

<b>Children and Young People Select Committee</b>			
<b>Title</b>	Lewisham Attendance and Exclusions	<b>Item No</b>	5
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<b>Class</b>	Part 1	<b>Date</b>	5 <sup>th</sup> September 2018

## **1. Purpose of report**

- 1.1 As part of its work programme the Committee has requested a report on Lewisham's Attendance (absence, persistent absence and Children Missing Education) and exclusion performance indicators and outcomes. Officers produce this report annually as part of accountability and performance monitoring.
- 1.2 This report sets out the context, legal framework and position in relation to attendance (absence, persistent absence and Children Missing Education) and exclusions in Lewisham. It also provides an analysis of Lewisham performance indicators and the actions that the local authority and Lewisham education providers are taking to effect progress.

## **2. Recommendations**

The Select Committee is asked to note and comment on the outcomes of the extensive work programme to support and safeguard our most vulnerable children and young people which has:

- improved levels of attendance of children and young people in Lewisham schools and attending Lewisham Alternative Provision.
- reduced the number of fixed term and permanent exclusions from Lewisham secondary schools.
- increased in the number of children and young people who are reintegrated back in to Lewisham Schools.

## **3. Summary**

- 3.1 Nationally published figures are only available for 2016/17. Lewisham schools attendance (primary and secondary) was above or almost in line with national averages. Lewisham primary schools were better than London and national averages. Lewisham secondary schools were better than national averages. In 2016/17 Lewisham secondary schools persistent absence was better than national averages. However Lewisham primary schools persistent absence still needs to improve as we remained behind national and London averages.
- 3.2 There were no permanent exclusions from Lewisham primary schools. The 2016/17 data show some improvements in permanent exclusions from Lewisham secondary schools but we were still well behind national and London averages. Provisional 2017/18 figures show Lewisham secondary schools to have improved substantially, with a significant reduction in permanent exclusions.

## **4. Policy context**

#### 4.1 **The Lewisham's Children and Young People's Plan 2015 – 2018: Together with families, we will improve the lives and life chance of the children and young people in Lewisham.**

Six specific areas have been prioritised to raise the attainment and achievement of secondary age pupils and young people. These are providing sufficient school places, improving achievement at school, attendance at school, engagement post-16, attainment post-16 and LAC attainment. All six priority areas, like the plan's main outcome areas, are underpinned by the SEND Strategy to deliver outstanding and inclusive improvement.

#### 4.2 **AA3: Improving and maintaining attendance and engagement in school at all key stages, including at transition points.**

- To increase attendance at primary and secondary schools from our performance in all measures to be in line with the London average by 2018.
- To reduce exclusions at secondary schools from our performance to be in line with the London average by 2018.

#### 4.3 **Update on the Lewisham Alternative Education Provision Review**

The Children and Young People Directorate carried out a review of the strategy, structures and systems for Alternative Provision at all Key Stages and this concluded in April 2016.

The review aimed overall to improve the Alternative Provision model, over the next three years (2016-19), to better meet the needs of children and young people in Lewisham. The following recommendations are specifically linked to this report:

- **Key Action 1:** Implement a programme to reduce the number of fixed term and permanent exclusions from Lewisham secondary schools.
- **Key Action 2:** Implement a programme to increase the number of children and young people who are reintegrated back in to Lewisham Schools.
- **Key Action 3:** Implement a programme to improve levels of attendance of children and young people attending Lewisham Alternative Provision.

This report provides the detail of the progress in relation to the key actions which are monitored by the Lewisham Inclusion Board that meets every six weeks.

### 5. **The legal framework for the attendance and exclusions (fixed and permanent)**

#### 5.1 **What are the legal requirements on local authorities in relation to school attendance?**

Details on the legislative requirements are set out in **Appendix 1** but they can be summarised as:

The government expects schools and local authorities to:

- Promote good attendance and reduce absence, including persistent absence;
- ensure every pupil has access to full-time education to which they are entitled;
- act early to address patterns of absence;
- encourage parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly; and
- ensure all pupils to be punctual to their lessons.

#### 5.2 **What are the legal requirements on local authorities in relation to pupil exclusion?**

Details on the legislative requirements are set out in **Appendix 2** but they can be summarised as:

- The legislation governs the exclusion of pupils from: maintained schools; Academy schools / Free Schools; Alternative Provision Academies / Free Schools; and pupil referral units in England.
- The primary legislation provides for statutory guidance to head teachers; governing bodies; local authorities; Academy Trusts; independent review panel members;

independent review panel clerks; and special educational needs experts must have regard when carrying out their functions in relation to exclusions.

## 6. Background - the Lewisham context

6.1 Authorised absence is absence with permission from a teacher or other authorised representative of the school. This includes instances of absence for which a satisfactory explanation has been provided . E.g. Illness.

Unauthorised absence is absence without permission from the school. This includes all unexplained or unjustified absences and arrivals after registration has closed.

Persistent absence is when a pupil enrolment's overall absence equates to 10 percent or more of their possible sessions.

### 6.2 Lewisham absence data 2016/17

The total school absence (authorised and unauthorised) across all Lewisham schools remained at **4.5 per cent**. This was better than England at **4.7 per cent**, close to London and Inner London at **4.4 per cent** for 2016/17.

The total absence from **primary** schools (unauthorised and authorised) in Lewisham has remained at **3.9 per cent**. Total absence for primary was better than England, London and Inner London all at **4 per cent** for 2016/17.

The total absence from secondary schools (authorised and unauthorised) in Lewisham has remained **5.2 per cent**. Total absence is better than England at **5.4 per cent**, but worse than London at **5 per cent** and Inner London at **4.9 per cent** for 2016/17.

The overall absence in Lewisham special schools was **9.2 per cent**, better than Inner London and London at **9.8 per cent** and better than England at **9.7 per cent** for 2016/17.

### 6.2 Summary of absence (2016/17)

	Lewisham %	Inner London %	London %	England %
Total school absence (authorised and unauthorised)	4.5	4.4	4.4	4.7
Total absence from primary schools (unauthorised and authorised)	3.9	4	4	4
Total absence from secondary schools (authorised and unauthorised)	5.2	4.9	5	5.4
Total absence in special schools (authorised and unauthorised)	9.2	9.8	9.8	9.7

### 6.3 Lewisham persistent absence data 2016/17

The total persistent absence from **all schools** in Lewisham was **11 per cent** and slightly worse than 2015/16 at **10.8 per cent**. This is worse than Inner London at **10.2 per cent**, London at **10 per cent** and England at **10.8 per cent** for 2016/17.

The **primary** persistent absence rate in Lewisham was **9.3 per cent** and worse than 2015/16 at **8.8 per cent**. This is worse than Inner London at **8.6 per cent**, London and England at **8.3 per cent** for 2016/17.

The **secondary** Persistent Absence rate in Lewisham was **12.6 per cent** and better than 2015/16 at **13.4 per cent**. This is worse than Inner London at **11.7 per cent**, London at **11.9 per cent**, but better than England at **13.3 per cent** in 2016/17.

The **special school** Persistent Absence rate in Lewisham was **31.6 per cent** and worse than 2016/17 at **24.7 per cent**. This is worse than inner London at **30.7 per cent**, London at **30.3 per cent** and **England at 28.5 per cent** for 2016/17.

The Lewisham Attendance Service has introduced the “Workbook” designed to identify and target persistent absentees with interventions including school panel meetings and pre-court meetings. This has been a strong focus of activity in 2017/18.

#### 6.4 Summary of persistent absence (2016/17)

	Lewisham %	Inner London %	London %	England %
Total school persistent absence (authorised and unauthorised)	11	10.2	10	10.8
Total persistent absence from primary schools (unauthorised and authorised)	9.3	8.6	8.3	8.3
Total persistent absence from secondary schools (authorised and unauthorised)	12.6	11.7	11.9	13.3
Total persistent absence in special schools (authorised and unauthorised)	31.6	30.7	30.3	28.5

6.5 A key action from the Lewisham Alternative Provision Review was to improve the attendance at the Lewisham PRU (Abbey Manor College). Pupil absence at the Lewisham PRU appears at first sight to have worsened from 15/16.<sup>1</sup> The First Statistical Release 2016-17 shows overall absence at **32.4 per cent** which was better than national at **33.9 per cent** and is closing the gap against London at **27.9 per cent**. The increase in absences figures between 2015/16 and 2016/17 is recognised as a result of improved and rigorous monitoring of attendance at Abbey Manor College. There is now a dedicated Attendance Team supported by a local authority Attendance Officer to ensure effective interventions for tackling non-attendance.

PRU Absence %	2013/14	2014/15	2015/16	2016/17
Lewisham	44.5	37.0	27.6	32.4
London	27.8	27.1	27.2	27.9
National	31.4	31.1	31.7	33.9

**(Terminology and factors affecting attendance can be found in Appendix 5)**

#### 6.6 Lewisham’s locally collected data 2017/18

The Attendance Service collects data half termly via a ‘workbook’ from those schools that buy into the Lewisham traded service. Data provided relates to the first four half- terms ?? of the academic year 2017/18 and is an initial indicator until the formal data is released by the DfE in October 2018. The workbook is used to monitor current absence data to provide the school and local authority with accurate information to enable the school to take quick action to address absence concerns. Schools that were Ofsted inspected during 2017/18 including those whose absence rates which were lower than the national average, were able to demonstrate good practice to Ofsted with the workbook showing evidence of satisfactory or better monitoring.

Locally collected data for the first four half- terms ?? for the 2017/18 academic year shows that:

<sup>1</sup> SFR55\_2017 and is Autumn and Spring terms data.

- Lewisham primary schools have better attendance and lower persistent absence rates than 2016/17 national averages.
- Lewisham secondary schools have better attendance and lower persistent absence rates than 2016/17 national averages.
- All five Lewisham special schools and the PRU report attendance better than the 2016/17 national average in both overall attendance and persistent absence rates.

#### 6.7 **Statutory local authority attendance, enforcement and safeguarding for all Lewisham local authority maintained schools and academies**

The service has responsibility to deliver statutory duties on behalf of Lewisham local authority and include:

- Tracking and preventing Children Missing Education.
- Enforcing and licensing Child Employment and Performance.
- The administration of Penalty Notices.
- The investigation and implementation of statutory attendance enforcement.
- A register audit at each school on an annual basis.

#### 6.8 **Register audits - 2017/18**

As part of the strategic plan to support schools to improve levels of attendance, reduce persistent absence and to comply with the local authority's statutory duties all schools in Lewisham are offered a register audit.

The primary and secondary school audits were undertaken in spring and summer 2018. The audits fulfil the statutory function to ensure that schools comply with legal requirements in keeping admission and attendance registers.

Only four schools did not meet all the statutory aspects and failed on areas such as:

- Incorrect coding of Reception pupils.
- Incorrect coding of off-site pupils.
- No forwarding information for former pupils – i.e. new school/new country.

However since the audit these schools have either rectified the issues or are being supported by the Attendance Service to do so.

Overall there is evidence of very good practice in schools in a number of areas. The audits have also identified good practice, common areas for improvement as well as a small number of safeguarding concerns. There are several learning points from this exercise and these include:

- More schools are meeting all statutory functions.
- Home visits to Reception children before they start are generally in place and is good practice.
- No Looked After Child's attendance is less than 90 per cent.
- There is improved practice with regards to off-rolling and use of coding.
- The audit is a good opportunity to monitor attendance and persistent absence, particularly with Lewisham schools that do not have a Service Level Agreement with the Lewisham Attendance Service.

#### 6.9 **Recommendations and learning points from register audits**

- Consider further streamlining the audit tool as:
  - Some questions repeat themselves using different text; and
  - the information held on 'Scolar Packs' front page answers five of the questions currently asked.

This will ensure that the audit offers best and good practice as an enhanced tool.

- Consider reviewing the timing of audits – e.g. every two years for those schools that achieve 100 per cent?
- PRUs and special schools will be audited annually.

- Attendance Officers will audit their allocated schools.
- Ensure the collection of absence and persistent absence figures from all schools as part of the audit.

#### 6.10 **Statutory Interventions in relation to non-attendance**

The service uses the Lewisham staged intervention model. The model allows for a holistic approach that balances enforcement with support. It also ensures that there is a comprehensive audit trail of interventions that may be used in court for successful fines and prosecutions.

#### 6.11 **Lewisham local authority Service Level Agreement (SLA) to maintained schools and academies**

Lewisham's model of attendance intervention support to schools is set out in a three stage single framework. This enables the local authority to provide a service to schools and academies to help support our vulnerable children and improve overall attendance, achievement and attainment. In 2017/18 - 50 Lewisham schools purchased attendance support through the SLA from the Attendance Service.

When a school purchases the service, an Attendance Officer is appointed to identify how the school can effectively address specific concerns. An action plan is agreed and reviewed on a termly basis to meet the needs of the school during the academic year.

#### 6.12 **Traded offer – casework analysis**

The table below gives a summary of the different options that schools procure as part of the SLA ranging from a regular day every week for an academic year to a set number of days across the academic year. In 2016/17 - 62 Lewisham schools bought the SLA and in 2017/18 it was 50 schools. The reduced SLA buy in is due to a 'nobble' in the capacity within the Attendance Service due to reorganisation. However indications for 2018/19 show a likely increase in Lewisham schools buying the SLA.

#### 6.13 In addition to statutory and traded work the Service supports other areas of work including:

- Cases referred from Children at Risk Panel
- Complaints
- Complex cases
- Elective home education
- Exclusion
- Special educational needs
- Workbook
- Network meetings

#### 6.14 **Primary and secondary network meetings for school attendance leads**

There is an established schools network forum comprising primary, secondary and local authority attendance officers which meets half termly. The forum is designed to ensure consistent practice and to contribute to workforce development as well as offering networking opportunities. The forum has been well attended and enabled school attendance leads to discuss concerns and determine agenda items. In the 2017/18 academic year the Attendance Service presented guidance in the following areas:

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|--|
| <ul style="list-style-type: none"> <li>▪ Legal processes.</li> <li>▪ New data driven approach to recording and analysing absence and persistent absence.</li> <li>▪ Updating register audits.</li> <li>▪ Children Missing Education.</li> <li>▪ MASH and Safeguarding thresholds.</li> <li>▪ No recourse to public funds.</li> </ul> |
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- Secondary transition attendance information sharing.

#### 6.15 **What is already happening to improve attendance in Lewisham (since September 2017)?**

- There have been termly primary and secondary network leads meetings taking place - discussing a variety of topics.
- The Attendance Service is instrumental to the Children at Risk Meeting to offer a multi-agency approach to the most challenging cases.
- The processes around Children Missing Education referrals continue to be streamlined which have so far provided for a quicker turn-around period.
- The persistent absence workbook training has been completed and will now be implemented in 56 schools in Lewisham from September 2018.
- Initial data shows an improvement in absence and persistence absence data for those schools using the workbook
- Over 170 pre-prosecution meetings have been held since September 2017 resulting in more than 160 cases that have shown improved attendance following a monitoring period.
- 14 cases were successfully presented at Magistrates Court during the 2017/18 academic year.
- 324 Penalty Notices for unauthorised holiday or low level unauthorised absence and 227 Penalty Warnings for low level absence prior to a Penalty Notice have been issued.

#### 6.16 **Further actions planned for 2018/19**

- Collect and analyse local data on absence and persistent absence for all Lewisham schools.
- Offer training to all Lewisham schools on improving persistent absences rates.
- Improve consistency and quality of performance management in relation to the collection and analysing of schools' half termly data.
- Improve service delivery and increase customer satisfaction with buy in schools and monitor through customer satisfaction survey.
- Improve communication and marketing of the Attendance Service.
- Strengthen relationships with strategic partners including: local authority schools; children's social care; Fair Access; Hospital Outreach Programme (HOP); alternative education providers; (AP); health; children's social care; legal services; Youth Offending Service (YOS); Police; other local authorities.

### 7. **Children Missing Education (CME)**

The Attendance Service is responsible for the local authority's statutory work in relation to CME. The Service has robust procedures and policies in place to enable the Service to meet the duty in relation to these children. The Service

- has a named person to whom schools and other agencies can make referrals; and
- undertakes regular reviews and evaluates the processes to ensure that these continue to be fit for purpose in identifying and dealing with CME in Lewisham.

#### 7.1 **Statutory Definition of a Child Missing Education**

A Child Missing from Education is defined by the DfE as:

*“a child of compulsory school age who is not on a school roll, nor being educated otherwise (e.g. privately or in alternative provision) and who has been out of any educational provision for a substantial period of time (usually four weeks or more)”.*

*“all children, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude and any special educational needs they may have.”<sup>2</sup>*

Children Missing Education (CME) are at significant risk of underachieving, being victims of abuse, and becoming NEET (not in education, employment or training) later on in life.

Lewisham implements systems to establish the identities of children of statutory school age in Lewisham, as far as it is possible to do so, who are not registered pupils at a school, and are not receiving “suitable education” otherwise than at school<sup>3</sup>.

*“Suitable education”* means efficient full-time education suitable to the child’s age. Children Missing from Education should not be confused with:

- Children who are on roll at a school but are not attending regularly; in this case the individual’s school Attendance and Welfare Officer should be involved or a referral made to the Attendance Inclusion and Participation Service;
- Children who are Electively Home Educated (EHE); and
- Children whose parents have applied for a school place and the application is being managed through the Admission procedures.

## 7.2 Analysis of data of Lewisham CME referrals 2017/2018

This is taken from the whole academic year August 2017 to July 2018 and comparable data is also included from the previous academic year (2016/17).

There was a total of 433 case referrals and 394 closures 2017/18. 39 cases remain open and several of those are potential cold cases. In comparison there were 365 referrals last academic year (September 2016 and July 2017). These cases vary and are monitored by reason, year group and ethnicity.

Of the 394 cases that the Attendance Service has closed this year:

- 200 (51 per cent) were closed within seven days.
- 122 (31 per cent) were closed within four weeks.
- Over 80 per cent of cases were closed within one month.

This is a 30 per cent improvement on 2016/17 and exceeds the 2017/18 targets on closing 50 per cent of cases within one month.

The remaining 72 cases were closed within the academic year, with 58 (15 per cent) between one to three months. Finally the last 14 cases (4 per cent) closed between three months and a year. The aim for 2018/19 is to close all cases within three months. **(See Appendix 4: Table A)**

## 7.3 Ethnicity

Of the referrals by ethnicity the highest group is British, the next is European. The aim of lowering of the ‘unknown’ ethnicity numbers was achieved. The number reduced from 62 per cent unknown/not recorded in 2016/17 to 17 per cent 2017/18. The aim for next year will be to reduce this further. **(See Appendix 4: Table B)**

## 7.4 Gender referrals

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<sup>2</sup> Children Missing Education statutory guidance for local authorities September 2016

<sup>3</sup> Section 436A of the Education Act 1996 (amended – Education and Inspections Act 2006)



The 2017/18 male/female ratio is 218 male to 176 female (45 per cent). This is very similar to 2016/17 but with males going from 54 to 55 per cent.

#### 7.5 **Referrals by month**

The highest number of referrals were received between September and November 2017, with 47 per cent of all referrals coming in these three months, which is to be expected. However, there is still quite an even spread of referrals being submitted. With the exception of January 2018 when a spike occurred. The CME Officer will monitor this trend in 2018/19. **(See Appendix 4: Table C)**

#### 7.6 **Who is referring?**

Lewisham schools are responsible for 72 per cent which is a big increase from 2016/17 at 45 per cent. The local authority and other Lewisham departments replaces the Lewisham Admissions Team as the second highest referrals with 15 per cent of referrals.

#### 7.7 **Reasons for referral**

The highest referral category is “stopped attending” at 41 per cent, this is slightly higher than 2016/17. Six per cent come from Lewisham Admissions as parents have not provided proof or not taking up a school place. This biggest increase in 2017/18 is referrals for pupils that may have moved abroad, this accounts for 22 per cent. 16 per cent of pupils have moved out the Borough with 9 per cent moving in. One per cent of the reasons are unknown, this is a massive drop from 2017/18 27 per cent. **(See Appendix 4: Table D)**

#### 7.8 **Reason for closure**

The highest reason is that a child has been confirmed as moved abroad with 48 per cent of all cases, this is a 17 per cent increase from 2016/17. The next group is 26 per cent, these are pupils who have either been confirmed as living in another borough or are on roll at another local authority’s school. 16 per cent of cases are closed when the Service confirmed a pupil is either on roll in a Lewisham school or their application has been received by Lewisham Admissions.

There is currently only one cold case this year, this is when CME have taken a case as far as it can be but still cannot locate the pupil. 10 checks are undertaken to try and find all pupils. The Service is able to close cases of pupils who have moved abroad quickly as we continue to have a relationship with the National Border Force who can confirm through passport checks that the child has officially left a UK border.

#### 7.9 **Referrals by year group**

Of the 394 cases referred in 2017/18 there is not a significant pattern except that there is a sharp drop in referrals in Years 6, 10 and 11. The higher referrals in Year 1 and Year 7 could be attributed to parents moving from the allocated schools. **(See Appendix 4: Table E)**

#### 7.10 **Summary of findings**

One of the most significant findings in 2017/18 is that nearly three-quarters of the closed cases are due to mobility. With 290 cases being closed as the pupil and family were found in another school, county or country. This is up from 199 mobility cases 2016/17. The relationship with the Border Force continues to be valuable as it enables the Service to close cases in a speedier manner and provide the Service the opportunity to liaise with other services abroad if there are other areas of concern.

The CME Service has reduced the number of unknowns quite dramatically this year with a 45 per cent drop in unknown ethnicity and a 15 per cent drop in reasons given for the referrals. This is due to a better referral sheet and more stringent monitoring and chasing up school colleagues.

In 2017/18 - 41 per cent of referrals are being classified as “stopped attending”. Though this has dropped from 2016/17 - 75 per cent, this is still too high. The CME Officer has sent 133 emails to schools explaining that a potential CME is a non-attendance issue. Therefore, it seems that there may still be a lack of communication between schools and families before a CME referral is made. More pre-referral work is needed to ascertain that the pupils is actually CME. The CME Officer has provided training on this at Attendance Network meetings and provided corporate training three times this year.

Comparing the numbers of referrals from 2016/17 to 2017/18 shows changes in all areas:

- Lewisham Admissions made 27 in 2017/18 compared to 70 in 2016/17.
- Referrals from other boroughs have decreased from 56 referrals in 2016/17 to 12 in 2017/18. This is due to better relationships with surrounding local authorities which has enabled faster results.
- However, referrals from Lewisham schools have increased from 166 to 288. This could show that schools have greater confidence in the CME Service as better avenues of information have been developed.
- Other inter-agency referrals have reduced but this is due to them being able to make contact with CME officer who is able to answer questions quickly and effectively.
- The total number of referrals increased from 365 last year to 433 this year. This has come with an increased understanding schools and expectation of the CME Service to close cases quicker.

#### 7.11 **Recommendations**

- The Children Missing Education and Off-Rolling Guidance for schools and the CME procedures for schools are being revised and will be presented at the joint Secondary and Primary Network Leads Meeting, at the network meetings and disseminated through the Schools Mailing in 2018/19.
- Provision of training to schools on referrals and relationships with families.
- Further work to refine casework timescales to work towards meeting a 50 per cent closure within one month and 100 per cent of cases being open for only three months.
- Usage of the work flow on the electronic management system that will endure that time scales are being adhered to.
- To continue cross borough working that has been established last year with neighbouring Boroughs to help close CME's quicker when only “soft” intelligence is available.

## 8. **Exclusions (fixed and permanent) and reintegration**

### 8.1 **What are exclusions? The definitions**

There are two types of exclusion – fixed period (suspended) and permanent (expelled). Lewisham schools are responsible for providing high-quality education provision for all children on their roll. Where it is necessary to exclude a child or young person for a fixed period, schools should set and benchmark work for the first five school days.

A fixed period exclusion is where a child or young person is temporarily removed from school. If the exclusion is longer than five school days, the school is responsible for arranging full-time education from the sixth school day onwards. A child can only be removed for up to 45 school days in one academic year.

Schools also have the power to direct pupils to off-site provisions for reasons of behaviour, or to provide alternative education to meet specific needs. The placement must be kept under review and involve parents/carers and the pupils in the assessment of his/her educational needs.

## 8.2 Exclusions and how does Lewisham compare?

Pupil-level exclusion data for primary and secondary schools is collected once each term via the Department for Education (DfE) School Census data collection return and published in a Statistical First Release (SFR).

The **national** exclusion data outlined below is published in the DfE Statistical First Release (SFR) in July 2018 and gives the annual exclusion data for 2016/17.

## 8.3 Primary exclusions 2016/17

The permanent exclusion rate for Lewisham primary schools was **zero per cent** which was better than England at **0.03 per cent**, London at **0.01 per cent** and Inner London at **0.02 per cent**.

The fixed period exclusion rate for Lewisham primary schools was **0.91 percent** which is better than England at **1.37 per cent** and Inner London at **0.92 per cent**.

State-funded primary schools (2016/17)						
	Number of permanent exclusions	Permanent exclusion rate %	Number of fixed period exclusions	Fixed period exclusion rate %	Number of pupil enrolments with one or more fixed period exclusion	One or more fixed period exclusion rate %
<b>ENGLAND</b>	<b>1,255</b>	<b>0.03</b>	<b>64,340</b>	<b>1.37</b>	<b>28,940</b>	<b>0.62</b>
<b>LONDON</b>	<b>100</b>	<b>0.01</b>	<b>6,235</b>	<b>0.83</b>	<b>3,340</b>	<b>0.45</b>
<b>INNER LONDON</b>	<b>40</b>	<b>0.02</b>	<b>2,370</b>	<b>0.92</b>	<b>1,330</b>	<b>0.52</b>
Lewisham	0	0.00	232	0.91	136	0.53
<b>STATISTICAL NEIGHBOURS</b>						
Hackney	4	0.02	235	1.13	131	0.63
Haringey	4	0.02	125	0.53	76	0.32
Islington	10	0.06	304	1.95	143	0.92
Lambeth	9	0.04	305	1.37	169	0.76
Southwark	x	x	367	1.45	211	0.84
Brent	3	0.01	180	0.65	99	0.36
Croydon	12	0.04	402	1.18	205	0.60
Enfield	x	x	354	1.04	196	0.57
Greenwich	0	0.00	296	1.11	147	0.55
Waltham Forest	x	x	234	0.90	129	0.49

## 8.4 Secondary exclusions 2016/17

The permanent exclusion rate for Lewisham secondary schools was **0.43 percent** which was worse than England at **0.20 per cent**, London at **0.19 per cent**, Inner London **0.21 per cent** and our statistical neighbours (**see below**).

The fixed period exclusion rate for Lewisham secondary schools was **9.71 per cent** which was worse than England at **9.40 per cent** and Inner London at **8.27 per cent**.

State-funded secondary schools (2016/17)						
	Number of permanent exclusions	Permanent exclusion rate (1)	Number of fixed period exclusions	Fixed period exclusion rate (2)	Number of pupil enrolments with one or more fixed period exclusion	One or more fixed period exclusion rate (3)

<b>ENGLAND</b>	<b>6,385</b>	<b>0.20</b>	<b>302,890</b>	<b>9.40</b>	<b>148,820</b>	<b>4.62</b>
<b>LONDON</b>	<b>980</b>	<b>0.19</b>	<b>37,790</b>	<b>7.50</b>	<b>23,610</b>	<b>4.69</b>
<b>INNER LONDON</b>	<b>360</b>	<b>0.21</b>	<b>13,855</b>	<b>8.27</b>	<b>8,835</b>	<b>5.27</b>
Lewisham	63	0.43	1,436	9.71	954	6.45
<b>STATISTICAL NEIGHBOURS</b>						
Hackney	39	0.29	1,680	12.68	1,074	8.11
Haringey	29	0.22	1,226	9.16	803	6.00
Islington	24	0.28	922	10.73	521	6.06
Lambeth	25	0.17	883	6.06	614	4.22
Southwark	36	0.23	1,139	7.26	753	4.80
Brent	33	0.17	1,571	8.03	975	4.99
Croydon	28	0.13	1,689	7.61	1,142	5.14
Enfield	46	0.20	2,471	10.69	1,522	6.58
Greenwich	12	0.08	1,834	12.19	1,021	6.78
Waltham Forest	18	0.11	1,445	9.11	938	5.92

## 8.5 Locally collected data on permanent exclusions 2017/18

Lewisham local authority is promptly notified by schools regarding the permanent exclusions of pupils in Lewisham schools and of Lewisham residents in out of borough schools.

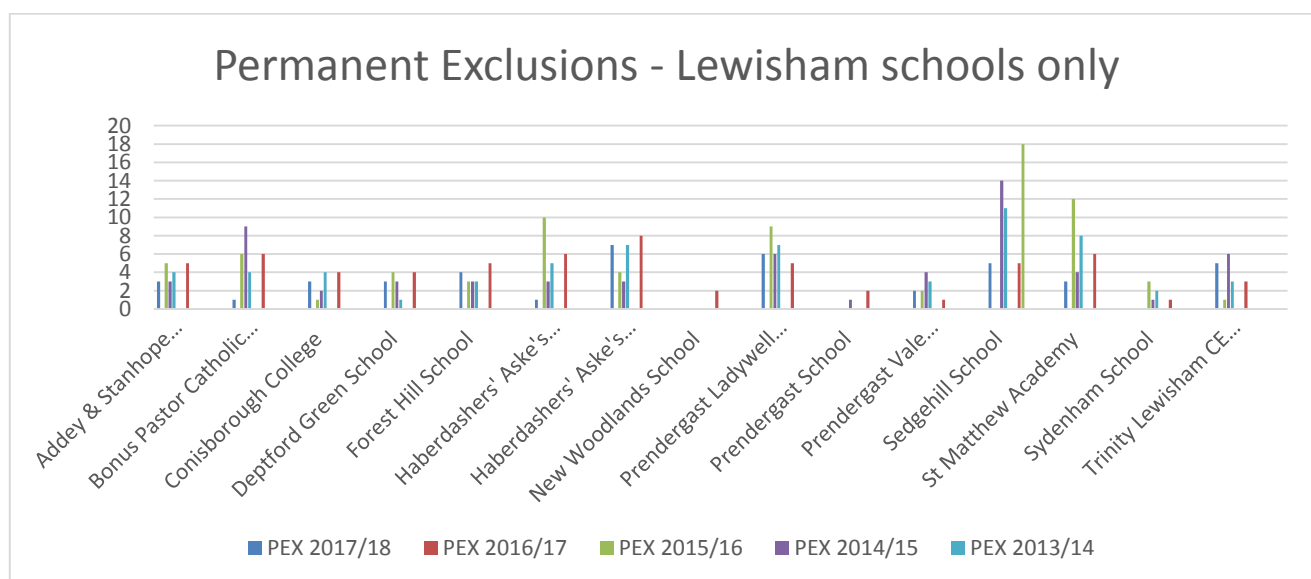
As a result we are able to collect data for the academic year of 2017/18. In 2017/18 there have been **43** permanent exclusions from Lewisham secondary schools, **31.8 per cent** less than 2016/17 and **45 per cent** less than 2015/16. This brings Lewisham figures much more in line with England, London and Inner London averages. In addition there has been **25** permanent exclusions from out of borough schools in 2017/18. These figures will not be attributed to the Lewisham data in the 2017/18 Statistical First Release but are still a matter of concern.

School name	PEX 2017/18	PEX 2016/17	PEX 2015/16	PEX 2014/15	PEX 2013/14
Addey & Stanhope School	3 /572 =0.5%	5	5	3	4
Bonus Pastor Catholic College	1 /793 =0.1%	6	6	9	4
Conisborough College	3 /884 =0.3%	4	1	2	4
Deptford Green School	3 /901 =0.3%	4	4	3	1
Forest Hill School	4 /1090 =0.3%	5	3	3	3
Haberdashers' Aske's Hatcham College (Academy)	1 /1089 =0.09%	6	10	3	5
Haberdashers' Aske's Knights Academy	7 /959 =0.7%	8	4	3	7
New Woodlands School	0 /28= 0%	2	0	0	0
Prendergast Ladywell School	6 /739 =0.9%	5	9	6	7
Prendergast School	0 /614 =0%	2	0	1	0
Prendergast Vale School	2 /570 =0.3%	1	2	4	3

Sedgehill School	5 /828 =0.6%	5	18	14	11
St Matthew Academy	3 /682 =0.4%	6	12	4	8
Sydenham School	0 /1124 =0%	1	3	1	2
Trinity Lewisham CE School	5 /575 =0.8%	3	1	6	3
<b>TOTAL</b>	<b>43</b>	<b>63</b>	<b>78</b>	<b>62</b>	<b>62</b>

\* With percentage of exclusions against school roll (summer census 2018)

The table below shows the five year trend in permanent exclusions from Lewisham secondary schools.



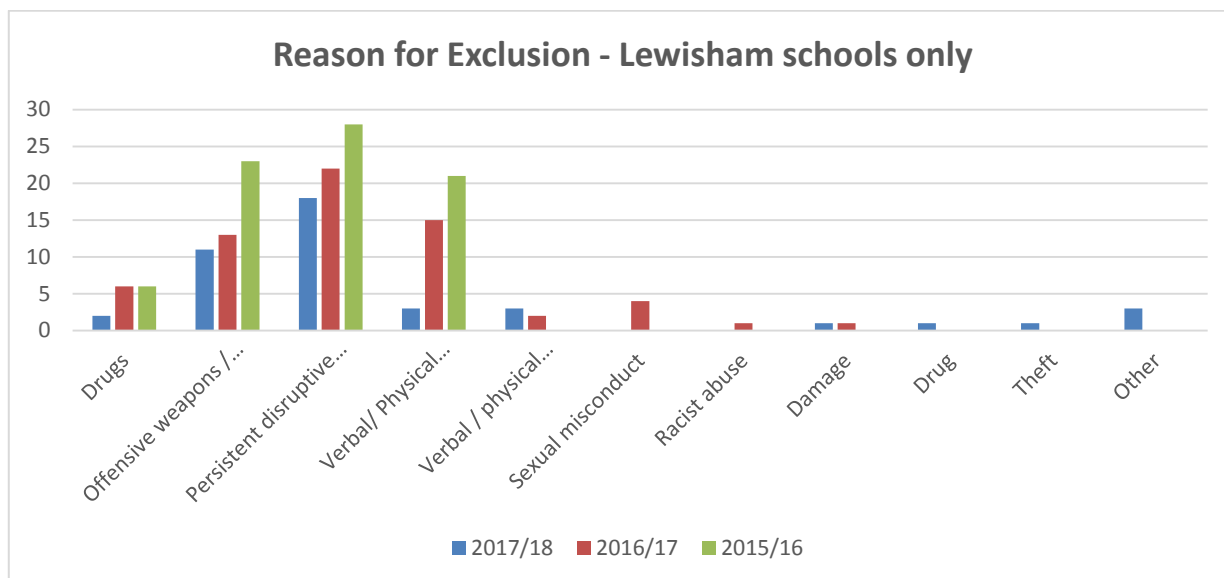
### 8.6 Out of Borough schools excluding Lewisham residents:

Bishop Justus, Chestnut Grove, Chislehurst School for Girls, City of London Academy, Cleeve Park, Coopers School, Haggerston School, Harris Academy – Bermondsey, Bromley, East Dulwich, Peckham, International Academy Greenwich, Langley Park, St. Francesca Cabrini, London Nautical School, Thomas Tallis and Trinity, Bexley.

During 2017/18 most of the exclusions for out of borough pupils come from schools situated in Southwark.

### 8.7 Permanent exclusion reasons - Lewisham schools only

Reason	2017/18	2016/17	2015/16
Drugs	2	6	6
Offensive weapons / knives	11	13	23
Persistent disruptive behaviour	18	22	28
Verbal/ Physical assault on another pupil	3	15	21
Verbal / physical assault on an adult	3	2	0
Sexual misconduct	0	4	0
Racist abuse	0	1	0
Damage	1	1	0
Drug	1	0	0
Theft	1	0	0
Other	3	0	0



8.7.1 The main reason for exclusion during 2017/18 is Persistent Disruptive Behaviour.

**Persistent disruptive behaviour:** some of these pupils will have Behavioural/Social emotional needs that have not met the threshold for an EHC Plan or have yet to be formally diagnosed. However schools continue to offer strategies to support pupils with additional needs. Whilst schools offer support they recognise that persistent disruptive behaviour impacts on other pupils when the school have exhausted available approaches.

**Offensive weapon/knife:** exclusions in this area have reduced in 2017/18 to 11 this is a decrease since 2015.

- To date Lewisham schools have a total of **11 offensive weapons / knives** exclusions.
- This includes exclusion for pupils bringing a weapon into school, where it has not been described as a knife but as an object to cause damage if used as a weapon, i.e. hammer or BB gun.
- The data for those pupils excluded for knife crime is predominately in Key Stage 4, with the exception of one Year 8 pupils varied in ethnicity and all pupils were male.

8.7.2 Lewisham local authority and Lewisham schools launched the Offensive Weapons Protocol in September 2017 and which will be reviewed by the Inclusion Board in September 2018. The aim of this protocol is to set clear guidelines that enable schools, police and other services in Lewisham to ensure that learners and staff are protected and the carrying of offensive weapons and violent behaviour is discouraged through:

- Early identification of potential problems.
- Early intervention.
- The support, agreement and collaborative approach of schools, police and other services.
- Proactive enforcement.

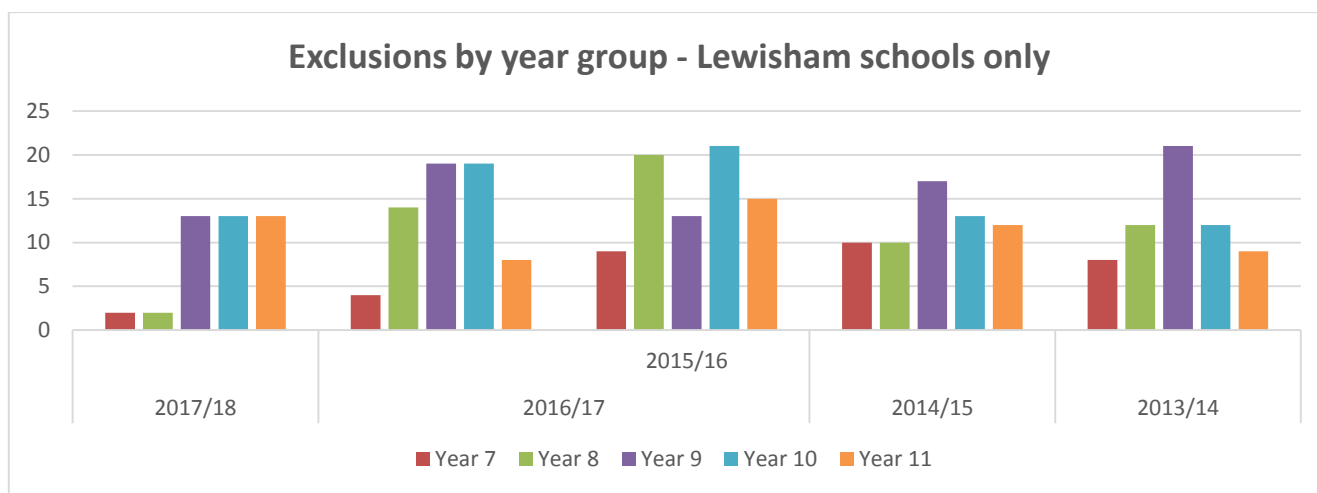
8.7.3 **Special Educational Needs:** of the 68 pupils excluded in 2017/18 from Lewisham and surrounding boroughs, three of these pupils were receiving in school SEN support, two were excluded for persistent disruptive behaviour and one for being involved in a physical assault (fight).

8.7.4 **Free school meals:** From the overall exclusion total this year of 68, **16 per cent** of those young people were in receipt of Free School Meals (FSM), 36 per cent were not entitled to FSM and the rest had not registered.

8.8 **Exclusion by year group - Lewisham schools only**

Most of the exclusions for 2017/18 came from Year 9 and 10 pupils and can report a reduction in year 7 and 8 exclusions which may be because schools are using intervention placements earlier, giving pupils the chance of reintegration back into a mainstream school, reducing the disruption to their learning and preparation for GCSEs.

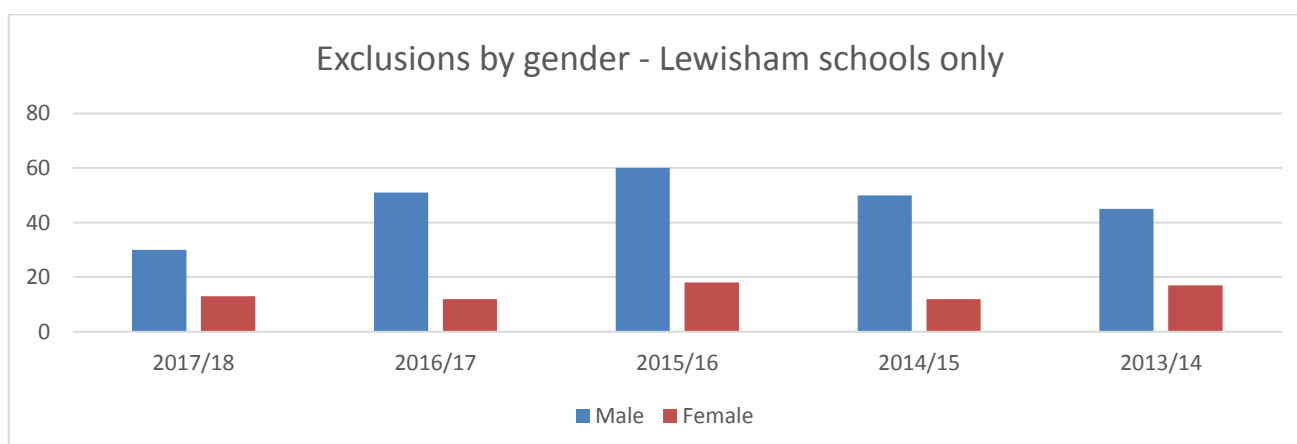
Year group	2017/18	2016/17	2015/16	2014/15	2013/14
Year 7	2	4	9	10	8
Year 8	2	14	20	10	12
Year 9	13	19	13	17	21
Year 10	13	19	21	13	12
Year 11	13	8	15	12	9
<b>Total</b>	<b>43</b>	<b>63</b>	<b>78</b>	<b>62</b>	<b>62</b>



### 8.9 Permanent exclusions by gender – Lewisham schools only

Generally more boys are excluded than girls, this is consistent with previous years and a national phenomenon.

Gender	2017/18	2016/17	2015/16	2014/15	2013/14
Male	30	51	60	50	45
Female	13	12	18	12	17
<b>Total</b>	<b>43</b>	<b>63</b>	<b>78</b>	<b>62</b>	<b>62</b>



### 8.10 Permanent exclusions by ethnicity – Lewisham schools only

A large proportion of exclusions are of Black British/Black Caribbean pupils. There is a slight increase of White British pupils being excluded this academic year from previous years and a reduction in Black African pupils.

Ethnicity	2017/18	2016/17	2015/16	2014/15	2013/14
Any other Black background	0 (*0%)	5	1	1	4
Any other Mixed background	1 (*0.14%)	2	4	2	0
Any other white background	1 (*0.08%)	4	3	0	0
Black African	3 (*0.10%)	6	12	8	17
Black British/Black Caribbean	18 (*0.74%)	27	30	20	19
Mixed White/Black African	1 (*0.30%)	2	3	4	3
Mixed White/Black Caribbean	5 (*0.61%)	1	4	8	4
Not Known	4 (*1.32%)	6	4	4	4
Refused	1 (*0.28%)	3	4	0	0
White British	9 (*0.31%)	7	13	15	11

\*percentage of cohort against secondary school population

### 8.11 Time to place

On average it has taken between two - three weeks to place excluded pupils into alternative provision, this is calculated from the exclusion date to the start date at the provision. This is mainly due to the admissions process at Abbey Manor College, as the interview and Risk assessment for referred pupils are currently carried out on separate days, with the pupil starting the following week. It is also worth noting that many parents delay their child's admission to the PRU in the hope they will be successful at the Governors' Disciplinary Panel and have their child's exclusion overturned. These panels should be arranged within 15 school days of the date of the exclusion and indeed schools aim to hold these panels as quickly as possible after the exclusion, however this is not always possible.

### 8.12 Where permanently excluded pupils are placed

**79 per cent** of pupils excluded from Lewisham schools were referred to Abbey Manor College. **21 per cent** of pupils were referred to other provision including the Greenwich PRU, Bromley Trust Academy, Ilderton Motors, Bromley Tutorial Foundation, the Croydon PRU, Arco Academy, The Lewisham Hospital Outreach Programme, Education My Life Matters and the Southwark PRU.

The other pupils were referred to other Alternative Provision and the reasons include:

- The pupil has gang associations or bail restrictions (this is assessed in partnership with Youth Offenders Service and the Serious Violence Team).
- The pupil lives out of borough and is referred to their home local authority.

### 8.13 Reintegration for pupils back into Lewisham schools at Key Stage 3 and 4

Historically pupils who are referred to the KS4 PRU rarely had the opportunity of reintegration. It may have been attributed to the pupil's association with other services, e.g.



YOS. Also schools hold preconceptions about the pupil's ability to be reintegrated after their involvement with such services. From the Lewisham PRU:

- In 2014/15 there were 15 reintegrations in KS3 and zero in KS4.
- In 2015/16 there were 16 in KS3 and one in KS4.
- In 2016/17 there were 14 in KS3 and two in KS4.
- In 2017/18 there were 29 in KS3 and 10 in KS4.

This is a vast improvement in the number of pupils being reintegrated back into Lewisham schools and the new Headteacher has worked hard with the local authority and the Fair Access Panel to achieve this progress. In 2017/18 it can reported as a 70 per cent success rate in reintegrations to schools.

The Lewisham reintegration system offers a method which is a 'Readiness for reintegration scale and action planning' tool. This method gathers information from all involved professionals along with the parents' and pupil's view, and will eventually facilitate a populated interactive database and tracking system, thus enabling a more effective decision-making process. This approach is being delivered more effectively and through the Lewisham Fair Access Panel leading to this improvement.

## 9. Reducing exclusions

- 9.1 All pupils who are permanently excluded are referred to the local authority in the first instance. Each case is looked at on an individual basis to ascertain the following:
- Current academic levels, potential GCSEs or other qualifications.
  - Risks in terms of reason for exclusion.
  - Any risk posed to the pupils attending Abbey Manor College or other provision in the borough.
  - Links with the Youth Offenders Service (YOS).
  - Links to other services such as Children Social Care (CSC).
  - These case-by-case assessments are carried out via weekly meetings. Each case is looked at and a decision is made regarding where the child should continue his/her education.

This means that the local authority continues to offer places to permanently excluded pupils at Abbey Manor College if deemed appropriate in terms of level of need, low risk posed to the pupil and others based at the school/their known connections to gangs and criminal activities. This has enabled Lewisham to place pupils more appropriately and elsewhere if necessary to ensure that their needs are fully met.

- 9.2 In particular during 2017/18 we have seen a marked decrease, by **45 per cent** in two years, in the number of permanent exclusions from Lewisham schools. This can be attributed to the collaborative approach now embedded in Lewisham, the efforts of Lewisham Secondary schools to avoid last resort approaches, the work of the Fair Access Panel, the Inclusion Board and the Reducing Exclusions group. The launch and use of the Offensive Weapons Protocol in September 2017 seems to have impacted the number of pupils excluded for weapon related incidences with a **42 per cent** reduction in two years.
- 9.3 This year Lewisham has piloted a Managed Transfers approach which has supported the decrease in permanent exclusions. A Managed Transfer is an offer of early help and intervention for a family whose child is at risk of exclusion and where the school has exhausted the 'graduated response'. This offer does not contravene the Government Statutory Guidance on permanent exclusions. This means that, where a family cooperate with the intervention, their child will be considered for a Managed Transfer. This is then presented to the Lewisham Fair Access Panel regarding the appropriateness of the Managed Transfer and the child will be offered an alternative provision placement to assess need, ensuring access to an appropriate curriculum to meet need. Pupils are not

permanently excluded and will be monitored, in alternative provision, on a regular basis to consider and arrange reintegration into a mainstream school if and when appropriate.

- 9.4 Lewisham continues to host high level meetings/briefing sessions with Chairs of Governors and Headteachers to raise the issue of continuing to reduce the number of exclusions at secondary level.
- 9.5 Lewisham continues to provide training sessions for governors advising them of their role on Governors Discipline Committee, setting the national and Lewisham context in respect of exclusions.

#### 9.6 **Challenges and action planning**

This year's actions include:

- Continuing to ensure that schools are aware of the responsibilities for reducing exclusions and work with them to consider alternative options and solutions.
- Continuing to work with the Lewisham Inclusion Board and Reducing Exclusions Group – other strategies including:
  - Deep dive on current exclusions and individual cases to establish patterns of behavior – pupil journey, gangs, SEND – unidentified need.
  - Deep dive into KS4 and in particular Y11 exclusion.
  - Approaching out of borough schools where exclusions are a concern.
- Implementation of the Abbey Manor College' Assessment Hub' in September 2018:
  - To ensure that pupils referred to Abbey Manor College for a personalised learning programme of study, following a rigorous holistic assessment, will reach their potential and future destination in a timely and well-managed way.
  - To create a simple pathway for intervention placements or longer-term placements for pupils who are at risk of exclusion and those who are hard to place in mainstream education.
  - To support the in year admissions and Fair Access Panel processes.
- Continuing to investigate the best practice as to how other local authorities have reduced permanent exclusions, in particular Glasgow.
- Continuing to increase range of high quality alternative provision for pupils at risk of exclusion, both in school and within borough by working with existing Good and Outstanding Alternative Providers.
- Undertaking a programme to reduce the number of fixed term exclusions from Lewisham Secondary schools.
- Reviewing to programme to increase the number of pupils who are re-integrated back in to Lewisham Schools.
- Continuing with the review of Outreach Service so that it offers the following:
  - To ensure that, wherever possible and appropriate, pupils remain educated in a mainstream setting by supporting and promoting an inclusive education for every learner.
  - To ensure that the work of the Outreach Service is underpinned by data and analysis that provides clear strategic direction to the work of the service.
  - To provide direct in-reach/outreach support for pupils at Key Stage 3 and to ensure successful reintegration back into mainstream from the PRU or alternative provision.
  - Work across all mainstream educational settings including early years, primary and secondary schools, free schools and academies.
  - Devise modalities of intervention including providing quality individual, group and whole class intervention.
  - Early identification and pathways for treatment or intervention.
  - Promoting and facilitating the individual needs of children with a wide range of SEMH issues within the mainstream sector of Lewisham borough.

- Working in collaborative partnership with schools, parents/carers and other professionals.

## 9.7 **Conclusion regarding exclusions**

Lowering exclusion figures in Lewisham and improving outcomes for vulnerable young people continues to be the focus of our work, and whilst there have been many positive approaches over the past two years to reduce exclusions, the external factors that pupils face day to day will continue to be the challenge for schools that inevitably may lead to an exclusion. This will continue to be an ongoing challenge for all and will require constant change in our approach dealing with this issue going forth.

It is therefore crucial that we continue to look at alternative ways of lowering exclusion and the impact on pupils in Lewisham.

## 10. **Financial implications**

10.1 There are no direct financial implications arising from this report.

10.2 In 2018/19 the Attendance and Welfare budget (£366k) will be met from the Dedicated Schools Grant similar to in 2017/18.

10.3 In addition the Attendance and Welfare service offers non-statutory services to schools. The income for 2018/19 is expected to be £150k which pays for staffing in the team.

10.4 Currently the total gross budget for 2018/19 is £516k.

## 11. **Legal implications**

11.1 There are no specific legal implications arising as a result of this report. A summary of all relevant legislation is included at Appendix 1 and 2.

## 12. **Crime and Disorder Implications**

12.1 There are no crime and disorder implications.

## 13. **Environmental Implication**

13.1 There are no environmental implications.

## 14. **Equalities Implication**

14.1 There are no direct equality implications arising from this report. The proposals and initiatives set out in this report are intended to eliminate unlawful discrimination and harassment, promote equality of opportunity and good relations between different groups in the community and to recognise and to take account of people's differences.

For further information please contact Ruth Griffiths, Service Manager – Access, Inclusion and Participation on 020 8314 3499

## Appendix 1: Legislation in relation to school attendance

These requirements are contained in:

- The Education Act 1996 - sections 434(1)(3)(4)&(6) and 458(4)&(5)
- The Education (Pupil Registration) (England) Regulations 2006
- The Education (Pupil Registration) (England) (Amendment) Regulations 2010
- The Education (Pupil Registration) (England) (Amendment) Regulations 2011
- The Education (Pupil Registration) (England) (Amendment) Regulations 2013

**Education Act 1996 - Parental Duty (S.7):** *“The parent of every child of compulsory school age<sup>4</sup> shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and any special educational needs he may have, either by regular attendance at school or otherwise. If a child of compulsory school age who is a registered pupil at a school fails to attend regularly at the school, his parent is guilty of an offence. The term ‘parent’ includes those who have parental responsibility for, or care of, a child.”*

**Under Section 576 - Parents/Carers:** The term parent refers to either one/both parents or the child’s carer. **S.576** defines parent to include:

- All natural parents whether they are married or not.
- Any person who although not a natural parent has parental responsibility for a child or young person.
- Any person whom although not a natural parent ‘has care’ of a child or young person.

**Under section 444 - prosecution for irregular Attendance:** If a pupil fails to attend school regularly, the local authority can prosecute a parent unless the parent can prove that one of the statutory defences apply.

**Under sections 437- 443 - School Attendance Order:** The local authority must serve a School Attendance Order on the parent of a child who fails to prove the child is receiving suitable education where the local authority believes that the child should attend school. Failure to comply with a School Attendance Order is an offence unless the parent can prove that the child is receiving suitable education outside of school.

**Children Act 1989 - Education Supervision Order (Section 36):** An Education Supervision Order is an order granted in the Family Proceedings court requiring the compliance with the Order and to work alongside the local authority , as supervising authority to improve the pupil’s attendance. Local authorities may apply for an Education Supervision Order instead of, or as well as, prosecuting parents for poor attendance.

**Education (Pupil Registration) Regulations 2006 (as amended) :** These regulations govern the creation and administration of the admission and attendance registers. They contain details relating to:

- Putting pupils on the admission and attendance register on the expected/agreed date the pupil should start.
- The information that must be obtained and recorded about a pupil and their parents/carers.
- When schools should take the register and recording of absence/attendance.
- The criteria that permits a school to remove a registered pupil from their roll.
- The circumstances in which a school must notify the local authority of nonattendance or the removal of a pupil from roll.
- The preservation of registers.

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<sup>4</sup> Compulsory school age is defined as the start of the term commencing on or after a child’s fifth birthday, until the last Friday in June in the school year that they reach their sixteenth birthday.

**Education and Inspections Act 2006 (Sections 103, 104 and 105):** Any parent of any pupil found in a public place whilst excluded from school in the first 5 days of any exclusion may be issued with a Penalty Notice or be prosecuted. The Lewisham Council Code of Conduct on the issuing of Penalty Notices sets out the arrangements for implementing this in Lewisham.

**Anti-Social Behaviour Act 2003:** Section 19 relates to the making of Parenting Contracts for **exclusion from school or poor attendance**. Section 20 refers to the use of Parenting Orders in relation to exclusion from school or poor attendance. Section 23 refers to the use of Penalty Notices for poor attendance (see Lewisham's Penalty Notice Code of Conduct (Attendance)).

**Children and Young Persons Act 1993:** This deals with child employment and child health and safety. Any employer of a child of compulsory school age must ensure that they have a work permit which legally entitles them to work. An employer may be prosecuted for employing children and young people illegally (see Lewisham's Child Employment details etc.).

**Children (Performance) Regulations 1968 and Child and Young Person's Act 1963:** The licensing for children employed in entertainment and the licensing of Chaperones. All children from birth until they cease to be of compulsory school age must be licensed to performance. The law states the hours children may work and when they may do this.

**Government Guidance:** The Department for Education (DfE) has issued revised statutory guidance on School Attendance Departmental advice for maintained schools, academies, independent schools and local authorities. The Guidance gives education providers clear guidance about their responsibility in regards to school attendance. It says:

*"pupils need to attend school regularly to benefit from their education. Missing out on lessons leaves children vulnerable to falling behind. Children with poor attendance tend to achieve less in both primary and secondary school.*

*The government expects:*

- *Schools and local authorities to:*
- *Promote good attendance and reduce absence, including persistent absence;*
- *Ensure every pupil has access to full-time education to which they are entitled; and,*
- *act early to address patterns of absence.*
- *Parents to perform their legal duty by ensuring their children of compulsory school age who are registered at school attend regularly.*
- *All pupils to be punctual to their lessons"*

*"If a child of compulsory school age fails to attend regularly at a school at which they are registered or at a place where alternative provision is provided for them the parents may be guilty of an offence and can be prosecuted by the local authority. Only Local authorities can prosecute parents and they must fund all associated costs. Local authorities should consider the Attorney General's Guidelines for Crown Prosecutors in all prosecution cases. Local authorities must conduct all investigations in accordance with the Police and Criminal Evidence (PACE) Act 1984....."*<sup>5</sup>

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<sup>5</sup> Advice on School Attendance, Department for Education, March 2013, p17

## **Appendix 2: Legislation in relation to exclusions (fixed and permanent)**

The principal legislation for exclusions is:

- 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; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Only the headteacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.

All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after exclusion.

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

### Appendix 3:

Table A: Comparison of the trend in overall absence rates (England, 2006/07 to 2016/17)

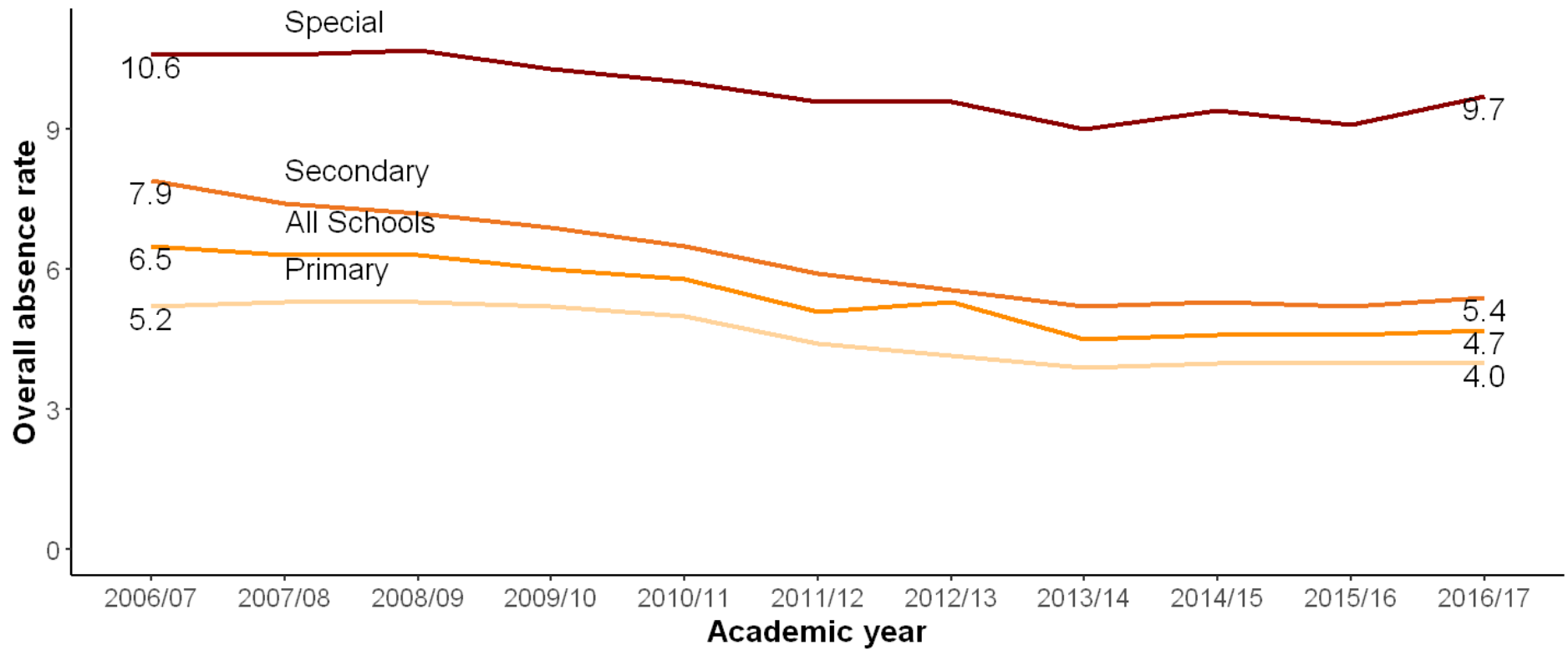
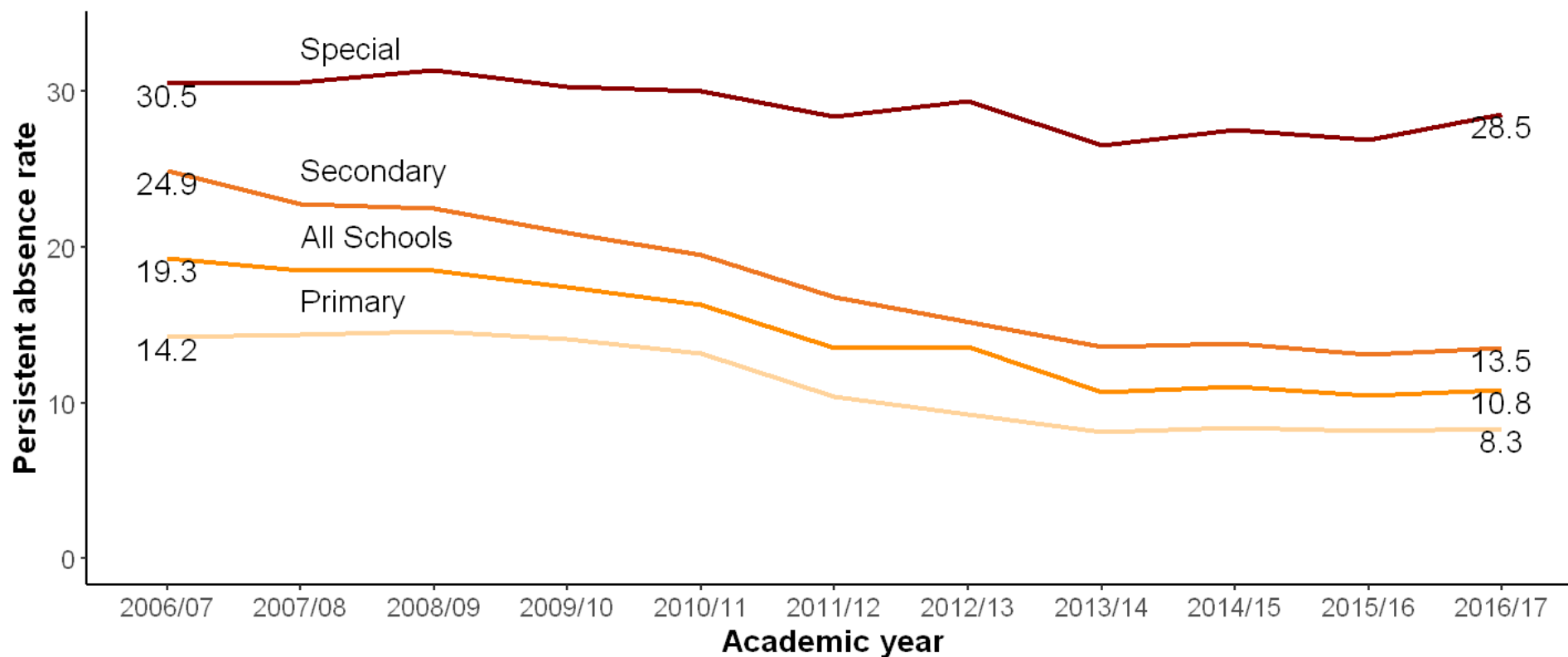
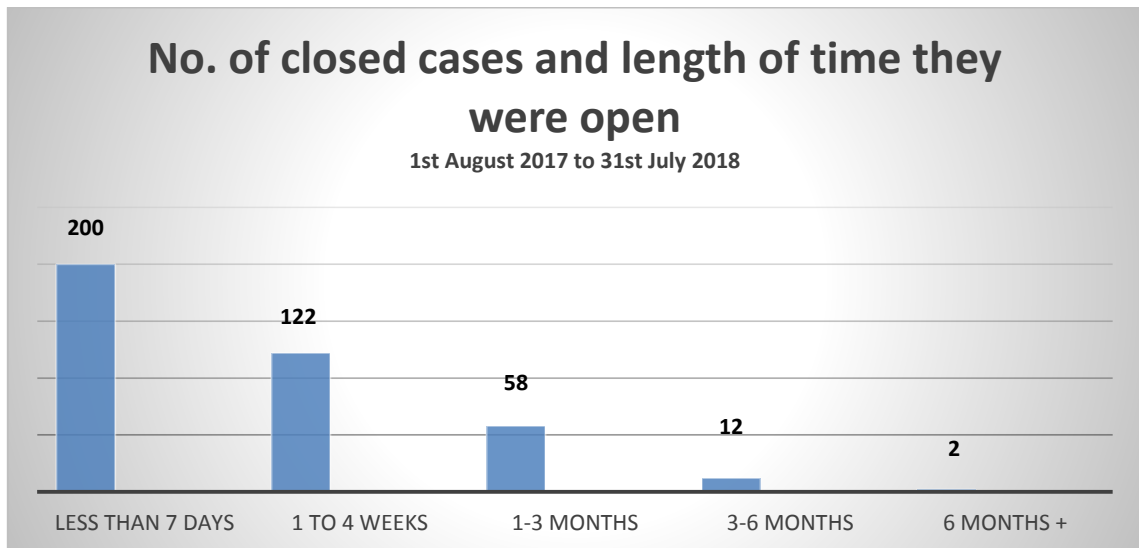


Table: Percentage of enrolments who are persistent absentees (England, 2006/07 to 2016/17)

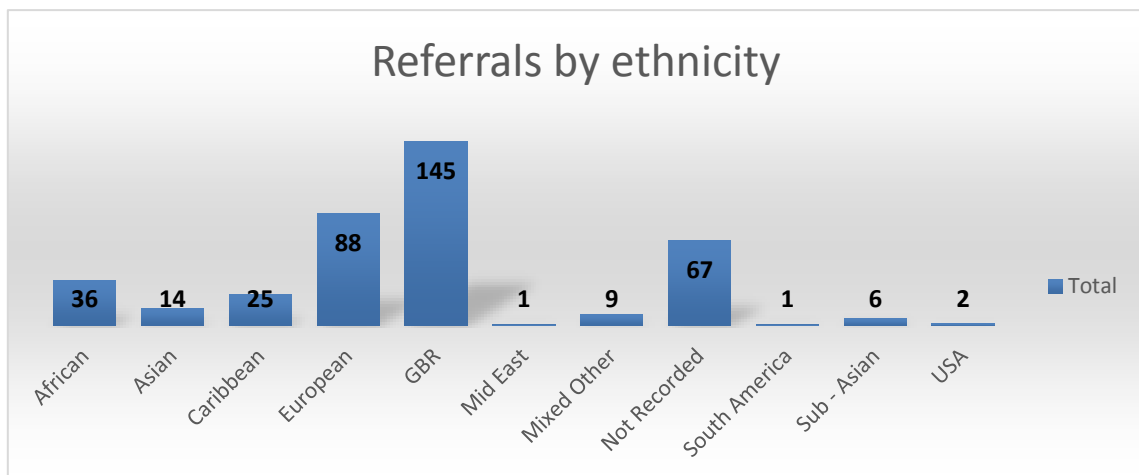




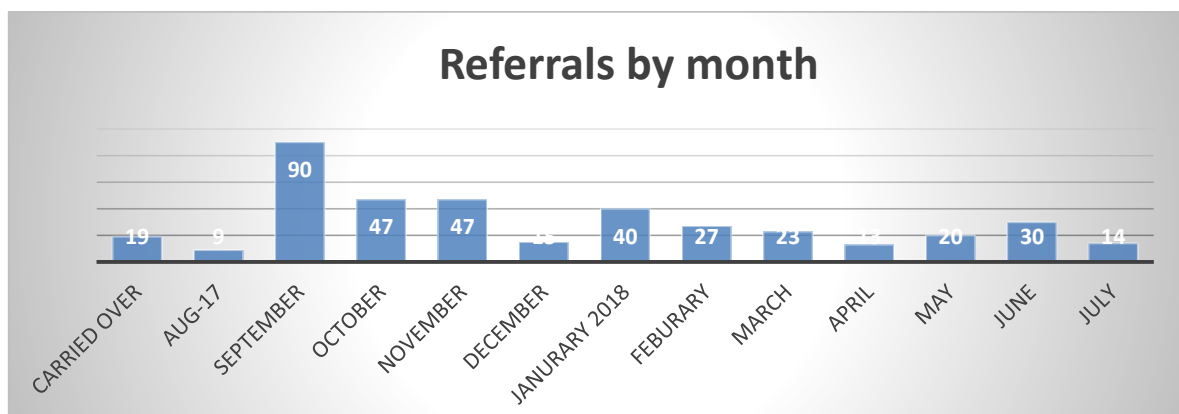
**Appendix 4:**  
**Table A: Cases closed in 2017/18**



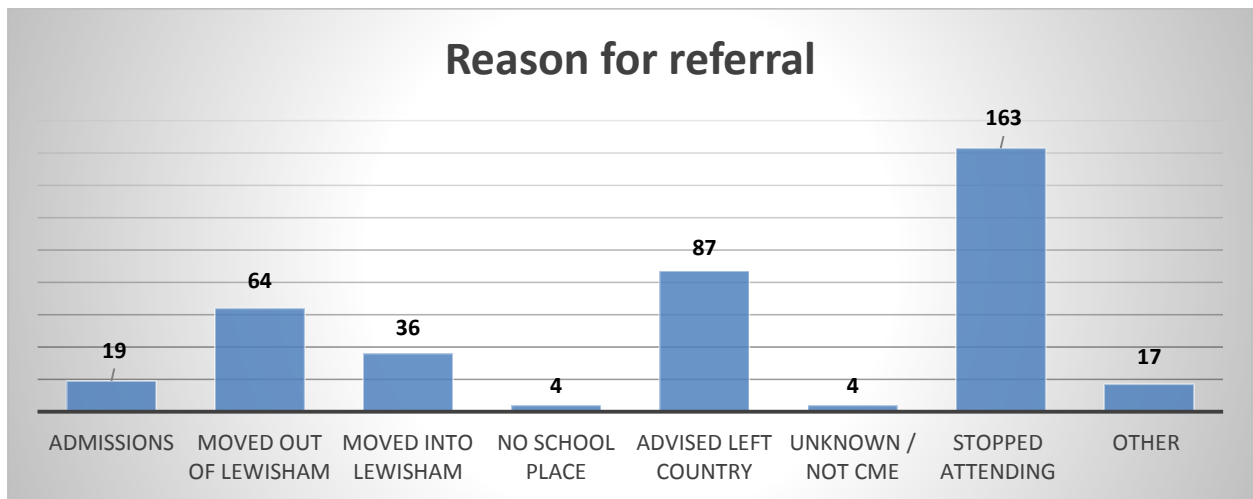
**Table B: Referrals by ethnicity**



**Table C: Referrals throughout 2017/18**



**Table D: Reason for referral**



**Table E: Referrals by year group**

