

Children and Young People Select Committee			
Title	Exclusions from school – an in-depth review	Item No	
Contributors	Scrutiny Manager		
Class	Part 1	Date	5 September 2018

1. Purpose of paper

- 1.1 As part of its work programme the Committee has agreed to undertake an in-depth review of exclusions from school.
- 1.2 This paper sets out the rationale for the review, provides some background information on the work that has already been carried out in relation to this topic within Lewisham and sets out proposed key lines of enquiry for discussion and agreement by the Committee.
- 1.3 The in-depth review process is outlined at Appendix A.

2. Recommendations

- 2.1 The Select Committee is asked to:
 - note the contents of the report
 - consider and agree the proposed key lines of enquiry for the review, outlined in section 15, and the timetable, outlined in section 16.
- 2.2 The Committee is recommended to read this report alongside the Annual Report on Attendance and Exclusions, which is also due for consideration at the meeting on 5 September. More detailed information is provided in that report that builds on the context set out in this scoping paper.

3. Policy context

- 3.1 The Council's overarching vision is "Together we will make Lewisham the best place in London to live, work and learn". In addition to this, ten corporate priorities and the overarching Sustainable Community Strategy drive decision making in the Council. Lewisham's corporate priorities were agreed by full Council and they remain the principal mechanism through which the Council's performance is reported.
- 3.2 The Council's corporate policy of "Young people's achievement and involvement" promotes raising educational attainment and improving facilities for young people through working in partnership. The Council's Sustainable

Community Strategy's priority of "Ambitious and Achieving" aims to create a borough where people are inspired and supported to achieve their potential.

3.3 The Children and Young People's Plan 2015 – 2018 also sets strategic vision and a key aspect is "Raising the attainment of all Lewisham children and young people" and this has a number of specific outcome areas:

- AA1: Ensuring there are sufficient good quality school places for every Lewisham child.
- AA2: Ensuring all our children are ready to participate fully in school.
- AA3: Improving and maintaining attendance and engagement in school at all key stages, including at transition points.
- AA4: Raising participation in education and training, reducing the number of young people who are not in education, employment or training (NEET) at 16-19.
- AA5: Raising achievement and progress for all our children at Key Stages 1 – 4 and closing the gaps between underachieving groups at primary and secondary school.
- AA7: Raising achievement and attainment for our Looked After Children at all Key Stages and Post 16.

4. What is exclusion? A quick guide

4.1 A **permanent exclusion** ('being expelled') is sanctioned by the head teacher as a last resort where he or she is sure that:

- the pupil has seriously breached the school's discipline policy
- if the pupil remains in school, it would seriously harm the education or welfare of the pupil or others in the school.

4.2 The local authority has a statutory obligation to arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

4.3 A **fixed term exclusion** ('being suspended') applies for a specified number of days, and if a fixed term exclusion is set for a period exceeding 5 days, the local authority must ensure access to appropriate full time educational provision. Fixed term exclusions cannot exceed 45 days per academic year in total.

4.4 **Unofficial exclusions** are illegal, even with parental consent. This is where a child is kept away from school without following official exclusion policies. It may be presented as favourable to parents and children. Examples of unofficial exclusion could be:

- a pupil has had a fixed term exclusion and is not allowed back to school until a reintegration meeting has been arranged, which may take some time
- a pupil is asked to stay at home during a school inspection
- a pupil is asked to go on an extended and inappropriate period of study leave
- a parent being inappropriately recommended to educate their child at home
- a pupil being sent home to 'cool off'
- inappropriate use of part-time timetables.

4.5 **Part-time timetables** - Schools have a statutory duty to provide full time education for all pupils, irrespective of ability, aptitude, any special educational needs they may have.

4.6 In some cases, if a pupil has been out of school, unwell or excluded, a part-time timetable may be used as a short-term measure towards achieving full reintegration. This should be time limited, agreed between the school/ parents or carers/ all agencies involved and formally documented through a Pastoral Support Plan (PSP).

4.7 **Off-rolling** can result from unofficial exclusions. Off-rolling is the practice of removing children from the roll of a school, especially in order to maintain or improve exam results. This has been the subject of media interest in recent months.

5. Exclusion rates in England

5.1 Nationally, the rate of pupils being excluded from school is rising. According to the most recent Department for Education figures¹, the exclusion rate in England rose by 15% in the last academic year (2016-17). This equates to an additional 1000 permanent exclusions in the school year 2016/17, taking the total to 7,700 permanent exclusions across primary, secondary and special schools. Some 40 pupils per day were permanently excluded - more than a whole class each day.

5.2 By far the majority of exclusions occurred in secondary schools (83%), and the most common reason given was persistent disruptive behaviour. Persistent disruptive behaviour was the category with the most growth, and there was also a sharp rise in those permanently excluded for physical assault against another pupil.

5.3 Over the last 10 years, the rate of permanent exclusions from state-funded primary, secondary and special schools followed a downward trend until 2012/13, when it began to rise. The rate has continued to rise but is still lower than it was at its peak in 2006/07.

5.4 There are concerns that the rise is due to cuts to school budgets resulting in less individual support available in the classroom for early intervention and

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726741/text_exc1617.pdf

behaviour prevention. Cost pressures may result in exclusions taking place that could be averted if sufficient resource was available for preventative work. At the same time, cuts to council funding means that support services for vulnerable families are being scaled back, putting additional pressure on schools. Schools also face pressure to improve exam results and boost their position in league tables.

- 5.5 A study by the Institute of Public Policy Research estimates that excluding a child from school costs the taxpayer £370,000 in the long term². This would place the cost of exclusion in England in 2016/17 at around £2.8bn.

6. Lewisham's schools

- 6.1 Lewisham has 73 primary schools, 14 secondary schools and 6 special schools³ educating approximately 41,000 pupils. A list of schools can be found at Appendix B.

7. Exclusions: the picture in Lewisham

- 7.1 In 2016/17 there were 63 permanent exclusions and 1,436 fixed term exclusions from Lewisham's secondary schools, 232 fixed term exclusions from primary schools, and 164 fixed term exclusions from special schools. The table below expresses these figures as a 'rate' which is calculated as a percentage of the number of pupils (headcount) in January 2016, and compares the rate with rates across Inner London, London as a whole and England.

Exclusion rate 2016/17

Type of Exclusion	Lewisham	Inner London	All London	England
Permanent (secondary only)	0.43	0.21	0.19	0.2
Fixed period - primary	0.91	0.92	0.83	1.37
Fixed period - secondary	9.71	8.27	7.5	9.4
Fixed period - special	28.82	17.31	15.51	13.03

Permanent exclusions

- 7.2 All of Lewisham's exclusions were from secondary schools. Lewisham primary schools and special schools do not permanently exclude pupils. In 2016/17 Lewisham was the highest excluding inner London borough, permanently excluding 63 pupils during the course of the academic year. This made Lewisham the second highest of the London boroughs for permanent exclusions, and the highest inner London borough.

² Making the Difference: Breaking the Link between school exclusion and social exclusion. IPPR, October 2017

³ Independent schools operating within the borough are not included in these figures.

- 7.3 The committee should note that the most recent figures (for the academic year 2017/18) indicate a decline in Lewisham's permanent exclusion rate and more detailed information can be found in the Annual Report on Attendance and Exclusions.

Fixed term exclusions

- 7.4 Lewisham primary schools, secondary schools and special schools all use fixed period exclusion as a behaviour sanction. Based on the 2016/17 figures published by the Department for Education (DfE):

Secondary schools

- 7.4.1 Lewisham has a higher rate of fixed period exclusions than the inner London and London rates, but lower than the national rate.

Primary schools

- 7.4.2 The rate of fixed period exclusions in Lewisham's primary schools is broadly in line with the inner London average, and below the national rate.

Special schools

- 7.4.3 The rate of fixed period exclusion in Lewisham special schools is more than double the national rate, and significantly higher than both the inner London and London rates. The number of special school pupils receiving fixed period exclusions is lower than the number of exclusions, which means that some pupils are being excluded on more than one occasion. In 2016/17, 164 fixed period exclusions were issued to 77 pupils – a rate of 13.53, which is higher than the inner London and London rates of 6.22 and 4.98 respectively, and the England rate of 5.09.

8. Unofficial exclusions and off-rolling

- 8.1 There are no documented cases of unofficial exclusions and off-rolling from Lewisham schools but certainly Lewisham residents in out of borough schools have experienced this and it is an important area for the Committee to examine.

9. The law governing exclusions

- 9.1 The DfE provides a comprehensive guide to the legislation that governs the exclusion of pupils from local authority maintained schools, academies and pupil referral units⁴.
- 9.2 Head teachers and governing bodies must take account of their statutory duties in relation to special educational needs when administering the exclusion process. Schools must also comply with the Equality Act 2010.

⁴ <https://www.gov.uk/government/publications/school-exclusion>

Schools can exclude pupils with protected characteristics⁵, but not because of those protected characteristics.

10. Legal duties when a child is excluded

- 10.1 In the case of both permanent and fixed term exclusion, the school must set and mark work for the first five school days.
- 10.2 The parents must keep the child indoors during school hours.
- 10.3 School governing boards are responsible for arranging education for fixed term exclusions longer than five days.
- 10.4 For permanent exclusions, the local authority must arrange full-time, supervised education from the sixth consecutive school day onwards. Full-time education means offering English and maths as part of 21 to 25 hours of guided learning per week.
- 10.5 In reality, it is rarely possible for alternative provision to be in place on the 6th day. The Annual Report on Attendance and Exclusions provides more details.

11. Reasons for exclusion

- 11.1 Information on the reasons for exclusion are provided in the Annual Report on Attendance and Exclusions.

12. Does exclusion work?

- 12.1 Sometimes exclusion can be necessary to ensure the safety of pupils. As a disciplinary measure, it can be effective. In a report by Barnardo's entitled "Not present and not correct: understanding and preventing school exclusions" it states:

"Occasionally exclusion is a necessary disciplinary measure which, used sparingly, could shock a child into behaving better and temporarily resolve problems in the classroom."

- 12.2 However, there is a wealth of evidence⁶ that in many cases, rather than improving behaviour, exclusion creates further problems or exacerbates existing issues, for example:
 - Pupils returning after a fixed term exclusion can feel socially isolated and the absence from school does nothing to fix relationship problems

⁵ The protected characteristics under the Equality Act 2010 are: sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity.

⁶ Barnardos (2010), Daniels et al (2003), DCSF (2003), Hayden and Dunne (2001), Berridge et al (2001), McAra and McVie (2010), Parsons (1999) (2009)

- Falling behind on work – the quality and quantity of work sent home varies, and the excluded pupil may have minimal supervision outside of school
- Giving the message that it is ok to give up and walk away – particularly unhelpful if the pupil is already demotivated by living in poverty or struggling academically
- Exclusion is especially detrimental to those with chaotic family lives – for some children, school is the only stability they have
- Time out of school while alternative provision is arranged can give young people more opportunity to get involved in gang activity and risk-taking behaviour. Research shows links between time out of school and offending behaviour⁷
- Exclusion itself does little to help the child/young person to recognise the consequences of their behaviour
- Children with poor attendance already feel alienated from school. Further time out of school for disruptive behaviour does not help attendance or the pupil's attitude to school.

“For children who really struggle at school, exclusion can be a relief as it removes them from an unbearable situation with the result that on their return to school they will behave even more badly to escape again. As such, it becomes an entirely counterproductive disciplinary tool as for these children it encourages the very behaviour that it intends to punish. By avoiding exclusion and finding other solutions to poor behaviour, schools can help children’s mental health in the future as well as their education.”

Professor Tamsin Ford, child and adolescent psychiatrist, University of Exeter

12.3 For the child that is excluded, the impact of exclusion is significant and can have lifelong implications. School exclusion is linked to poor outcomes in terms of:

- mental health – research by University of Exeter found high incidences of deliberate self-harm among excluded young people. They also found that poor mental health can lead to exclusion, and exclusion can trigger new onset mental illness and exacerbate existing conditions⁸
- educational attainment – nationally, just 1% of excluded young people achieve five good GCSEs including English and maths. The majority of excluded children are not enrolled in the two core GCSEs of English and maths.⁹
- employment - without qualifications, employment prospects are significantly reduced. A DfE report¹⁰ from February 2018 highlighted that young people who had attended alternative provision were more likely to be long term NEET.

⁷ McAra, L (2004), Berridge et al (2001)

⁸ University of Exeter, Parker et al 2016

⁹ DfE 2017

¹⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679535/Characteristics_of_young_people_who_are_long_term_NEET.pdf

- criminal behaviour – the majority of UK prisoners were excluded from school. According to a study by the Ministry of Justice in 2012, 63% of prisoners reported being temporarily excluded from school, and the 42% had been permanently excluded. Excluded prisoners were more likely to be repeat offenders than other prisoners.¹¹

“Children who are taught in alternative settings, rather than in mainstream education, have terrible prospects. Just 1.1 per cent of this group get five good GCSEs.”

UK Poverty 2017: Ladders of opportunity keynote speech by Robert Halfon MP

13. Exclusion affects different groups differently

13.1 Exclusion affects a relatively small minority of pupils. However, it raises equalities issues as some groups of pupils are over-represented in exclusions, particularly:

- boys
- Black Caribbean or Mixed Black Caribbean/ White ethnicity
- entitled to free school meals
- Pupils with Special Educational Needs and Disabilities (SEND)

“If you were a Black African-Caribbean boy with special needs and eligible for free school meals you were 168 times more likely to be permanently excluded from a state-funded school than a White girl without special needs from a middle class family.”

Office of the Children’s Commissioner 2012

13.2 Nationally in 2016/17, pupils eligible for and claiming free school meals (FSM) were four times more likely to experience permanent or fixed-period exclusions. Black Caribbean pupils were three times more likely to be permanently excluded compared with white British pupils, and pupils with special educational needs and disabilities (SEND), accounted for almost half of all permanent and fixed exclusions.

13.3 Evidence relating to the rates of exclusion among different groups of pupils in Lewisham can be found in the Annual Report on Attendance and Exclusion.

14. Meeting the criteria for a review

14.1 A review into recruitment and retention of staff in schools meets the criteria for carrying out a scrutiny review, because:

¹¹ www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/51605.htm#n33 and Summerfield A (2011) Children and Young People in Custody 2010–11. London: HM Inspectorate of Prisons and Youth Justice Board (referenced in www.centreforsocialjustice.org.uk/publications/no-excuses)

- it is a strategic and significant issue
- a scrutiny review would be timely and will add value. The findings will feed into the on-going work being undertaken by the Children and Young People (CYP) Directorate into reducing the number of exclusions. The Department for Education is in the process of carrying out a review of exclusions, which is due to report later this year. The findings of the DfE report could feed into this review.

15. Key lines of enquiry (KLOE)

15.1 It is proposed that the review looks to find good practice examples of where alternatives to exclusion are working well, with a focus on fixed term exclusions from special schools, and permanent exclusions from secondary schools, and how this can be embedded and replicated. The review will draw on expert studies and their findings.

“What does good practice look like in preventing and managing exclusions and how can this be successfully embedded and emulated?”

15.2 Evidence from outside Lewisham

- What does successful early intervention look like? How early is early enough?
- What examples are there of innovative practice in behaviour management?
- What alternatives are there to exclusion and what evidence exists as to their effectiveness?
- What are the lowest excluding schools and local authorities doing to reduce their exclusion rate?
- Why are some groups more likely to be excluded than others and what can schools and the local authority do to address this?

15.3 Evidence from Lewisham

- What is the council’s role in respect of school exclusions?
- What is the practice in Lewisham schools in relation to behaviour management and early intervention? What evidence is there that these practices work?
- What happens when a pupil is excluded – what process is followed, what right of appeal does the pupil/ parents have, what support is available?
- What can we learn from pupil and parent experiences of exclusion in Lewisham?
- What does best practice look like in engaging parents and pupils effectively in the exclusions process?
- What evidence is there of unofficial exclusions, including off-rolling, in Lewisham schools?

- What are the drivers behind the variation in the exclusion rates between schools with a similar intake?
- Why is the fixed term exclusion rate from Lewisham special schools high, and what is being done to reduce it?
- How are excluded pupils supported through reintegration, whether to the school they were excluded from, or a when starting a new school?
- How are excluded pupils supported to reduce their risk of further exclusions?
- What are Lewisham schools doing to reduce inequalities in school exclusion?

16. Timetable

16.1 The Committee is asked to consider the outline timetable for the review set out below.

16.2 First evidence session (17 October 2018)

- Case study evidence of good practice in reducing exclusions
- Expert evidence on how to reduce inequalities in exclusions
- Officer report setting out the council's role in respect of school exclusions

16.3 Visits (October – February 2018)

- Visits to a range of secondary/ primary and special schools in the borough
- Visit to other boroughs
- Hearing the experiences of excluded pupils and their families

16.4 Second evidence-taking session (6 December 2018)

- Officer report summarising the evidence gathered on visits

16.5 Recommendations and final report (13 March 2019)

- Committee to consider a final report presenting all the evidence taken and agreeing recommendations for submission to Mayor and Cabinet.

17. Further implications

17.1 At this stage there are no specific financial, legal, environmental or equalities implications to consider. However, each will be addressed as part of the review.

Background Papers

Annual Report on Attendance and Exclusions, 5 September 2018

Appendix A

How to carry out an in-depth review



List of Lewisham Schools

SPECIAL SCHOOLS

Abbey Manor College - the Pupil Referral Unit (PRU) for pupils age 11-18

Brent Knoll School - for children age 4-16 with autism and social, communication and interaction difficulties

Drumbeat - for pupils aged 5–19 with Autistic Spectrum Disorder (ASD)

Greenvale– secondary school for pupils with severe learning difficulties or profound and multiple learning difficulties

New Woodlands - a primary school for pupils aged 4 to end of Key Stage 3 (year 9). It caters for those with behavioral, emotional and social difficulty

Watergate for pupils with severe learning difficulty and profound and multiple learning difficulty

SECONDARY SCHOOLS

Addey and Stanhope Secondary School

Bonus Pastor Catholic College

Conisborough College

Deptford Green School

Forest Hill School

Haberdasher Aske's Hatcham College

Haberdasher Aske's Knights Academy

Prendergast Ladywell School

Prendergast School

Prendergast Vale School

Sedgehill Secondary School

St Matthew Academy

Sydenham Secondary School

Trinity Church of England School

PRIMARY SCHOOLS

Adamsrill Primary School

All Saints' Church of England Primary School

Ashmead Primary School

Athelney Primary School

Baring Primary School

Beecroft Garden Primary School

Brindishe Green Primary School

Brindishe Lee Primary School

Brindishe Manor Primary School

Childeric Primary School

Coopers Lane Primary School

Dalmain Primary School

Deptford Park Primary School

Downderry Primary School

Edmund Waller Primary School

Elfrida Primary School
Eliot Bank Primary School
Fairlawn Primary School
Forster Park Primary School
Good Shepherd Catholic Primary School
Gordonbrock Primary School
Grinling Gibbons Primary School
Haberdashers' Aske's Hatcham College – Temple Grove (primary school)
Haberdashers' Aske's Knights Academy (primary phase)
Haberdashers' Aske's Hatcham College – Temple Grove Free School
Haseltine Primary School
Holbeach Primary School
Holy Cross Catholic Primary School
Holy Trinity CE Primary School
Horniman Primary School
John Ball Primary School
John Stainer Primary School
Kelvin Grove Primary School
Kender Primary School
Kilmorie Primary School
Launcelot Primary School
Lucas Vale Primary School
Marvels Lane Primary School
Myatt Garden Primary School
Our Lady and St Philip Neri RC Infant School
Our Lady and St Philip Neri RC Junior School
Perrymount Primary School
Prendergast Primary
Prendergast Vale School (primary phase)
Rangefield Primary School
Rathfern Primary School
Rushey Green Primary School
Sandhurst Infant School
Sandhurst Junior School
Sir Francis Drake Primary School
St Augustine's Catholic Primary School and Nursery
St Bartholomew's CE Primary School
St George's Church of England Primary School
St James' Hatcham CE Primary School
St John Baptist CE Primary School
St Joseph's Catholic Primary School
St Margaret's Lee CE Primary School
St Mary Magdalen's Catholic Primary School
St Mary's CE Primary School
St Matthew Academy (reception to Year 6)
St Michael's CE Primary School
St Saviour's RC Primary School
St Stephen's CE Primary School
St William of York Catholic Primary School
St Winifred's Catholic Infant School

St Winifred's Catholic Primary School
Stillness Infant School
Stillness Junior School
Tidemill Academy
Torridon Infant School
Torridon Junior School
Trinity Lewisham CE School (primary phase)
Turnham Primary School