



<u>Committee and Date</u>
People Overview Committee
14 <sup>th</sup> March 2018

<u>Item</u>
<u>Public</u>

## **THE INCREASING NUMBERS OF PUPIL EXCLUSIONS FROM MAINTAINED SCHOOLS AND ACADEMIES AND THE LOCAL AUTHORITY'S RESPONSE TO THIS ISSUE**

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### **1. Summary**

- 1.1 This paper provides details of the current position regarding the levels of fixed term and permanent exclusions in Shropshire and how this compares to the national rates of exclusions. It informs Scrutiny about this area of statutory responsibility for Shropshire Council, the impact of exclusions and the actions undertaken to ensure continuity of education and to secure the best possible outcomes for children and young people.
- 1.2 The exclusion of pupils from maintained schools, academies and pupil referral units is covered by the following principal legislation:
  - the Education Act 2002, as amended by the Education Act 2011;
  - the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - the Education and Inspections Act 2006;
  - the Education Act 1996; and
  - the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- 1.3 New statutory guidance was published in September 2017 but the legislation governing the exclusion process remains unchanged. The statutory guidance has been updated in a small number of areas, in particular to provide greater confidence to Headteachers on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.

### **2. Recommendations**

- 2.1 The Scrutiny Committee is asked to note the details given in this paper and provide comment in respect of the Council's approach to fulfilling its responsibilities.

## REPORT

### 3.0 Pupil Exclusions

- 3.1 In Shropshire, pupil Exclusion and Inclusion comes under the remit of the Education Access Service (EAS) in Learning & Skills. The dedicated Inclusion Team that sits within this service is comprised of an Education Access and Safeguarding Officer, Inclusion Officer, Parental Engagement Officer and an Advisory Teacher for Gypsy, Roma, Traveller (GRT) children. Administrative support is allocated for 30 hours per week during term time.
- 3.2 The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- 3.3 A permanent exclusion refers to a pupil who is excluded and who will not return to the school they're excluded from (unless the exclusion is overturned).
- 3.4 Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 3.5 A fixed term exclusion refers to a pupil who is excluded from school for a set period of time, from part of the school day to 45 school days.
- 3.6 Pupils can be excluded for a fixed term multiple times, as long as the total fixed periods in an academic year do not add up to more than 45 days, including exclusions from previous schools they have attended.
- 3.7 All pupils have a right to education and the excluding school is responsible for taking reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision must be arranged from the sixth day (fixed term exclusion).
- 3.8 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.

### 4.0 Exclusion Statistics

#### 4.1 The National Trend

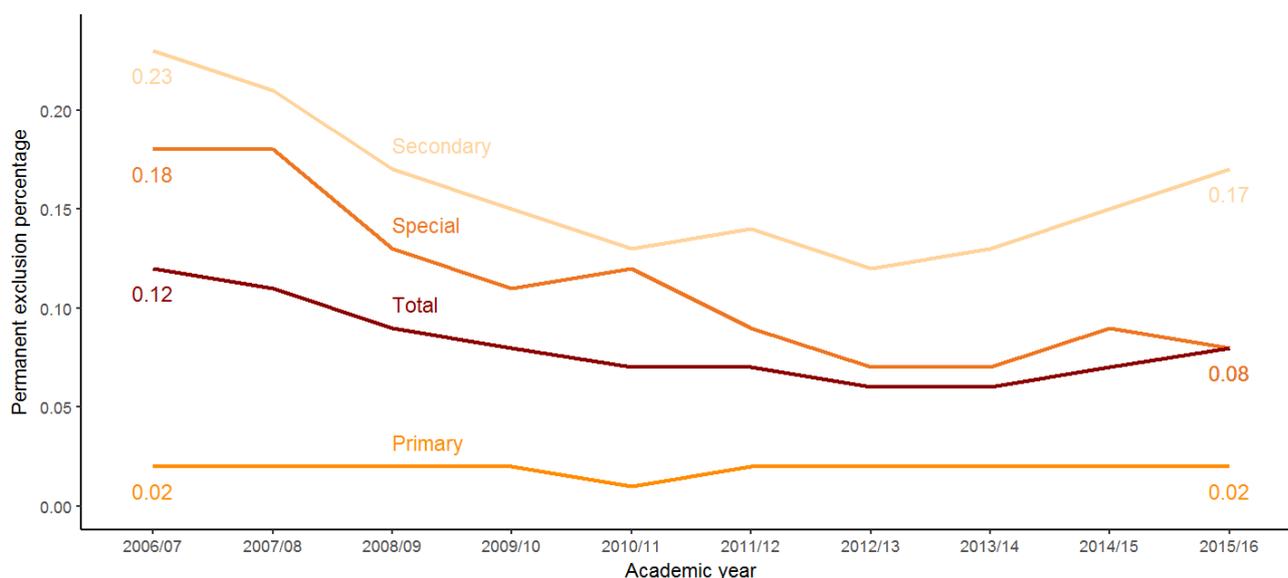
The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with Special Educational Needs (SEN); pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.

The Department for Education (DfE) publishes exclusions statistics from schools' census data. The latest release was in July 2017 and relates to 2015-16 academic year.

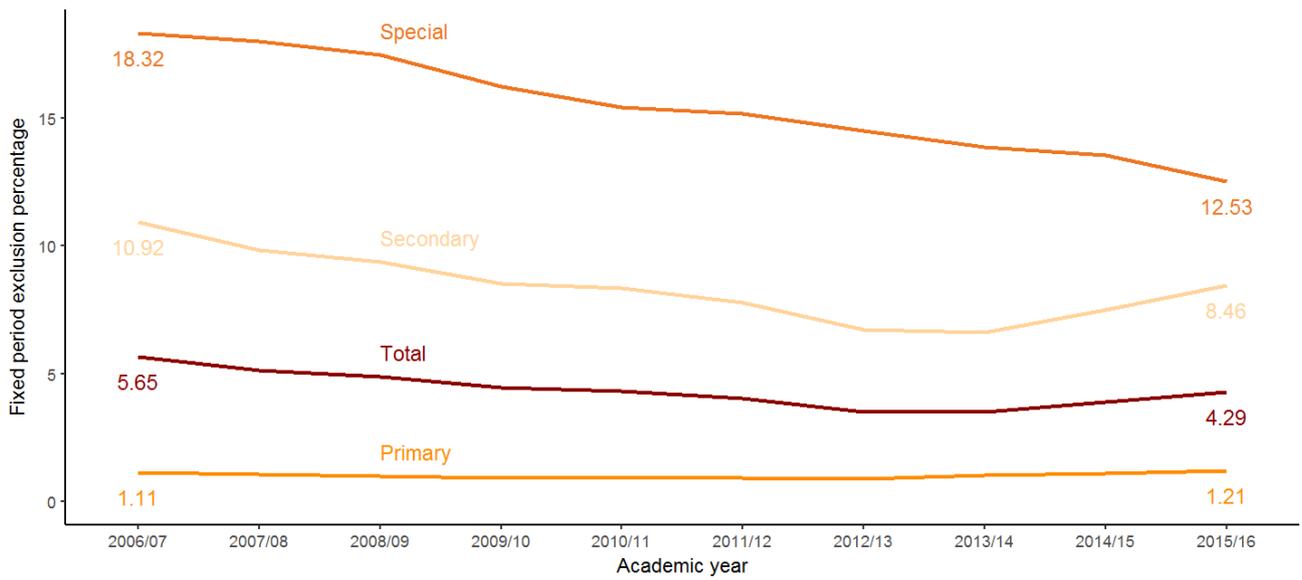
- The number of permanent exclusions across all state-funded primary, secondary and special schools has increased from 5,795 in 2014/15 to 6,685 in 2015/16. This

corresponds to around 35.2 permanent exclusions per day in 2015/16, up from an average of 30.5 per day in 2014/15.

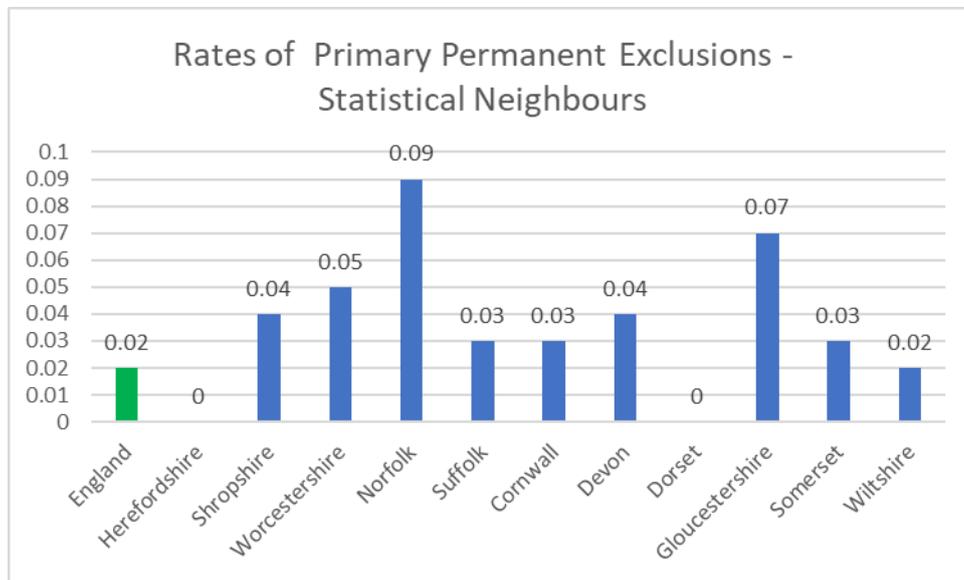
- The rate of permanent exclusions across all state-funded primary, secondary and special schools has also increased slightly from 0.07 per cent to 0.08 per cent of pupil enrolments, which is equivalent to 8 pupils per 10,000.
- Most (81 per cent) permanent exclusions occurred in secondary schools. The rate of permanent exclusions in secondary schools increased from 0.15 per cent in 2014/15 to 0.17 per cent in 2015/16, which is equivalent to 17 pupils per 10,000
- The rate of permanent exclusions stayed the same in primary schools, at 0.02 per cent, and decreased in special schools from 0.09 per cent in 2014/15 to 0.08 per cent in 2015/16

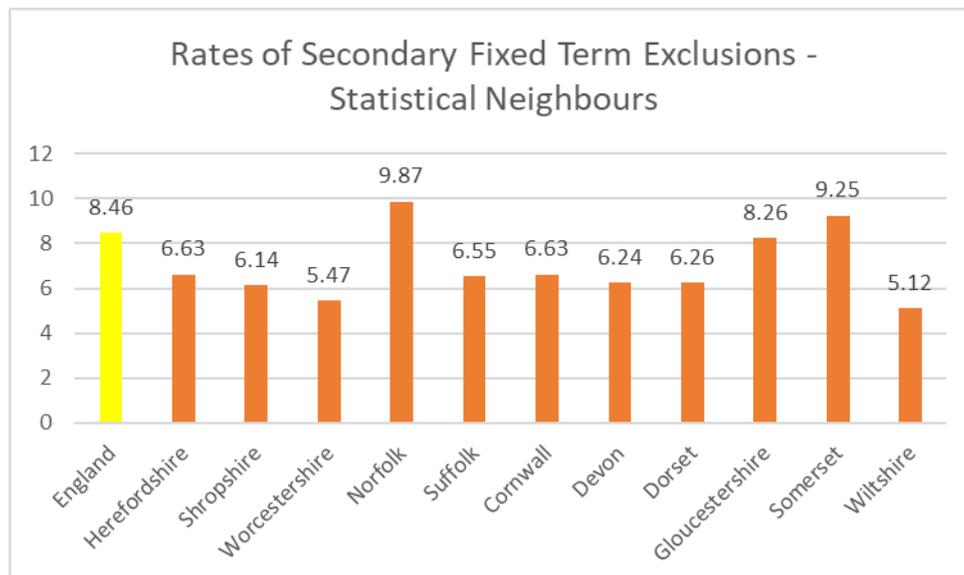
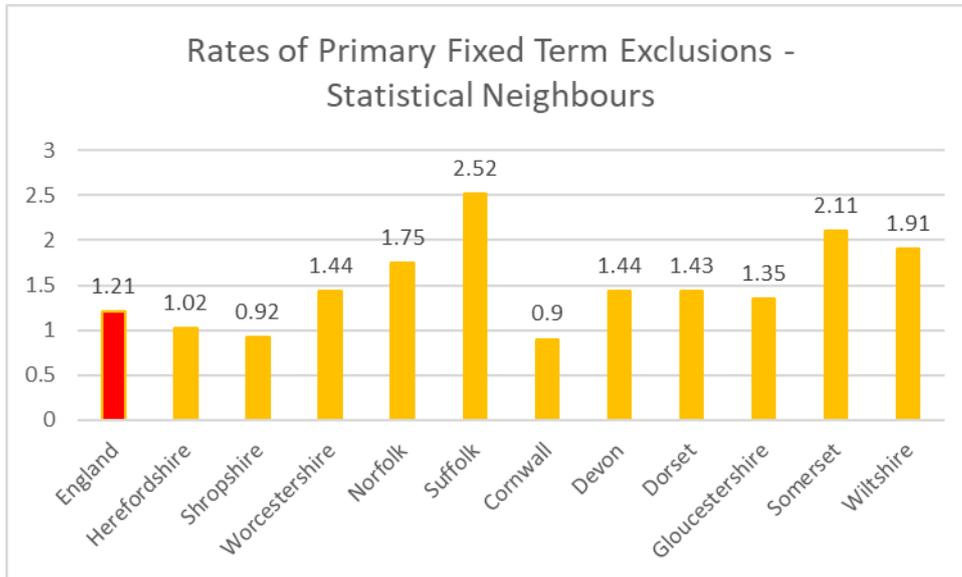
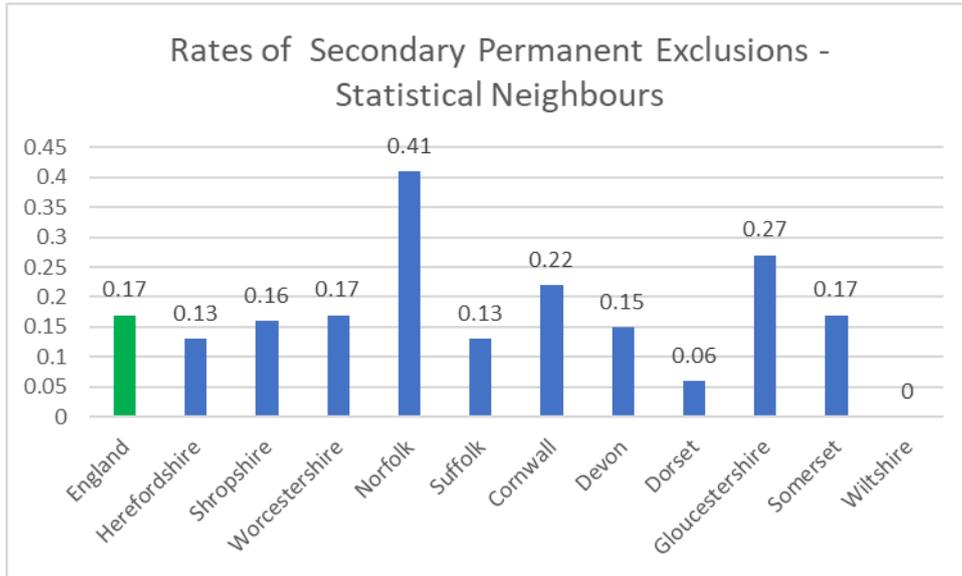


- The number of fixed period exclusions across all state-funded primary, secondary and special schools has increased from 302,975 in 2014/15 to 339,360 in 2015/16. This corresponds to around 1,790 fixed period exclusions per day in 2015/16, up from around 1,590 per day in 2014/15.
- The rate of fixed period exclusions across all state-funded primary, secondary and special schools has also increased from 3.88 per cent to 4.29 per cent of pupil enrolments, which is equivalent to 429 pupils per 10,000.
- There were increases in the number and rate of fixed period exclusions for both state-funded primary and secondary schools but rates decreased in special schools:



#### 4.2 Shropshire's Statistical Neighbours 2015-16:





### 4.3 Shropshire Statistics

Data provided for 2017-18 covers the period 1 September to 1 March 2018.  
 Figures in brackets show the totals for the same period in previous years.

PERMANENT EXCLUSIONS				
Phase	2015-16	2016-17	2017-18 so far	2017-18 *Year- end forecast
Secondary	31 (17)	37 (25)	34	62
Primary	10 (3)	9 (4)	10	20
<b>Total</b>	<b>41 (20)</b>	<b>46 (29)</b>	<b>44</b>	<b>82</b>

\*Based on 6 half terms, there were 41 permanent exclusions in the first 3 half terms of this academic year. If exclusions continue at the current rate we could potentially see 82 by 31 July 2018.

FIXED TERM EXCLUSIONS				
Phase	2015-16	2016-17	2017-18 so far	2017-18 *Year- end forecast
Secondary	1155 (528)	1374 (758)	764	1528
Primary	217 (141)	343 (201)	168	336
<b>Total</b>	<b>1372 (669)</b>	<b>1717 (959)</b>	<b>932</b>	<b>1864</b>

Shropshire rates of exclusion against numbers on roll:

4.4	2017-2018	NOR	Permanent	Rate	Fixed	Rate
	Primary	20774	10	0.05%	168	0.81%
	Secondary	15798	34	0.22%	764	4.84%
	<b>Totals</b>	<b>36572</b>	<b>44</b>	<b>0.27%</b>	<b>932</b>	<b>5.65%</b>

	2016-2017	NOR	Permanent	Rate	Fixed	Rate
	Primary	20378	9	0.04%	343	1.68%
	Secondary	15773	37	0.23%	1374	8.71%
	<b>Totals</b>	<b>36151</b>	<b>46</b>	<b>0.27%</b>	<b>1717</b>	<b>10.39%</b>

	2015-2016	NOR	Permanent	Rate	Fixed	Rate
	Primary	20135	10	0.05%	217	1.08%
	Secondary	15690	31	0.20%	1155	7.36%
	<b>Totals</b>	<b>35825</b>	<b>41</b>	<b>0.25%</b>	<b>1372</b>	<b>8.44%</b>

In the academic year 2016-17 Persistent Disruptive Behaviour was the top reason for a permanent exclusion followed by Physical Assault Against a Pupil.

In 2017-18 (so far) Physical Assault Against an Adult is currently the top reason followed jointly by Drug and Alcohol Related and Persistent Disruptive Behaviour.

- 4.5 The reasons provided to the local authority for headteachers' decisions to exclude pupils. Please note that the data provided for 2017-18 covers 1 September 2017 to 1 March 2018. Fixed term exclusion figures denote the number of episodes rather than the number of pupils.

SECONDARY PERMANENT EXCLUSIONS			
Reason	2015-16	2016-17	2017-18 so far
Verbal abuse/threat to pupil	1	1	0
Verbal abuse/threat to adult	5	1	1
Sexual misconduct	0	0	1
Physical assault against pupil	3	8	2
Physical assault against adult	2	1	6
Other	6	6	8
Damage	2	1	0
Persistent disruptive behaviour	6	16	8
Drug and alcohol related	6	2	8
Bullying	0	1	0
Total	31	37	34

PRIMARY PERMANENT EXCLUSIONS			
Reason	2015-16	2016-17	2017-18 so far
Verbal abuse/threat to pupil	0	0	1
Verbal abuse/threat to adult	1	0	3
Physical assault against pupil	2	3	0
Physical assault against adult	4	1	3
Other	1	1	0
Damage	0	1	0
Persistent disruptive behaviour	2	3	3
Total	10	9	10

SECONDARY FIXED TERM EXCLUSIONS			
Reason	2015-16	2016-17	2017-18 so far
Verbal abuse/threat to pupil	47	55	33
Verbal abuse/threat to adult	228	186	164
Theft	12	13	7
Sexual misconduct	9	10	3
Racist abuse	16	20	17
Physical assault against pupil	188	199	100
Physical assault against adult	22	16	19
Other	361	538	211
Damage	22	18	17
Persistent disruptive behaviour	194	274	162
Drug and alcohol related	43	34	20
Bullying	13	11	11
Total	1155	1374	764

PRIMARY FIXED TERM EXCLUSIONS			
Reason	2015-16	2016-17	2017-18 so far
Verbal abuse/threat to pupil	6	17	2
Verbal abuse/threat to adult	29	45	25
Theft	0	1	0
Sexual misconduct	3	2	1
Racist abuse	2	2	0
Physical assault against pupil	55	68	24
Physical assault against adult	58	89	45
Other	16	20	4
Damage	1	5	3
Persistent disruptive behaviour	47	92	62
Bullying	0	2	2
<b>Total</b>	<b>217</b>	<b>343</b>	<b>168</b>

SPECIAL SCHOOLS FIXED TERM EXCLUSIONS			
Reason	2015-16	2016-17	2017-18 so far
Verbal abuse/threat to pupil	2	0	0
Verbal abuse/threat to adult	14	16	5
Sexual misconduct	0	0	1
Theft	1	7	0
Racist abuse	0	1	11
Physical assault against pupil	9	11	6
Physical assault against adult	11	7	5
Other	2	3	6
Damage	2	12	6
Persistent disruptive behaviour	11	19	12
Drug and alcohol related	0	0	3
Bullying	0	0	0
<b>Total</b>	<b>52</b>	<b>128</b>	<b>43</b>

#### 4.6 Fixed term exclusions pupils with special educational needs

15-16 = 598 = 22% of pupils had either an EHCP or a statement - 27% had SEN Support.

16-17 = 763 = 18% of pupils had either an EHCP or a statement – 34% had SEN Support.

17-18 = 815 = 22% of pupils had either an EHCP or a statement – 24% had SEN Support.

Including both those pupils with an EHCP or statement and those at SEN support the increase from 16-17 to 17-18 is 7%. The increase from 15-16 to 17-18 was 36%

## 5.0 Influences and Impact

### 5.1 Factors contributing to the increase in exclusions cited by Headteachers include:

- Changes to the curriculum with a move back to a more academic, exam focused timetable
- Removal of or reduction in vocational qualifications that qualify for performance measures
- School inspection regime and Progress 8 expectations (secondary phase)
- Reduction in school budgets and consequently, reduction in specialist support staff

- Increase in children and young people presenting with social, emotional and mental health conditions and issues (SEMH)
- Cuts to external services and reduction in agency support to prevent escalation of issues leading to exclusion
- Socio-economic factors
- Substance misuse and associated criminal activity

5.2 There are clearly identified risks and impacts for children and young people who have been excluded from school, in the short, medium and longer term.

5.3 Exclusion always impacts a child negatively. This can include:

- reduced or no access to the education that all children are entitled to receive,
- social exclusion and loss of access to healthy, appropriate social activity,
- sense of failure, loss and disengagement,
- issues around emotional health and wellbeing,
- opportunities to engage in inappropriate/anti-social behaviour in their community,
- entering the criminal justice system,
- increased vulnerability to abuse; often, sexually or criminally exploited children will have experienced exclusion or attendance issues,
- failure to achieve their potential and/or gain qualifications, leading to lack of opportunities later in life,
- longer term effects on the individual and the community can be:
  - Unemployment
  - Financial and housing issues
  - Mental health issues
  - Criminality
  - Substance misuse.

5.4 Increases in exclusions have an impact on local authority resources.

The cost to the LA for the 18 permanent exclusions made during the autumn term 2017 (1 September to 31 December 2017) was:

6th day provision delivery cost	£41,815.00
Transport	£35,685.50
*AWPU funding to new provision.	£5,852.76
Other	£250.00
<b>Total Expenditure</b>	<b>£83,603.26</b>
<b>Income from AWPU funding</b>	<b>£32,978.88</b>
<b>Variance</b>	<b>-£50,624.38</b>
<b>Average cost per pupil</b>	<b>£2812</b>

\***Age weighted pupil unit (AWPU)** is the rate local authorities set to allocate basic entitlement funding for all pupils in the funding formula for pre-16 pupils in mainstream schools. It is a compulsory factor which must be used in the funding formula. When a child is permanently excluded, the LA will retrieve this funding to provide for their future needs.

It should be noted that, in addition to the direct costs of dealing with an excluded pupil, there are the additional costs associated with referrals to other agencies across children and adult services.

- 5.5 Since 2015 to 2018 **using the period 1 September to 31 January** there has been a 147% increase in permanent exclusions. Staffing levels in the Inclusion team have not increased.
- 5.6 Although local authorities are required to provide provision from the sixth day of a permanent exclusion, this is challenging for the following reasons:
- Assessment of individual needs has to be made in order to ensure that a pupil's needs can be met appropriately in a new setting.
  - TMBSS has fixed capacity across its centres in Shrewsbury, Bridgnorth, Oswestry and Ludlow.
  - Where transport needs to be arranged, this will take up to five days due to tendering requirements.
- 5.7 Another emerging issue around sixth day provision are the risks of placing pupils with complex needs with others in similar situations. This is particularly relevant when working with young people who misuse substances and alcohol and those who may be at risk of sexual or criminal exploitation. This can mean pupils being transported out of area to mitigate risk.
- 5.8 The increasing number of children who are excluded on a permanent basis is placing pressure on alternative provision capacity.
- 6.0 Actions and procedures to promote inclusion and reduce rates of pupil exclusion**
- 6.1 Shropshire Council encourages schools to take a preventative approach and expects that a pupil will only be excluded as a last resort, in line with statutory guidance.
- 6.2 As part of its collaborative approach to working with schools and families, the Inclusion team asks schools to organise pupil planning meetings (PPM) at an early stage. These meetings provide a forum for parents, professionals and the child (if appropriate) to explore the issues and triggers causing challenging behaviour and to agree appropriate actions and interventions to support the child in school.
- 6.3 In the academic year 2016 – 17, 150 pupil planning meetings were attended by the two Inclusion team Officers.
- 6.4 There are a variety of services and interventions available to support schools in managing challenging behaviour including Shropshire Council's own Woodland's Outreach, TMBSS and Educational Psychology Services. Schools can also access resources through the SEND Graduated Pathway. However, schools often cite their own diminishing budgets and resources as a barrier to accessing this help.
- 6.5 Shropshire Council, through Learning and Skills, is currently working with colleagues from Teaching Schools and another local authority to formulate a bid for funding through Round 3 of the School Improvement Fund. If successful, the focus of work from September 2018 will be on enabling schools to provide an inclusive environment for all pupils, improve behaviour and thus reduce exclusions and persistent absence from school.

- 6.6 Shropshire Council has also formed a strategic working group to monitor exclusions and undertake audit activity around inclusive practice in schools.
- 6.7 When a Headteacher does take the decision to permanently exclude a pupil, the Education Access Service makes arrangements to provide education from the sixth day. There is currently a commissioning arrangement with the Tuition, Medical and Behaviour Support Service (TMBSS) to make provision for this until a child is placed in a new school or more specialist setting.
- 6.8 The excluded pupil's case is presented to Shropshire Council's Specialist Placement Panel (SPP), chaired by the Education Inclusion and Safeguarding Officer. The Panel meets every fortnight to assist the local authority to make the best decisions possible about efficient education for children and young people with SEN and those who may have unrecognised special educational needs who are excluded or at risk of exclusion. Panel membership consists of Educational Psychologists, SEND Officers, headteachers from Special Schools and Alternative Provision, Virtual School Headteacher for Looked After Children, Social Care and Early Help and a mainstream school headteacher.
- 6.9 A recommendation is made at Specialist Placement Panel (SPP) about whether the pupil's needs can be met through placement in another mainstream school, or if they need a period of assessment and/or a more specialist educational setting.
- 6.10 If it is appropriate that the pupil is placed in a mainstream school, under Shropshire's Fair Access Protocol, the case is presented to the Fair Access Panel. The Fair Access Panel is a peer led process with headteachers taking part in a rota to sit on panel and make the decision of where a pupil is placed.
- 6.11 The aim of the Fair Access Panel is to:
- to ensure the swift and efficient placement of pupils who have been permanently excluded into new provision within given timescales, i.e., by the sixth day of exclusion);
  - to ensure no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour,
  - to implement an open and transparent process for these admissions.

## 7.0 Conclusion

This report highlights the rise in exclusions being seen in Shropshire and nationally. We are concerned about this because every time a child is excluded from school it indicates an underlying issue that needs to be addressed. Children experiencing difficulties in accessing their education are less likely to achieve expected outcomes and achieve their potential.

Challenging behaviour always has an underlying cause and is a symptom of unmet needs in a child's life, the causes can be many and varied.

Recommended reading:

- Children's Commissioner Report  
Children's Voices - A review of evidence on the subjective wellbeing of children excluded from school and in alternative provision in England - [find it here](#)

- “They never give up on you” - [find it here](#)  
Office of the Children’s Commissioner School Exclusions Inquiry

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

DfE Statistical First Release – Pupil Exclusions July 2017

Exclusion from maintained schools, academies and pupil referral units in England, Statutory guidance for those with legal responsibilities in relation to exclusion – September 2017

Shropshire Council’s Fair Access Protocol

**Cabinet Member (Portfolio Holder)**

Cllr Nick Bardsley

**Local Member**

All Members

**Appendices**

None