Written evidence from Communities Empowerment Network

1. Communities Empowerment Network (CEN), charity number 1099111 was founded by Gerry German and a group of teachers, lawyers and social workers including Professor Gus John, (Britain’s first black Director of Education in Hackney) in 1999 in order to provide advice, support and representation to parents whose children were experiencing problems with their education particularly permanent exclusion from school.

2. CEN provides advocates at appeals and hearings to challenge decisions to permanently exclude a child from school. A process that is clearly laid out by DfE exclusions guidance.

3. You are no doubt aware that black Caribbean boys are many more times more likely to be permanently excluded from school than their white counterparts, a situation that has persisted since it was first identified in the early seventies by Bernard Coard.

4. And you will also know that there is a clear pattern of young offenders, those in youth offending institutions and in the wider criminal justice system who were at one time permanently excluded from school or who chose to self-exclude. Martin Narey stated that once a young person is permanently excluded from school they are at once placed on a conveyor belt that takes them directly into the criminal justice system.

5. Since 1999 CEN has advocated on behalf of thousands of parents at appeals and hearings (the Governor’s Disciplinary Committee where the governors must scrutinise a head teacher’s decision to permanently exclude a pupil and either uphold or reject that decision and at independent review panels (previous to 2012 the Independent Appeal Panel) where the governor’s decision can be further scrutinised by an independent panel. The difference between them is that the latter guidance can no longer force a school to reinstate a pupil even if the decision to exclude was found to be flawed on judicial review principles. An extremely worrying development.

6. In all of those thousands of cases that CEN has taken since 1999 I cannot recollect ever there being an instance where a restorative approach was taken as an alternative to permanent exclusion. That is in thousands of cases where a particularly serious incident or series of incidents had led to the exclusion. Many of the cases we take on involve conflict – a fight between pupils, or between pupil and a staff members, or a pupil bringing in a knife or BB gun or drug related. Most are for disruptive behaviour. 70% of our cases are BAMER, mainly African-Caribbean and some 70% where special education needs, proportions which are reflected in the latest DfE figures for exclusion in England. This is in the face of many schools claiming to deploy restorative approaches.

7. Up till 2012 till the coalition implemented the latest ' DfE guidance on exclusion' alternatives to permanent exclusion were clearly outlined. One of those was the use of restorative justice. Although in our experience we didn't see its implementation in any of the cases we took, at least there was some tacit acknowledgement of its potential use as an alternative to casting a child out of the mainstream (only 15% of permanently excluded children ever return to mainstream education and less than 5% in Pupil Referral Units achieve 5 grade A to
8. In the latest DfE Guidance issued in 2012 on Exclusion any reference to restorative justice has been removed and the trend is to give 'greater power' to head teachers to deal with poor behaviour in school.

9. When corporal punishment was banned in schools as a form of behaviour management, the opportunity to transform approaches to behaviour were missed as exclusion became the direct substitute of beating children. A punitive and authoritarian approach instead of creating conditions in school, the playground, the class rooms for self-discipline, reflection and mutual and self-respect.

10. We find because of the systematisation of exclusion far too many head teachers backed up by a school culture and the school governors will default to permanently removing a school from school. Perhaps this is because it is easier, more convenient, seen as an effective strategy for deploying limited school resources (the less a school needs to spend on challenging pupils the better for the school budget and the all-important results and OFSTED inspections).

11. I believe as a society we are missing a huge opportunity to transform elements of our society from one where conflict and harm remain in communities and people’s lives in unemployment, poor health both physical and mental, crime and disaffection and alienation. That opportunity is restorative approaches to discipline and behaviour. Every child, every school community would benefit from it.

12. We find that with the cases we take on where there has been a permanent exclusion all of them would have benefitted from a restorative approach to restoring good relations and repairing harm.

13. But all importantly, it would go some way towards reducing youth crime.

14. If you are interested in looking into this further it would be worth approaching Greycoats school in Richmond an entirely restorative secondary school, perhaps the only truly restorative secondary school. They have managed to eliminate permanent exclusion.

15. But with successive governments wanting to be seen tough on behaviour there is a lot of work to do. I do hope that the work you are doing can contribute to spreading the use of RJ into all aspects of life.

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