

Children & Young People's Overview and Scrutiny Committee

27 February 2017



Management of School Exclusions

Report of Margaret Whellans, Interim Corporate Director Children and Young people's Services

Purpose

1. The purpose of this report is to advise the Children and Young People's Overview and Scrutiny Committee on the management of exclusions in County Durham.

Background

2. In response to a specific request from one of the members of the Children and Young People's Overview and Scrutiny Committee, this report will outline factors affecting school exclusion, and the response of the local authority to what is a matter of national concern.
3. Government guidance states that a decision to exclude should only be made
 - (a) In response to serious breaches of the school's behaviour policy; and
 - (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
4. Permanent exclusion is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used at a last resort. However, other exceptional circumstances might justify a school's decision to permanently exclude: these might include:
 - (a) Serious actual or threatened violence against another pupil or a member of staff;
 - (b) Sexual abuse or assault;
 - (c) Supplying an illegal drug;
 - (d) Carrying an offensive weapon.

Procedures Following Permanent Exclusion

5. The pupil remains on the roll of the school until any appeal is determined, until the time limit for the parents to lodge an appeal has expired without an appeal being brought, or the parent has informed the LA in writing that no appeal is to be brought. It is the responsibility of the school during the first 5 days of a permanent exclusion to ensure that work is sent home for the pupil to complete. During these initial 5 days of exclusion parents must ensure that their child is not found in a public place during normal school hours without reasonable

justification. Parents are subject to a fixed penalty notice fine if they fail to do this. (Information of fixed penalty notice can be found on the extranet: "Penalty Notices for Truancy/Penalty Notice for excluded pupils protocol").

6. From the 6th day of the permanent exclusion the LA is statutorily responsible for ensuring that suitable full-time education is provided. In the situation where many permanent exclusions occur, including times when schools permanently exclude pupils without fully exploring alternatives to this, an excessive and unreasonable burden can be placed on the local authority to provide suitable education. It is therefore not only in the interests of schools and children, but also of the local authority, that exclusions are carefully managed.
7. Schools may exclude for a fixed term period (ie: not permanent exclusion) and are required to set and mark work during this period. If the fixed term exclusion exceeds 5 days, the responsibility is for the school to find suitable alternative education beyond this point.
8. Interviews with parents during the period of exclusion to consider reintegration are mandatory.

Behaviour panels

9. As part of a move to manage exclusions in County Durham, and in response to an increasing rate of exclusion by schools, consultation was undertaken resulting in setting up four 'behaviour partnership panels'. These panels, meeting monthly, receive referrals from schools and consider the best course of action in each case. This can include managed moves, turnaround placements and – only where necessary – exclusion.
10. The panels comprise school leader representatives and local authority officers in a supporting capacity. Panels take joint responsibility for the young people who have been brought to their attention. Representatives from One Point and Think Family have supported the work of the panels by providing updates of agencies involved with individual cases as well as offering advice and support to schools, young people and their families by both delivering or sign-posting support.
11. Each panel receives £150,000 to support schools in their collaborative approaches to meet the needs of young people at risk of exclusion. This funding allows schools to continue to work together and with alternative education providers and services to offer appropriate pathways for young people disengaged with education.
12. The effectiveness of these panels can be gauged by the fact that during the academic year 2015/16, 197 young people at risk of permanent exclusion were supported by the panels across County Durham and only 49 cases went on to permanent exclusion. There has also been a reduction of difficult in-year transfer meetings, as the panels act to mediate and ensure the application of the local authority's Fair Access Protocol.
13. Where possible, Year 11 pupils remain on their school's role even if receiving off-site alternative support packages, thus avoiding unnecessary and unhelpful movement of pupils during their critical GCSE year. It also minimises the scope

for schools to make tactical moves to protect their headline results by excluding pupils.

14. From September 2016, The Woodlands (formerly the PRU) has offered off site intervention at the Bridge Placement in Lanchester. The key elements of this provision are:
 - The referring schools nominate a member of staff who must attend all review meetings and be available to discuss any issues.
 - The referring school must provide academic progress data, including KS1 and 2 SATs data, risk assessments, attitudes to learning used to engage and motivate, history of interventions including a full record of agency's involvement and copies of any SEN Support Plans/provision maps.
 - Any pupils identified as having Special Educational Needs as the underlying concerns will only be offered a start date once the referring school has submitted paperwork to the SEN placement and provision team for a statutory assessment to be considered.
 - A reintegration action plan will be agreed for every pupil to support their return to school.

Conclusion

15. Exclusion remains a significant concern for the local authority, matching the high national priority it currently has. Actions taken in County Durham have helped to reduce high levels of exclusion, but the work of the behaviour panels needs to be supported and developed as this issue will not be resolved.
16. From 2016, the application of Progress 8 as an outcome measure at GCSE is likely to impact upon schools that choose to exclude pupils in order to avoid the negative effect of any student failing to make sufficient progress. The local authority is keeping a close watch on any emerging patterns of exclusion and will continue to work with the behaviour panels to counteract – as far as possible – actions taken by schools to exclude pupils without having first fully explored and applied every alternative.

Recommendation

17. Members of the Children and Young People's Overview and Scrutiny Committee are requested to read and note the content of the report

Appendix 1: Implications

Finance - None

Staffing - None

Risk - None

Equality and Diversity / Public Sector Equality Duty – The review report takes into consideration Equality and Diversity; schools failing to comply with local and national statutory guidance will be in breach of equality and diversity legislation.

Accommodation - None

Crime and Disorder – None

Human Rights – None

Consultation – None

Procurement - None

Disability Issues – None

Legal Implications – None