

STATES OF JERSEY

Education and Home Affairs Panel Student Suspension Review Sub-Panel

FRIDAY, 20th NOVEMBER 2009

Panel:

Deputy T.M. Pitman of St. Helier (Chairman)
Connétable G.F. Butcher of St. John
Deputy J.M. Maçon of St. Saviour
Deputy M. Tadier of St. Brelade

Witnesses:

Mr. R. Fairhurst (Head Teacher, Haute Vallée School)
Mr. J. Thorp (Head Teacher, Les Quennevais School)
Ms. L. Toms (Head Teacher, Hautlieu School)
Mr. J. McGuinness (Head Teacher, Grainville School)
Mr. R. Rolfe (Head Teacher, Le Rocquier School)
Mr. M. Lundy (Director for Education, Sport and Culture)

Present:

Ms. G. Bunting (Panel Adviser)
Ms. S. Power
Professor P. Munn (Panel Adviser)

Deputy T.M. Pitman of St. Helier (Chairman):

In welcoming everyone, I think I should say the emergency exit is that way. Everyone has got a seat. I officially welcome everyone. Thanks for coming. There is a transcript which will be taken so I will, in a moment, introduce myself officially and get all the panel to do so for the record and then if all of you could introduce yourself that would be appreciated. The only other thing to really highlight is the statement on the desk, which I am afraid you will have to share between all of you, but the basis of that is just to say that you are obviously covered with privilege for anything you tell us. The only thing to point out is the exception would be if you tell us anything you know not to be true, which I am sure will not be a problem. With that, I will get things moving. I am obviously Deputy Trevor Pitman, I am the chairman of this sub-panel, which is a sub-panel of the Education and Home Affairs Panel.

Connétable G.F. Butcher of St. John:

Graeme Butcher, Constable of St. John.

Ms. G. Bunting (Adviser):

Gillian Bunting, school teacher and adviser to the panel.

Ms. S. Power (Scrutiny Officer):

Sam Power, Scrutiny Officer.

Deputy J.M. Maçon of St. Saviour:

Deputy Jeremy Macon, representative of Petite Longueville of the Parish of St. Saviour.

Deputy M. Tadier of St. Brelade:

I am Deputy Montfort Tadier, I represent the Les Quennevais and La Moye area of St. Brelade.

[Laughter]

Professor P. Munn (Adviser):

I am Pamela Munn, I am a Professor of Curriculum Research at the University of Edinburgh and I am an adviser to the panel.

Mr. R. Fairhurst (Head, Haute Vallée School):

I am Bob Fairhurst and I am Head of Haute Vallée Secondary School.

Mr. J. Thorp (Head Teacher, Les Quennevais School):

I am John Thorp, Head Teacher of Les Quennevais School.

Ms. L. Toms (Head Teacher, Hautlieu School):

I am Lesley Toms, Head Teacher, Hautlieu.

Mr. J. McGuinness (Head Teacher, Grainville School):

I am John McGuinness, Head Teacher of Grainville School.

Mr. R. Rolfe (Head Teacher, Le Rocquier School):

Richard Rolfe, Head Teacher of Le Rocquier School.

Mr. M. Lundy (Director of Education, Sport and Culture):

Mario Lundy, Director of Education, Sport and Culture.

Deputy T.M. Pitman:

Thank you. As we start, I would just ask for some clarification from the Minister. Obviously the invitation, the request, went out to all the schools; is it a possibility that more of the head teachers may come and see us in the future or ...

Mr. M. Lundy:

My understanding is that these were the only head teachers who were requested and these are the non fee-paying head teachers. Should you wish to speak to the fee-paying head teachers then, certainly, we will pass the request on to them. But that is my understanding; I need to clarify that.

Deputy T.M. Pitman:

Can you clarify that, Sam, from the letter?

Ms. S. Power:

From the letter, yes. The letter said the head teachers from Grainville, Haute Vallée, Le Rocquier, Les Quennevais, Hautlieu and then J.C.G. (Jersey College for Girls) Victoria College, Beaulieu and De la Salle.

Mr. M. Lundy:

Beaulieu and De la Salle you would obviously need to approach directly because they are private schools.

The Connétable of St. John:

Can I, before we start, just place something on record? Obviously, Mario, I appreciate you have got every right to be here. I have a concern that, with your presence, other people might not be able to speak as freely as they may had you not been here and I just really want to put that on record.

Mr. M. Lundy:

Thank you. The Chief Officer, of course, has the right to attend and I would attend for any officer who requested my attendance.

The Connétable of St. John:

No, I appreciate that. All of the officers requested your attendance.

Mr. M. Lundy:

That is not what I am saying.

The Connétable of St. John:

Okay.

Deputy T.M. Pitman:

Subtle difference. Could I just start by asking the head teachers what they see is the purpose for suspension; it might seem a naïve question but it is one we need to ask. Please come in on that in any order you like. Hopefully you will have the same opinion.

Mr. R. Rolfe:

I think it needs to be placed on record that, if you look at students, because looking at the headlines that have been reported, et cetera, it seems that, if students are under the spotlight as if all of them are behaving badly, when we look at the figures for my school, the students who make mistakes, and people do make mistakes obviously, if you look at those that are suspended perhaps more than 3 times, then look at those figures. Or the other way round, those that are suspended twice or less or never; it is over 97 per cent of students there is not an issue with. So putting it in perspective, and I think it needs to be in perspective, that most people do not need suspending so suspension is just one tool in the armoury of firm but fair discipline.

Deputy M. Tadier:

Sure. I think that is understood and it is always good to conceptualise I think, but to ask the question again, what is the purpose of suspensions?

Mr. R. Rolfe:

It is a tool in the armoury of firm but fair discipline.

Deputy M. Tadier:

So what is the purpose; what is the rationale behind suspending a student?

Mr. J. McGuinness:

I believe the rationale is to create a window by which the student can return to school and be given the directed support to be reintegrated back into the school, to recognise the last resort the school has, which is a suspension, has been used because of the seriousness of the incident or recorded behaviour. I believe that if you do not have access to that last sanction, you will not be able to deal with students and the level of incidents appropriately. As a head teacher in the U.K. (United Kingdom) and as a head teacher here, we will utilise a whole range of sanctions to support the behaviour management policy in school for the wellbeing of that student and the other students in the school and for the wellbeing of the

staff. It is always a reluctant decision for a head teacher to make to exclude a student and they do not do it lightly. When we do have to make that decision, we obviously follow the policy that the States have agreed with the graded response that the States has agreed and, I am sure my colleagues will be able to speak for themselves; that is the guidance that we follow.

Deputy M. Tadier:

Sure. That is not a trick question.

Mr. J. Thorp:

I would say, as far as I am concerned, the primary purpose of suspension is to get students who, for some reason have made a mistake in choice, a mistake in judgment, a chance to reflect on that choice and judgment, possibly to allow any ripples to die down before they return to the school and then to support them back into being productive and effective members of the school community.

Mr. R. Fairhurst:

I would just add to that that, during the respite period there is of course usually, especially if it is involving, say, physical bullying there is a victim involved and that victim needs a respite period as well. So this is not all about the therapy involving the student who was suspended; you know, you have got aggrieved parents on the victim's side and they want to see justice being done. I would also say that you are sometimes dealing with students who really do not want to do as they are told. So you may have an imaginative array of alternatives which are school-based: there could be extended detention in a special room, it could be any one of those therapeutic intentions when a child says: "I am not doing that" and so, in the end, you do have, in suspension, an immutable sanction that you can apply and, although it is last resort, sometimes you need it for a child who fails to follow instructions.

Deputy T.M. Pitman:

What, can I ask, if that child is suffering from Asperger's Syndrome and it is really not their fault at all that they cannot respond as you would like them, as would be requested of a child under normal circumstances? Is this a consistent policy?

Mr. R. Fairhurst:

There are 2 concepts there: first of all, generally, that child has been identified on the A.S.C. (Autism Spectrum Conditions) spectrum. My school is one of the 2 that have an A.S.C. unit; what we call the Communication Centre. So we know those children; generally they are not far from a teaching assistant and it is unfair to consider the fact that we would just suspend such a child without bearing in mind all other factors. I would say to you that there are going to be circumstances; when a child has a condition they behave dangerously and they are better off, for the benefit of the others, not themselves maybe, but to benefit the others by not being there for a period. I am quite confident, I would take my whole governing body with me on that and, if I had 500 parents in front of me, I would take them with me on that, too. They do not want to be sending their children into a setting of compulsory education, and that is what it is, you have got to be there, unless you can guarantee safety. But if that means rarely having to remove another child, that is what you have to do.

Deputy T.M. Pitman:

Just to follow up on that, I appreciate what you are saying. Where does that leave the child who is suspended under those circumstances?

Mr. R. Fairhurst:

Sometimes there is no benefit but there are other children, there are 800 other children to take into consideration and sometimes it is the greater benefit.

Deputy T.M. Pitman:

We do appreciate that but, with due respect, where does that leave the child, the young person that is suspended? I fully appreciate what you are saying about the other students, believe me.

Mr. R. Fairhurst:

It leaves them away from school so I do not really understand what you are asking me about.

Deputy T.M. Pitman:

Well, to continue their education; where does that leave their education, if I can put it that way?

Mr. R. Fairhurst:

We are not talking about permanent exclusion. Certainly, I have been here 9 years and I have never permanently excluded anybody, we are talking about a suspension, so they are coming back. It is not the case that we have ever sent an A.S.C. student to another place; we have always taken them back. So are you talking about what learning programmes they would undertake while they away, is that what you are talking about?

Deputy T.M. Pitman:

Absolutely. If young people are going to have their education continued, that is one thing but if they are just going to be left at home that is what I have got to ask about.

Mr. R. Fairhurst:

We set work.

Deputy M. Tadier:

Can I just interject here? The reason I started off with that particular question, it is very important for us to try and understand the whole place of suspensions in the armoury of tools, as you have spoken of. I think it is important, from the very start, to say this is not a witch hunt in any way and that we believe that we are ...

Mr. R. Fairhurst:

May I just say, it does not read that way.

Deputy M. Tadier:

That is why I am saying that because I think that needs to be cleared up. But we have decided as a Scrutiny Panel, with advice, that the suspensions policy is a good area to look into and it is a valid one for Scrutiny to look into. I am not sure, but maybe you do not agree that we should be looking at the suspensions policy.

Mr. R. Rolfe:

I think you should but it does appear as a witch hunt because the headlines that you have generated are to do with subpoenaing people to appear before the panel. I have offered 3 opportunities for you to come into school to talk about suspensions and those opportunities have not been taken up and then the headlines are generated: "Head teachers to be subpoenaed." I do not know; it feels like a witch hunt.

Deputy T.M. Pitman:

As chairman, can I clarify that for you? I was asked a question which was put by a *J.E.P. (Jersey Evening Post)* journalist: "What will happen if any head teachers refuse?" that is the only answer I could give. I cannot be held responsible for what rubbish a journalist might write.

Mr. M. Lundy:

Chair, can I say ... thank you; Constable Butcher, I think that answers your first point. The head teachers very clearly have their own opinions about these issues and the point I think that you have raised is around about the nature of the educational provision for children who are suspended. If you go back to the guidance that is issued to schools and to look at some of the procedures and processes that are in place in schools, you will see that arrangements are made for children to continue their education; there is an expectation that arrangements are made for children to continue their education while they are suspended. The fact of the matter is that it is not going to be the same quality education that that child would receive in front of the teacher but one would hope that it was only for a short period of time and, in actual fact, that that suspension would set the conditions for that child to come back in and start learning again in a different sort of atmosphere, different environment. So there are many reasons for it, it happens, it is not an ideal situation. But I think if you reverse it, which Deputy Tadier had done at a previous hearing and started off saying: "What is it that is in place in the schools to prevent suspensions being used up front to ensure that they are used as a last resort?" then I am quite sure that the school will be able to tell you the whole range of strategies that are in place to support you.

Deputy T.M. Pitman:

On that note, with due respect, Mr. Lundy, I would have hoped that the head teachers might have told me that because I am sure they can.

Ms. L. Toms:

I would like to respond to that.

Deputy T.M. Pitman:

Absolutely; please, all come in as you would.

Ms. L. Toms:

In terms of the work that was set, I think I and my colleagues would say the same answer to that question as we would if somebody was perhaps away through illness through a period of time and, that is, you would provide them with work that was relevant for the period of suspension. We are in a very fortuitous situation now because we obviously have electronic means of doing that on the V.L.E (Virtual Learning Environment) so it is a far more effective means of supporting students while they are not in school, be it for suspension or be it for illness or some other reason. But I think the tools that we now have at our command to make sure that we can continue to try to provide the support that we would all like to give to our students, can be done much more effectively than perhaps it could be, say, 10 years ago.

Deputy T.M. Pitman:

One further point on that, and then I will pass over to Constable Butcher. Could you all, and you probably share the same opinion I would imagine, give me your opinions on how effective you think suspension is in changing behaviour?

Mr. J. Thorp:

Yes, it has been quite an interesting exercise, looking back over the names for the last 4 or 5 years in preparation for this and, as I looked down the list of names and saw how almost every single name on that list had gone on from suspension and had left school successful, having not made the mistakes again. I thought it does answer that question; you know they do go on to be very, very successful. They leave school very confidently, in the main. There may be one or 2 instances where, as a strategy, it did not work but in the main it has done what we set out to do with it, which is to get them to think about their actions, their responses to people, how they get on with people and they have come back in and they have never been suspended again; they have done very well.

Mr. R. Rolfe:

I can give you an example, okay; just very briefly. This is an email from 2007 from a parent so this says: "We are writing, firstly, to apologise for X's behaviour on Friday; totally unacceptable and, as parents, words cannot describe how disappointed we were" et cetera, et cetera. They also point out that he is saving up £10 to repair the damage that he caused. I had insisted on that. So that is 2007. A year later, I will just very briefly say: "5th December 2008. Dear Mr. Rolfe, firstly, we wish to thank you and the school governors" because they had a good part in this: "for giving X a second chance at Le Rocquier School. We cannot thank you enough for that." It is a long email, final line: "We cannot thank Le Rocquier School enough for all its hard work and support." Another letter from a student, these are unsolicited, about a year ago who gives advice to all her friends about: "My advice is just behave in lessons. If you misbehave, just ask for more support, step outside, calm down. My advice: stay in school and stay in lessons, try your best." I have written on this and copied it to staff: "A really positive letter from this person considering her current circumstances out of school" because a lot of them will bring problems from out of school. So for some people, the majority, it is a boundary, a line, a period of reflection, time for us to put support in. Parents are generally very, very supportive and the students understand it so I would agree with what has been said.

Deputy T.M. Pitman:

I am aware that you did, for a time, have a social worker at school, did you not?

Mr. R. Rolfe:

Yes.

Deputy T.M. Pitman:

Did that have any effect on preventing ...

Mr. R. Rolfe:

Yes, a big impact. I genuinely do not understand or know the whole process at the moment but we had a community police person who was regularly in school. The police are fantastic; you ring up and ask for support and they are great but we had somebody who had more time for our patch and whereas, for whatever reason, we now have less time. But they do respond, they are great. The social worker has not been replaced because of recruitment difficulties so we are picking up a lot of those issues. So if there is anything that could come out of the reviews that are happening, we would love that to be reinstated or to come back. But we do appreciate the recruitment issue, but it had a profound impact because I would say the majority of these issues are not about just the young person, it is about the family. There are a lot of parents crying out for help, not the issues of school; these are social issues. We have staff and it is not in their job description; they will go round to the young person's house, they will go round with a wrap-around service where 3 or 4 members of staff will help will help with parenting on an evening; that is not in their job description. They do it because it is important and they give the parents their mobile numbers so that they can be in contact, particularly over the holidays where parents do feel out of it. That, for us, is really important; it is important because the benefits are enormous and we have a good relationship with the families. People are struggling out there and think the support that schools give, and that pastoral care, is a lifeline to many families. It is not perfect, it is imperfect, but it is a lifeline.

Deputy T.M. Pitman:

I do not think any of us would argue with that.

Mr. J. McGuinness:

It is difficult for me to comment on individuals, only being in place for 10 weeks, but what I would say is, talking to colleagues and working with colleagues who are involved in alternative programmes of support in school, where we have students that are excluded more than once, we start to delve into what

is it that we can do to make life at school successful for them. So we will engage with a learning access programme where students get involved in a whole range of activities. There are particular courses like A.S.D.A.N. (Award Scheme Development Accreditation Network). We have probably the largest number of students that have work-related learning, particularly students in the upper school who are out working with companies. We actively engage students with the Prince's Trust in terms of the XL Programme. We have an On 2 Wheels programme, so we are developing individual and tailoring individual programmes to meet students' needs in order to try and engage students in their learning and in skill development and there are many, I am sure if we look historically, we are very successful with and there will always be some that, no matter what we try, situations in their lives restrict them from engaging with us and that is a reality, unfortunately. We would all like 100 per cent engagement but we are using all of our resources and all our expertise and being as creative as we can be to deal with those students that do struggle engaging with a full-time curriculum.

Professor P. Munn:

So would you all routinely analyse your exclusion or suspension statistics looking for patterns in terms of year groups and gender patterns and all that kind of thing?

Mr. R. Rolfe:

Yes, every half term we do that.

Mr. J. McGuinness:

A good example will be, on a readmission for a student if it is, for example, their second suspension, we will look and we will discuss hot spots in their timetable, we will look at possible support, whether it is the school counsellor, whether it is heart map, if they have got an issue controlling their anger, for example. We will look at getting extra literacy and numeracy support in, we will remove them from certain areas where we feel there is a high risk of things not going right to start with and we will work closely with parents in terms of negotiating; sometimes a slightly delayed start and sometimes an early finish to the day to ensure that we are successful and we will review that progress and we will have staff feeding into the various elements of that programme. But it is dependent quite often on parental support, too, and I think one of the things that saddened me looking at the reports that I have read since I have come to Jersey is that there seems to be an avoidance of some key points, that is, there is a parental responsibility to play here in terms of supporting the school, in managing a child who, for whatever reason is suspended from school. And there is a parental responsibility to all the students that we have a duty of care for to ensure that they are in a safe environment and they have their learning opportunities that are not hindered by perhaps an individual or group of individuals. I think some of the headlines that I have read recently and some of the things that have been reported portray what is, I think, a negative issue, a negative image of education in Jersey. The reality is we have no powers to permanently exclude students. As a head teacher in the U.K. that was used an awful lot; I never had to use that in the U.K. so, all of these students that in the U.K. would be excluded, stay within our system and to sustain the involvement that we do using all of these groups, is I think a celebration of what we do. But what is coming through, I feel, certainly in things that have been reported in the press, is some kind of structure that is crumbling. I think we do a really good service to the young people in our care and we are really caring and supportive for those students that, in times in their lives, have difficulties.

Mr. M. Lundy:

Can I just clarify a point of information. The ability to permanently exclude does exist in the education law. It is not used; there are obviously procedures that have to be moved through in order to be able to permanently exclude but there are not requests from schools to permanently exclude and I think that backs up the point that was being made.

Mr. J. McGuinness:

Can I just ask something; I think the whole idea of parental responsibility is recognised but it also has to be said that, often in cases of suspensions, it is already the parental responsibility which is perhaps lacking or dysfunctional and that is one of the reasons why you get that behaviour. There is the question of what happens to a suspended child but there is also the process of the transition between going from not being suspended to being suspended and about how involved the parents are in that and that whole area which can be, I think, traumatic. If that is not got right and if it is not done correctly, that can be a problem, I think.

Mr. R. Rolfe:

We run workshops after school on a regular basis until late into the evening where a significant number, I cannot remember the exact numbers, but a significant number in terms of is late, they are desperate for that help, turn up and get supported; whether it be from the educational psychologist who gives up her time to do that, my deputy head, attendance officer. These are the professionals that will help support parents and these parents are parents of children who may or may not have been suspended but are looking for help so this is a way of reducing it. Being in education is still a vocation and my staff work their socks off to support students and getting cards and gifts from parents to say: "Look, thank you" it is great and getting cards and thanks from parents like that who had difficulties with their teenage daughters or sons and then taking on an opportunity to do a parenting programme has been great; it has helped that parent, it has given them confidence. So picking a pattern so that you can say to parent: "Look, would you like to join this group? It is after school, we will help you, tea and biscuits" et cetera: "we are in this together, it is a partnership" and it really is a partnership because, without them, we have got no support, with them, we work really well together.

Mr. J. Thorp:

I think you asked a question about the actual moment of suspending a student and the communication with parents and obviously, together with my Deputy, we are normally the ones who ring them so we get a lot of those parental responses. But I would say in almost every case parents are obviously disappointed but they are enormously supportive and they will quite often add to the suspension by grounding students, by losing pocket money, by stopping television privileges, and they are immensely supportive and that is what, I think, in the main makes the suspensions that work, work. Because the parents want exactly the same from their children as the schools want from the children; they want people to get on with others, they want people who behave, they want people who are responsible and make good choices and I cannot think of an occasion when I have rung a parent where they have not been enormously supportive of the school in the action that it is taking and willing to work with the school in order to make sure that the lessons from that suspension are learned.

Deputy T.M. Pitman:

Can I just ask the other side about it; I am not disputing what you say at all, what about the suspensions that do not work, perhaps not because the parents do not want to co-operate with you but because they really cannot cope with the situation, be they even having to give up their jobs or whatever; how do you support those in what must be a really difficult situation for all concerned.

Mr. R. Fairhurst:

Can I say straight away, I am bewildered by this idea that there is this reservoir of discontent. I have had, on all my correspondence now for ages and ages, that if you are not happy with the suspension, you appeal to the named person, which is my chair of governors. Before that, it was a system where you phoned the Education Department to complain; everybody on Jersey knows where the Education Department is; believe me, parents are not daft. In 9 years I have not had a single parent say they want to appeal. Where is the problem? Why am I here? I do not understand it.

Deputy T.M. Pitman:

We have heard, too, I can tell you that, and we have probably had 8 in the last few days that have contacted me so perhaps ...

Mr. R. Fairhurst:

You have advertised for them, with all respect, I mean, it is like a Haut de la Garenne re-run. You have had to trawl through the press to get these people.

Deputy T.M. Pitman:

I have to say, I think that is the most ridiculous comment I have ever heard, really flippant; we are not here to ...

Mr. R. Fairhurst:

It is not flippant.

Deputy T.M. Pitman:

I am afraid, it is flippant. I am sorry, but are you dismissing the concerns of parents?

Mr. R. Fairhurst:

I am saying to you, and you can prove me wrong; if you try you will find you cannot. I have been in the post for 9 years and you cannot find a single parent who has appealed to my governing body or to the Education Department about a decision relating to suspension. I do not set myself up to be any different to my colleagues, and I am sure they make decisions based upon the same information I have received, but I am trying to convey to you and, by the way, I might have presented myself as adversarial there; I was reassured when you told me about the fact you distance yourself from the press, so I am not adversarial. I would maybe say I will tell you I am still annoyed by what has gone before, and perhaps I will have to suppress that aspect, but I would say to you that this is a miniscule issue about the amount of parental discontent. That is the point I am trying to reinforce here.

Deputy J.M. Maçon:

I think just on that point, very briefly, you mentioned the miniscule number, and I do not dispute that ...

Mr. R. Fairhurst:

Zero in my school's ...

Deputy J.M. Maçon:

I am talking about children being suspended long term. We have had evidence from various parents who were not aware that there was an appeals mechanism, bearing in mind that we are talking about such a very, very small number of people, they were not necessarily aware that there was an appeals mechanism in place; many just are not aware, they have not been in this process before, they do not understand how it works. In a sense, you could argue: "Well, if you do not know a process is there then you cannot engage in it." What are your comments or thoughts on that?

Mr. R. Fairhurst:

Do you think parents are naïve? You do not, you did say that; they are not naïve, they know where the Education Department is and any other issue they want to complain about.

Mr. M. Lundy:

Deputy Maçon, if I could just clarify. This is a point that has been conceded on a number of occasions now. The question has been: "Are suspensions human rights compliant and do parents have access to appeals procedures?" The answer is yes, and they have done for quite some time. The department and, as director, I have already conceded that our guidance to schools has not been as clear in the past as it

should be on this issue hence a revised document which is setting out the expectations on behalf of schools. That does not mean that the procedures have not been in place; they have been in place. It does not necessarily mean that people have wanted to use them but have not known what they are, but of course that could be the case, it is just a fact. But in the modernisation of government we are pursuing better practice in all the things that we are doing and we believe that it is best practice to set out the rights that parents and children have in this process more clearly, our requirements from the department's perspective, for schools. That does not mean that schools have not been setting out those requirements to parents when they talk to them.

Deputy J.M. Maçon:

No, indeed, and I was not disputing that; I was just commenting that, on what we have been presented with, there is just a lack of awareness which the department has agreed on. But then parents, again, because if you have not been through this process, you do not know how it works. Like with any other process, if you have not been through it and you do not know the ins and outs of it then you can have all these wonderful processes on top of these things but if you do not know how they work they are of no use to you, but the department has conceded that.

The Connétable of St. John:

Can I just change the subject slightly, some calming influences here; I am a Constable. Obviously suspensions are a last resort from your point of view with what other things you have in the armoury. What other sanctions can you place on children before you get to the stage when suspension is the last resort?

Mr. J. Thorp:

Could I just go a bit beyond that, perhaps, because schools do not move immediately to sanctions, so if you are talking about what is there in schools to support students who might have emotional difficulties, there is a whole range of things that are there to support before you even think of sanctions and I think therefore it is important to recognise that sanctions themselves are often a last resort and whatever the sanction is, even if it is just asking a student to step outside the classroom to cool down for a moment, that is a last resort because you would rather keep them in the class. So within all schools, there will be a whole range of support staff, there will be a whole range of processes, there will be a supportive culture which is designed to help students do what we want them to do which is to get on with their learning and get on with people. So to think of schools as entirely sanctions-based cultures, which I think is implied there ...

The Connétable of St. John:

No, that was not the inference at all. We are looking at the end result which is suspension, so it is when you lead up to that.

Mr. J. McGuinness:

I think you have a graduated response; often it is subject-driven, if it is in the curriculum, if it is outside the curriculum, it is often through heads of year and pastoral tutors and heads of year. But they often start as smaller issues; it could be a detention, those things can grow if students refuse to co-operate. We try to involve parents to the point, if a student is failing to co-operate completely, we will try and get the parents to come into school to see if we can involve them in turning a child and making the right choice. We will lead up to after-school detentions; everyone hates after-school detentions, especially staff who have to supervise them, and especially if they are on a Friday. Then obviously we have the option of doing internal suspensions which could be with a head of year, it could be with a particular subject teacher or a tutor; it depends on the relationships and the capacity. But, clearly, there are occasions where we have to make a decision straight away over an incident that could be quite serious and it goes straight to, depending on that nature, an external suspension. But I would just like to come

back, if I may, to the question that was raised earlier: what do you do with that very small minority who repeatedly get suspended and the parents who are concerned at home because of issues at work and supervision? It gets to a point where, when a school has tried all of the options repeatedly, you have got to start using outside agencies more and more and obviously there are review panels that meet on a regular basis that look at a whole range of needs of students all across the education sector in Jersey. At those review meetings, there are discussions held about whether that is the right place for a child, if the child is getting the right support. So those discussions go on at a very senior level.

The Connétable of St. John:

Obviously in terms of suspensions as a punishment, or whatever it might be, we have been hearing evidence, not just today but over other periods as well, that there is quite a link between things like autism and Asperger's and things like that. In your experience at your particular school, is that evident to you? Because obviously the illness brings on the bad behaviour or the unacceptable behaviour; is there a link there from your perspective?

Mr. J. McGuinness:

Pamela Munn will know this from her research and if you look at the data that has come out from the U.K., there is clearly a greater incidence of exclusions linked to students with learning difficulties and, if they are linked to autism in terms of social relationships and communication, there is a greater incidence. The learning disability, whether it is not being able to access literacy and numeracy issues in the classroom, caused the behaviour, whether it is the behaviour causes the issue with their learning, it is a double-edged sword. So it is difficult to give a straight answer to that other than to say there is a greater incidence of issues linked to behaviour for students who find communicating with others, in a mainstream setting as opposed to a small communications provision, and that is well-documented in any research that you look at.

Mr. J. Thorp:

But I think the other side of the coin is that there are a great many students with special education needs, whether that is specific learning difficulties or communication problems, who thrive within schools. So I think that that is the other point about it which is that it is not necessarily the learning difficulty by itself which is leading to the behaviour.

Professor P. Munn:

In your experience, how long does it take for a diagnosis to be made, either of a specific learning difficulty or A.S.D. (Autism Spectrum Disorder) or A.D.H.D, (Attention-Deficit Hyperactivity Disorder) or whatever it is?

Mr. R. Fairhurst:

If you take A.S.C., which we seem to be focusing on a lot, I have got an A.S.C. unit and it is only half the size of the one at Grainville because it was introduced in a way because your unit was in an overflow, and that is because there was quite a spike of diagnoses of A.S.C. on Jersey. It was seen that one of the tensions that was occurring was that you had children who perhaps were not that good at making friends, and because they were all filtered through one primary school which then did not connect to your school in terms of peer group, they were split up from the people they had made friends with. So about 4 years ago, an A.S.C. unit was opened in my school. I am lucky; I am not trying to set myself up as being better, but I can assure you you cannot find a single one of the A.S.C. children who has passed through my school we have suspended. I am just fortunate, because the group that there is significant links with is identified on my data as S.E.B.D. (Social and Emotional Behavioural Difficulties). This is where things get more complicated because you can have children with complex needs, they have got S.E.B.D., behavioural difficulties, and A.S.C. and learning difficulties and they can behave dangerously. There is a problem because you would like to be sympathetic to the A.S.C.

condition but, at the same time, you have to protect the other children within the unit itself or within the wider school. There is only one group that I have got that is statistically significant, and I am quite prepared to share my data, and that is the S.E.B.D. group where usually those children have been identified in primary school, before they ever come to me, they have got behavioural difficulties. It is not going to be rocket science to project the fact that they are the ones who are most likely to unfortunately cross over the line and do something outrageous from time to time because they do not know where the boundaries are. But here is a key issue: in 2002, the States of Jersey decided they would vote for schools of my type to become almost special places for children with S.E.B.D. We were given a counsellor, we were given a welfare officer, we were given a behaviour specialist teacher and our function was to try and hold, sometimes on the very edge of what was possible, difficult, challenging children. With that comes the odd mistake where children, 90 per cent of the time, they can cope in the mainstream but 10 per cent they cannot. But is that worth it? A lot of learned people think it is, that if you can hold them nearly all of the time, and occasionally maybe they get suspended, what you are doing is a very big community service, not only in cost, because as soon as they go into special you have got a pupil/teacher ratio, not of 1:20 but 1:5; it would cost millions to hold all these children out of mainstream education. But it is not just that, it is the effect of the peer group on them, the socialising effect and I think we do a very good job of holding quite challenging children in a situation, in an environment, with the help of these specialist people, where we try to minimise the impact on the mainstream child, they deserve a trouble-free education, but at the same time, doing everything we can for those children.

Professor P. Munn:

Yes, I think we all recognise that and we know that the outcomes for children who go into special ... my apologies, but they are not as good as those that stay in mainstream, but the question was really about the length of time it takes to diagnose.

Mr. R. Fairhurst:

About a year.

Mr. M. Lundy:

We have 2 primary A.S.D. resource provisions. It happens but it is rare that a young person would be diagnosed in the secondary years; it is usual that the diagnosis is made early on in the primary years. We could probably get you some data around about where ...

Professor P. Munn:

I think that would be useful because we have heard some evidence that that does not happen and that it takes quite a long time.

Mr. M. Lundy:

Any of these aspects we would seek to provide some degree of hard evidence where we are absolutely clear what it is that you want. I think our concern would be, and quite rightly, you have to listen to the opinions of the people who bring the individual cases to you, but our concerns would be that those opinions might sometimes be represented as fact when in actual fact the evidence suggests a somewhat different picture.

Deputy T.M. Pitman:

I would point out we have also listened to the Teachers' Union so we have to consider their view as well, obviously.

Mr. M. Lundy:

That is true but the report on the working party from the Teachers' Union, which I believe was sent out

to 750 teachers, only got 66 responses of which 40 were from teachers in secondary schools so one would have to treat that data with some caution.

Mr. R. Fairhurst:

Forty-five of the 50 teachers in my school are in the N.A.S. (National Association of Schoolmasters). I met yesterday with the representative from the N.A.S.; it was a one-word answer: "Have you got a problem with suspensions at the school?", "No."

Deputy T.M. Pitman:

Could I just ask, because we really need to move on to the next question, and I would not want to pin down to any of you as individuals but obviously suspensions vary hugely across the schools. Again, I think the number 200 is very high. I accept from my own perspective that there is going to be one reason which will contribute to this, will be the catchment areas. What are the other reasons that can contribute to why some schools will have more suspensions than others?

Mr. R. Rolfe:

Our school has grown 200 in 4 years but our suspensions are at a 7-year low. Our suspensions are lower than the English average and the Scottish average. If you look at the actual individual children, the repeat suspensions, and I suppose the reasons ... are you asking about the reasons for suspensions?

Deputy T.M. Pitman:

What could be the reasons why schools will vary; say between perhaps 200 and some down in the 40s?

Mr. R. Rolfe:

Individual cohorts. It is very common in the U.K. as well that people say: "It is the year 9 group in this particular area" and schools have a very similar experience. Or sometimes it might just be one school that has a particular group of students going through.

Mr. J. McGuinness:

You can have a situation, and it is all context-driven, you can have a combination of factors. You may have one or 2 students that do not want to engage, that go to the maximum 15 days in a term and so there is 30 days a term; that is just 2 students. That could happen each term, so you are looking at 90 days. So if you are looking at anywhere around 200/250, it will be quite plausible that some of those could just be 2 students. So when you look at the data you need to look deeper than that and have the context for each one.

Deputy T.M. Pitman:

We have but I am trying not to identify schools, I hope you appreciate that.

Mr. J. McGuinness:

Obviously, we follow the guidelines that are set; there is a graduated response depending on the actions that resulted in suspension. That is clearer, I think, than the guidance that I had as a head teacher in the U.K.; there was not any time frame linked to any actions that the school might take, but a limit of 15 days a term was the same. I do not know, Pamela, is there a limit in Scotland?

Professor P. Munn:

No.

Mr. J. McGuinness:

Again, I do not know whether the teachers in Scotland have a graduated response in terms of the maximum number of days that you would suspend for a particular incident. But the reality is always

going to come down to context of the child.

Deputy M. Tadier:

One of the reasons for variation, and of course there will be many reasons why there are different levels in different schools, could it be down to the individual skills of the teachers in the sense that some teachers might be more comfortable and have the ability to teach a class which is made up of different factions, if you like. So even if there are 2 unruly kids, they have got a particular knack, they know how to diffuse that situation and certainly ...

Mr. R. Rolfe:

I think training is really important. I think for me training is an issue. We have a regular Super Tuesday programme after school, every third Tuesday, we have training workshops for the staff. They are not behaviour management; a lot of them focus on the learning which is obviously most important, but they also pick up skills about obviously teachers who can handle situations better than others. Also, in all this, you cannot forget that a school only works on the goodwill of the staff and they need to see that they get the support as well. So the support also with training; I think they go hand in hand. Certainly when I joined in 2002, I think my school had 12 newly-qualified teachers joining, which is outrageously high, and at the moment we have got a very, very stable staff with very low staff turnover. The profile, if you look at the staff, you have got young staff, quite a few middle-experienced staff and a very small number of very experienced staff, if you look at it that way. So the staff profile is important but also the regular training and I certainly think, for us, we would create and expect more and more staff training and updating, because things change very quickly.

Mr. J. McGuinness:

I also think that if you felt that a particular member of staff was struggling with pupil X, and this was recurring, you would be able to do something restorative between that relationship to ensure that there was some order brought for the sake of both. I come back to the fact that I think it is about the context of the student. I think schools do an awful lot to reinforce positive behaviour through reward systems and the sanctions that we employ, we try not to use because it is about positive reinforcement. But those sanctions have to be used from time to time. I rely on the professionalism of my colleagues and we invest an awful lot of time and energy looking at student voice, developing student leadership, we are encouraging students to support younger students in the school, to be role models, and that is all about creating that culture which is about mutual respect and about co-operation. But professional development of staff is high on every head teacher's agenda.

Mr. J. Thorp:

I think it is also about the balance of the school intake and we know from research that those schools which show the full range are those with academically able students, sporting students, students with special education, they are true comprehensives and they are easier to make effective than schools which have a skewed intake. So a school, for example, which might have a mean C.A.T. (Cognitive Ability Test) score on entry of 100 is always likely to be easier to manage than a school which has a C.A.T score on entry of lower than that. I think that is an important issue in Jersey; we do have a very selective system, it is financially selective, it is academically selective and I think that has an impact of schools which are trying to then deal with a skewed segment of the population.

Mr. M. Lundy:

Can I just say that the numbers are inevitably going to be different each year and occasionally there are spikes. The key thing is what do we have in place to ensure that there is consistency to make sure that, if there are spikes, the reasons are clear and actions are taken to address those spikes if they can be taken. There are a number of things in place; in 2002 head teachers agreed a tariff for suspensions so there is some consistency across schools there in relation to the number of days, for example, that a child

may be suspended for a particular reason. Then there are set procedures that need to be followed so you know the powers that head teachers have is set down in the law and, to step outside of the authority that they have, they need to make a case to the department, effectively, to the Education Support Team, the principal educational psychologist who will take that role on on behalf of the director. Data is collected at school level. There is an expectation, and schools do monitor that data not just from a summary point of view but from a diagnostic point of view, what appears to be happening here, for example, there may have been a lot of suspensions in relation to a particular thing, say for example bullying, so is that an issue that we need to look at within the school. The data is collected at department level and monitored at department level and would be used to hold discussions with schools about the context in which they are working. What we have tried to do with the introduction of the new guidance which has been introduced at this time for consultation because our Minister made a commitment in the States of Jersey I think in February, in response to a question to review the guidance. What we have tried to do is to set that out much more clearly so if your question is: "What is in place to ensure consistency?" there are a number of strategies in place to do just that.

Deputy T.M. Pitman:

I am conscious of the time. I am sure we could spend 2 hours here but I am sure you do not want to so could we move then to number 5?

Deputy M. Tadier:

Sure. Can I just say there is a point I want to come back in on at the end; it is to do with just I think something needs to be clarified but I do not want to break the flow, so if I can take it towards the end, if that is all right. What educational support is provided to students during periods of suspension?

Mr. R. Fairhurst:

As my colleague Lesley said we have now got this tool where you can log on to the V.L.E., as we call it, and that is already proving useful in this epidemic because it enables access, admittedly to those students who have got computers at home, but there is a high penetration in Jersey of home-ownership, so that is a vehicle. This is an area that is easily overstated because, believe me, very often the child who cannot stop disrupting in the lesson is not your ideal child for sitting down and doing set work at home. I will just put that into context. They are trying to kick over the traces of not learning and so they are not your ideal students. So therefore, generally speaking, you would have to set something that was fairly easy to understand once they were at home so we have got to pack some material that we have pre-written for the purpose. But very often when we ask for it back, they will not have done it. But we provide it because we understand that the parent might well decide that they will enforce the child doing it. But I would not overstate the number of children who have completed it and that kind of goes with the territory a little bit, if you understand.

Ms. L. Toms:

I think in the circumstances at Hautlieu the students would be more likely to be engaged with completing any work they had set for them and to bring it in afterwards so we would work, as I am sure all my colleagues would do, in trying our very best to ensure that students engaged in that as best they could.

Mr. J. McGuinness:

It forms a good point of discussion at the reintegration meeting with parents and perhaps a tutor or head of year when the student does bring work that they completed at home and, in some cases, brings along the note that they have found these tasks, whether it is a maths task that they were set, challenging, then that is something that we can build on in terms of curriculum. The work that is done is then passed on but it is rare rather than the common practice for a student to complete that work and bring it in, despite our request that they do so.

Mr. R. Fairhurst:

Can I just say there is one exception and that is that if a child is in a looked-after situation, we can guarantee structure, because they go to Oakside. They have the room there, they have supervision. The work is set. So, as it were, we have a substitute parent there who is acting on our behalf setting that work and making sure they do it. So, we get a completely different response from looked after children who are suspended.

Mr. R. Rolfe:

We would add to that that we sometimes telephone if it is more than a day suspension. If it is a longer suspension then we might even do a home visit.

Deputy M. Tadier:

Just to follow on from that question, if we extend it to the reintegration. How does the whole reintegration of students after a suspension work?

Mr. R. Rolfe:

We have a formal meeting with the parent or carer, the integration forum, talk about what were the triggers, the precursors to the event. If it is appropriate for an apology, it might be in a letter or it might be a face to face or a restorative meeting with a member of staff if it is something like swearing at a member of staff. Then we would look again, if there is a repeat suspension, at the timetable. Key stage 4 student, it might be that if it has been a repeat suspension and it is a particular lesson and they are really struggling and they are taking on too many G.C.S.E.s (General Certificate of Secondary Education) we might be saying to the parent: "Look, this is a no blame thing. Let us just have a look at that timetable. Is there just too much there that they cannot cope with in the terms of coursework? Is there a vocational alternative? Is there expert support from a teaching assistant?" So they will get a key worker who will help them and support them in areas where they are not doing particular G.C.S.E.s. We publish this to key workers. Today, before I came here, there was a student who was upset in the corridor. I said: "What is the matter?" He said: "I have been sent out of my lesson." I said: "Who is your key worker?" He told me, so I took him straight to the key worker. He sat down and said: "Let us see what we can do."

Deputy M. Tadier:

Can I just ask about the key worker, because it came up earlier? We understand that the key worker would be based in a particular classroom rather than ...

Mr. R. Rolfe:

Not necessarily.

Deputy M. Tadier:

Not necessarily?

Mr. R. Rolfe:

We have structured our school, so you have teaching assistants within the classrooms who will help the learning aspect, but we also have different rooms around the school, which are not quite drop in centres, but there would be a key worker there who can, if there is an issue or problem and that is not the student that they are key working, what they could do is they could go down and relieve that other member of staff, if necessary, if they have got a particularly strong relationship and the key worker can come up and spend a few minutes to try and sort out the issue. They may then diagnose something and say: "Well, actually, they need another appointment with the school counsellor" or we need to talk to the attendance officer ...

Professor P. Munn:

Could you just clarify, what is the professional background then of the key worker?

Mr. R. Rolfe:

The professional background, trained teaching assistants.

Professor P. Munn:

So they would not be a social worker or a teacher?

Mr. R. Rolfe:

No, not a social worker. Although some key workers are teachers. Yes.

Mr. J. McGuinness:

Some are specifically trained in certain areas, like supporting students that are autistic.

Mr. R. Rolfe:

Some would be trained in solution orientated methods. Some are counsellors. They have counselling qualifications. We have got one who is a tai chi expert, so he does an awful lot of relaxation and calming down.

Professor P. Munn:

So they are very varied, is what you are saying?

Mr. R. Rolfe:

Yes. I think they are fantastic.

Deputy M. Tadier:

But they are not allocated to an individual student?

Mr. R. Rolfe:

Yes, they are.

Deputy M. Tadier:

They are.

Mr. R. Rolfe:

For example, I might have one teaching assistant who is a key worker, he or she may have 5 students. They do not all see them at the same time.

Mr. J. McGuinness:

The most successful readmissions is when we have had an opportunity to look into the issue, to trawl very quickly through all of the teachers that teach that particular child and get some more information to get a picture across the board to involve tutoring readmission. That is, our first port of call between students and parents is the tutor. If necessary, because of the nature of the child, deal with our education and welfare officer or our school counsellor. But the most successful readmissions are when the parents come in and they are supporting the school. For the older students, we will delay suspension sometimes to give students an opportunity to spend time in school collecting course work rather than doing things that might not link to their continued education. In terms of those situations, obviously, we are able to give parents more time to prepare for the student being at home, but they are doing relevant work, because it is ongoing coursework. Those readmissions are highly successful, because you are often

dealing with a student that is much more mature and able to accept that if they have done something wrong what they need to do to put that right.

Deputy T.M. Pitman:

I do not want to put off anybody else from answering that question, but otherwise could we move to Constable Butcher?

The Connétable of St. John:

Yes, I have just a quick question on a slightly different subject. Have any of you got any experience of youngsters left to roam, i.e. if a youngster wants to leave school, he has been told to go home and his parents are not coming to pick him up? Because we have heard some evidence ...

Mr. R. Rolfe:

Parents are always ... we always place a phone call to the parents or the carer: "Will you pick the child up?" If it is convenient for them, they will say yes or they will make their own way home and they have to phone the parent if they are at work. If they have not got home, the parent will phone us. So we do not want the child going home to an empty house ...

The Connétable of St. John:

Do you ever get a situation where you ring a parent and the parent flatly refuses to come and pick the child up, saying: "It is down to you"?

Mr. R. Rolfe:

No, no. They do not say ... they are very, very, very supportive. They may be cross, they may be angry and frustrated, but they have a very good working relationship with the school. They have never let me down. I have extended conversations with parents. Again, the only way I think school can work is on those relationships. We have a situation where parents cannot drop everything. Okay? But we have a problem, so we might delay the suspension and the child spends the time with a key worker. Or they get somebody else to pick them up, an auntie or an uncle or somebody who has a good relationship. Or, we have said: "Okay. What is the best way of moving this further forward?" And they say: "Can you keep him until 3.10 p.m., you know it is going to be difficult?" "Okay, we will do that. But you will understand it has been a problem for us. So they are going to be out the next day."

The Connétable of St. John:

Any of you feel free to answer. Have any of you experienced a problem where a parent has flatly refused to come and collect them for whatever reason?

Mr. R. Fairhurst:

You cannot send them without a place of safety. That is the legal position. So you do not send them. You have to hold them either in a room on their own or some other method. If you cannot hold them, because they are just saying: "I am walking out of here and you better not try and stop me" then that is different because you have not told them to go. I appreciate you could engineer a situation where you come to the same thing, but we would take it as a first principle that unless there is a place of safety with an adult who has got consensus that they are receiving at a certain time and they know when they should be there and so on, we would never send a child home against their will. Just as my colleague there has his own techniques, with myself, I generally ... children might do something outrageous, but then they will go quiet again. So therefore, the imperative for something to be done there and then is often not as needy as you might think. So, if a child knows they are coming to see me at 3.00 p.m. and they have done something really wrong, they know what it is. I will do that at the end of the day because I would not impose upon that parent the need to emergency supervise at the very last minute, drop everything, leave their workplace. So, you know, you develop systems over time where you are sensitive to those

parental needs, but you cannot stop the child who says: "I am walking." You cannot do anything about that.

Mr. J. McGuinness:

When the parents are given the context, the vast majority understand the school's point of view and are supportive, but we do get occasions where a parent is frustrated, often with the child, because of issues that may be going on outside of school, that says: "Actually, I cannot, physically cannot" and what we do is we keep the student in school. We will not allow students to go without making and getting agreement from the parents. Obviously we would do that for the duration of that day, but the parent will obviously be informed. If a student then took himself or herself off site, we would obviously have a duty to inform the parent or carer and that is what we do.

Deputy T.M. Pitman:

Can I ask a different question? It is not an accusatory question. You all must have students at times who get to the stage where they cannot carry on in your school or that is the conclusion you have come to with your teachers. We have heard in the past about managed moves. How does that process work if maybe you have got a student you really need to move somewhere else for their benefit, for your benefit, and you have got to, say ... does the process ever happen where you are swapping students? How does that work, because it is a small island at the end of the day?

Mr. J. McGuinness:

I am not familiar with managed moves in Jersey. Managed moves in the U.K. happen between collaborative partnerships.

Deputy T.M. Pitman:

I appreciate this is difficult for you only being here a short time.

Mr. J. McGuinness:

It comes back to the point I said earlier about when you get to the point of repeat, repeat, repeat, you need to go through the systems that exist in terms of referring things through to panel review. I will have to let my colleagues discuss if there are issues with managed moves.

Mr. R. Rolfe:

I would support managed moves, because I have worked that system in the U.K., which are done sensitively. But I have not experienced a managed move situation in Jersey. I cannot recall any managed move.

Mr. J. Thorp:

The only managed move I can recall are where they have been moving from the fee paying sector into the non fee paying sector.

Mr. R. Fairhurst:

I received a child 2 months ago who was not in my catchment. He had come from one of my colleagues' schools. He had been through the intermediary process of d'Hautree School. They felt it would be ... because he had done something very outrageous in that school before, involving a teacher, that it would have been wrong to have put him back into that school, so they asked if, on a management basis, I would receive the child, a year 10 boy. In fact, because he does not have the spectre of what he did previously that has assisted him in adjusting well to my school. I think one of the problems is that when a child is an extremist and he is very actively sometimes seeking confrontations, we call it, it is not really that beneficial to say to your colleagues down the road who know that child less well than you: "We know his individual learning plan, what does work with that child." It is extremely difficult,

because we really know that this is a child, if we cannot manage them the likelihood is they are, for a short while at least, going to benefit from a special education, perhaps at the E.B.D. (Emotional and Behavioural Difficulties) Special School for a period. That is, I think, the reason why managed moves on an Island like this are very limited. Of course the most obvious thing is if you think that the fee paying sector would take one of my E.B.D. children then ... it is one-way traffic. They send them, but they do not receive them.

Mr. M. Lundy:

Can I just clarify that because I think there are 2 different things being discussed here. One is the concept of a managed move as a planned change of placement for a child as a result of assessment of need and the point that you made which was about trading pupils. Trading pupils between schools most certainly does not happen in Jersey.

The Connétable of St. John:

Can I just ask, could you just elaborate for me on the ... you said you had taken a pupil from a fee paying school? Was that based on the fact that the child had an illness that they could not cope with at that school, they did not have the facilities to cope with or ...?

Mr. J. Thorp:

It was not an illness, so much, but I think that occasionally - and it is very occasionally - one finds a student will no longer feel they want to stay at that school and there is some kind of move into the non fee paying sector.

Mr. R. Fairhurst:

Just hypothetically, say a child was found with some cannabis, in possession, if you read back in the papers you will see that they will not stay in the fee paying sector having been found in possession, because they will take the moral high ground that that child should not remain there. The mechanism is very simple; you do not take the fee. However, that child has got to live and develop their future on Jersey and so we would rehabilitate that child. Over 9 years, I would say, I have probably had 4 or 5 children just from that one sector. I do not know whether that has changed recently, just because they have gone quiet, that there is not a lot of availability. I do not know what it is, but I have not had one for 2 years in that vein.

Deputy M. Tadier:

So in that sense there is a kind of transfer. It is not trading as such.

Mr. M. Lundy:

I mean private schools do have the facility to expel a pupil.

Deputy M. Tadier:

But obviously they have to go somewhere. That is the point.

Mr. M. Lundy:

If they expel a pupil the Minister has a responsibility to find an educational place for that child.

Deputy T.M. Pitman:

We totally appreciate that, but have any of you felt under any pressure to take someone from a private school?

Mr. R. Fairhurst:

We have no choice. They are in our catchment area. You expelled that child there ...

Deputy T.M. Pitman:

Sorry, what I am trying to get, Robert, is against your better judgment; you really ideally would not like that student, because you think he is going to be a problem, but you feel you have got to?

Mr. R. Fairhurst:

To be fair, chairman, I have to say, this is going to sound a little bit ... we have got a lot more strategies to deal with difficult children than the fee paying sector. We are used to it, if you understand. Therefore, we see redeemable features in children who would be seen in other areas as being beyond the pale. So the fact that the child has had cannabis, we can work with that child and very often they do not do it again and you move on. This is where Jersey has to have a safety net system within its schooling. It has got such social separation built in, and I know this is a political structure. I am here to work within the political structure and the policies and structures that we have. It really emphasises social separation. Therefore you are going to get difficult children concentrated in a few schools and that is where specialism will build up. So in a funny sort of way you could say that that child who is really badly misbehaving in the fee paying sector is better off with us anyway. Rather than being vilified and saying: "Now you have been seen with cannabis, you virtually should ..."

The Connétable of St. John:

My point was more along the lines of autism or Asperger's, that sort of thing, where they did not have the facilities to cope with that or as good a facilities as you might have in some of the schools.

Ms. L. Toms:

Certainly at Hautlieu we have accepted in the past students from the fee paying sector in terms of their behaviour. Normally a single incident behaviour, they have been quite able students, and you asked the point about how well they got on; the 2 particular students I am thinking of with that fresh start did extremely well and went on to university and were very successful. So sometimes it can be incredibly positive for the student and a good thing to happen. It certainly was in the cases that I am talking about.

Deputy T.M. Pitman:

Sorry, Deputy Tadier, you had a point to come back to.

Deputy M. Tadier:

It is a shame that the man from *J.E.P.* has gone out. It is just to address a couple of points that were made earlier, and I did not want to spoil the flow, because I think it has gone pretty well considering how we started off. First off ... can I call you Robert?

Mr. R. Fairhurst:

Yes.

Deputy M. Tadier:

We like to be informal. I think this whole idea that we were trying to seek out disgruntled parents is probably slightly unfair, because I have the wording here that we would have put out in our advert and it just simply said: "Have you had any experience with student suspensions? Do you have any views on the suspension system?" I think at all times we have always tried to be very clear and not be leading.

Mr. R. Rolfe:

Why are you showing photos of children as if they have been neglected on the street and extending the deadline? I complained about that because that was just not nice. It was just not true. You have a photograph of an empty seat now. When I looked at our figures, I think there are 3 times as many children who miss school days from holidays in term time than suspensions.

Deputy M. Tadier:

I think we did take on board that point on the photograph and that is why it got changed. What I am saying is that there is always an argument to be had that when you put even a neutral question out there, you are going to attract negative responses as well as positive ones, but we have not gone out of our way. To say that there is not a problem I think is ... we might be more sensitive to what the problems are and they may appear disproportionate to us, because we are dealing with them on a daily basis while the review is on. But I think it is unfair to try and suggest that we have gone out of our way.

Mr. J. McGuinness:

I think the issue is the phrasing: "Experience of suspensions." It is almost basically saying: "If you have had experience of suspensions as a parent, we want to hear from you."

Deputy M. Tadier:

That is right and there is nothing to stop people with positive experiences ...

Mr. J. McGuinness:

In terms of the whole parental population, what about all of the parents who have not had experience? Because they want to know that their child is coming to school and is going to make good progress. Every parent wants that. But they also want to know that the school is going to be very clear about the sanctions and discipline, that schools are consistently applying those so that they are open, honest and fair with students and parents, so that you do not have a situation where a young person's future is being affected by a very small minority of individuals. Parents need to know that too. Unfortunately, the way in which the adverts were placed and recent headlines, that seems to have been missed. That is one of the concerns that I had. I was also concerned when my youngest son said to me: "What does subpoena mean?" Because my wife is reading it in the *J.E.P.* and I get home from a busy day and I am thinking: "Well, honestly, that is the press." We understand the press can twist things, but that is not what should be happening. A phone call to me, a letter to me would have been, and I would have said: "Yes, I will drop everything, I will come and have a discussion."

Deputy J.M. Maçon:

I think just on a procedural note, I believe all requests have to go through the department. So we could not contact you individually because we are not allowed to do that, we have to follow a process. I just wanted to clarify that.

Deputy T.M. Pitman:

Just to finish, if I was a parent and I knew my child had had as many warnings as he possibly could and asked you the question: "What is next?" and next was going to be suspension. That is the only answer you could give me. If I was asked that question that is the only answer I could give.

Mr. M. Lundy:

The difficulty I have had with this has been in trying to explain to the head teachers that there appears to have been conclusions of this review published before the review has been completed and the evidence has been considered. I think you have just got to look at the headlines that have been apparent over the last couple of weeks. Nobody would wish to be defensive; this is a very important issue. It is not about being defensive about this issue. Even if there were only a few children concerned and a few parents concerned, it is still an issue that is worth looking into. It is a valid piece of work. I think the hope would be that any conclusions would be drawn after all the evidence has been collated and the evidence has been considered. I think that is the only thing that ...

Mr. R. Fairhurst:

That is what I am looking for, just not pre-judgment. There is one thing I would like to say, the first piece that went into the *J.E.P.* is an interesting one, because it was written by a Centenier. Every time anyone asks me for information I log it and I have done since the middle of 2006. So I know any time a Centenier has phoned me. So I have looked in my documentation, because bearing in mind I am in one of the Haute Vallée schools which is a relative hotspot for challenging children who end up in court. So since that time, which would be in November 2006, I have had 3 telephone calls. I have had one on 24th February from Centenier Coffey who phoned me, I was in my Assembly, and he said: "I need to phone you because there is a youth court. Could you phone me back straight away?" I spoke to him about these 2 girls who were due to appear. I had one on 8th September 2008 from Centenier Danny Scaife, who wanted a conversation with me about 2 children who had had a fight the night before. Finally, I had a third one which was about a child who had knocked on the next door to a Centenier Louise Noel in St. Saviour asking for a lift, rather bizarrely, she however knew that there was a nearby children's home. Those are the 3 times I have been asked for information and I fully co-operated. So I am struggling here to know what it is we are supposed to do. I would say one thing, and this is not rocket science, when the police come and ask you for information, they bring with them a form which they call CJU40. Basically that form says: "Forget the Data Protection Act, you have to tell me what I need to know to follow up this case." Now, why the Centeniers cannot join up with the police and turn up to any school at any time and say: "I want to know this stuff. I am going to fax you a CJU40 and you tell me what I need to know." Then they would not be able to say that anyone is not telling them the information. But I can tell you there cannot be a Centenier who says: "I phoned up that head and all I got was stone walling." So that is a complete made-up story as far as I am concerned. I do not know about my colleagues.

The Connétable of St. John:

Was that a letter he wrote or was it a report?

Deputy T.M. Pitman:

No, it was just a report of his interview. That is all it was. I am sure you accept, we have no control of how they report.

Mr. R. Fairhurst:

Of course you have not.

Deputy T.M. Pitman:

It is good for us that you have given us your opinion on that.

Mr. R. Fairhurst:

Thank you.

Member of Public:

I am sorry, I am not before the panel anymore, but I need to say something. Can I still speak to the ... it is not covered ...

Member of Public:

He's a member of the public, he can't talk, he's a member of the public.

Deputy T.M. Pitman:

I am afraid we have to skip to protocol.

Member of the Public:

Can you not let me ...?

Deputy M. Tadier:

It is for the discretion of the chairman, I am sure.

Deputy T.M. Pitman:

I am sorry, to be fair, we have had requests from other people and had to say no. Please do not take that in the wrong way.

Member of the Public:

No, it is okay.

Deputy M. Tadier:

Make a submission alternatively.

Member of the Public:

Can I do that then?

Deputy T.M. Pitman:

You can go and whisper it in the director's ear.

Member of the Public:

Okay. Can I ask Mr. Lundy to tell the panel who asked them to attend and why. It was just that I was on my own and ... sorry.

Mr. M. Lundy:

I am not quite sure of the point you were wishing to make.

Member of the Public:

I asked you to attend. It was not any conspiracy, I needed to ...

Mr. M. Lundy:

Okay, that is on ... yes.

Member of the Public:

When I answered a question there was little ...

Mr. M. Lundy:

You were seeking to round up, chairman. Can I just make a point which might be helpful, in drawing a line in the sand as far as where we are in this review? There is no reluctance on the part of the department. As I said already, this is an important issue to look at. We have some fairly robust evaluation procedures in place and a close relationship with schools in Jersey that is more difficult to implement in a bigger authority. So I would say there is probably more uniformity as to what is happening in schools than in most other jurisdictions. I have got no doubt that as you go through this you will find areas where you can make very helpful policy recommendations, because everybody can improve, every system can improve, and we are committed to continue this improvement. Looking at the relationships we have had with schools, the way that we have looked at performance in schools, the way that we evaluate performance in schools, I am confident as director that the schools before you are doing everything that they possibly can to keep young people in mainstream education and to support them. The statistics that we have back that up. I think it would be rare if you could find a jurisdiction anywhere that does not fall back on permanent exclusion, expulsion, as a method. It is inevitable in a jurisdiction where that is not evident that there may be an increase in fixed term suspension, but you are

not saying that. So what I am saying is that as director I have great confidence in the strategies that are in place in schools and I have probably closer knowledge of those strategies than you would see in a bigger jurisdiction. That said, we welcome any recommendations that you would have to improve our strategies.

Deputy T.M. Pitman:

I can assure you that we will definitely do our best to be positive. It will be a constructive report. Obviously we cannot afford to avoid any flaws and you would not expect us to. I am sure there will be some positive outcomes. Pamela, you did have a question about partial ...

Professor P. Munn:

Perhaps just a quick question going back to your 15 days maximum fixed term, as I understand it, in any one school term, I wondered how that worked when you were doing, say, half time schooling. We have heard about shortened days for a number of young people for all kinds of good reasons, so would that count as an exclusion or not, is what I am trying to get at?

Mr. J. McGuinness:

The reduced timetables that I referred to are in consultation with our school educational psychologist as well as working with parents, might reduce a timetable by maybe just one hour a day. So we are not talking one day in, one day out, we are talking adjusting the timetable to maximise the success for that child, with a view that that would be built up and the additional support weaned off when we have got strategies right and the student is able to cope with more and more access back into a full normal timetable.

Professor P. Munn:

All of you would know how many of your youngsters were on shortened timetables of one kind or another, would you?

Mr. R. Rolfe:

They do longer days. For example, when they do whole day work experience, which goes to 6.00 p.m. and they may have it shortened the next day. A very small number would be on a reduced timetable. It would not be permanently. Some children cannot cope with a full school timetable, therefore for a short period of time they may have a reduced one.

Mr. M. Lundy:

Any extended arrangements would not be counted as suspension, and would have to be approved by the department through the Education Support Team. It would be monitor and a proper programme would be put in place.

Professor P. Munn:

That is what I wanted to know, thank you.

Deputy T.M. Pitman:

We have overshot, but we have got a lot of answers even if we did not answer all the questions we set out to. Thank you all for coming and hopefully we will not see you again. **[Laughter]**