it is clear that more needs to be done to ensure that disadvantaged, vulnerable and pupils with specific protected characteristics are not excluded from education and society before their life has truly begun.

As the body with a statutory duty to consider pupil exclusions in certain instances, coupled with the impact being excluded from school has on children and young people, it is imperative that boards ensure that behaviour policies and exclusion practices are applied fairly, where necessary.

There is no one approach that is right for all, but monitoring and evaluation of information provide the basis for asking questions, communicating expectations and making decisions. When reviewing data and information it is imperative that this done through the lens of equality, diversity and inclusion and having regard to the board's duty under the Equality Act.

There are a range of evidence and outcomes that boards can refer to. For example, data relating to behaviour sanctions, including permanent and fixed-term exclusion data, which can be used to identify trends, patterns and highlight potential issues.



The commission could use its influence and power to work with schools in managing and monitoring exclusions, for example by developing school exclusions training for governors/trustees that is in line with existing statutory requirements but focuses on monitoring and managing exclusions from an equality, diversity and inclusion perspective.

### CAREERS SUPPORT

It is not enough for children and young people to have high aspirations, especially if the necessary support and resources are absent.

There are a variety of barriers that children and young people are likely to face that may prevent them from achieving their ambitions, for example:

- Quality of teaching staff
- Lack of life skills training
- Meaningful work experience
- Access to jobs

A good quality education is integral in ensuring that children and young people are prepared for life. In preparing children and young people for life, it is important that they are exposed to and have the opportunity to take part in meaningful work experience whilst at school, and are exposed to a rich and diverse curriculum that highlights and embraces the diverse society we live in, whilst preparing them to be an active member of society.

Additionally, access to jobs at inclusive organisations is another factor that needs to be considered. Employment projects to improve access to job opportunities coupled with the development of guidance and training for organisations on the importance of diversifying their workforce with a specific focus on young people with SEND, would provide young people with a better understanding of available job opportunities, and assist business in developing and ensuring that their recruitment and retention practices are inclusive.