
Meeting: Children's Services Overview and Scrutiny Committee
Date: 10 March 2015
Subject: Exclusion from school
Report of: Cllr Mark Versallion, Executive Member for Children's Services
Summary: The report proposes provides the Overview and Scrutiny Committee with information on school exclusions, and the progress made towards reducing exclusions from school and improving progress of pupils at risk of exclusion.

Advising Officer: Sue Harrison, Director of Children's Services.
Contact Officer: Helen Redding Assistant Director School Improvement
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This report contributes to improving educational attainment in Central Bedfordshire.

Financial:

1. There are no financial implications to consider. The provision commissioned by the Council to support pupils who are excluded and those at risk of exclusion is fully funded by Dedicated Schools Grant (DSG).

Legal:

2. The Department for Education (DfE) guidance on Exclusion from maintained schools, Academies and pupil referral units in England on which the Council's advice to schools and practice is based relates to:
 - 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 (Provision of Full-Time Education for Excluded pupils) (England) Regulations 2007.

Risk Management:

3. There are no risk management implications.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. The information given below provides an outline as to how school exclusion nationally impacts upon different groups.

6. **Disability:**

- The Office of the Children's Commissioner School Exclusions Inquiry found that pupils with Special Educational Needs (SEN) are eight times more likely to be permanently excluded than their peers who do not have these needs.
- The Inquiry also highlighted that when different characteristics are combined, figures show that a Black boy from an African Caribbean background, who has SEN and is also from a low income household, is 168 times more likely to be permanently excluded from the same school than a White female classmate, who does not have SEN and who comes from a more affluent household.
- In addition to poorer academic attainment, pupils with SEN who are also eligible for free school meals are almost twice as likely to be permanently excluded as pupils with SEN from wealthier backgrounds
- Research also shows that more than a fifth of disabled children are informally excluded from school every week.

7. Such practices are unlawful, and schools are regularly reminded of this. Central Bedfordshire has included information to parents on exclusions in the Council's Special Educational Needs and Disability Local Offer <http://www.centralbedfordshire.gov.uk/localoffer>.

8. **Race:**

School exclusion rates among some ethnic groups of children are much higher than those in others:

- The 2011-12 School Exclusions Inquiry found that in 2009-10, exclusion categorised by the ethnic origin of those excluded showed the highest rate was among children from Gypsy and Roma Traveller backgrounds, those who were Irish Travellers, and Black Caribbean children.
- Black Caribbean pupils were almost four times more likely to be permanently excluded from school in 2009-10 than the school population as a whole.
- The rate of fixed-term exclusion was also higher for these ethnic groups.
- 17% of Irish Traveller children, 15% of Gypsy and Roma Traveller children and 11% of Black Caribbean children received a permanent exclusion from school.

9. Differences in exclusion rates are particularly marked if excluded pupils' gender and ethnicity are examined together.
- In the statistics available for 2009-10, Black Caribbean boys were 11 times more likely to be permanently excluded than White girls of the same age in similar schools.
 - The same boys were 37 times more likely to be permanently excluded than Indian girls, who had the lowest rate of exclusion in the entire system.
 - In the same year, Gypsy and Roma Traveller and Irish Traveller children were four times more likely to be permanently excluded than was the school population as a whole

Guidance issued by the Equality and Human Rights Commission indicates that these groups may be over represented in exclusion figures due to:

- A lack of awareness amongst teaching staff about how best to support different racial groups
- Behaviour policies which do not explore the root causes of incidents such as high levels of racially motivated bullying and
- requirements for parents to attend school and commit to assisting in behaviour management programmes as an alternative to exclusion

10. **Gender:**

- In 2011-12 the School Exclusions Inquiry found that the permanent exclusion rate for boys in 2009/10 was approximately 4 times higher than that for girls.
- Boys represented 78% of the total number of permanent exclusions from school.
- The fixed-term exclusion rate for boys was almost 3 times higher than that for girls.
- Boys accounted for 75% of all fixed term exclusions.

11. In managing issues relating to exclusion from school the council is aware that it has a public duty to promote equality and endeavours to ensure that policy and practice minimises unfairness and does not have a disproportionate effect on students from different groups.

Public Health

12. Not applicable.

Community Safety:

13. Not Applicable.

Sustainability:

14. Not Applicable.

Procurement:

15. Not applicable.

RECOMMENDATIONS:

The Committee is asked to:-

- **Comment on the information in the report**
- **Comment on the actions being taken to reduce exclusions**

Background

16. The DfE Guidance 2012 sets out headteachers' powers to exclude pupils. Only the head teacher or acting head teacher can exclude a pupil.
17. Pupils can be excluded for 1 or more fixed periods (up to a maximum of 45 school days in an academic year), or permanently.
18. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually when there is further evidence following investigation into an incident, a fixed period can be extended or converted to a permanent exclusion.
19. Pupils whose behaviour is disruptive at lunchtime can be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as a half school day fixed term exclusion and must be recorded as such. The school's duty to notify the parents still applies.
20. A head teacher can exclude a pupil for behaviour outside of the school if this is specified in the school's published behaviour policy.
21. Headteachers must take account of their legal duty of care when sending a pupil home for an exclusion.
22. Under the Equality Act 2010 schools must be able to demonstrate that they have made reasonable adjustments to meet a disabled pupil's needs.
23. Headteachers and Governors must have regard to the SEND Code of Practice 2014 when administering their exclusion process.
24. 'Informal' or 'unofficial' exclusions are unlawful. All exclusions must be formally recorded. Central Bedfordshire Council takes every opportunity to remind schools and parents of this.
25. A school should only permanently exclude a pupil in response to serious or persistent breaches of the school's behaviour policy; and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
26. Pupils who are excluded from school, especially pupils who are permanently excluded, constitute one of our most vulnerable groups. Most pupils who are excluded from school are excluded because of persistent disruptive behaviour (although a small number of students are permanently excluded for one-off serious offences, such as bringing drugs into school or for carrying out a serious assault).
27. Pupils who are permanently excluded from school often experience a range of difficulties outside of school.

28. Central Bedfordshire places a particular emphasis on the need to avoid permanently excluding any pupil deemed to be from a vulnerable group, especially students who have a statement of SEN or an Education, Health and Care Plan or pupils who are looked after. Services supporting these vulnerable groups analyse fixed term exclusion data on a weekly basis and contact the school if a pupil has multiple fixed term exclusions or lengthy exclusions. A multi professional meeting is called if required.

Exclusion data for Central Bedfordshire

Permanent exclusions

29. Permanent exclusion rates for Central Bedfordshire over the last 3 years are set out in Appendix 1.
30. The level of permanent exclusion has fallen from 76 in 2011/12 to 18 in 2013/14.
31. The majority of exclusions continue to involve pupils in the secondary phase, and mainly in years 9 to 11 (84% in 2011/12, and 73% in 2013/14).
32. In 2011/12, 70% of excluded pupils were boys although the gap appears to be closing as in 2013/14, 61% were boys.
33. Persistent disruptive behaviour has historically been the most common reason for a pupil being permanently excluded, although in 2013-14 the number of physical assaults on both staff and other pupils accounted for 72% of all permanent exclusions.
33. Over the past three school years 3 statemented students have been permanently excluded, 2 in 2011/12, 1 in 2012/13, and 0 in 2013/14. School are actively encouraged to call a multi professionals meeting and, if required, an Interim Review.
35. Over the past three school years 1 looked after child has been excluded (2013/14). The school (not in Central Bedfordshire) was prepared to withdraw the permanent exclusion, but the Local Authority would not allow the pupil to attend the PRU without being permanently excluded. If a Looked After Child is at risk of exclusion the Virtual School for Looked After Children will work with the school, Foster Carer and Social Worker to put in place a package of support.
36. In 2011/12 82% of permanently excluded pupils were White British and 83% in 2012/13. In 2013/14, 67% of permanently excluded pupils were White British, but in 22 % ethnicity was not recorded. As numbers were significantly reduced, this would impact on the percentages. Figures published in our Joint Strategic Needs Assessment indicate that 85% of the Central Bedfordshire school population are White British. This demonstrates that black and minority ethnic groups were not disproportionately represented in the exclusion figures for 2011/12 and 2012/13. Where ethnicity is unknown, attempts are made to identify this information.

37. In 2011/12 and 2012/13 the percentage of all permanent exclusions in Central Bedfordshire and those in secondary schools were significantly higher than that reported nationally and by our statistical neighbours. National and statistical neighbour data for 2013/14 is not currently available. (Appendix 2)
38. In 2011/12 and 2012/13 Central Bedfordshire schools permanently excluded fewer boys and more girls than schools nationally.

Fixed term Exclusions

39. The fixed term exclusions data is set out in Appendix 3.
40. In 2011/12 there were 1656 fixed term exclusions with 3853.5 days lost, reducing to 1473 fixed term exclusions in 2013/14 with 2933 days lost.
41. The majority of fixed term exclusions are in upper schools. There was an increase in fixed term exclusions in the PRU during the lead up to its closure. Fixed term exclusions from the Academy of Central Bedfordshire (ACB) largely involved previous PRU pupils who found it hard to manage the higher expectations of behaviour and learning initiated by the ACB. The ACB is now using internal and alternative measures to manage disruptive behaviour when it occurs.
42. The main reasons cited by schools for fixed term exclusions are persistent disruptive behaviour, physical assault on a pupil, and verbal/threatening behaviour to an adult.
43. In the Academic Year 2013/14 there were a total of 86 days lost as a result of fixed term exclusions of Looked After Children from schools in Central Bedfordshire and this related to 22 different pupils. Days lost to fixed term exclusions have reduced significantly in the last academic year (139.5 days in 2012/13 compared to 86 days in 2013/14). There were 72.5 days lost related to 7 pupils in schools outside of Central Bedfordshire in the academic year 2013/14. The Virtual School is continuing to prioritise reducing fixed term exclusions of Looked After Children.

Support provided to schools

44. The council supports schools to implement strategies which can reduce and when possible avoid the use of both fixed term and permanent exclusion. An Inclusion Support Officer works closely and collaboratively with schools to develop alternative strategies to exclusion and to ensure compliance with statutory requirements. This Inclusion Support Officer also liaises with parents and ensures that they are fully involved in the process and that their views are taken into account.

45. The council's approach for reducing exclusions is underpinned by the principle of early intervention. If it is considered by a school that, in spite of all the support it has already put in place, a student is at immediate risk of permanent exclusion it will liaise with the council's Inclusion Support Officer and a meeting will be convened to consider whether all other options and strategies short of permanent exclusion, including where appropriate, statutory assessment (for special educational needs) and the involvement of outside agencies, have been fully explored and exhausted.
46. In 2011 the Council agreed to disaggregate the services previously provided by the Pupil Referral Unit which was a shared service with Bedford Borough run by Bedford Borough, and to commission it out. The Council was only able to commission the primary element out at this time (Jigsaw Centre), and the secondary element transferred to the management of Central Bedfordshire and was based on the Kingsland site in Houghton Regis.
47. In 2011 the Council was approached by the Upper School headteachers to work in partnership with them to develop a more creative and flexible provision for secondary aged pupils at risk of exclusion and those for whom an alternative curriculum was more appropriate. This led to a successful Alternative Provision Free School Joint Bid to the DfE, and the subsequent opening of the Academy of Central Bedfordshire in September 2013.
48. Over the past two years, with the establishment of The ACB and The Jigsaw Centre, the council has worked with schools to significantly reduce the rate of permanent exclusion in Central Bedfordshire, which has historically been at a higher level than rates in other council areas.
49. Those pupils who have previously been subject to a permanent exclusion are only placed in a new school when it is considered that there is a reasonable chance of that placement being successful. Previously students who had been permanently excluded from one school could start a new school before the underlying reasons for their behavioural difficulties had been properly addressed. The new placement frequently broke down and the pupils were subject to a second permanent exclusion which meant no other school had to admit them for a period of 2 years.

The Jigsaw Centre

50. A partnership of 3 Lower Schools was successful in bidding for the commission to run the provision for primary aged pupils (years 1-6) at risk of exclusion previously available through an all age Pupil Referral Unit (PRU) and a Behaviour Support Service.
51. The Jigsaw Centre is a commissioned service provided through a contract with Central Bedfordshire Council on the site of Hawthorn Park Lower School in Houghton Regis. The Jigsaw Centre offers on-site provision for permanently excluded students, as well as individual school-based outreach support to students considered to be at risk of exclusion.

52. Once the pupil is enrolled with the Jigsaw Centre or the ACB he/she will have an assessment which will lead to the development of a personalised curriculum and learning programme designed specifically to meet his/her needs.
53. Pupils at The Jigsaw Centre are offered the core National Curriculum and one- to-one behaviour management support. Group work, professional counselling and other means of support appropriate to primary-aged pupils are also made available.
54. Pupils permanently excluded accessing The Jigsaw Centre are reintegrated into a mainstream school when appropriate to do so, or an alternative specialist provision may need to be sought following Statutory Assessment of SEN. Decisions are all made in consultation with the parents.

The Academy of Central Bedfordshire (ACB)

55. The ACB, as well as assuming those functions previously provided by the Pupil Referral Unit, offers to all schools covering the secondary phase (years 7 to 11) the opportunity for those pupils considered to be most at risk of permanent exclusion to have access to a personalised vocational curriculum provided at two different sites (Houghton Regis and Stotfold).
56. The ACB caters for two groups of pupils: those who have already been permanently excluded or would otherwise have been permanently excluded (group 1 pupils); and those pupils whose behaviour is such that it is considered that they will benefit from a period spent at The ACB where their behavioural difficulties can be addressed through a differentiated, personalised curriculum (group 2 pupils). Group 1 pupils are enrolled at The ACB on a full-time basis; and group 2 pupils are dual-rolled with The ACB and their mainstream school. This latter group attend provision there on a part-time basis, whilst attending their main school for the remainder of the week.
57. At The ACB provision may involve a blend of formal and informal learning, including core subjects (Maths, English and ICT), vocational studies such as car mechanics, building, catering, etc., college placements, and work experience. Pupils with special educational needs are offered additional support.
58. All pupils are also supported to develop levels of social and emotional literacy and other life skills which will better enable them to either reintegrate back into school or to progress into further education/work.

59. Whilst it is always the intention to reintegrate permanently excluded pupil back into mainstream schooling it is sometimes the case that the behavioural difficulties exhibited by an individual pupil are so complex and the difficulties he/she is experiencing so deep-rooted that this is not always appropriate. In the case of pupils at The ACB, especially those in their final two years of compulsory schooling, such pupils may remain at The ACB until they cease to be of compulsory school age. The ACB may also initiate statutory assessment of SEN and the pupil may move to a more appropriate setting such as Oak bank school.
60. The ACB is due to be inspected imminently, and in preparation for this commissioned a 'Mock Ofsted' on the 23 and 24 June 2014. The Inspector concluded that 'The Academy is now providing a good standard of education to some very complex and at times challenging students. Strong leadership has tackled difficult issues and as a result students are making good progress'. The overall effectiveness of The Academy was graded as "good".'

Process for referral to ACB/Jigsaw Centre and Provision

61. If it is agreed that a pupil's behaviour would meet the criteria for permanent exclusion and that were he/she to be subject to a permanent exclusion both the school's own governing body and any subsequent Independent Review Panel would uphold the exclusion then consideration will be given to transferring the pupil onto the roll of the ACB or The Jigsaw Centre. ACB/Jigsaw staff will be involved in these discussions.
62. If a primary aged child is considered to be at risk of permanent exclusion The Jigsaw Centre offers individualised out-reach support to help maintain the pupil's placement in his/her school.
63. If a secondary aged pupil is considered to be at risk of permanent exclusion, then the Inclusion Support Officer, the school and staff from The ACB will consider whether the pupil should spend a period of time at The ACB where he/she can be given individual, personalised support to address the underlying behavioural issues. In most such instances, the pupil would remain on roll at his/her school but would spend 2 or 3 days a week at The ACB where he/she would be dual-rolled.
64. Parents are fully involved and the Inclusion Support Officer will ensure that they are given impartial information and advice and that their options and choices are fully explained. If the parents of a pupil at immediate risk of permanent exclusion decline to accept the offer of a full-time place at The ACB then the school will proceed to issue a permanent exclusion and due process will then be followed. Should the parents of a pupil believed to be heading towards a permanent exclusion decline to accept a part-time placement at The ACB then the pupil will remain at his/her school and the school will continue to try to manage that pupil's behaviour.
65. Throughout the process the principles of parental choice and entitlement remain unaffected.

66. Whilst the council's strategy for reducing levels of permanent exclusion has been successful it remains the case that there will be instances when permanent exclusion is considered to be a necessary and appropriate response. Such instances might include:
- i) When a pupil has committed such a serious breach of the school's behaviour policy that the headteacher/principal considers that a formal exclusion is the only appropriate response (for example, in the case of a serious assault against a member of staff).
 - ii) When a pupil's parents decline to accept the alternative of a move to The ACB/The Jigsaw Centre.

Conclusion and Next Steps

67. The Council will continue to respond to Government Guidance and develop policy and best practice with schools which will continue to reduce the number of exclusions, especially permanent exclusions and improve outcomes for children and young people.
68. The Council will continue to monitor the provision delivered by the Jigsaw Centre and the ACB through their respective contracts.
69. The Council will continue to support the development of The Academy of Central Bedfordshire and The Jigsaw Centre.

Appendices

Appendix 1 - Permanent Exclusions 2011 – 2014

Appendix 2 - Permanent Exclusions National and Statistical Neighbour comparisons

Appendix 3 - Fixed Term Exclusions 2011/12 to 2013/14