

**Decision Maker:** EDUCATION, CHILDREN AND FAMILIES SELECT COMMITTEE

**Date:** 27<sup>th</sup> February 2018

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** PREVENTING PERMANENT EXCLUSION FROM SCHOOL

**Contact Officer:** Pip Hesketh, Head of Service, Access and Inclusion  
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**Chief Officer:** Ade Adetosoye, Deputy Chief Executive and Executive Director ECHS

**Ward:** Borough-wide

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1. Reason for report

- 1.1 This report provides an update to the Education, Children and Families Select Committee on the level of exclusions from Bromley schools, the steps being taken to help schools reduce the use of permanent exclusion as a sanction and the destinations for children who have been excluded permanently from school.
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2. RECOMMENDATION

- 2.1 The Select Committee is asked to consider the information in this report.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: Preventing permanent exclusion from school and having clear destinations for pupils who have been excluded supports vulnerable children and their families and carers.
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### Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Children and Young People
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### Financial

1. Cost of proposal: Not Applicable
  2. Ongoing costs: Not Applicable
  3. Budget head/performance centre: Not Applicable
  4. Total current budget for this head: £N/A
  5. Source of funding: Not Applicable
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### Personnel

1. Number of staff (current and additional): Not Applicable
  2. If from existing staff resources, number of staff hours: Not Applicable
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### Legal

1. Legal Requirement: Statutory Requirement: Exclusion from maintained schools, academies and pupil referral units in England (September 2017) – See Commentary
  2. Call-in: Not Applicable: No Executive Decision
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### Procurement

1. Summary of Procurement Implications: Not Applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All pupils of Bromley schools.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

### 3. COMMENTARY

#### Exclusions from schools

*“Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports headteachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school’s behaviour policy; and where allowing the pupil to remain in school would seriously harm the welfare of the pupil or others in the school.”*

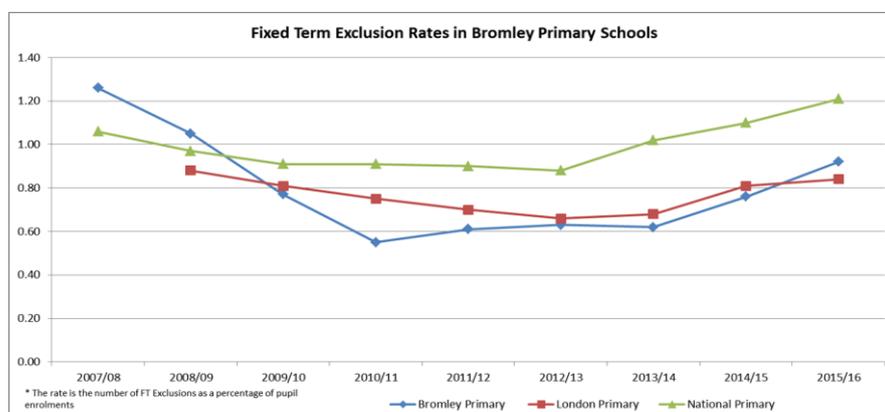
*Statutory Guidance - Exclusion from maintained schools, academies and pupil referral units in England September 2017*

- 3.1 The process for excluding a child from school is set out in statutory guidance (*Exclusion from maintained schools, academies and pupil referral units in England September 2017*). The decision to exclude a child permanently from school can be made only by the headteacher and must be ratified by the governing body. Schools must consider circumstances such as the child’s special educational needs and protected characteristics in making their decision. There is an expectation that exclusion is a last resort and that schools will have taken steps to intervene early by identifying and addressing the causes of disruptive behaviour.
- 3.2 When a child is excluded permanently, the funding for the school place is clawed back by the Local Authority to contribute to the alternative provision which must be made.

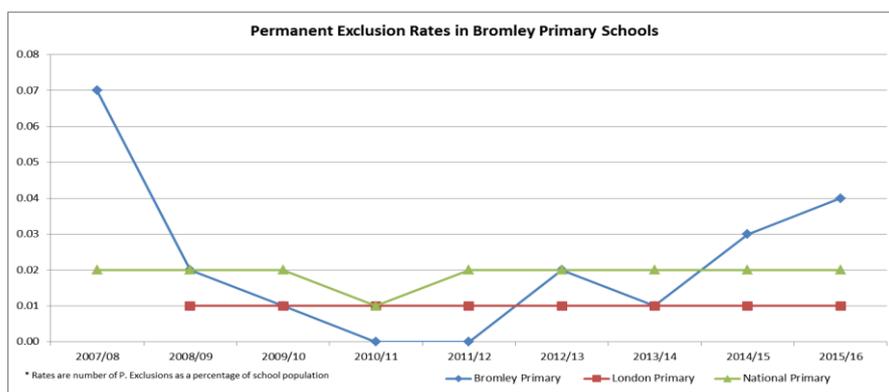
#### 3.3 Bromley primary schools

- 3.3.1 The number of permanent exclusions from primary schools in Bromley has been high and is, rightly, a concern for Members. Having decreased significantly by 2011, the use of exclusion, fixed term and permanent, had begun to increase and by 2015/16, the performance of Bromley schools compared unfavourably with the average performance of schools in London and England (see Tables 1 and 2). To add depth to our understanding of the performance of Bromley schools and to raise our ambitions for Bromley children, comparative data is provided for the ten highest attaining authorities at Key Stage 2, where Bromley is ranked = 2<sup>nd</sup>. Only one of these authorities had a higher rate of permanent exclusion from primary schools. (NB. Nationally published data are available to 2015/16 only.)

**Table 1: Fixed term exclusions from primary schools – Bromley and national**



**Table 2: Permanent exclusions from primary schools – Bromley and national**



**Table 3: Permanent exclusions from primary schools – data for 10 highest attaining authorities**

National ranking % pupils attaining expected standard in reading, writing and mathematics 2016/17	Permanent exclusion rate 2015/16
1	X
=2	0.05
<b>Bromley =2</b>	<b>0.04</b>
=3	X
=3	X
4	X
=5	X
=5	0
=5	0.02
=5	X

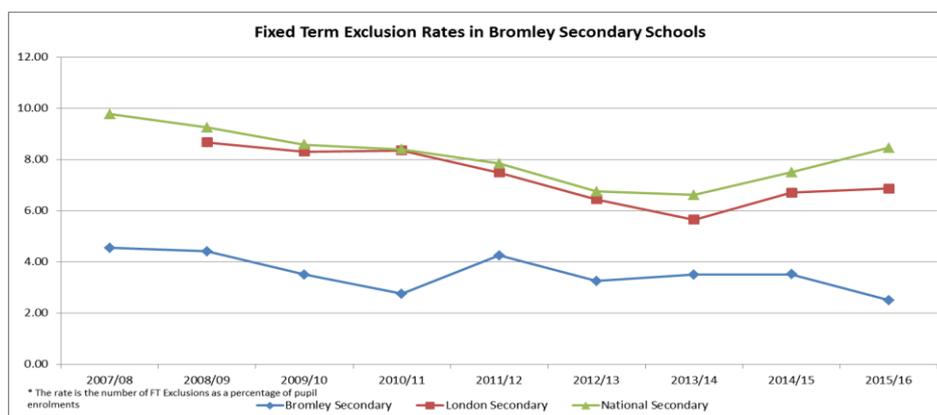
X In national tables, very low numbers are suppressed

3.3.2 During the 2016/17 academic year, 17 children were excluded permanently from Bromley primary schools. (NB. For one of these children, the governors’ hearing was in September 2017 so the exclusion will be counted in 2017/18 data). In 2017/18 to date, just one child has been excluded permanently.

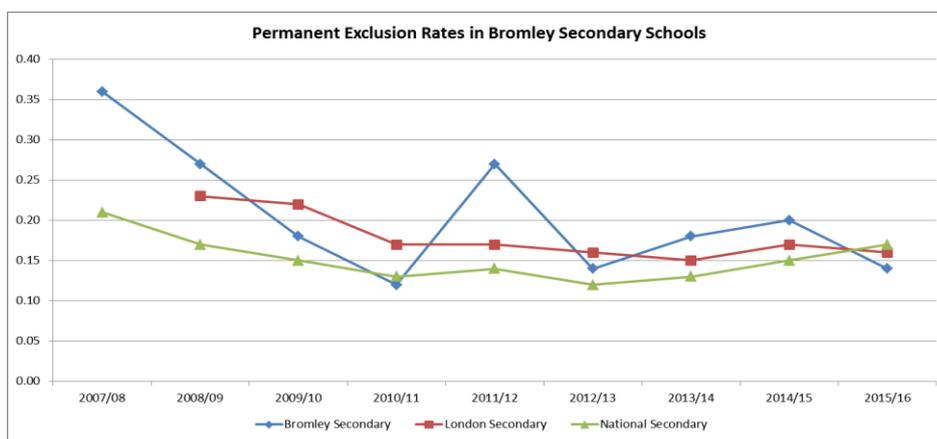
### 3.4 Secondary schools

3.4.1 Permanent exclusions from Bromley secondary schools have been high but have been reducing and are now not out of kilter with schools in London and nationally (see Table 5) or the highest performing authorities, where Bromley is just outside the top ten, ranking 16<sup>th</sup> (see Table 6). The use of fixed term exclusion in secondary schools is low compared with London and nationally (see Table 4).

**Table 4: Fixed term exclusions from secondary schools – Bromley and national**



**Table 5: Permanent exclusions from secondary schools – Bromley and national**



**Table 6: Permanent exclusions from secondary schools – data for 10 highest attaining authorities and Bromley**

National ranking	Average Attainment 8 per pupil 2016/17	Permanent exclusion rate 2015/16
1		0.08
=2		0.27
=2		0.03
=3		0.21
=3		0.12
4		0.24
=5		0.09
=5		0.16
6		0.29
7		0.05
Bromley	16	0.14

3.4.2 During the current education year, 22 children have been excluded permanently from Bromley secondary schools compared with 68 for the whole of the 2016/17 education year.

### 3.5 Groups who are vulnerable to exclusion

*“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.”*

Statutory Guidance - Exclusion from maintained schools, academies and pupil referral units in England September 2017

3.5.1 Of the pupils permanently excluded from Bromley schools, 40% have a Black and Minority Ethnic (BAME) heritage, higher than the 31% of BAME children living in Bromley. Anecdotally, the number of children with Traveller family heritage, amongst the white children within this cohort, is high but this is not possible to evidence exactly as some Traveller families prefer not to declare their Traveller heritage. Boys make up 64% of the permanently excluded children are boys and those with additional learning needs form 28% are known to have some additional learning needs.

## 4. Preventing the use of permanent exclusion

*“Disruptive behaviour can be an indication of unmet needs. Where a school has concerns*

*about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's education needs is required."*

Statutory Guidance - Exclusion from maintained schools, academies and pupil referral units in England September 2017

- 4.1 Supporting schools in reducing the need to use permanent exclusion as a sanction is a key focus for the Access and Inclusion Service, to ensure every Bromley child in Bromley can benefit fully from the high quality education offered by Bromley schools. This year, for three children, the decisions to exclude permanently were rescinded because of the child's additional needs, underlining the importance of schools identifying and meeting children's needs.

**Inclusion Support Advisory Team (ISAT)**

- 4.2 Inclusion Support Advisory Team (ISAT) works through school special educational needs coordinators (SENCo) to increase capacity and confidence, across the education system, to provide for children with special educational needs (through regular SENCo Forums and briefings on current issues). The team has specialist skills in mental health and Autistic Spectrum Disorder. At school level ISAT helps schools develop policies and systems and will work with individual staff or groups of staff to advise on strategies to support individual children. ISAT does not work directly with children.
- 4.3 In the autumn term 2017, schools have made 78 referrals to ISAT for advice about individual children, most of whom presented behaviour which was challenging for the school. In most cases, schools have supported the child successfully, sustaining a placement in school, and only three cases have ultimately resulted in a permanent exclusion.
- 4.4 In many cases, ISAT has helped schools identify and address unmet special educational or other needs. These unmet needs can trigger challenging behaviour, particularly in younger children whose feelings and experiences may be expressed less easily. The team works closely with other services to provide multi-agency early intervention, including CAMHS and family support through Early Help and Children's Social Care. Where appropriate, ISAT will also help the school identify the need to request additional resources (through the Pupil Resource Allocation) to support the child in school or to request statutory assessment for an Education Health and Care Plan.

**Primary Outreach**

- 4.5 While ISAT provides advice and support, schools do also need access to direct support for some children. Primary Outreach is a new service, to be commissioned from Bromley Trust Academy (Bromley's Pupil Referral Unit provider), from the Spring Term 2018. The Local Authority will pump prime the start up by funding the service for two years with a view to the service being funded by primary schools thereafter. Oversight of the service will be provided by an Advisory Board, led by headteachers.
- 4.6 Primary Outreach will have capacity for direct work with up to 30 children, provided through a structured programme designed to meet agreed goals and change behaviour. With the service provided by Bromley Trust Academy (BTA), the programme for a child may include short periods of respite at BTA Midfield but the expectation is that most children will not require this escalation and, if they do, a return to mainstream should be the standard pathway.

- 4.7 The significant reduction in the use of permanent exclusion from primary schools may be credited, at least in part, to the Local Authority and schools working together to develop this targeted provision.

### Alternative Provision

- 4.8 The Access and Inclusion Service is developing an improved and more diverse offer of alternative provision (AP). Typically, AP is offered for KS4 pupils who have disengaged from education for some time. They and their families often have a range of complex challenges and may be also be receiving services from YOS, Targeted Youth Support and Early Help. For some pupils, AP may be offered *before* a child has been excluded as part of a programme of targeted intervention, rather than a sanction following permanent exclusion.
- 4.9 AP is tailored to pupils' post 16 aspirations and interests and all pupils continue to study numeracy and literacy. Placements are generally vocational, currently Animal Care, Plumbing, Motorbike Mechanics, Hair and Beauty, but also more conventional academic pathways
- 4.10 There are 18 young people benefiting from these placements. Because provision is carefully targeted, it is proving successful in re-engaging young people who frequently attend full time having previously attended school erratically. The young people report being motivated by these new opportunities, with one saying: 'I feel I have got my life back'. All placements are quality assured and pupils' attendance is monitored rigorously.
- 4.11 This provision is in addition to the BTA Pupil Referral Unit, which has limited capacity for early intervention in the secondary phase, and Nightingale, which provides for children with significant mental health needs.

### Child and Adolescent Mental Health Services (CAMHS)

- 4.12 Senior Leaders from Oxleas CAMHS and from the Council have begun a dialogue with schools to develop universal and targeted programmes of mental health support that will build skills for schools and resilience for children. The aim is to create, together, a model of support to enable children to remain part of the mainstream school environment, which will be informed by the green paper, *Transforming children and young people's mental health provision*, published in December 2017.

## 5. Destinations for children who have been excluded permanently

- 5.1 Table 7 sets out the destinations of the 24 children excluded permanently in the autumn term 2017. A place in a mainstream school was secured for just two children. The majority are being educated in a Pupil Referral Unit (PRU) and, although the PRU will seek to re-integrate children in a mainstream school after a programme of intervention, this is seldom achieved for Key stage 4 pupils.

**Table 7: Destinations for children excluded permanently during autumn term 2017**

Destination	No.	Year groups												
		Primary						Secondary						
		R	1	2	3	4	5	6	7	8	9	10	11	
Bromley mainstream school	1												1	
Out-of-borough mainstream school	1							1*						
Special school **	0													
PRU KS1-2: BTA Midfield	1				1									
PRU KS3-4: BTA Hayes	10								1	2	3	3		1
Out-of-borough PRU	6										1	5		
Elective Home Education (EHE)	1											1		
Awaiting admission***	4										1	2		1

\* Pupil was permanently excluded in July 2017 but decision upheld in September 2017

\*\* No students had an EHCP. 7 pupils (29.16%) were listed as SEN Support

\*\*\* Referred to PRU but not admitted yet (3 x BTA; 1 out of borough PRU)

## Elective Home Education

- 5.2 There are currently 238 children whose parents have elected to educate them at home. This is broadly in line with other authorities. In Bromley, contact is made with the family usually within 2 weeks of notification. A face-to-face visit is always requested and take up rate is 85%. The next visit will be scheduled for 6 months unless there is concern about the provision in which case a follow up visit is arranged within 3-6 weeks. Persistent non-attendance at scheduled meetings is always followed up and referrals are made to Children's Social Care if there is any concern of risk of harm to the child.
- 5.3 Information about this cohort of children is analysed carefully with, for example, investigation into the reasons for any Key Stage 4 child becoming home educated. When families report that their child's school has encouraged them to opt for home education, schools are challenged and reminded that any coercion is regarded, in law, as an unlawful exclusion.

## 6. Conclusion

- 6.1 Significant steps are being taken to improve the Local Authority's capacity to analyse information to identify risk to children's education and to intervene earlier to meet their needs appropriately. At strategic and operational levels, services are becoming better coordinated so that children's diverse need can be met through a well-targeted continuum of provision which supports children's education in a mainstream setting. A new model of pathways for vulnerable children is being developed so that schools have a clearer picture of the continuum of provision (universal, targeted and specialist) and how to access it.
- 6.2 The use of permanent exclusion from school is reducing and children's needs are being identified and met earlier to enable placement in a mainstream school to be sustained. Where children are educated in alternative provision, a more diverse offer is being developed, making it easier to tailor intervention and support transition back into mainstream education. There is more to do in building a comprehensive offer to support children whose education is at risk, particularly to enhance the mainstream offer and targeted intervention to build confidence within schools and safeguard the education of all Bromley children.

<b>Non-Applicable Sections:</b>	Impact on Vulnerable Adults and Children, and Policy, Financial, Personnel, Legal and Procurement Implications
Background Documents: (Access via Contact Officer)	Not Applicable