

# CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

22 SEPTEMBER 2015

## MEMBER'S ITEM: EXCLUSIONS IN MEDWAY SCHOOLS

Report from: Barbara Peacock, Director of Children and Adult Services

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### Summary

This report sets out the response to an issue raised by Councillor Osborne regarding school exclusions in Medway. It provides information on the pattern of fixed period and permanent exclusions from Medway primary and secondary schools, for the school years 2009-2014. It also compares Medway to statistical neighbours, and the average across England. It also provides details on the range of support and guidance for schools.

### 1. Budget and Policy Framework

- 1.1 Under Medway Council's Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Osborne has requested that an item on this matter is included on the agenda for this meeting.
- 1.2 As the next meeting of this Committee is not scheduled until 8 December 2015, the Chairman has accepted this item as urgent to enable timely discussion on this issue following recent media coverage. The report could not be despatched with the agenda as officers needed time to prepare the report, which was requested by Councillor Osborne on Wednesday 9 September 2015.

### 2. The Issue

- 2.1. Councillor Osborne has requested that an item is placed on the agenda to provide information relating to exclusions in Medway schools.

2.2. He has specifically requested: -

2.2.1 Why there has been a marked increase in levels of temporary exclusion or exclusion since 2009 **(Question 1)**

2.2.2 How often the Council reports and briefs Cabinet Members on exclusion rates, in light of comments made to the media by Portfolio Holder that only aware of exclusion rates 'in recent months' **(Question 2)**

2.2.3 What advice, briefing or direction the Education Directorate has provided to schools concerning exclusion policies, and whether this advice, has changed since 2009. (With examples of policy or guidance provided) **(Question 3)**

2.2.4 Exclusion levels, and days lost, for Key Stage 3 and 4 to demonstrate whether this problem is more widespread or whether this is solely related to Primary Schools. **(Question 4)**

### **3 Director's comments**

#### **Question 1**

3.1 Most schools regard exclusion as a last resort. They use a range of strategies to manage difficult behaviour and often will use fixed period exclusion to avoid having to permanently exclude a pupil, which research shows can have a detrimental and long lasting negative effect on the future prospects for that young person.

3.2 A fixed period exclusion can last for part of a day, a few days and up to 45 days in one full academic year. Appendix A shows the number and percentage of fixed period and permanent exclusions in primary and secondary schools in Medway, its statistical neighbours and England from 2008- 9 to 2013-14.

3.3 There are a range of reasons why there has been a rise in exclusions, which taken together, may account for this situation.

3.4 The Academies Act of 2010 enabled mainstream schools to convert to Academy status. By 2011 the number of Academies had doubled and by the end of 2013, there was an exponential rise in the number of Academies, with over 3,400 nationally. In 2012, the Academy scheme was applied to primary schools.

3.5 There has been some criticism nationally that the promising results achieved by some Academies may be due to the increased exclusion of some of the more 'hard to teach' pupils. The relentless drive to achieve even higher academic standards can result in schools being less inclusive of those pupils, whose behaviour may be challenging and whom schools regard as disrupting the education of other pupils

- 3.6 Reduction in local government spending on early intervention was significant, when the coalition government reduced and removed the ring-fenced elements of the specific grant during 2011. Some support services, which hitherto had been free to schools, no longer existed or were offered at a cost. These were services which provided a preventative offer, such as behaviour strategies and/or emotional health and well-being.

### **Question 2**

- 3.7 The percentage of children permanently excluded from schools is an agreed Council Plan performance indicator and performance against this is reported to Members quarterly. Members reviewed the Council Plan at Cabinet on the 25<sup>th</sup> August 2015. Performance against this indicator for Q1 2015-16 was better than our target (0.03% against a target of 0.06%) and there were 15 permanent exclusions upheld out of 43,939 pupils from the January 2015 census. This statistic should be regarded as a provisional statistic, as it is possible that the number may increase due to a number of pending appeals.
- 3.8 The Children and Young People Overview and Scrutiny meeting in March 2016 will receive a full report on educational outcomes, incorporating a data set, which will give clear information on fixed period and permanent exclusions.

### **Question 3**

- 3.9 Clear information on exclusions is published on Medway Council's website. This is reviewed regularly and has a link to the DfE guidance for maintained schools, Academies and pupil referral units in England. The DfE guidance was introduced in 2012, and although new guidance was issued in February 2015, that was withdrawn and the 2012 Guidance was re-instated.
- 3.10 In addition, schools and governing bodies are provided with regular training and briefings to ensure they are fully aware of their roles and responsibilities and legal implications. As well as keeping schools up to date with their statutory responsibilities in relation to exclusion, the Council's Inclusion and Educational Psychology teams have delivered advice, support and training, such as:
- Multi-agency meetings regarding pupils at risk of exclusion
  - Telephone helpline for headteachers
  - Training on understanding emotional and mental health in schools
  - Induction for newly qualified teachers on behaviour management
  - Bespoke training for whole school staff
  - Support for managed moves between schools

- Video Integrated Guidance (VIG) to support better interaction and relationships between adults and children

#### **Question 4**

- 3.11 Exclusions over the period 2009 to 2014 are shown in Appendix A of this report. The rate of permanent exclusion is constant across Primary and Secondary Schools whilst fixed period exclusions are more prevalent within Primary Schools.

#### **4. Risk Management**

- 4.1 Exclusions can have a detrimental effect on an individual child's learning. Reducing exclusions should lead to better performance and outcomes.

#### **5. Implications for Looked After Children**

- 5.1 Schools very rarely permanently exclude looked after children. Only two looked after children have been permanently excluded since 2009. Headteachers may issue fixed period exclusions to try and prevent them from becoming permanently excluded. Schools will involve the virtual headteacher and the inclusion team to agree a range of interventions and challenges if a looked after child is at risk of becoming permanently excluded.

#### **6. Financial and Legal Implications**

##### Legal Implications

- 6.1 Medway Council and Schools must comply with obligations in regard to equalities under the Equality Act 2010, to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. It must advance equality of opportunity and foster good relations between people. This involves removing or minimising disadvantages suffered by people, including taking steps to meet the needs of people who have a 'protected characteristic' in terms of this Act. It must encourage people from protected groups to participate in public life and other activities where their participation is disproportionately low.
- 6.2 These duties need to be taken into account when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow Schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.
- 6.3 Under the Equality Act 2010, Schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity, or because of a gender reassignment. For disabled pupils, this includes a duty to make reasonable adjustments to policies and practices.

- 6.4 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.

#### Financial Implications

- 6.5 There are no financial implications pertinent to this paper.

### **7. Recommendation**

- 7.1 Members are recommended to consider the above report and determine whether any further action is required.

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#### **Appendices**

Appendix A: Fixed period and permanent exclusions in primary and secondary schools for the period 2009-2014, showing Medway in comparison to statistical neighbours, and England.

#### **Background Papers**

'Exclusion from maintained schools, Academies and pupil referral units in England: a guide for those with legal responsibilities in relation to exclusion'. DfE (June 2012)

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





