

Children and Young People Select Committee			
Title	Lewisham Attendance and Exclusions	Item No	7
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Class	Part 1	Date	17 September 2019

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 the significant improvement in the work programme to support and safeguard our most vulnerable children and young people by:

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

The Department for Education (DfE) attendance (absence and persistence absence) for 2017/18 (released in March 2019) shows that Lewisham is performing better than national and London. The Lewisham absence and persistent absence rates have improved over the last few years and have achieved the target set in the Lewisham Children and Young People's Plan 2015-2018.

Much improved are the permanent exclusion figures for Lewisham secondary schools. 2017/18 show improvements in permanent exclusions from Lewisham schools but these still not better than national and London averages. Provisional 2018/19 figures show Lewisham to have significantly reduced the number of permanent exclusions.

3. Policy Context

- 3.1 The roles and responsibilities of the team are underpinned by Lewisham's Corporate Strategy 2018-22 which includes: *Giving children and young people the best start in life. Every child has access to an outstanding and inspiring education, and is given the support they need to keep them safe, well and able to achieve their full potential.*

4. The legal framework for the attendance and exclusions (fixed and permanent)

4.1 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.

4.2 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 legislation provides 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.

5. Attendance

5.1 Absence and Persistent Absence - national context 2018/19

Pupil absence data for primary, secondary, special schools and Pupil Referral Units (PRUs) are collected termly via the Department for Education (DfE) School Census data collection return and published in a Statistical First Release (SFR). The latest Department for Education (DfE) Statistical First Release is March 2019 for whole academic year 2017/18.

5.2 Lewisham context – absence 2017/18

The total school absence (authorised and unauthorised) across all Lewisham schools improved to **4.3 per cent**. This was better than England at **4.8 per cent**, London and Inner London at **4.5 per cent**.

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 (**4.2 per cent**), London and Inner London (**4.1 per cent**).

The total absence from secondary schools (authorised and unauthorised) in Lewisham has improved to **4.9 per cent**. Total absence is better than England (**5.5 per cent**), London and Inner London (**5 per cent**).

The overall absence in Lewisham special schools was **8.1 per cent**. This is better than England, Inner London and London (**10.2 per cent**).

5.3 Summary of absence (2017/18)

	Lewisham %	Inner London %	London %	England %
Total school absence (authorised and unauthorised)	4.3	4.5	4.5	4.8
Total absence from primary schools (unauthorised and authorised)	3.9	4.1	4.1	4.2
Total absence from secondary schools (authorised and unauthorised)	4.9	5	5	5.5
Total absence in special schools (authorised and unauthorised)	8.1	10.2	10.2	10.2

5.4 Lewisham context - persistent absence data 2017/18

The total persistent absence from **all schools** in Lewisham was **9.9 per cent**. This is better than Inner London (**10.4 per cent**), London (**10.2 per cent**) and England (**11.2 per cent**).

The **primary** persistent absence rate in Lewisham was **8.4 per cent**. This is better than Inner London (**8.9 per cent**), London (**8.5 per cent**) and England (**8.7 per cent**).

The **secondary** persistent absence rate in Lewisham was **11.4 per cent**. This is better than Inner London (**11.9 per cent**), London (**12 per cent**) and England (**13.9 per cent**).

The **special school** persistent absence rate in Lewisham was **28.8 per cent**. This is better than inner London (**32.2 per cent**), London (**31.5 per cent**) and **England (29.6 per cent)** for 2017/18.

5.5 Summary of persistent absence (2016/17)

	Lewisham %	Inner London %	London %	England %
Total school persistent absence (authorised and unauthorised)	9.9	10.4	10.2	11.2
Total persistent absence from primary schools (unauthorised and authorised)	8.4	8.9	8.5	8.7
Total persistent absence from secondary schools (authorised and unauthorised)	11.4	11.9	12	13.9
Total persistent absence in special schools (authorised and unauthorised)	28.8	32.2	31.5	29.6

5.6 The Abbey Manor College (Lewisham PRU) absence for 2017/18 has improved and is better than national. There is 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	2017/18
Lewisham	44.5	37.0	27.6	32.4	30.8
London	27.8	27.1	27.2	27.9	28.3
National	31.4	31.1	31.7	33.9	35.3

5.7 Lewisham's locally collected data 2018/19

- The Lewisham Attendance Service collects data half termly via the 'workbook' from those schools that trade with the service. Data provided relates to the last three academic years. Over this period Lewisham has seen an improvement in absence and a reduction of persistent absence.
- Lewisham Attendance Officers work alongside schools that have purchased a Service Level Agreement (SLA) and which submit half termly absence and persistent absence data. This is compared to the previous year's DfE verified data by the use of the 'workbook'; used to monitor data and take quick action to address attendance concerns.
- Schools that were Ofsted inspected, including those which absence rates were lower than the national average, reported 'good' as the 'workbook' showed evidence of satisfactory monitoring and follow up actions.
- Unverified data for the first five half-terms for the 2018/19 academic year shows:
 - a. Of the 42 primary schools 30 (71 per cent) have improved data in absence and persistent absence.
 - b. Three have improved in one area with three dropping slightly but were still well above the national averages.
 - c. Seven schools (16 per cent) dropped below national averages.
 - d. Of the nine secondary and all through schools seven (87 per cent) have improved, or stayed the same in absence and persistent absence.
 - e. Two schools performed below expected levels this year.
 - f. Four out of the five special schools are expected to have better than national averages next years as does Abbey Manor College (PRU).
- It is worth noting that the unverified data Lewisham collects is very close to the DfE verified data once it is released.

5.8 Lewisham's approach to regular school attendance

Whilst the legal process is used to enforce attendance, Lewisham is aware of the causal factors that may contribute to irregular school attendance. With safeguarding in mind, interventions are complemented with a holistic view of needs and resilience factors. The Lewisham Attendance Service regularly works in partnership with agencies including Children's Social Care, Children with Complex Needs Service, the Police and Youth Offending Service and Health professionals to ensure that children do not 'fall down the gaps'.

6. Service Delivery: Statutory and Traded

In addition to statutory and traded work the Lewisham Attendance Service supports other areas of work including, cases referred from Children at Risk Panel (CAR), complaints, complex cases, Elective home education (EHE), exclusions, special educational needs and the Workbook (traded only).

6.1 Statutory local authority attendance, enforcement and safeguarding for all Lewisham local authority maintained schools and academies

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

- Tracking and preventing Children Missing from Education (CME).
- Enforcing and licensing Child Employment and Performance.
- The administration of Penalty Notices.
- The investigation and implementation of statutory attendance enforcement.

6.2 Statutory Interventions in relation to non-attendance

The Lewisham Attendance Service uses Lewisham's 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 by the local authority in court for successful fines and prosecutions. The service has also introduced the "Workbook" designed to identify and target persistent absentees with interventions like school panel meetings and pre-court meetings.

6.3 Traded offer to local authority maintained schools and academies

Lewisham's model of attendance intervention support to schools is replicated in this three stage single framework. This enables the local authority to provide a service to schools and academies to help support its most vulnerable children and improve overall attendance, achievement and attainment. In 2018/19 - 57 Lewisham schools and one Southwark secondary school purchased attendance support through a service level agreement from the Attendance Service.

When a school purchases the service a dedicated Attendance Officer is appointed to work with the school and will identify how the school can effectively address specific concerns. An action plan is agreed and reviewed annually to meet the needs of the school during the coming academic year.

6.4 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 schools' attendance leads to discuss concerns and determine agenda items. During the 2018/19 academic year the Attendance Service presented or coordinated guidance in the following areas:

6.6 Sir William Boreman's Foundation

The Sir William Boreman's Foundation provides funds from the proceeds of the 1684 Will of Sir William Boreman. The Drapers Company oversees these funds which acts to promote pupils' attendance and attainment specifically for those living in Lewisham and Greenwich:

- Legal processes.
- Continuing the data driven approach to recording and analysing absence and persistent absence.
- County lines and MET Police.
- New Children Missing Education issues (during the year).
- MASH and Safeguarding thresholds.
- No recourse to public funds.
- Secondary transition attendance information sharing.

Lewisham's Attendance Service is responsible for the administration, accounting and distribution of these charitable funds within the borough.

6.6.1 Application Process

Typically schools in Lewisham, local authority Attendance Officers or other local authority officers request funding to support a child's attendance at school. This may be to provide school uniform (including a pair of shoes or winter coat), the parent's short term travel costs where the family have been rehoused at a distance from the school's locality and/or are experiencing hardship. Other exceptional grants are decided on a case by case basis. Once approved, funds will be released either by:

- Reimbursement direct to schools who have provided uniform etc from their own supplies or funds where this is a barrier to their regular school attendance or,
- Cash card issued either to the school or to the Officer making the request or,
- Authorising payment direct to a local supplier.

Funds are not issued directly to parents/carers. During the 2018/19 academic year the fund assisted 41 families with either short term travel costs or uniform.

6.7 Register Audits (2018/19)

Following the success of the register audits in 2017-18 and the resources involved both from the local authority and at school level it has been decided that the Attendance Service will undertake register audits of those schools that do not trade with the Attendance Service during the second half-term of the 2019-20 academic year plus any school previously audited where there are concerns. All of the schools that trade with the Service will have their processes and practices observed when they are visited by their allocated Attendance Officer.

6.8 Child Employment and Child Performance (1st September 2018 to 31st August 2019)

In February 2016 the Child Employment and Child Performance aspect of the team's work was refined and reviewed to sharpen up the process and adhere to realistic timeframes. This work has been completed and is now implemented as standard practice and this has highlighted potential areas for development as well as a much clearer process.

One significant change to the work was to review the timescale for performance licence applications to promote the safeguarding element and authority responsibility. Although the regulations allows for "at least 21 days' notice" many agencies saw this as a paper exercise and gave significantly less notice and expected that licences would be processed sooner

The Service has commenced work to enable all applications to be made electronically thereby simplifying the administrative process, ensuring quicker turn-around times and to relieve pressure due to volumes of applications.

The table below shows the data in relation to this area of work during the 2018/19 academic year:

Total Performance Licence Applications Received	Total Performance Licences Processed	Total Performance Licence Declined	Chaperone Licence Renewals Processed	New Chaperone Applications Processed	DBS Applications Processed	Work Permits Processed
431	429	2	28	73	NA	11

The service offer is:

- Two working days a week dedicated solely for child employment and performance.
- At least 15 days working notice for all applications.
- Some flexibility for agencies who may not be aware of the turnaround period.
- On-line safeguarding training for new chaperones (levels 1-2) that eliminates delay when compared to the previous process where course dates could only be set once there are five applicants.
- Simplification of the work permit paperwork that rendered the previous process onerous.

There are some action as to how this important area of safeguarding work can be developed:

- Increasing chaperone renewal times from one to three years in order to further manage volume.
- Revert to ID badge chaperone licences for all chaperone licences at a fee of £5 per licence.
- Training for agencies and production companies.

6.9 What happened to improve absence and persistent absence in Lewisham in 2018/19

- Termly Primary and Secondary Network Leads Meetings taking place - covering a variety of topics.
- Regular 'Children at Risk' meetings to offer a multi-agency approach to the most challenging cases. This meets weekly during term time
- The processes around Children Missing Education referrals continue to be streamlined which now provides for a quicker turn-around period – 402 cases were closed this year and the process were scrutinised by OFSTED who commented on the team's tenacity in monitoring cases.
- The workbook training has been completed and will be implemented in 63 schools in Lewisham from September 2019.
- Unverified data shows an improvement in absence and persistence absence data for the majority of schools using the workbook
- Over 450 pre-prosecution meetings have been held since September 2017 resulting in more than 410 cases that have shown a child's improved attendance following a monitoring period.
- 417 Penalty Notices for unauthorised holiday or low level unauthorised absence and 438 Court Warnings Notice have been issued.
- 56 cases were passed to legal for their consideration. Five cases went to court and the parent(s) were found guilty, several were withdrawn for a variety of reasons. 25 cases are still with legal awaiting an outcome or resolution.

6.10 Further actions planned for 2019/20 academic year

- Improve consistency and quality of performance management in relation to the collection and analysing of schools' half termly data.
- Ensure that all Attendance Officers deliver a high quality service to all schools every visit
- Implement workflows designed on Synergy's PSS which will eliminate potential delays in prosecutions.
- Look to secure SLAs with the remaining secondary schools.
- Improve service delivery and increase customer satisfaction with buy in schools through customer satisfaction survey including headteachers and schools attendance officers
- Strengthen relationships with strategic partners including: local authority, schools Children's Social Care, Fair Access, Hospital Outreach Programme (HOP), alternative education providers; (AP), health, Legal Services; Youth Offending Service (YOS), the Police and other local authorities.

7. Children Missing Education (CME)

The Attendance Service is responsible for the local authority's statutory work in relation to CME. Meeting legislative guidance, the Service has systems to enable it 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 a school. The Service has robust procedures and policies in place to enable the team to meet the duty in relation to these children:

- 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)".

Children Missing Education statutory guidance for local authorities September 2016 states that: *"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."*

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

Under Section 436A of the Education Act 1996 (amended – Education and Inspections Act 2006) 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.

“*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 Background and rationale

Lewisham is committed to ensure that the Children Missing Education protocol is regularly reviewed and updated to ensure that they continue to be fit for purpose in identifying and dealing with Children Missing Education in Lewisham.

Children Missing Education can be vulnerable and at greater risk of significant harm. The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately in accordance with the Data Protection Act 1998.

Lewisham adopts the London Good Practice Guidance for Safeguarding Children Missing from School which states that principles should be adopted by all agencies, responsible for locating children who go missing from school. These principles include:

- The safety of the child is paramount;
- Parents are the custodians of the welfare and well-being of their children when they are not in school;
- The primary objective is for local and other agencies to work together to locate and return the child to a safe environment;
- Child protection procedures are triggered where there are any concerns that a child may be at risk of harm or suffering harm;
- Agency actions will link where appropriate with actions required under related protocols, such as the London Child Protection Procedures; and
- Services will be put in place to ensure that when a child is found s/he receives the necessary ongoing support to enable him/her to live in a stable, safe environment and attend school.

8. Analysis of data of Lewisham CME Referrals 2018/2019

The following analysis is taken from the whole academic year August 2018 to July 2019 and comparable data is also included from the previous academic year.

There have been a total of **437 cases** referrals and **402 closures** in 2018/19. This leaves **35 cases** remaining open, with several potential cold cases. In comparison there were **433** referrals from August 2017 to July 2018. These cases vary by year groups and ethnicity. The cases currently open are due to recent referrals and they are being actioned by the Attendance Service. Some of these cases have been referred by the Elective Home Education and Admissions Services and a few of these may result in legal action being taken to enforce school attendance as the parents/carer have not engaged with either team to provide sufficient evidence that suitable education is being provided.

Of the **402** cases that the Attendance Service has closed in 2018/19:

- **193** (48 per cent) were closed within one week.
- A further **117** (29 per cent) were closed between one week and one month.
- This is slightly down on last year when **81 per cent** of cases were closed within one month.

The remaining **92** cases closed within the academic year; with 83 (21 per cent) between one and three months. Finally the last **nine** cases (2 per cent) closed between three months and a year. This is better than last year when 4 per cent of cases took more than three months to close.

The aim for 2019/20 is to close all cases within three months.

8.1 **Referrals by ethnicity**

The highest referral group is European, last year it was GBR, this change might be attributed to Brexit. The next highest is African, GBR and sub-continent Asian too. The unknown/not recorded referrals fell again, from 17 to nine per cent this year. The aim for next year will be to reduce this further. **See Appendix 3.**

8.2 **Referrals by gender**

The 2018/19 male/female ratio is very similar to 2017/18 with males going from **55 to 54 per cent. 218 male to 184 female** (46 per cent). **See Appendix 3.**

8.3 **Referrals by month**

The highest number of referrals were received between September and November, with **45 per cent** of all referrals coming in these three months (two per cent lower than last year), which is to be expected. However, there is still quite an even spread of referrals being submitted. With the exception of January 2019 when a spike occurred. The CME Officer will monitor this trend in 2019/20. **See Appendix 3.**

8.4 **Who is referring?**

The highest referrer is Lewisham council, this includes Lewisham schools, Admissions and other Lewisham departments that are responsible for **61 per cent** of all referrals. Other local authorities, were the second highest referrer this year with **31 per cent. See Appendix 3.**

8.5 **Reasons for referral**

The highest referral category is 'non-attendance' at **40 per cent**, this is slightly lower than last year. The next highest is pupils who have moved out of Lewisham, this is either abroad or to another local authority, this accounts for **43 per cent** of all referrals. The number of pupils moved into Lewisham is the same as last year as is the number of referrals due to non-payment of school fees. 'Other' reasons did include a private school closing down. **See Appendix 3.**

8.6 **Reasons for closure**

The highest reasons for closure were that we were able to confirm that the child had moved out of Lewisham, be it to another country or a new local authority. This was via confirmation from border checks, other local authorities or schools abroad. **52 per cent** of cases fell into this category. This is a **21 per cent** drop from 2017/18. The next highest reason for closing are cases that were passed to Admissions and pupil who returned to school after a period of unexplained time away, both equal **16 per cent** of closed cases.

The Service is no longer able to close some cases where pupils who have moved abroad quickly. Previously, investigation through the National Border Force helped close such cases, but the request for information did not comply with new GDPR guidelines and the service is no longer available. This puts additional pressure on the CME Service who have to confirm via other methods that a child has actually moved abroad.

8.7 **Referrals by Year Group**

Of the 402 cases referred in 2018/19 there is not a significant pattern expect that there is a sharp drop in referrals in Year 11. This could be attributed to the impending GCSE exams. The higher referrals in Y1 could be attributed to parents changing the allocated schools.

8.8 **Summary of findings**

One of the most significant findings in 2018/19 is that over three-quarters of the closed cases are due to mobility and non-attendance. With 217 cases being closed as the pupil and family were found in another country, county or school. This is down from 290 mobility cases in 2017/18.

The CME Service has reduced the number of unknowns quite dramatically this year with only eight per cent of all referrals have 'not known' for ethnicity and six per cent 'not known' for the reason for referrals. This is due to a better referral sheet and more stringent monitoring and chasing up school colleagues.

In 2018/19 **41 per cent** of referrals are being classified as 'non-attendance' and this shows that there may still be a lack of communication between schools and families before a CME referral is made. More pre-referral work is still needed to ascertain if the pupils is actually CME and the Service has provided training to schools on this at Attendance Network meetings in 2018/19.

Comparing the numbers of referrals from 2017/18 to 2018/19 shows changes in all areas:

- Lewisham Admissions made 36 referrals compared to 26 respectively.
- Referrals from other boroughs have increased from 12 referrals to 128 respectively. This is due to better relationships with surrounding local authorities and the growing mobility of the population in London and around the UK.
- Referrals from Lewisham schools have decreased from 288 to 194 respectively. This could show that schools have a greater understanding of what CME is and are more able to resolve cases as non-attendance before they end up as CME.
- 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 was almost identical year on year - 433 last and 437 respectively.

The service received a good OFSTED comment in the recently released Lewisham's Inspection of children's social care services: *Staff are tenacious in tracking and following through all reported cases of children missing education. They gather soft intelligence from key partners, and, as a result, they successfully resolve most cases and ensure that children are protected.*

8.9 **Priorities for 2019/20**

- Revision of the Children Missing Education and Off-Rolling Guidance for schools and revision of the CME procedures for schools to be presented at the joint Secondary and Primary Network Leads Meeting, at the network meetings and through the Schools Mailing in 2019/20.
- 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.
- 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.
- To try and establish a network of agencies that are able to check pupils who have moved abroad.

9. **What are exclusions?**

9.1 **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. The child can only be removed for up to 45 school days in one academic year.

Schools also have the authority 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 evaluation and involve parents/carers and the pupils in the assessment of his/her educational needs.

10. **What are managed transfers?**

10.1 **The Lewisham definition**

In the best interests of the pupil and in order to avoid this permanent exclusion on a child's record Lewisham local authority and Lewisham schools offer, at the point of exclusion, an alternative intervention option. At this stage the Headteacher refers the pupil to the Lewisham Fair Access Panel for a managed transfer to the Lewisham Pupil Referral Unit or other suitable Alternative Provision.

This referral meets requirements of the Government Statutory Guidance on permanent exclusions and a permanent exclusion letter is still issued to the pupil and the family. Most London boroughs deploy similar processes as part of an early intervention model.

10.2 A **managed transfer** means that:

- The child and family's option of the managed transfer is considered by the Lewisham Fair Access Panel for its legality and to understand the needs of the pupil.
- The family has an alternative intervention that is in the best interests of their child and encourages a fresh start on reintegration to a mainstream school.
- The pupil does not have a permanent exclusion on their school record and the managed transfer will prevent the exclusion progressing through to the school's governing body.
- The pupil is transferred to the Pupil Referral Unit (PRU) or other appropriate Alternative Provision and will no longer be on the school roll.
- The pupil is admitted to the PRU or Alternative Provision for a range of assessments and is able to access a curriculum and other support appropriate to need.
- The pupil is monitored by the Pupil Referral Unit or Alternative Provision to consider 'school readiness or an Education, Health and Care Plan assessment.
- Reintegration into a mainstream or special school is considered if and when appropriate.

11. **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 2019 and gives the annual exclusion data for 2017/18.

National exclusion rates overall have nudged up fractionally, but are still pretty much at a rate of 0.1 exclusions per 100 pupils.

The permanent exclusion rate for secondary schools is up marginally, but rates are actually very slightly down for primary and special schools.

There are two things worth keeping in mind when looking at exclusion figures:

- Nationally the most common number of permanent exclusions for a secondary school to carry out in a given year is zero.
- These figures only capture formal exclusions. A focus on formal exclusions alone ignores *off-rolling*, or informal exclusion.

The recent exclusions review carried out by the former children's minister Edward Timpson was clear that off-rolling must cease. This might lead to an increase in recorded exclusion numbers in the short to medium term, but in many ways formal exclusions are preferable to informal exclusions, as they come with a legal right for a review of the decision to exclude.

Neither informal exclusion nor off-rolling are exclusion and they should not be conflated with schools following the proper exclusion process. They are quite simply wrong...[T]ackling this rare but unacceptable practice could result in a rise in formal exclusion, as they would no longer be hidden from scrutiny and due process. Putting all formal exclusions that have gone through the proper processes above the table in this way should be seen as positive progress.

Timpson review of school exclusion, May 2019

11.1 **Primary exclusions 2017/18**

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 **0.01 per cent**.

The fixed period exclusion rate for Lewisham primary schools was **1.19 percent** which is better than England at **1.40 per cent** but worse than London at **0.85 per cent** and Inner London at **0.94 per cent**.

State-funded primary schools (2017/18)						
	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 %
ENGLAND	1,210	0.03	66,105	1.40	29,236	0.62
LONDON	69	0.01	6,368	0.85	3,275	0.44
INNER LONDON	31	0.01	2,415	0.94	1,274	0.50
Lewisham	0	0.00	301	1.19	142	0.56
STATISTICAL NEIGHBOURS						
Hackney	3	0.01	209	1.02	111	0.54
Haringey	2	0.01	121	0.51	79	0.33
Islington	6	0.04	321	2.08	156	1.01
Lambeth	9	0.04	305	1.37	169	0.76
Southwark	2	0.01	370	1.47	201	0.80
Brent	1	0.00	239	0.86	124	0.45
Croydon	8	0.02	426	1.25	197	0.58
Enfield	4	0.01	406	1.20	210	0.62
Greenwich	0	0.00	293	1.10	134	0.50
Waltham Forest	3	0.01	229	0.88	120	0.46

11.2 Secondary exclusions 2017/18

The permanent exclusion rate for Lewisham secondary schools improve at **0.34 percent*** (0.43 per cent in 2016/17) 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).

However this does not reflect locally collected data for 2016/17 which calculated 43 permanent exclusions in Lewisham. The interrogation of this data has highlighted that seven Lewisham secondary schools that had incorrectly recorded managed transfers as permanent exclusions. Although not rectifiable for 2016/17 data but this has been picked up and training will be provided to all Lewisham secondary schools on 'coding'.

The fixed period exclusion rate for Lewisham secondary schools improved at **8.49 per cent** (9.71 per cent in 2016/17) which was better than England at **10.13 per cent** and Inner London at **9.31 per cent**.

State-funded secondary schools (2017/18)						
	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)
ENGLAND	6,612	0.20	330,085	10.13	153,479	4.71
LONDON	960	0.19	39,185	7.63	23,978	4.67
INNER LONDON	361	0.21	16,030	9.31	9,566	5.55
Lewisham	*50	*0.34	1,239	8.49	813	5.57
STATISTICAL NEIGHBOURS						
Hackney	48	0.35	1,842	13.62	1,066	7.88
Haringey	24	0.17	1,536	11.07	966	6.96
Islington	20	0.23	1,420	16.46	720	8.34
Lambeth	38	0.25	1,387	9.30	748	5.01
Southwark	47	0.29	1,421	8.67	844	5.15
Brent	29	0.15	1,416	7.28	895	4.60

Croydon	29	0.13	1,740	7.84	1,126	5.07
Enfield	53	0.23	2,895	12.30	1,794	7.62
Greenwich	14	0.09	1,493	9.54	859	5.49
Waltham Forest	25	0.16	1,530	9.63	977	6.15

11.3 Fixed term exclusion (FTE) – Statistical First Release autumn term 2018

The total number of FTE sessions (am or pm of a day) for Lewisham Primary schools in the autumn term 2018 was **785**. The total number of FTE sessions for Lewisham secondary schools in the autumn term 2018 was **2980**. The schools with high levels of FTEs have been identified, offered challenge and support for the fixed term exclusion practice with a view to understand the detail behind the need for exclusions within that school.

12. Locally collected data on permanent exclusions (PEX) and managed transfers (MT) 2018/19

Lewisham council is promptly notified by schools regarding the permanent exclusions and quality assure the circumstances surrounding managed transfers 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 2018/19. In 2018/19 there were **19** permanent exclusions from Lewisham secondary schools, **55.8 per cent** less than 2017/18¹. This brings Lewisham figures much more in line with England, London and Inner London averages. In 2018/19 there were **32** managed transfers from Lewisham secondary schools.

In addition there has been **13** permanent exclusions and **one** managed transfer from out of borough schools in 2018/19. However these figures will not be attributed to the Lewisham data in the 2018/19 Statistical First Release.

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

School name	PEX & % of Cohort 2018/19	MT & % of Cohort 2018/19	PEX 2017/18	PEX 2016/17	PEX 2015/16	PEX 2014/15
Addey & Stanhope School	1 / 565 = 0.18%	4 / 565 = 0.71%	3	5	5	3
Bonus Pastor Catholic College	0 / 822 = 0%	2 / 822 = 0.24%	1	6	6	9
Conisborough College	0 / 876 = 0%	0 / 876 = 0%	3	4	1	2
Deptford Green School	0 / 909 = 0%	4 / 909 = 0.44%	3	4	4	3
Forest Hill School	2 / 1031 = 0.19%	3 / 1031 = 0.29%	4	5	3	3
Haberdashers' Aske's Hatcham College (Academy)	0 / 1042 =	3 / 1042 =	1	6	10	3

¹ However this does not reflect locally collected data for 2017/18 which calculated 43 permanent exclusions in Lewisham. The interrogation of this data has highlighted that seven Lewisham secondary schools that had incorrectly recorded managed transfers as permanent exclusions. Although not rectifiable for 2017/18 data this has been picked up and training has been provided to all Lewisham secondary schools on 'coding'.

	0%	0.29%				
Haberdashers' Aske's Knights Academy	3 / 936 = 0.32%	2 / 936 = 0.21%	7	8	4	3
Prendergast Ladywell School	1 / 776 = 0.12%	2 / 776 = 0.26%	6	5	9	6
Prendergast School	0 / 615 = 0%	0 / 615 = 0%	0	2	0	1
Prendergast Vale School	0 / 562 = 0%	4 / 562 = 0.71%	2	1	2	4

Sedgehill School	1 / 756 = 0.13%	6 / 756 = 0.79%	5	5	18	14
St Matthew Academy	3 / 670 = 0.44%	0 / 670 = 0 %	3	6	12	4
Sydenham School	8 / 1154 = 0.69%	1 / 1154 = 0.09%	0	1	3	1
Trinity Lewisham CE School	0 / 572 = 0%	1 / 572 = 0.17%	5	3	1	6
TOTAL	19	32	43	63	78	62

* With percentage of exclusions against school roll (spring census 2019)

See Appendix 4 for additional charts.

12.1 Out of borough schools permanently excluding and managed transferring Lewisham residents (2018/19):

London Borough of Bromley – 6 PEX	Harris Girls Academy, Bromley, Kemnal Technology College, Harris Academy, Orpington, St Marys School, The Ravensbourne School
London Borough of Croydon – 2 PEX	Oasis Academy Arena, Harris Academy, South Norwood
London Borough of Southwark – 3 PEX	Harris Academy, Bermondsey, Harris Academy Girls, East Dulwich
Royal Borough of Greenwich – 2 PEX	Harris Academy, Greenwich, The John Roan

During 2018/19 out of borough exclusions decreased (24 in 2017/18) and most of the exclusions for out of borough pupils come from Bromley schools.

12.2 Permanent exclusion and managed transfer reasons - Lewisham schools only

Reason	2018/19 PEX	2018/19 MT	2017/18	2016/17	2015/16
Drugs / alcohol	2	2	3	6	6
Offensive weapons / knives	9	5	11	13	23
Persistent disruptive behaviour	5	13	18	22	28
Verbal/ Physical assault on another pupil	1	10	3	15	21
Verbal / physical assault on an adult	2	2	3	2	0
Sexual misconduct	0	0	0	4	0
Racist abuse	0	0	0	1	0
Damage	0	0	1	1	0
Theft	0	0	1	0	0
Other	0	0	3	0	0
Total	19	32	43	43	63

See Appendix 4 for additional charts.

12.3 The main reason for permanent exclusion is **offensive weapons / knives**. However the majority of the permanent exclusions for this related to a one off group incident from one Lewisham secondary school. For managed transfer during 2018/19 the main reason is **verbal / physical assault on a pupil**.

Offensive weapon/knife: Permanent exclusions – **nine** and managed transfers - **five** in 2018/19 this is a continued decrease since 2015.

- 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 or replica gun.
- Schools are referring to the Offensive Weapons Protocol and mitigating circumstances when considering the actions when a pupil brings a weapon into school.
- The data for those pupils permanently excluded and managed transfers for offensive weapons predominately are predominately year 7 (2) and then Year 8 (2), Year 9 (2), Year 10 (3) and Year 11 (4), varied in ethnicity and this year 10 were female.

12.4 Lewisham local authority and Lewisham schools launched the Offensive Weapons Protocol in September 2017 and which was 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.

12.5 **Special Educational Needs (SEN):** No children with EHCPs were excluded from Lewisham schools. However of the 19 permanently excluded pupils excluded in 2018/19 from Lewisham, **two** of these pupils were receiving in school SEN support, **one** excluded for **persistent disruptive behaviour** and **one** for **offensive weapons / knives**. Of the 32 managed transfer pupils in 2018/19 from Lewisham, **three** of these pupils were receiving in school SEN support and all were excluded for persistent disruptive behaviour.

12.6 **Free school meals (FSM):** From the permanent exclusion this year of 6 / 19 or **31.5 per cent** and managed transfer 17 / 32 or **53.1 per cent** of those young people were in receipt of Free School Meals (FSM), the remainder were not entitled nor registered for FSM.

12.7 **Exclusion by Year group - Lewisham schools only**

Permanent exclusions for 2018 were across all year groups but with a spike in year 7. The Year 7 cohort were permanent excluded for persistent disruptive behaviour and assault as the main reasons.

Year group	PEX 2018/19	MT 2018/19	2017/18	2016/17	2015/16
Year 7	6	6	2	4	9
Year 8	2	8	2	14	20
Year 9	2	5	13	19	13
Year 10	4	8	13	19	21
Year 11	5	5	13	8	15
Total	19	32	43	63	78

See Appendix 4 for additional charts.

12.8 **Permanent exclusions by gender – Lewisham schools only**

More girls were permanently excluded in 2018/19 but as stated above most relate to a one off group incident at one Lewisham school. More males were managed transferred than girls in 2018/19. This supports the view that nationally boys are at a greater risk of being excluded than girls, as is nationally recognised.

Gender	2018/19 PEX	2018/19 MT	2017/18	2016/17	2015/16
Male	6	18	30	51	60
Female	13	14	13	12	18
Total	19	32	43	63	78

See Appendix 4 for additional charts.

12.9 Permanent exclusions and managed transfers by ethnicity – Lewisham schools only

A large proportion of exclusions or managed transfers affect Black British, specifically Black Caribbean pupils. This unacceptable disproportionality is also seen in national statistics. The 2017/18 published data shows national exclusion rates for Black Caribbean boys at 0.44% of the cohort and girls at 0.12%, compared to 0.15% for all boys and 0.05% for all girls. Lewisham schools data broken down by ethnicity can be found in the tables below.

Ethnicity	2018/19 PEX	2018/19 MT	2017/18	2016/17	2015/16
Any other Black background	1	1	0	5	1
Any other Mixed background	1	1	1	2	4
Any other white background	0	0	1	4	3
Black African	1	1	3	6	12
Black British/Black Caribbean	11	13	18	27	30
Mixed White/Black African	1	1	1	2	3
Mixed White/Black Caribbean	0	3	5	1	4
Not Known	2	5	4	6	4
Refused	1	1	1	3	4
White British	1	6	9	7	13
Total	19	32	43	63	86

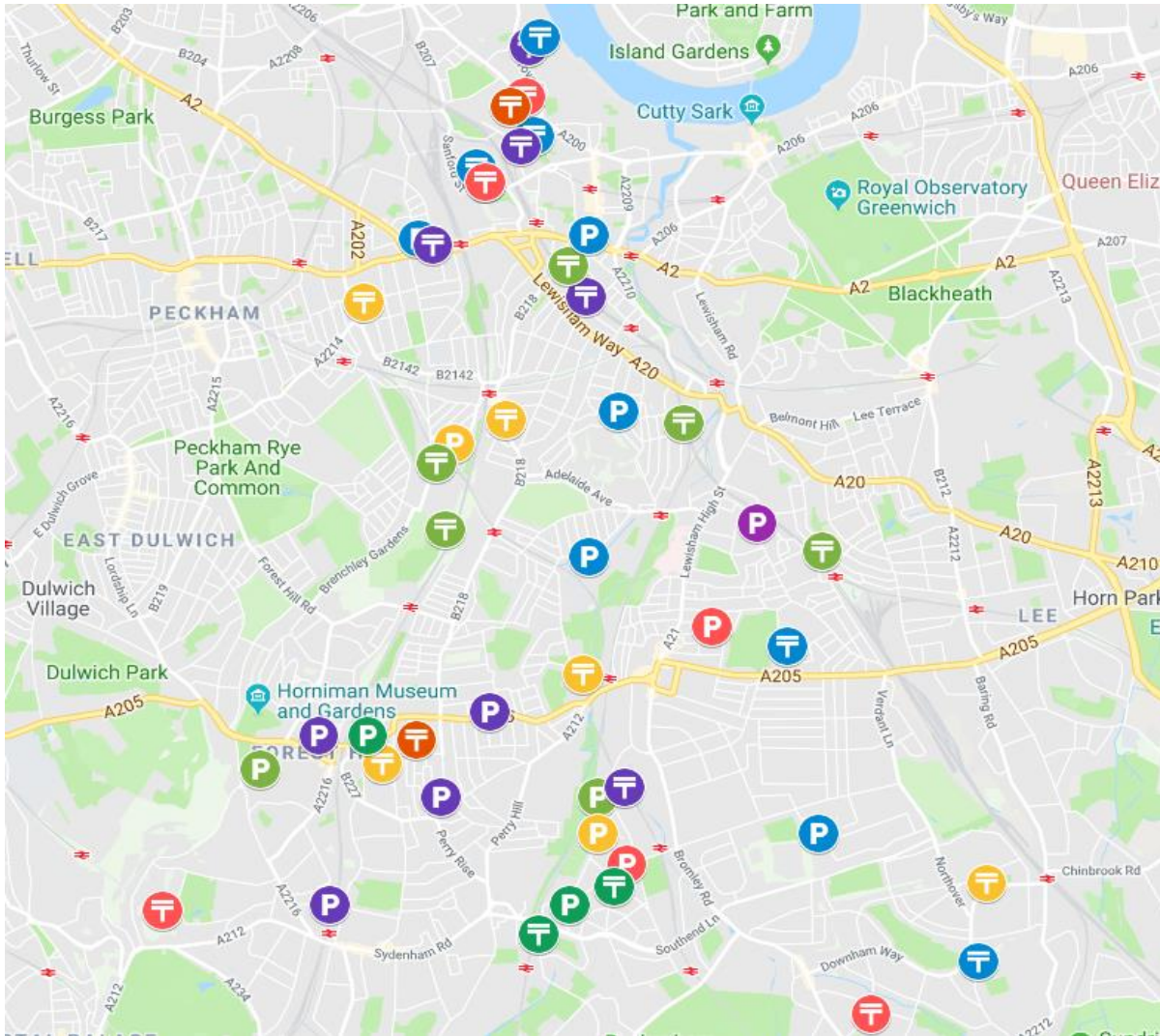
*percentage of cohort against secondary school population



See Appendix 4 for additional charts.

12.10 Ethnic breakdown of the secondary school population

Ethnicity	PEX 2018/19 cohort = 19 Number and % from each ethnic group	MT 2018/19 cohort = 32 Number and % from each ethnic group	Overall 2018/19 cohort = 11,286 Number and % from each ethnic group
Any other black background	1 (5.26%)	1 (3.13%)	508 (4.50%)
Any other Mixed background	1 (5.26%)	1 (3.13%)	526 (4.66%)
Any other white background	0 (0%)	0 (0%)	1096 (9.71%)
Black African	1 (5.26%)	1 (3.13%)	2477 (21.94%)
Black British / Black Caribbean	11 (57.89%)	13 (40.63%)	1861 (16.48%)
Mixed White/Black African	1 (5.26%)	1 (3.13%)	242 (2.14%)
Mixed White/Black Caribbean	0 (0%)	3 (9.38%)	630 (5.58%)
Not Known	2 (10.53%)	5 (15.63%)	269 (2.38%)
Refused	1 (5.26%)	1 (3.13%)	285 (2.52%)
White British	1 (5.26%)	6 (18.75%)	3373 (29.88%)

12.11 Permanent exclusions and managed transfers Lewisham map – Lewisham schools only



	Permanent exclusions		Managed transfers
Year 7	Blue		
Year 8	Red		
Year 9	Yellow		
Year 10	Green		
Year 11	Purple		

13. Time to place

On average it takes around six school days to place permanently excluded pupils into alternative provision, this is calculated from the exclusion date to the start date at the provision. This is much quicker than in previous years. Pupils start sooner at Abbey Manor College if the parents are fully engaged and supportive in the process. Pupils have their interview and risk assessment carried out on the same day or over two days; with pupils starting the following school day. Abbey Manor provides uniform for pupils, this speeds up their start date as there is no additional uniform costs to parents.

Whilst there is an increase in parental engagement with the local authority and Abbey Manor College, a few parents will delay their child’s admission to Abbey Manor College in the hope they will be successful at the Governors Disciplinary Panel and have their child reinstated into school. These panels must be arranged within 15 school days of the date of the exclusion. Schools will aim

to hold these panels as quickly as possible after the exclusion, ensuring less disruption to pupils' education.

13.1 Where permanently excluded pupils are placed (2018/19)

9 or 47.5 per cent of permanently excluded pupils were referred to Abbey Manor College. **18 or 52.5 per cent** of pupils were referred to other provision including Kent PRU, TLG, Lewisham, The Tutorial Foundation, Bromley and home tuition.

29 or 90.5 per cent of pupils managed transferred from Lewisham schools were referred to Abbey Manor College. **3 or 9.5 per cent** of pupils were referred to other provision including the Ilderton Motors, The Tutorial Foundation, Bromley and StreetVibes, Greenwich.

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 the police, Youth Offenders Service and the Violence Reduction Team).
- The pupil who live out of borough and is referred to their home local authority.

14. Reintegration for pupils back into Lewisham schools at Key Stage 3 and 4 (2018/19)

Historically pupils referred to the KS4 Pupil Referral Unit (PRU) rarely had the opportunity of reintegration. It may have been attributed to the pupil's association with other services, e.g Youth Offending Service (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.
- In 2018/19 there were 24 in KS3 and 11 in KS4

This is a vast improvement in the number of pupils being reintegrated back into Lewisham schools and Abbey Manor College has worked hard with the local authority and the Fair Access Panel to achieve this progress.

The Lewisham reintegration system offers a method which is a 'Readiness for reintegration scale, Boxall Profile 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 which has led to the improvement.

See Appendix 4 for additional charts.

15. Conclusion and next steps to reducing exclusions

15.1 Lowering exclusion figures in Lewisham continues to be the key priority, and whilst there have been many positive approaches over the past three years to reduce exclusions, the external factors that pupils face day to day and present in school will continue to be the challenges for Headteachers and staff that inevitably may lead to an exclusion. This will continue to be an ongoing challenge for all and will require adjustment and flexibility in the delivery of the Lewisham Education Strategy dealing with this issue going forth.

15.2 During 2018/19 there were 19 permanent exclusions withdrawn by Headteachers from Lewisham primary schools, secondary schools and some out of borough schools. The main reasons for the withdrawals are due to support provided by the Access, Inclusion and Participation team, intervention placements and managed moves for children at risk of permanent exclusion.

15.3 Again in 2018/19 we have seen a marked decrease, by **55.8 per cent** in one year, 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. Also the decrease can be attributed to the introduction of the managed transfer protocol; which brings Lewisham figures overall to approximately the same as 2017/18.

- 15.4 A big focus for the year ahead will be tackling the recommendations from the CYP Select Committee review of exclusions. There also needs to be more attention on the early help and intervention models delivered across Lewisham and looking at best practice in other boroughs.
- 15.5 Lewisham Council and Lewisham Learning are working with schools and settings to develop strategy and initiatives to improve attainment and reduce exclusions for specific groups, focusing specifically on Black Caribbean pupils. In 2019/20 this will be incorporated into strategy to reduce disproportionality in exclusions.

16. Action planning

Work stream	Aim	Lead	By when	Progress
Offensive Weapons Protocol	Review the Protocol.	Lewisham Inclusion Board (LIB)	September 2020	Reviewed annually
Reducing Exclusions Group (REG) to inform the Lewisham Inclusion Strategy through the Lewisham Inclusion Board (LIB)	Terms of Reference (including membership).	Service Manager AIP	September 2018	Completed Jan 2019
	Plan of action – ongoing work to reduce exclusions – permanent and fixed term.	REG	Ongoing	Ongoing
	Best practice from Abbey Manor College and other LAs – for Lewisham Education Strategy.	REG	September 2019	Ongoing
	Continue to support the in year admissions and Fair Access Panel processes.	REG	Jan 2020	Ongoing
	Continue a programme to reduce the number of fixed term exclusions from Lewisham schools. The schools with high levels of FTEs for autumn 2018 have been identified, offered challenge and support for the fixed term exclusion practice with a view to understand the detail behind the need for exclusions within that school.	REG, Manager AIP, Senior Ed Advisor	Ongoing	Ongoing
	Review to programme to increase the number of pupils who are reintegrated back in to Lewisham Schools.	Service Manager AIP HT AMC	Ongoing	Ongoing
	Parent Forum – consider parent feedback on reducing exclusions: - Parental contribution	Director of Education	July 2020	Ongoing
	Early intervention Programmes – programme of early help for children at risk of exclusion. Look at best practice in other boroughs.	REG, Lewisham Inclusion Board (LIB)	July 2020	Ongoing
	Work with CYP Select Committee on Exclusions Review	REG, Lewisham Inclusion Board (LIB)	May 2019	Ongoing
Transition Strategy	<p>Considering transition from primary to secondary school.</p> <p>Information has been shared with all schools in the weekly e- newsletter, at Headteacher and Governor briefings.</p> <p>Information sharing day held at Kaleidoscope The transition form was updated to include more information about the vulnerable pupils.</p> <p>For the transition process in 2019 an addition to the form has been made to include information about those pupils who received extra time in their SATS tests.</p> <p>Lewisham Inclusion Outreach has a list which is sent to schools with the names of children that may need support with the transitions in a transition group.</p>	Lewisham Education	July 2020	Ongoing

Early Help Review	How this can support the Inclusion Strategy with an enhanced support programme for children at risk of exclusion and families including for the pre-statutory and statutory provision.	Joint Commissioning REG	September 2019	Ongoing
Deep dive on 2018/19 exclusions	Year 9, 10 and 11 individual cases to establish patterns of behaviour – pupil journey, gangs, SEND. Resource identified for deep dive into 2018/19 exclusions and managed transfers.	Service Manager AIP, REG	Dec 2019	Ongoing
Out of borough exclusions	Approaching out of borough schools where exclusions are a particular concern.	Service Manager AIP	Ongoing	Ongoing
Lewisham Inclusion Outreach Service	Continue with the review of Outreach Service: <ul style="list-style-type: none"> ▪ 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 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 include providing quality individual, group and whole class intervention. ▪ Early identification and pathways for treatment or intervention. 	Lewisham Outreach Board (LOB)	September 2019	Ongoing
Alternative Provision	Continue to improve the offer at Abbey Manor College.	HT AMC, Lewisham School Improvement	Ongoing	Ongoing
	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.	REG, LIB	Ongoing	Ongoing
	Development and implementation of Primary Phase Alternative Provision	REG, LOB, LIB	September 2019	Ongoing
	In-school provision: schools should ensure an appropriate alternative curriculum offer	REG	September 2020	Ongoing
	Review lessons from the best practice elements including a public health approach.	REG, LOB, LIB	September 2020	Ongoing

17. Financial implications

- 17.1 There are no direct financial implications arising from this report.
- 17.2 In 2018/19 the Attendance and Welfare budget (£366k) will be met from the Dedicated Schools Grant similar to in 2017/18.
- 17.3 In addition the Attendance and Welfare service offers non-statutory services to schools. The income for 2018/19 is expected to be £150K.
- 17.4 Currently the total gross budget for 2018/19 is £516k.

18. Legal implications

- 18.1 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.

19. Crime and Disorder Implications

- 19.1 There are no crime and disorder implications.

20. Environmental Implication

- 20.1 There are no environmental implications.

21. Equalities Implication

- 21.1 The data in this report still shows disproportionality in terms of permanent exclusion of young people of Caribbean origin. This is a London and national picture. Elsewhere on this agenda is the report on addressing BAME underachievement at school and that work is targeted at adjusting our services and the way that schools operate to address the factors which lead to exclusion.

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

22. Appendices

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 age² 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 makes the local authority responsible for educating a child of compulsory school age. 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: 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.

Under the Education and Inspections Act 2008 (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.

Under the 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

² 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.

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)).

Under 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).

Under the 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 recently issued by the Department for Education (DfE) revised statutory guidance on School Attendance Departmental advice for maintained schools, academies, independent schools and local authorities. October 2014 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....."*³

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

³ Advice on School Attendance, Department for Education, March 2013, p17

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.

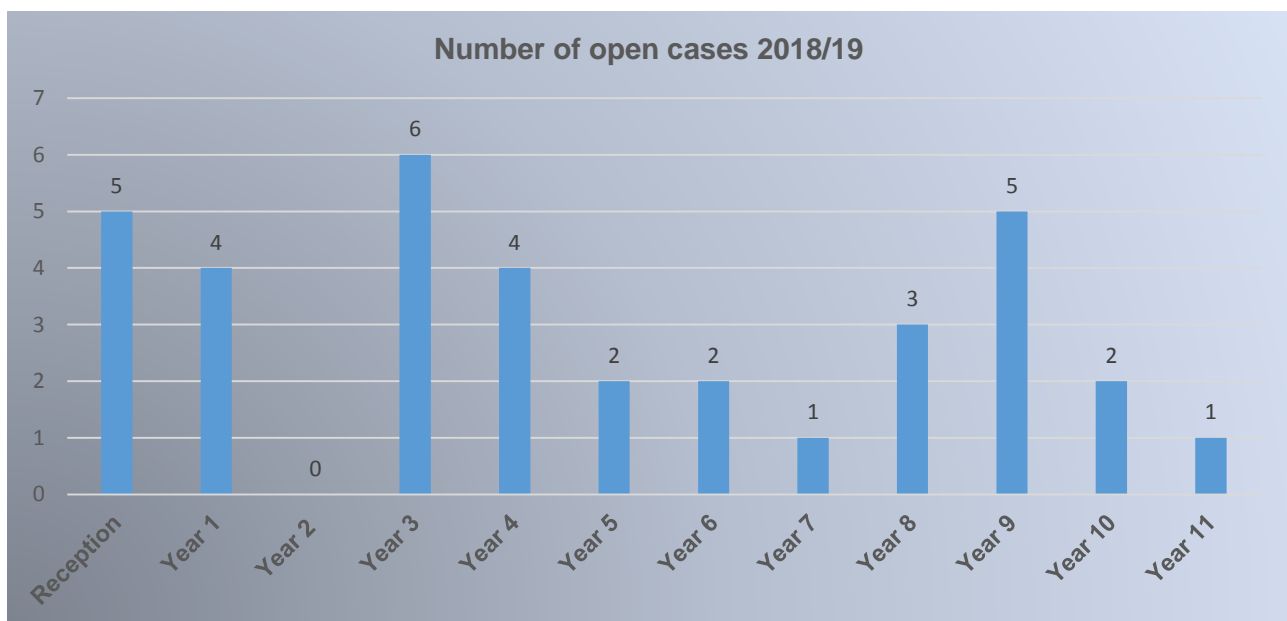
Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation 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.

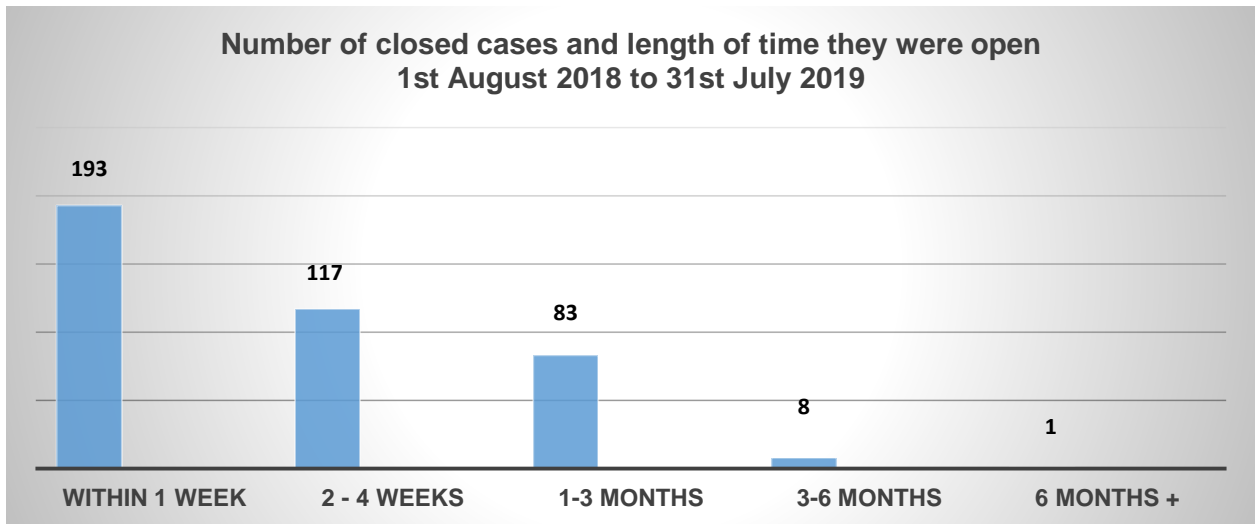
Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could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

Appendix 3: CME data 2018/19

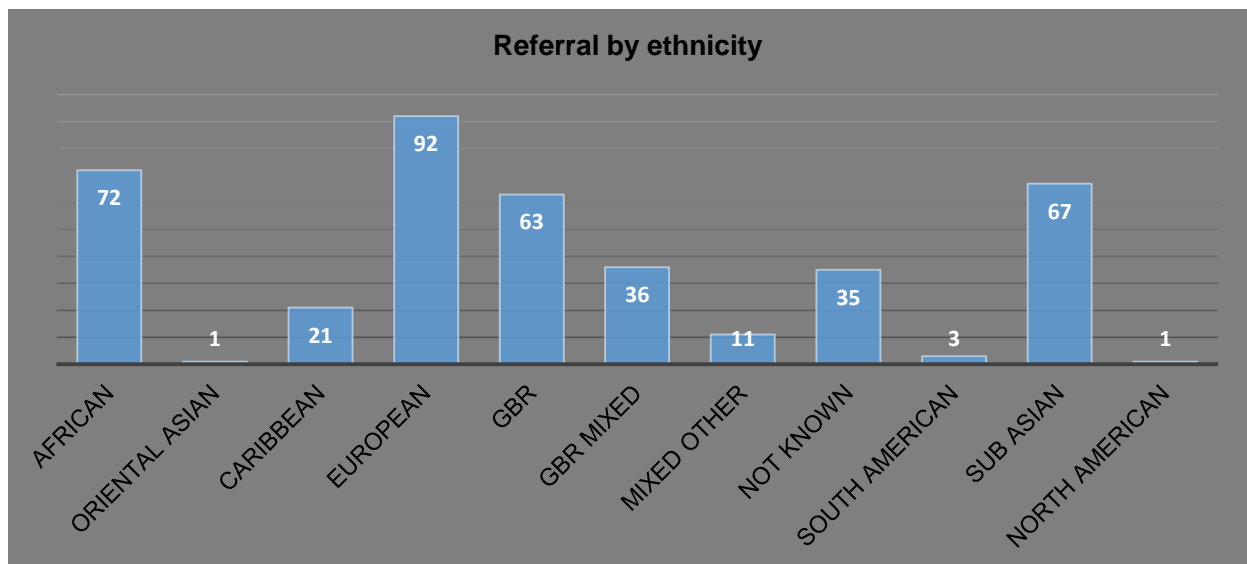
3.a The tables shows the **open cases** and the **year groups** for 2018/19.



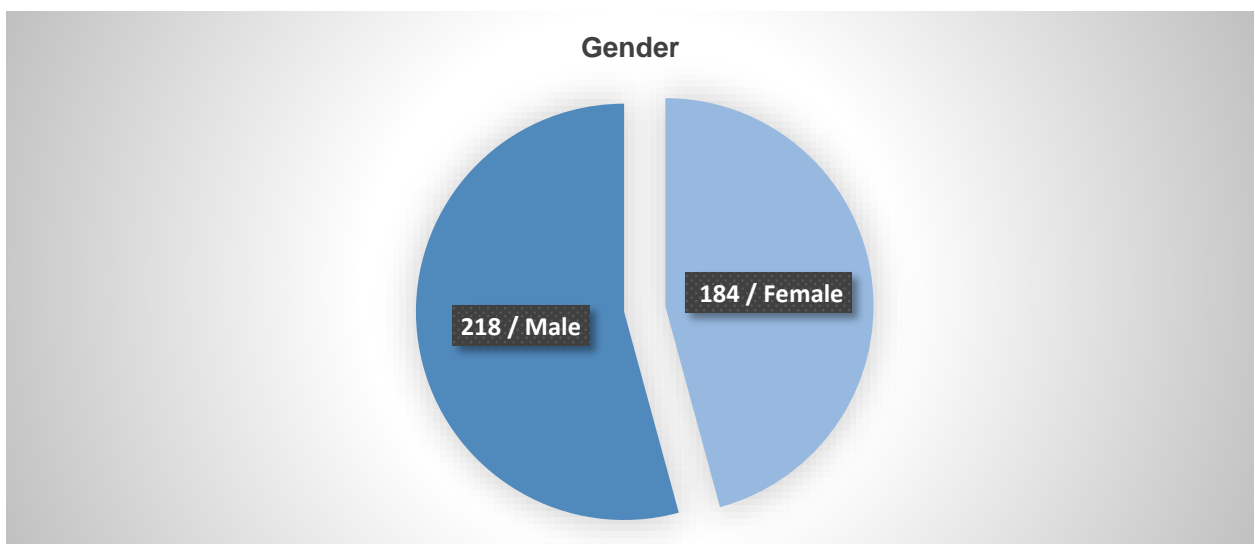
3.b. The table shows the length of time to close cases in 2018/19. The aim for 2019/20 is to close all cases within three months.



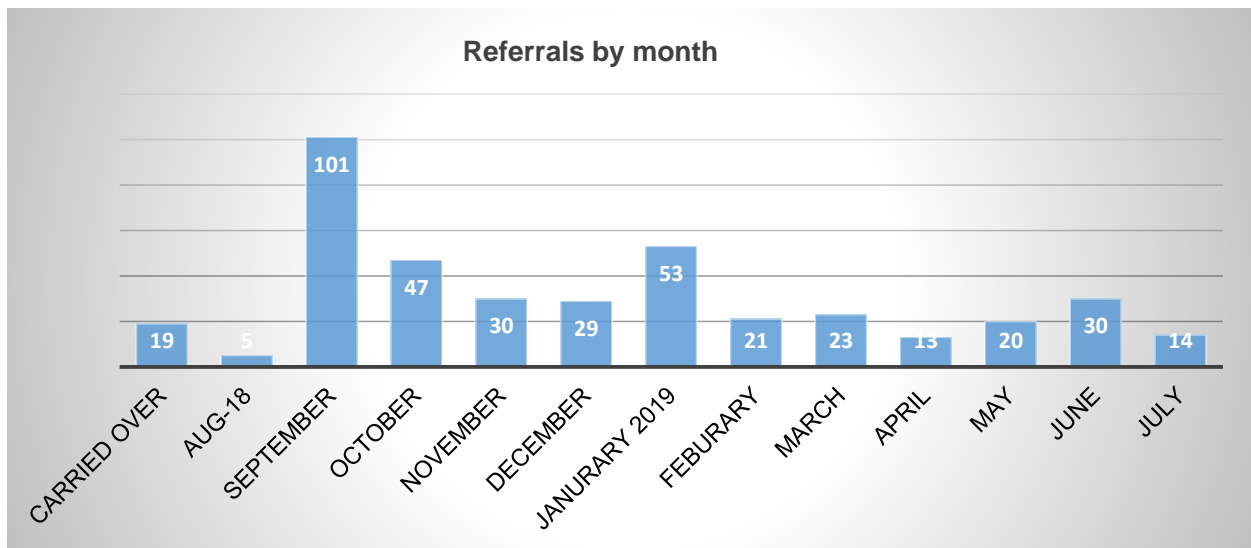
3.c. Referrals by ethnicity 2018/19



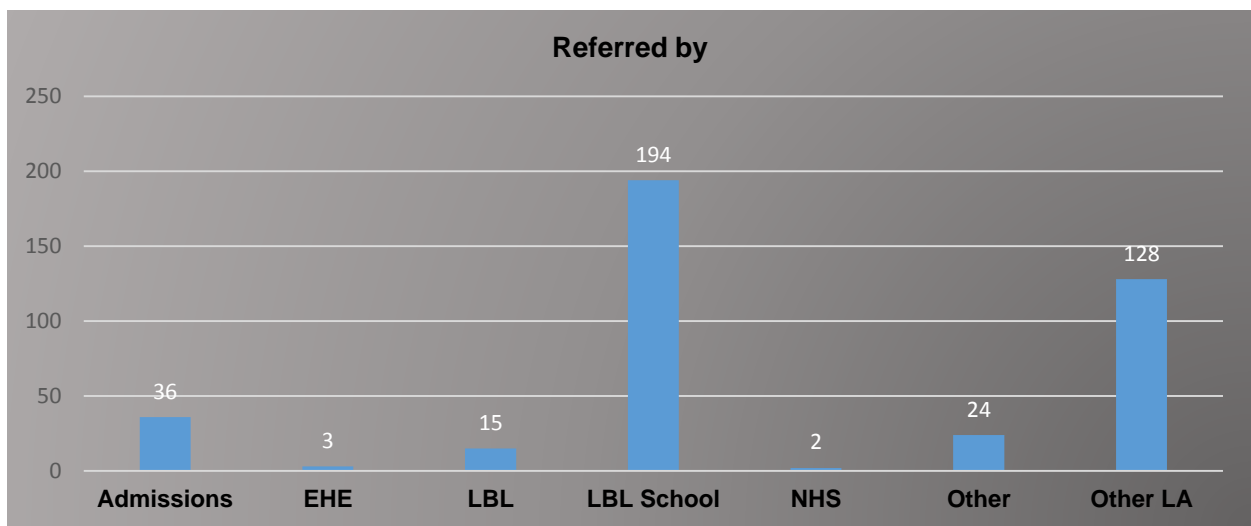
3.d. Referrals by gender 2018/19



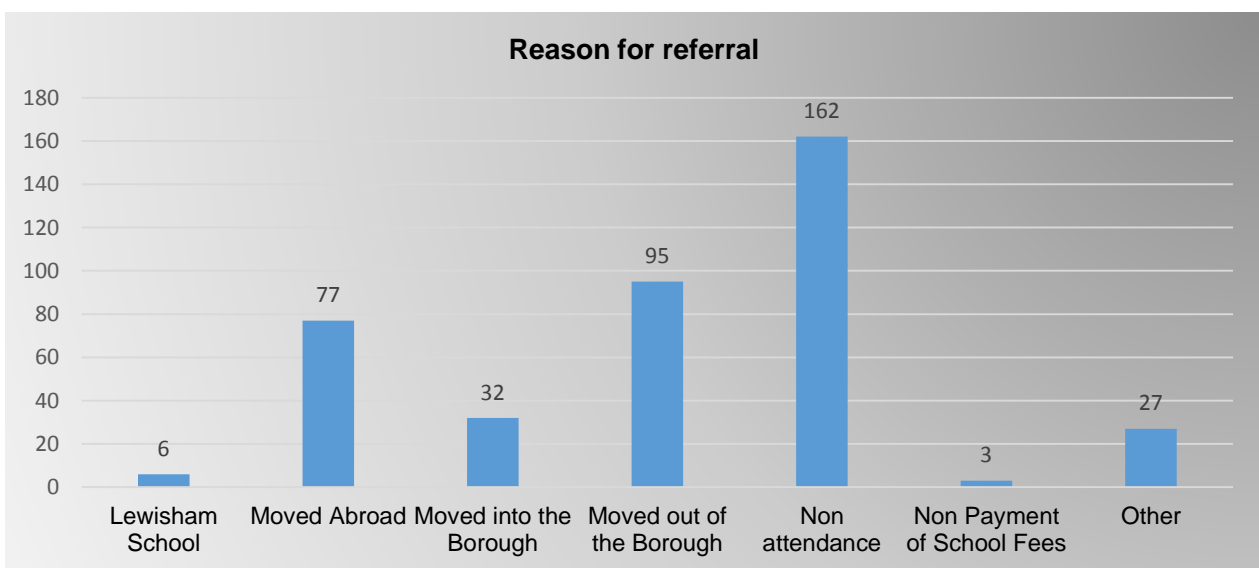
3.e. Referrals by month 2018/19



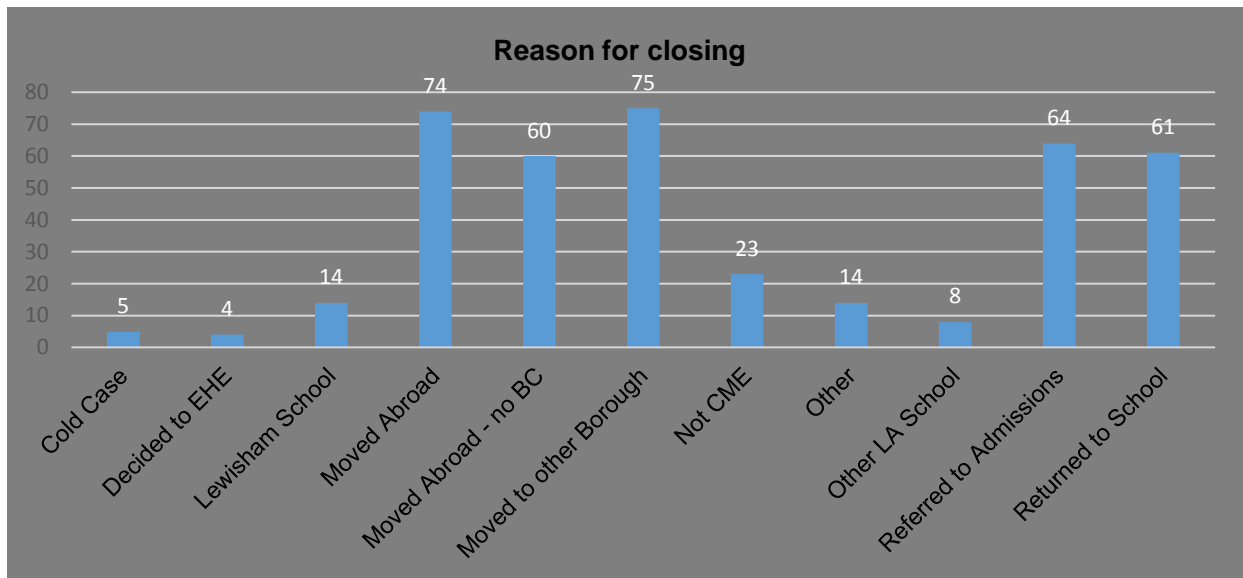
3.f. Who is referring 2018/19?



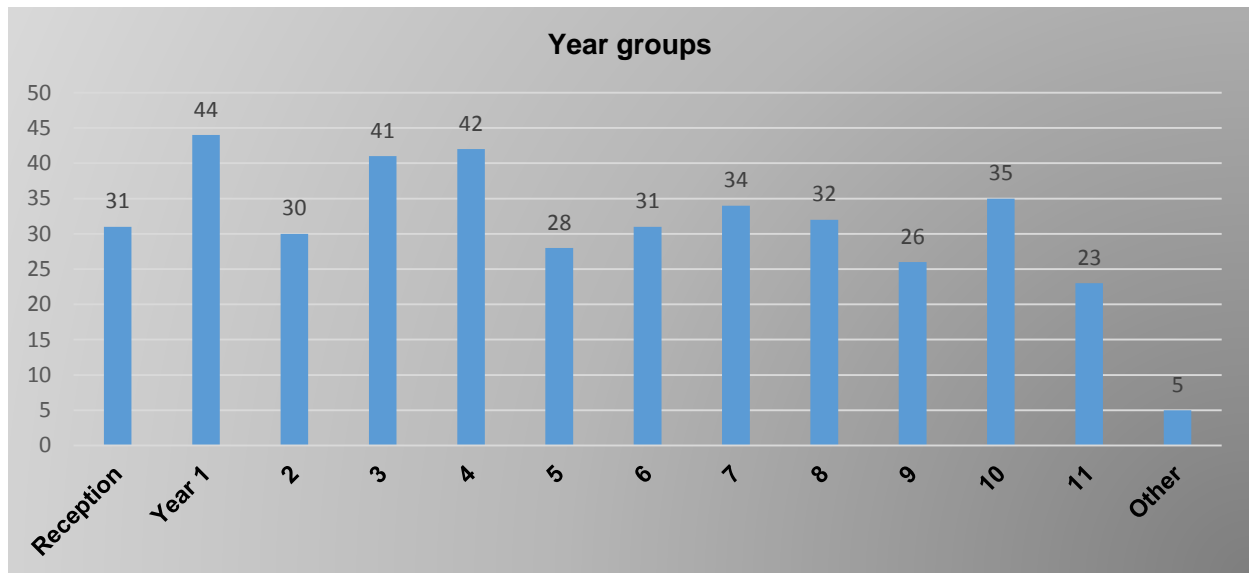
3.f. Reasons for referral



3.g. Reason for closure

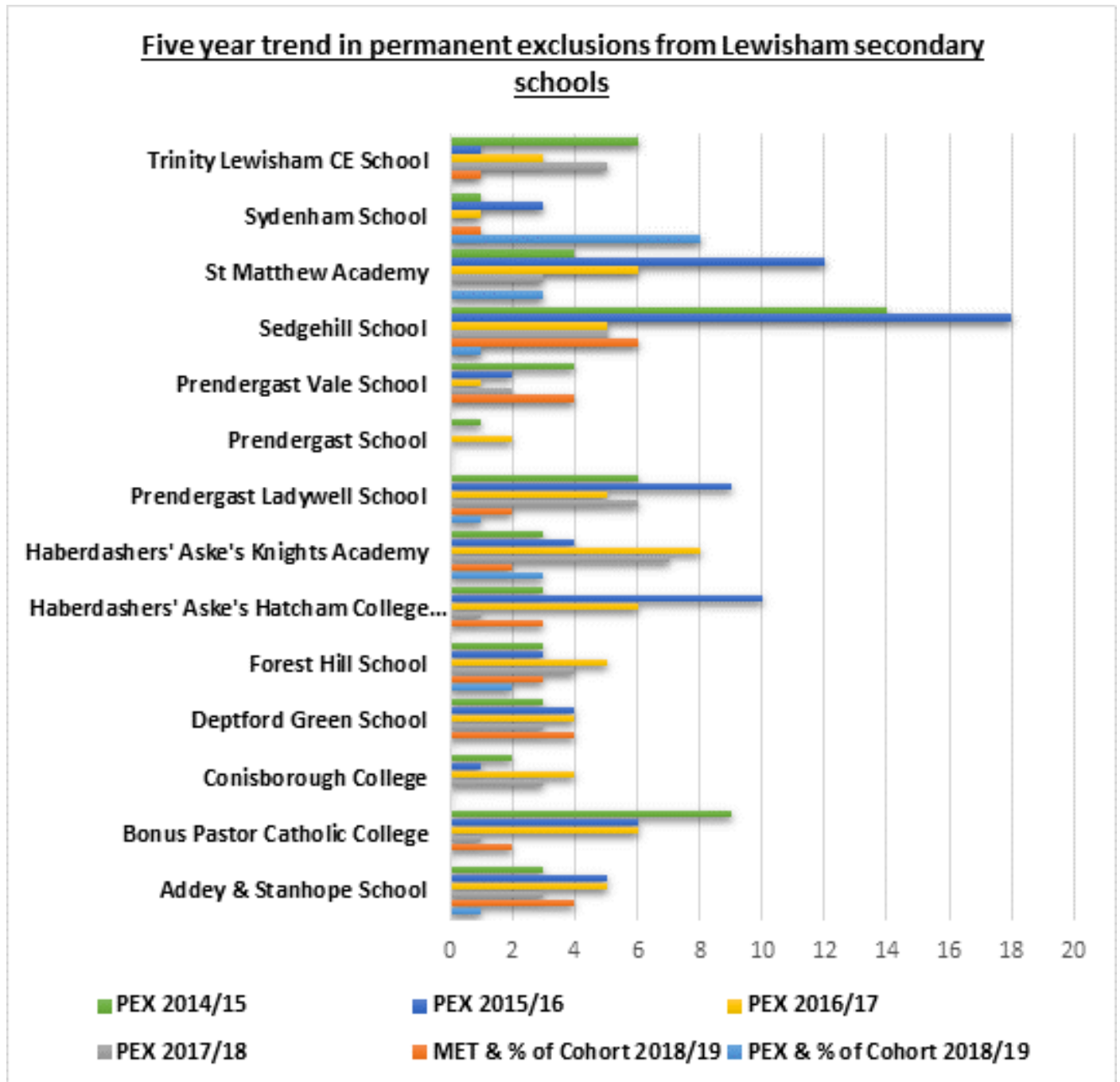


3.h. Referrals by Year Group



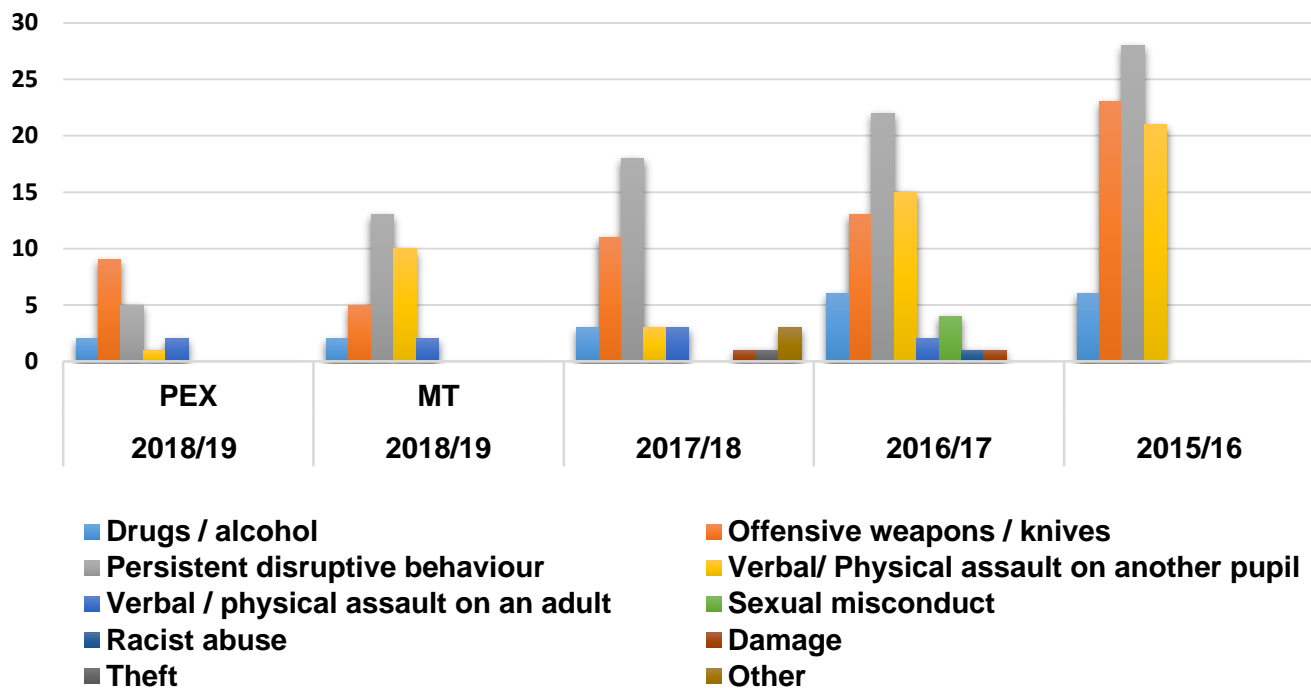
Appendix 4

4.a.



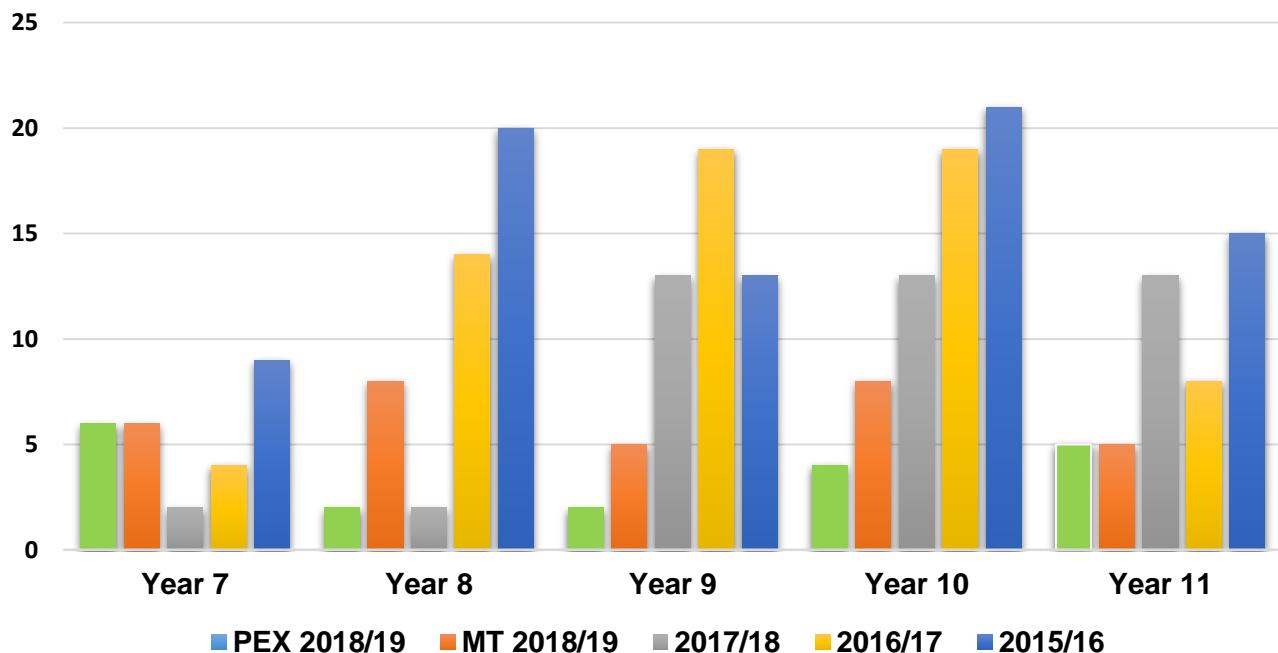
4.b.

Permanent exclusion and managed transfer reasons - Lewisham schools only



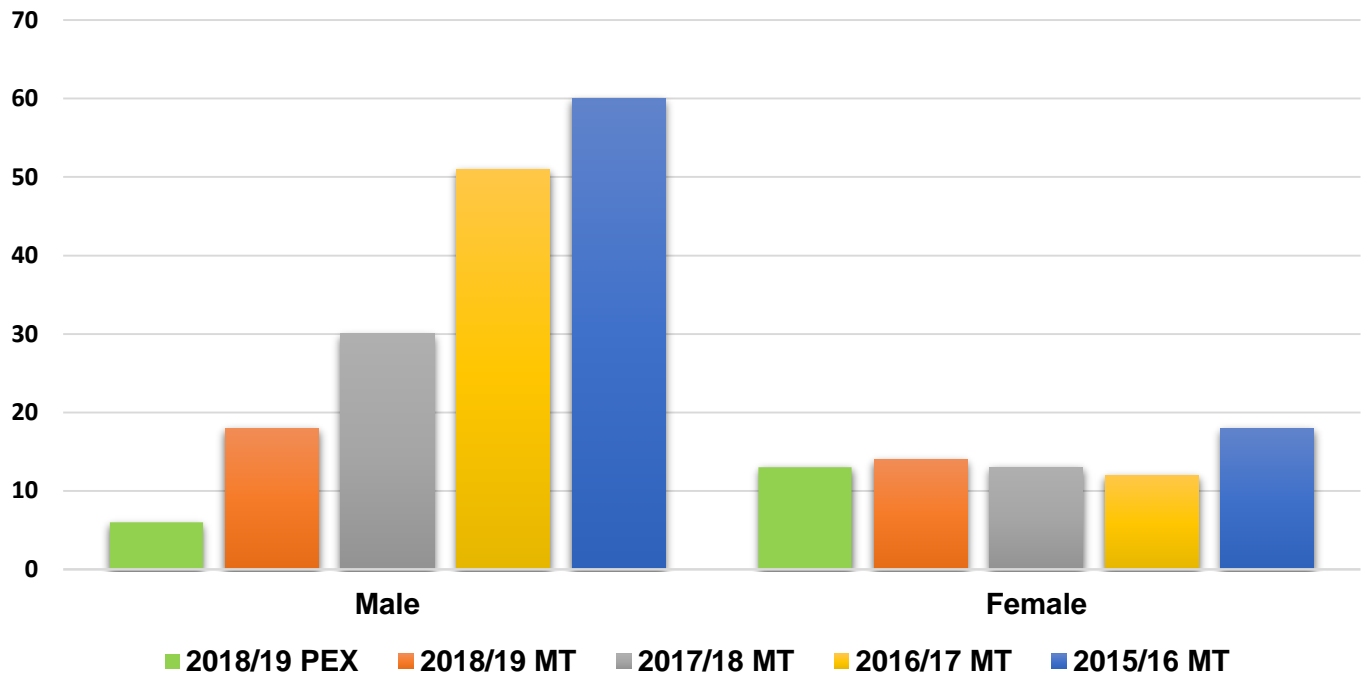
4.c

Exclusion by Year group - Lewisham schools only



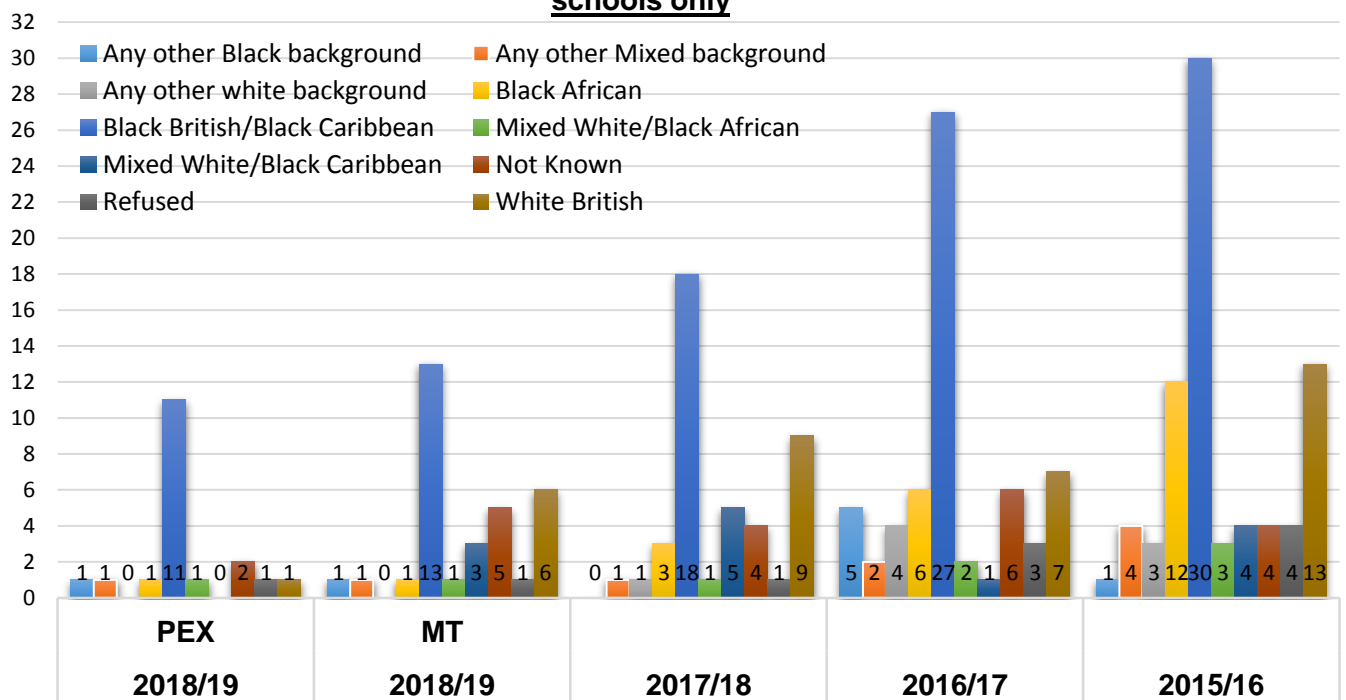
4.d.

Permanent exclusions by gender – Lewisham schools only



4.e.

Permanent exclusions and managed transfers by ethnicity – Lewisham schools only



4.f.

