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<b>Portfolio:</b>	Cabinet Member for Economic Development, Education and Community

## 1. Purpose of Report

- 1.1 This paper provides a briefing for scrutiny members on the current data on school exclusions in Westminster schools with comparisons against the most recent national and London benchmarks. The paper also provides an outline of the work that schools and services are undertaking to prevent exclusions, the provision that is being made for young people who are excluded from schools, the additional actions that are being taken by the Council and the national developments in this area.

## 2. Fixed and Permanent Exclusions

There are two types of school exclusion: fixed term and permanent.

- 2.1 **Fixed-period exclusion:** when a young person is temporarily excluded from coming to school for a defined number of days. This will usually only be for a few days before returning to school. For the first five days of this exclusion, the responsibility for the education of the young person is with the parent/carer. From the sixth day on-wards, the school is responsible for making temporary alternative education provision.
- 2.2 **Permanent exclusion:** when a young person is not allowed to return to the school. In these cases, the council where the young person is resident is responsible for finding permanent alternative education provision from the sixth day of the exclusion. Where the residency is in Westminster, a referral is made to our commissioned alternative education provider, TBAP, and provision is made available usually at their Westminster site, the Beachcroft Academy.

## 3. The Data on Exclusions - Headlines and Benchmarks

- 3.1 Nationally and in London, both fixed and permanent exclusions have seen a steady year on year increase since 2013/14 after a period of decline after 2006/7. The data below draws upon the full national comparative data that we have available for the three years up to the academic year 2017/18. The full year data is not yet available for 2018/19. A full set of the data is set out in the **table in annex A**.
- 3.2 In 2017/18 in Westminster, there were 30 school permanent exclusions up from 13 in 2016/17 and 18 in 2015/16. Of the 30 exclusions, 14 were residents, and 29 of the 30 exclusions were from secondary schools.

- 3.3 The number of fixed term exclusions in primary schools has decreased in the last three years. Measured as a percentage of the school roll, the number of incidents shows Westminster primary school fixed term exclusion rate to be below the national average: 0.5% compared with the national figure for primary schools of 1.4% and the Inner London figure of 0.9%.
- 3.4 The number of fixed term exclusions in secondary schools has increased in the last three years. The fixed term exclusion rate based on the number of incidents as a percentage of the school roll has increased from 7.6% in 2015/16 to 9.5% in 2016/17 and 11% in 2017/18. The latest figures are above the national average (10.1%) and the Inner London (9.3%) average.
- 3.5 In looking at the exclusion rates for young people with special educational needs (SEN), the permanent exclusion rate in 2017/18 for young people with SEN Support in primary and secondary schools was lower than the national rate for this group. The rate of fixed period exclusions was also lower for this group for primary schools. However, in line with the general figures in secondary schools, the fixed term exclusion rate was greater than the national average.
- 3.6 No Westminster SEN children with Education Health Care Plans (EHCPs) in either primary or secondary schools received a permanent exclusion in 2017/18. The fixed term exclusion rates for children with EHCPs were also below the national averages for both primary and secondary schools.

#### **4. Behaviour Management and Exclusions**

- 4.1 By law, only a headteacher (or acting headteacher) of a school can exclude a pupil, and this must be for behavioural reasons. This can cover persistent disruptive behaviour through to incidences of physical assault and the carrying of a knife. Persistent disruptive behaviour remains the most common reason for exclusions in both WCC and nationally.
- 4.2 In deciding whether to issue an exclusion, a headteacher/principal will do so based on what is laid out in the behaviour policy of their school. Exclusions would only be employed as a last resort in a school behaviour policy either because of exhausting the internal sanctions in the behaviour policy or in response to a serious incident.
- 4.2 There is Department for Education national guidance to all schools on establishing effective behaviour policy and practice: *Behaviour and Discipline in Schools* (updated Jan 2016). This guidance sets out the powers that school staff have to discipline pupils and stresses the importance of a policy that promotes good behaviour and conduct, safeguarding and, where appropriate, uses rewards and sanctions to support this, including, in extreme circumstances, exclusion.
- 4.3 A range of sanctions are employed by schools to address poor behaviour before an exclusion is considered. In line with the Department for Education guidance, this will include additional written tasks, regular supervision reporting from teachers, detentions, loss of privileges, and the use of 'interval exclusion' or isolation space.
- 4.4 Along with the use of sanctions, best practice in behaviour management will include an early identification of any young person at risk of exclusion and undertaking assessments of the underlying causes of why a young person is continually disruptive or misbehaves, working with the family and involving external partners as needed. This would lead to establishing individual programmes to help the young

person. Where a young person has additional or special educational needs, or is a looked after child, schools can seek further support and advice on these interventions from council services. The Early Help service can help broker work between the school and the family, and our Virtual School for Looked After Children can help provide additional support with a looked after child's personal education plan. In the case of young people with an EHCP, the SEN service can work with the school to assess the suitability of provision for a pupil's SEN. Where a young person is displaying behavioural concerns, it is best practice for schools in these instances to request an early annual review or interim/emergency review. Schools can also draw on additional outreach help and advice from Westminster's commissioned outreach providers such as TBAP (including the Westminster Education Centre) and the Westminster Special School training support provision.

- 4.5 In some instances, a school may consider that moving schools would help avoid a young person being excluded. This arrangement is known as a 'managed move'. Concerns have been raised nationally about the use of this strategy as a way of unofficially excluding young people. The local evidence suggests that this action is taken to help keep young people in full time education and is managed in partnership between schools and with the support of the parent/carer. Managed moves take place between schools and TBAP for resident young people, although this option is not available to schools for non-residents due to local funding arrangements.
- 4.6 Any young person taken off roll would need to be reported to the Children's Services Admissions team. In accordance with amendments to the Education (Pupil Registration) (England) Regulations 2006 ("the Regulations"), the Council has in place a *Starters and Leavers Protocol*. All schools, including independent schools, are required to notify the home local authority of all pupils removed from the school roll within 5 school days. Leaver data is submitted weekly (when there are leavers) to key named officers within the Admissions and Access to Education team who monitor all returns for compliancy. Except for independent schools that can off-roll due to non-payment of fees, there are regulated reasons and action that must be taken before a pupil can be off-rolled. The Council works with all schools in instances where a destination of a pupil may not be known.

## 5 Decisions to Exclude

- 5.1 Decisions about fixed term and permanent exclusions must follow the Department for Education guidance: *The statutory guidance on the exclusion of pupils from local authority-maintained schools, academies and pupil referral units (updated July 2017)*.
- 5.2 In the statutory guidance, the importance of good discipline in schools is stressed along with the headteachers' right to permanently exclude where this is warranted. It is also made clear that a permanent exclusion should only be used as a last resort, in response to either 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.
- 5.3 In line with the statutory guidance, the decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils based on protected characteristics, such as disability or race. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early to reduce the need for any subsequent exclusions. Ongoing disruptive behaviour could be an indication of unmet needs. When establishing the facts in relation to considering an exclusion, a headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely

than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

- 5.4 Where practical, headteachers should give the pupil an opportunity to present their case before taking the decision to exclude. Whilst an exclusion may still be an appropriate sanction, a headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying. The headteacher should, as far as possible, avoid permanently excluding any pupil with an EHCP or a looked after child.
- 5.5 Parents/carers have the right to appeal to the school governing body against any decision to permanently exclude and to test that due procedures and considerations were followed by the headteacher in taking this action.

## **6 Monitoring Alternative Education Provision**

- 6.1 When a resident young person is excluded, a referral is immediately made to commissioned Tri-borough alternative education provision, including Beachcroft, to ensure there is a minimum delay in education provision.
- 6.2 On-going monitoring of the quality of resident provision is a key responsibility for the Council and, in commissioning the alternative education places, Bi-borough Children's Services has a Service Level Agreement with TBAP. This is reviewed on an annual basis at the start of the academic year and monitored through termly meetings held between TBAP management, LA commissioners, School Standards and Finance.
- 6.2 The Education Safeguarding Lead and a link adviser from the School Standards team meet regularly with the TBAP leaders to review progress and quality of provision. Any concerns about the attendance of a young person are picked up through the Bi-borough Children's Services Vulnerable Children's Collaborative Group which monitors the progress of those children and young people who are persistently absent from school and education.
- 6.3 Education provision at TBAP has been judged to be good by Ofsted. Inspectors have also judged safeguarding to be effective. Beachcroft was subject to a short inspection in December 2016.

## **7 The Early Help Social Inclusion Pilot**

- 7.1 In response to the increase in school exclusions, several actions are being taken to address this issue in partnership with school leaders. Officers from the Education Service and Early Help have had discussions with school leaders about the data, behaviour policies and the additional support and advice that can be provided. This has helped to clarify the support and training that is available to schools and to ensure that tackling this issue is a priority for all. In planning for the forthcoming SEN inspection, reducing exclusions particularly for the SEN Support cohort has also been highlighted as a priority in the action plans.
- 7.2 One of the significant initiatives locally has been the Early Help Social Inclusion Pilot project funded by money from the Ministry for Housing, Local Government and Communities (funded until March 2020).

- 7.3 The Early Help Social Inclusion project is targeted at children in the later years of primary school and early secondary school (years 4-7) whose behaviour is challenging, who have already had fixed term exclusions and are at risk of permanent exclusion. There are five schools taking part in the pilot: Gateway Primary Academy, Churchill Gardens Primary School, Hallfield Primary, Beachcroft – Primary Unit (TBAP) and Westminster Education Centre (TBAP).
- 7.4 This project has three elements: training for staff, additional support from a dedicated team of early help family practitioners and one to one mentoring for the young people at risk where appropriate.
- 7.5 The trauma-informed training element is for all the staff working with the young people (school teachers, Westminster City Council staff and those from other organisations). The focus of this training is on understanding a child's behaviour and responding in a consistent way, avoiding professionals approaching behaviours in different ways and causing conflict. The training is based around the ARC framework (Attachment, Regulation and Competency).
- 7.6 The new, dedicated team of early help family practitioners to support individual children is led by a family therapist. They have capacity to work with 23 children at any time. This team provides intensive support to the children and their families seeing them several times a week. In close consultation with the school, practitioners build up a picture of the child's perspective and experience of school (and home) life. Working systemically, within the trauma-informed framework, practitioners enable increased understanding of the triggers and challenges inhibiting an individual child's capacity to engage and learn. The work takes place in both school and home. Through building this proactive partnership between family, school and service, children learn to feel safer in school and, therefore, become more able to learn. Children are supported through any transition whether back to mainstream school or from year 6 to year 7.
- 7.7 An extensive baseline evaluation of the programme's impact on the cohort is taking place and an interim progress report will follow this Autumn. While waiting on this formal evaluation, schools are informally reporting progress for the children in all domains.
- 7.8 The next steps with the project are the extension of the offer of trauma-informed training to all secondary schools and an application has been submitted to the Youth Endowment Fund to extend the pilot to 5 secondary schools.

## **8 National Developments: The Timpson Review and New Ofsted Inspection Framework**

- 8.1 In May this year, the Government published Edward Timpson's Review of School Exclusions. While recognising that permanent exclusion is a rare event and supporting the principle of maintaining good school discipline, the report also highlights the significance of a permanent exclusion in terms of the negative impact that it can have on a young person's life chances and makes recommendations to helping to prevent exclusions and improve provision for those excluded.
- 8.2. In response to the Timpson review, the government supported a range of measures, including establishing a practice programme that embeds effective partnership working

between local authorities, schools, alternative provision and other local partners such as the police and health bodies, to better equip schools in making early interventions and support for additional behaviour management training for teachers in the first two years of their careers. Along with this, the government is consulting on making schools accountable for the outcomes of permanently excluded children.

- 8.3 The new Ofsted school inspection framework that is being introduced this term has a stronger focus on evaluating school inclusion. In reaching judgements about the overall quality of education, inspectors will examine behaviour policy and exclusion numbers, and investigate any evidence of 'off-rolling'. They will also look at how far the curriculum is meeting the needs and supporting the progress of all young people.

## Annex A – Exclusions data

	2015/16 Fixed					2016/17 Fixed					2017/18 Fixed					Permanent			
	No of Incidents	No Pupils	No Roll	Incidents as % of Roll	Pupils as % of Roll	No of Incidents	No Pupils	No Roll	Incidents as % of Roll	Pupils as % of Roll	No of Incidents	No Pupils	No Roll	Incidents as % of Roll	Pupils as % of Roll	2015/16	2016/17	2017/18	2018/19
Primary	116	67	11202	1.0%	0.6%	57	35	10958	0.5%	0.3%	51	32	10603	0.5%	0.3%	4	2	1	2
Secondary	846	549	11184	7.6%	4.9%	1083	616	11374	9.5%	5.4%	1267	792	11559	11.0%	6.9%	14	11	29	24
Special	9	8	199	5%	4%	18	7	215	8%	3%	17	11	226	8%	5%	0	0	0	0
PRU	75	30	60	125%	50%	148	37	64	231%	58%	90	34	74	122%	46%	0	0	0	0
<b>Borough Total</b>	<b>971</b>	<b>624</b>	<b>22585</b>	<b>4.3%</b>	<b>2.8%</b>	<b>1158</b>	<b>658</b>	<b>22547</b>	<b>5.1%</b>	<b>2.9%</b>	<b>1335</b>	<b>835</b>	<b>22388</b>	<b>6.0%</b>	<b>3.7%</b>	<b>18</b>	<b>13</b>	<b>30</b>	<b>26</b>
National – primary				1.2%	0.6%				1.4%	0.6%				1.4%	0.6%				
National - secondary				8.5%	4.3%				9.4%	4.6%				10.1%	4.7%				
National - all schools				4.3%	2.1%				4.8%	2.3%				5.1%	2.3%				
Inner London - primary				0.9%	0.5%				0.9%	0.5%				0.9%	0.5%				
Inner London secondary				7.8%	5.0%				8.3%	5.3%				9.3%	5.6%				
Inner London - all schools				3.7%	2.3%				4.0%	2.4%				4.3%	2.6%				

