

# The role of the Local Authority in Exclusion from maintained schools, academies and pupil referral units in England

# Fixed term exclusions and permanent exclusions

## FTE

- Pupils can be excluded for one or more fixed periods
- Maximum of 45 school days

## Permanent exclusions

- Lawful, reasonable and fair.
- Only used as a last resort.
- In response to a serious breach, or persistent breaches of the school's behaviour policy and
- Where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- In accordance with DfE statutory guidance, NOT just school behaviour policy.

**ANY unofficial exclusions are unlawful – a pupil cannot be sent home without it being formally recorded.**

# Stockton Data

## Permanent Exclusions

## Fixed Term Exclusions

• 2012/13	12	1025 (855 Sec)	2803.5 days
• 2013/14	18	899 (694 Sec)	2276
• 2014/15	17	972 (751 Sec)	2781
• 2015/16	18	1288 (1159 Sec)	2873
• 2016/17	35	3132 (2960 Sec)	5306
• 2017/18 (to 12.10.17)	9 (1 Prim)	689 (655 Sec)	745

# When is exclusion appropriate?

- The Head Teacher informs you of his intention to permanently exclude a Y4 boy due to his disruptive and increasingly aggressive behaviour. This has been going on for some time but is becoming more frequent and increasingly difficult to manage in school. He often becomes agitated and refuses to go into class on a morning and his mother has to take him in and stay with him until he calms down. He is taking up a significant amount of staff time and yesterday when his mother left he became extremely angry, picked up books from the bookshelf and threw them across the classroom; he then ran along the corridor shouting until the Head Teacher came along and eventually persuaded him to go into his office. Once there he calmed down and became extremely upset. The Head Teacher feels that this is no longer an appropriate place for the boy to be and is not safe for other pupils.
- The Head Teacher informs you of his intention to permanently exclude a Y8 student following an incident in a classroom which began when she refused to complete any work. When the class teacher told her she would have to stay back after school to complete the work, she became confrontational and verbally abusive to him. The Head Teacher was walking past and on hearing the noise, went into the classroom to find out what was happening. He asked the student to leave the classroom and go with him to his office. At first she refused but eventually went with him. On the way to his office, the Head Teacher told the student she was facing an exclusion, at which point she became verbally abusive to him in front of a number of other students and staff, then walked away from him and ignoring his instructions for her to return, walked out of school.

# Interventions/Strategies

Interventions/support strategies should have been implemented by the school prior to considering exclusion:

- Disruptive behaviour can be an indication of **unmet needs**
- Must try to identify any **causal factors**
- Consider whether a **multi-agency assessment** which goes **beyond the pupil's educational needs** is required
- Must comply with statutory duties in relation to a child's SEN, including having regard to the **SEND Code of Practice**
- It is **unlawful** to exclude for a non-disciplinary reason, because a child has additional needs that the school feel unable to meet or in response to the actions of parents
- Where there have been multiple exclusions, consider whether exclusion is providing an **effective sanction**

# The basic structure

- Incident occurs which HT considers may warrant exclusion
- Investigation – includes evidence gathering/witness statements/consideration by HT/policies and procedures to be followed
- Decision to exclude pupil
- Parent can make representations to Governing Body/Pupil Discipline Committee
- **If permanent exclusion:-**
  - Parent can request a review by an Independent Review Panel (IRP)

# Role of Head Teacher

- To make the decision to exclude a pupil.
- To inform parents and LA of a permanent exclusion.
- To comply with statutory duties in relation to SEND.
- To ensure incidents leading to potential permanent exclusion are thoroughly investigated, the required evidence provided and a considered judgement made.
- To consider the interests and circumstances of the excluded child.
- This includes ensuring that the excluded pupil is allowed and encouraged to participate in the exclusion process.

# Role of Governor

- To provide support **and** challenge to a Head Teacher.
- To arrange day 6 provision in the case of fixed term exclusions – including **'consecutive'** exclusions.
- To comply with statutory duties in relation to SEND.
- To ensure 'pupil voice' is heard.
- To arrange a Pupil Discipline Committee (PDC) meeting and ensure it is held within statutory 15 day timescales.
- To ensure written evidence is provided and circulated.
- To consider whether to reinstate pupil, **NOT** whether or not the Head Teacher's decision was correct.



# Role of Governor

- To inform parents of the decision of PDC – can uphold exclusion or overturn and direct reinstatement.
- To be accountable to an Independent Review Panel where one is requested.
- To reconvene a PDC when required to reconsider a permanent exclusion.
- To ensure accurate marking of registers and removal of pupils from roll at the appropriate time.

# Role of the Local Authority

- Support, advise **and** challenge schools in relation to the statutory exclusion process.
- Provide advice to parents in relation to the exclusion process.
- Arrange 6<sup>th</sup> day provision for permanently excluded pupils.
- Attend Pupil Discipline Committee meetings.
- Appoint an SEND expert when requested.

# Independent Review Panels

- Can be requested by parents following a decision by Governors to uphold a permanent exclusion. Parents must appeal within 15 days.
- May be requested even if parents did not attend PDC meeting.
- IRP must be convened within 15 days.
- Decision of Governors is being reviewed, NOT that of Head Teacher.
- Role of SEND expert – expert witness, impartial specialist advice on relevance of SEND to the exclusion.
- Decisions available to Panel – uphold exclusion, recommend reconsideration or quash original decision and direct reconsideration.
- Reconvening of Pupil Discipline Committee within 10 days.
- Offer of reinstatement or financial penalty.
- Must demonstrate how concerns raised by the IRP have been addressed.

# Attendance and exclusions in the Ofsted handbook

# Ofsted judgements

- Effectiveness of leadership and management
- Quality of teaching, learning and assessment
- **Personal development, behaviour and welfare**
- Outcomes for pupils

# Making a judgement on personal development behaviour and welfare (PDBW)

- Inspectors have wide ranging factors to consider to determine the overall judgement for PDBW
- Attendance and exclusions will contribute towards the judgement they make.

# Personal development, behaviour and welfare

## **Inspectors will consider:**

- Overall absence and persistent absence rates for all pupils, and for different groups in relation to national figures for all pupils.
- The extent to which low attenders are improving their attendance over time and whether attendance is consistently low (in the lowest 10%).
- Punctuality in arriving at school and at lessons.

## **Sources of evidence**

- Inspectors will make this judgement using evidence seen during the inspection as well as evidence of trends over time.
- Inspectors will assess the school's use of exclusion, including the rates, patterns and reasons for exclusion, as well as any differences between groups of pupils.

# Grading

## **Outstanding:**

- Pupils value their education and rarely miss a day at school. No groups of pupils are disadvantaged by low attendance. The attendance of pupils who have previously had exceptionally high rates of absence is rising quickly towards the national average.
- Pupils' impeccable conduct reflects the school's effective strategies to promote high standards of behaviour. Pupils are self-disciplined. Incidences of low-level disruption are extremely rare.

## **Good:**

- Pupils value their education. Few are absent or persistently absent. No groups of pupils are disadvantaged by low attendance. The attendance of pupils who have previously had exceptionally high rates of absence is showing marked and sustained improvement.
- The school is an orderly environment. Low-level disruption is rare.
- There are marked improvements in behaviour for individuals or groups with particular behavioural needs.



# Grading

## **Requires improvement**

- Pupils' personal development and welfare are not yet good and/or behaviour in the school is not yet good.

## **Inadequate:**

- Attendance is consistently low for all pupils or groups of pupils and shows little sign of sustained improvement.
- Pupils' lack of engagement, persistent low-level and/or high-level wilful, disruption, contribute to reduced learning and/or disorderly classrooms.

# Ofsted

School inspection update March 2017

The importance of curriculum and 'off rolling'.

*"In some cases large cohorts of pupils were entered for certain combinations of qualifications that improved school results at KS4 but did little to prepare pupils for their next stage of education, training or employment. We need to focus our attention on supporting schools that are doing the best by their pupils and by identifying the inappropriate actions of some schools that make it more difficult for others to demonstrate real success. This includes when some schools narrow the curriculum, use qualifications inappropriately, and 'off roll' pupils.*

# Ofsted

School inspection update March 2017

The importance of curriculum and 'off rolling'.

There is evidence nationally that large numbers of pupils leave mainstream secondary education before Year 11 through schools moving them out into alternative provision or on to other schools whose rolls are not full. This is known as 'off rolling'.

Inspectors should consider the number on roll by year group and whether this has decreased significantly by Year 11. If inspectors have any concerns about a school's curriculum, qualification entries, or potential 'off-rolling' they should discuss them with the school's leaders and consider the impact in judging the effectiveness of leadership and management and outcomes for pupils."

# Ofsted

School inspection update March 2017

The importance of curriculum and 'off rolling'.

Cathy Kirby at ACDS meeting, 26.5.17

She noted the increase in fixed term exclusions in the North region. This was raised as a concern in Yorks and Humber and Ofsted have met with the CXs of the largest academy trusts in Y&H and also spoken with David Carter. She said this has resulted in 2 of the chains reviewing their fixed term exclusions policies. Ofsted have given the message to schools that they can't be judged good on behaviour if they have large numbers of exclusions.

# Background locally

- Unprecedented high levels of fixed term exclusion with significant numbers of children approaching 45 days (9 with more than 35 days, 6 with more than 40).
- Limited places available in Bishopton.
- Limited places available for alternative education, particularly that contribute to accredited courses and P8.
- Challenges with process for Fair Access and Managed Moves.
- Very high numbers of in-year transfers.
- Rising numbers of pupils on elective home education.

# Immediate Considerations

Such issues have been responded to in the following ways:

- 1.The Fair Access policy has been amended.
- 2.The Managed Moves policy has been amended.
- 3.The In –Year Transfers policy has been amended.
- 4.A review of Alternative Provision has been commissioned. This has collated an evidence base from secondary Headteachers and Principals to inform a strategic approach to Alternative Provision. The strategy will include enhanced curriculum offers from the two Stockton colleges for Years 10 and 11 and an expanded provision at The Skills Academy.

# Long term Considerations

Such issues have been responded in the following ways:

- Enhanced School model implemented to provide more additional mainstream places for children with additional need and more outreach support and guidance.
- SEN Support Team to audit level of need of children within the Borough and to provide more support and intervention for children at risk of exclusion working with partners including Educational Psychology, SLEs and Prince's Trust.
- Exploration underway to secure additional specialist places for children with SEMH (local special schools) and also with Communication and Interaction (potential Free School commission).

# Multi-agency Considerations

- Future in Mind project underway to provide training to staff to manage social and emotional issues in school and provide more support from CAMHS within the school.
- Attachment difficulties training to provide capacity building to respond to behaviour management issues.
- Police strategy agreed to provide more PCSOs to work directly from school bases.
- A review of early help services to provide more support for schools with challenging pupils and families.
- A review of approach to Elective Home Education within the Local Authority to provide more challenge.



# Pupil Inclusion Panel

School led panel to oversee children presenting challenge.

Peer support and challenge is established through a panel of school leaders which meets on a fortnightly basis to discuss children at risk of exclusion and agree school based responses. This panel – Pupil Inclusion Panel – is chaired by a school leader and has the authority to agree solutions which could include:

- recommendations for the referring school to implement further strategies or access support from LA services;
- collaborative approaches between local schools to provide a full time education programme;
- referral to other agencies;
- a Managed Move to another school – using the updated protocol and paperwork;
- consideration of admission to Bishopton;
- An alternative provision placement.