

CHILDREN AND LIFELONG LEARNING SCRUTINY PANEL

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| DATE | 22/09/2022 |
| REPORT OF | Sally Jack, Assistant Director Education, and Inclusion |
| SUBJECT | School Exclusions |
| STATUS | Open |

CONTRIBUTION TO OUR AIM

The local authority's Inclusion Team facilitates weekly meetings for both the primary and secondary phases to offer early intervention strategies, advice, and support with the overarching aim to reduce permanent exclusions and agree the suitable use of alternative provision places for children and young people in the borough.

The Council has developed an Outcomes Framework which sets out five high level outcomes that the Council and its partners aspire to deliver to ensure prosperity and wellbeing for residents of North East Lincolnshire. The ability for schools and academies to work within a mechanism to be able to reduce the number of permanent exclusions they issue will contribute towards achieving these outcomes, i.e., all people in North East Lincolnshire will:

- fulfil their potential through skills and learning
- benefit from sustainable communities,
- enjoy good health and wellbeing, and
- help to grow our strong economy

EXECUTIVE SUMMARY

The Children and Lifelong Learning Scrutiny Panel have asked to monitor progress on the following issue: **School Exclusions**. This briefing contains the information relating to school exclusions (both permanent and fixed term) for the academic year 2020-21 but it is important to stress that there may be subsequent changes as some exclusions have not yet completed the appeal process and may be overturned as part of the independent review process.

Lead Officers: Jennifer Steel, Head of Pupil Support (Wellbeing and Safety) and Kate Stokoe, Inclusion Lead Officer.

MATTERS FOR CONSIDERATION

We would respectfully ask scrutiny panel that they consider the ways in which headteachers and in particular, CEOs of multi-academy trusts evaluate both their inclusive practice, and behaviour policies to ensure early intervention is used to prevent permanent exclusion, which should only ever be used as a last resort.

1. BACKGROUND AND ISSUES

Permanent exclusions:

| Academic Year | Primary | Secondary | Total |
|---------------|---------|-----------|---------|
| 2016-2017 | 9 | 39 | 48 |
| 2017-2018 | 11 | 40 (+15*) | 51 (66) |
| 2018-2019 | 5 | 25 (+5*) | 30 (40) |
| 2019-2020 | 3 | 26 (+7*) | 29 (36) |
| 2020-2021 | 0 | 19 (+1*) | 19 (20) |

NO RESTRICTIONS

| | | | |
|-----------|---|----------|---------|
| 2021-2022 | 0 | 34 (+1*) | 34 (35) |
|-----------|---|----------|---------|

*The figures highlighted are related to The Academy Grimsby. Their exclusions sit outside the local authority's statistical returns to the Department for Education because they are an FE provider.

The rise of both permanent and fixed-term exclusions to pre-pandemic levels can be attributed to challenges many settings are facing with persistently disruptive behaviour leading to headteachers using their most serious sanction, permanent exclusion. Schools and headteachers are encouraged to consider managed moves and alternative provision placements as an alternative, and permanent exclusion should only ever be issued as a last resort when all other strategies have been unsuccessful. It is worth noting though, that despite the local authority's mechanism for reducing permanent exclusions, ultimately academies hold the final decision around the issuing of exclusions, both fixed and permanent, and whilst every effort is made to support academies in reducing exclusions, often they follow directives from their own Trust

Fixed-term exclusions – now known as 'Suspensions'

| Academic Year | Total number of Fixed Term Exclusions issued | Total number of pupils receiving a Fixed Term Exclusion | Total number of school days lost |
|---------------|--|---|----------------------------------|
| 2016-2017 | 1,886 | 825 | 3,489.5 |
| 2017-2018 | 1,221 | 666 | 2,348.5 |
| 2018-2019 | 1,353 | 645 | 2,741.5 |
| 2019-2020 | 1,134 | 584 | 2,079.0 |
| 2020-2021 | 1,006 | 543 | 2,146.5 |
| 2021-2022 | Increase* | Increase* | Increase* |

*Schools and academies continue to send their fixed-term exclusions to the LA, therefore leading to a lag in reporting accurate numbers at this point of the academic year.

1.1: The local authority supports the facilitation of weekly meetings for both the primary and secondary phases. The secondary phase meeting is chaired by local secondary headteachers, and is known as ASPIRE (Advice, Support and Positive Interventions to Reduce Exclusions). The primary phase meeting is chaired by the LA's Inclusion Lead Officer and is known as the BAC (Behaviour and Attendance Collaborative). Both meetings are attended by local headteachers, school senior leaders, and colleagues from alternative provision, social care, early help, educational psychology, Family First Practitioners and GRAFT team and mental health support services. Where relevant, colleagues from the police, youth offending service and school nursing are contacted to collate additional contextual information. All referrals to either ASPIRE or the BAC are quality assured by the Chair, Inclusion Lead Officer, and alternative provision senior leaders, thereby assuring all parties that all forms of intervention have been explored prior to a request for a managed move, or alternative provision placement.

1.2: The ASPIRE mechanism was formed as part of a working party of local headteachers and was fully implemented in September 2021. Headteachers have been encouraged to explore looking more supportive and less punitive mechanisms with the increase in the use of relationship management, trauma-informed practice, restorative practice and other such programs and ideologies.

1.3: In the academic year 2021-2022, there has been an increase across both secondary and primary phases in the number of children referred to both ASPIRE and the BAC, with requests for managed moves increasing, and requests for alternative provision placements slightly down. There has been an increase in serious 'one-off' incidents including serious physical assaults of both school staff and peers.

Analysis of referrals indicates that there has been a distinct upwards trend of referrals attributed to children in Year 1 in the primary phase, and year 10 in the secondary phase. Anecdotal analysis attributes this spike with those cohorts of children missing substantial elements of these key formative schooling periods, and the ability to forge positive relationships during the lockdown periods.

1.4: The government's white paper, '**Opportunity for all: strong schools with great teachers for your child**', and the revised '**Behaviour in Schools Guidance and Suspension and Permanent Exclusion Guidance**' has a raft of changes and developments which will have significant implications of the operational element of both the BAC and ASPIRE mechanisms.

The changes are outlined below:

LA responsibilities:

- To continue to support and advise schools on the Permanent Exclusions/Suspension Guidance

School Responsibility:

- When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. The headteacher must now, without delay, notify the social worker and/or Virtual School Headteacher.
- Headteachers may cancel (withdraw/rescind) an exclusion that has not been reviewed by the governing board. If this occurs, parents, the governing board and the local authority, the social worker and Virtual School Headteacher should be notified.
- When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently, rather than the trial basis they currently operate under.
- The use of off-site provision as a short-term measure can be used as part of a school's behaviour management strategy.

Governing Body Responsibilities:

- Reintegration plans must be kept under review by the governing body, who must hold review meetings regularly
- The Governing body is to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used, when necessary, as a last resort.

2. RISKS AND OPPORTUNITIES

2.1: The duty placed upon schools to inform the Virtual School Headteacher enables discussions, interventions, and resources to be implemented at the earliest risk point for exclusion for those children who are looked-after

2.2: With the extension to the virtual school duties to include those children with a social worker, the additional duty for schools to also contact the child's social worker, when those children are at risk of exclusion also enables schools to be fully informed of the wider vulnerabilities of children in their care and allow for joint interventions and support to be implemented.

2.3: The duty placed upon governors to carefully analyse the characteristics of children who are excluded, and the appropriacy of such exclusions for vulnerable cohorts of children

2.4: Managed moves form a significant element of both the BAC and ASPIRE meetings, as a strategy to reduce permanent exclusions. The guidance clearly indicates that all managed moves should be permanent, rather than the trial basis they currently operate under. This could lead to a significant spike in permanent exclusions in the academic year 2022-2023. The White Paper acknowledges this' *"We fully back headteachers who have to weigh the needs of children with challenging behaviour against the needs of their whole school community, including through the use of exclusions"*.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

There are potential negative implications for the Council resulting from the change to the exclusions guidance which could potentially lead to an increase in permanent exclusions in the borough. A working party will be enacted from September 2022 with school and academy leaders to look at how managed moves can be supported and how schools can potentially jointly commission resources and share approaches. An action plan will be agreed with the Council's communications service.

4. FINANCIAL CONSIDERATIONS

The education senior leadership team is working with the strategic lead for school accountancy to ascertain the wider implications for a forecasted reduction in managed moves, but a potential increase in permanent exclusions, leading in turn to an increased requirement for the LA to provide statutory sixth day education provision on the point of permanent exclusion.

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

The effects of permanent exclusion on children and young people impact many areas, from health, careers, long-term prospects, and exam outcomes. Mental health is particularly impacted by permanent exclusion, with many students who are excluded going on to develop a mental health issue. Exclusions can cause low self-esteem and social isolation.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

NA

NO RESTRICTIONS

7. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result, no monitoring comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

8. BACKGROUND PAPERS:

[Opportunity for all: strong schools with great teachers for your child - GOV.UK](https://www.gov.uk/government/news/opportunity-for-all-strong-schools-with-great-teachers-for-your-child)
(www.gov.uk)

[Government response to Behaviour guidance and Exclusions guidance consultation July 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/consultations/government-response-to-behaviour-guidance-and-exclusions-guidance-consultation-july-2022)

9. CONTACT OFFICER(S)

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