

3 November 2020

Exclusions in schools

Ward(s): All

Portfolios: Councillor Chris Towe – Education & Skills

1. Aim

The Department for Education (DfE) and the United Kingdom Statistics Authority published a dataset on 13 August 2020 on permanent and fixed period exclusions in England for the 2018/19 academic year across state funded schools.

This report summarises the exclusions data on children and young people in Walsall during the 2018/19 academic year.

2. Recommendations

That the Education Overview and Scrutiny Committee considers the contents of this report and decides whether there should be further information or updates.

3. Report detail – know

3.1 A guide to the law:

Only the head teacher 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 and can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period.

The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

The behaviour of a pupil outside school can be considered grounds for an exclusion.

The head teacher may withdraw an exclusion that has not been reviewed by the governing board.

The head teacher and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice.

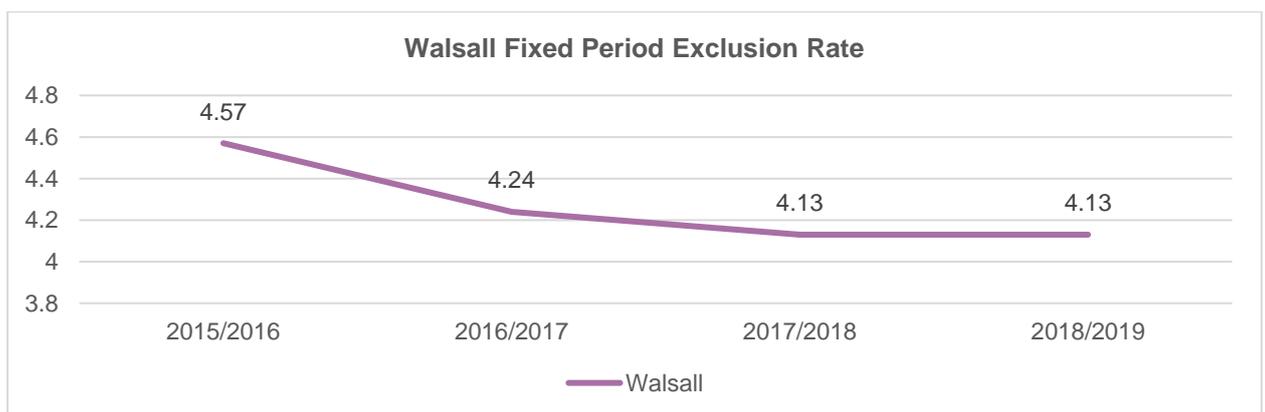
It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.

'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded. Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

3.2 Fixed Period Exclusions:

Prevalence

The number of pupils in Walsall schools with a fixed period exclusion increased from 2073 in 2017/2018 to 2106 in 2018/2019 but due to the overall increase in pupil numbers in schools, remains at 4.13%. The proportion of pupils with a fixed period exclusion has also been decreasing since 2015/2016 (4.57%).

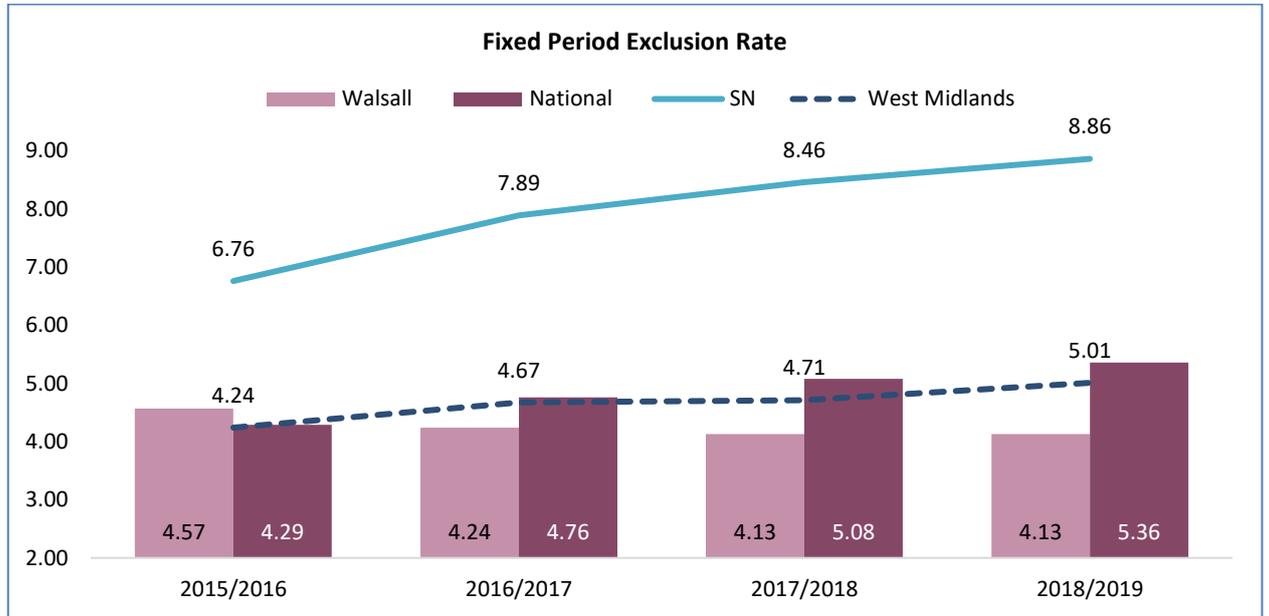


Comparing the percentage of pupils in Walsall schools with a fixed period exclusion with National, Statistical Neighbours and West Midlands local authorities, the fixed period exclusion rate in Walsall continued to fall, decreasing from 4.24% in 2016/2017 to 4.13% in 2017/2018 and remained at that for 2018/2019.

National continues to increase, widening the gap to Walsall from 0.52% above in 2016/2017 to 1.23% above in 2018/2019.

Similarly, statistical neighbours have also increased each year since 2015/2016 widening the gap to Walsall from 2.19% in 2015/2016 to 4.73% for 2018/2019.

West Midlands has also been increasing on an annual basis and since 2016/17 has been above Walsall.



By Phase

The percentage of fixed period exclusions in primary and secondary schools in Walsall for 2018/2019 is below that of National, West Midlands and Statistical Neighbours.

Primary has been improving year on year and stands at 1.20%, from 1.64% in 2015/2016.

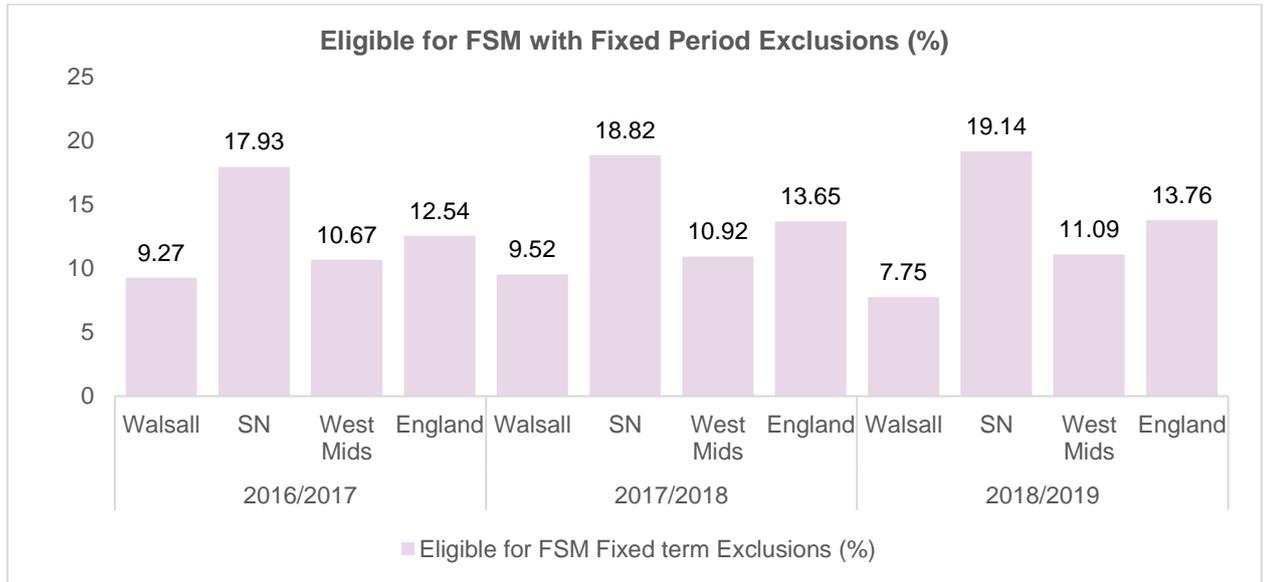
The percentage of fixed period exclusions for Secondary was improving from 8.34% in 2015/2016 to 7.56% in 2017/2018, but has increased slightly to 7.92%.



Characteristics

FSM

The percentage of pupils in Walsall eligible for FSM with fixed period exclusions has decreased from 9.27% in 2016/2017 to 7.75% in 2018/2019. Walsall is currently below National (13.76%), Statistical Neighbours (19.14%) and West Midlands (11.09%).

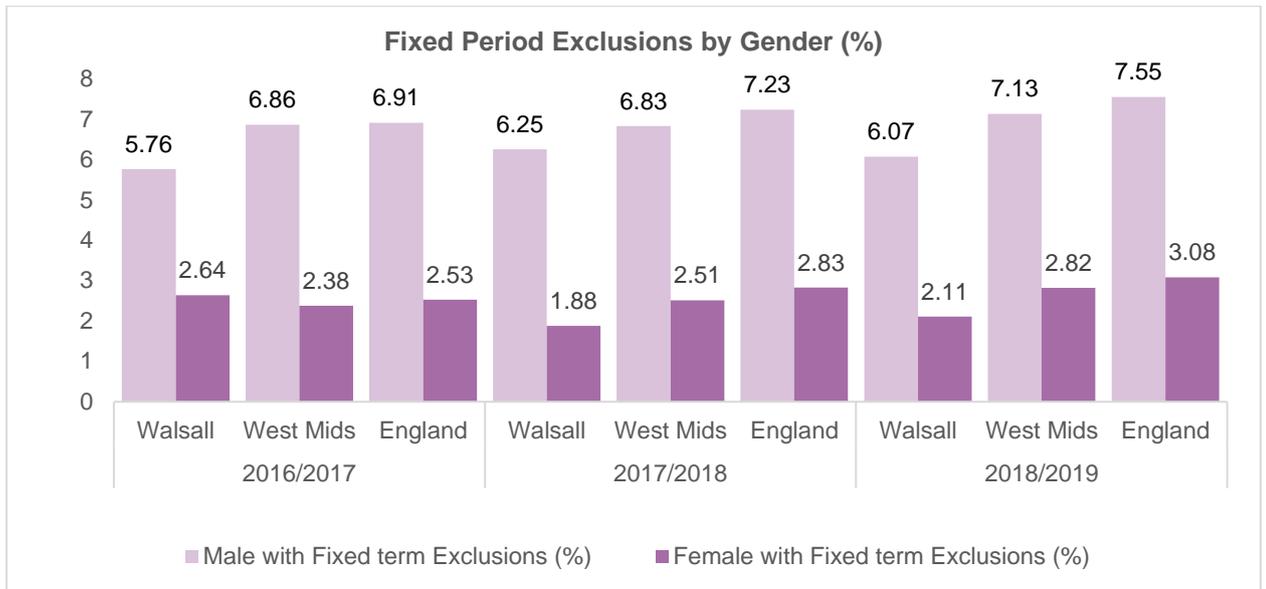


Gender

The percentage of pupils in Walsall with fixed period exclusions who are male is higher than for female but is lower than that of national and West Midlands.

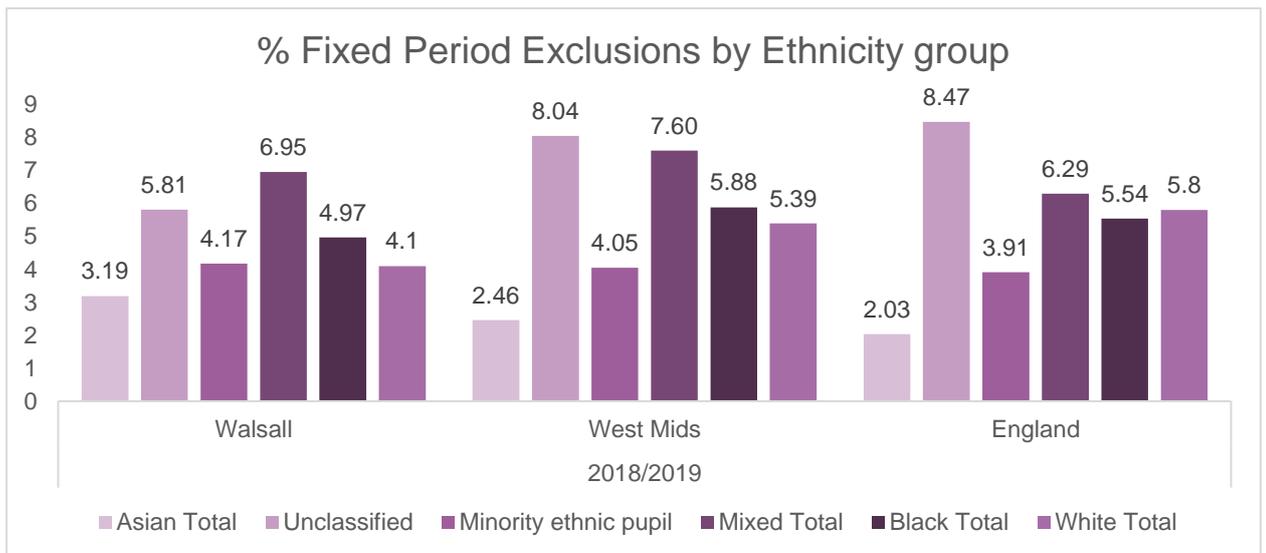
Since 2016/2017 the percentage of male pupils has increased from 5.76% to 6.07% in 2018/2019. Walsall is below national by 1.48% and West Midlands by 1.06%.

The percentage of female pupils in Walsall with fixed period exclusions has declined from 2016/2017 at 2.64% to 2.11% in 2018/2019. Walsall is below national by 0.97% and West Midlands by 0.71%.



Ethnicity

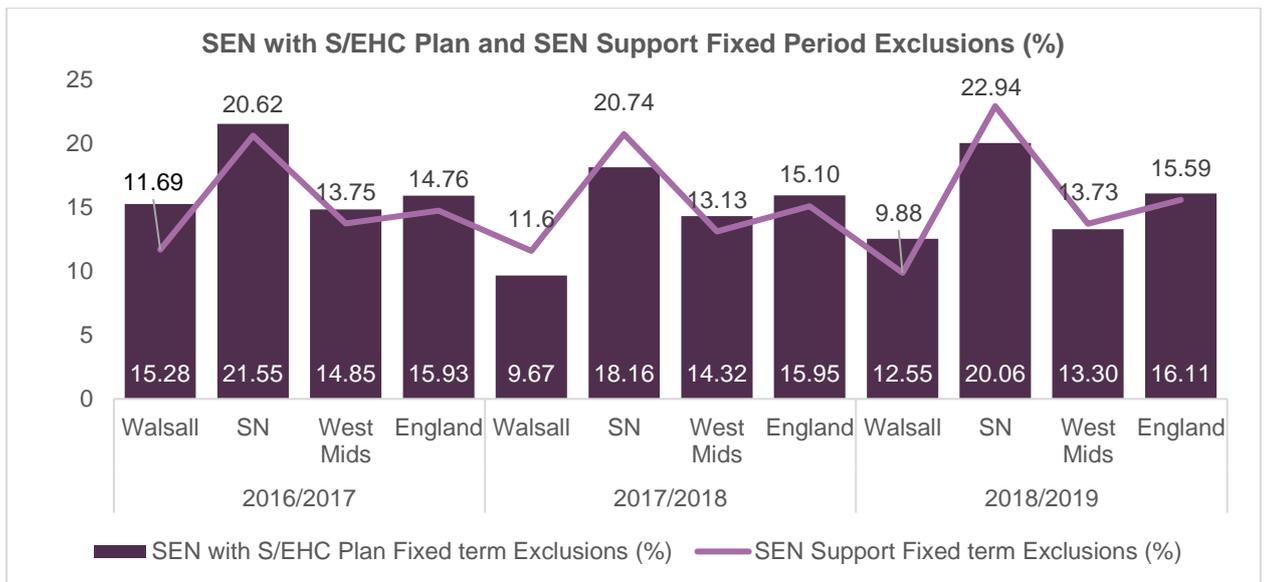
In Walsall the ethnicity group with the highest fixed period exclusions in 2018/2019 was Mixed with 6.95%, this is higher than National with 6.29% but lower than West Midlands with 7.60%.



SEN

The percentage of pupils in Walsall with SEN Support who had fixed period exclusions has decreased from 11.69% in 2016/2017 to 9.88% in 2018/2019. Walsall is currently below National (15.59%), Statistical Neighbours (22.94%) and West Midlands (13.73%).

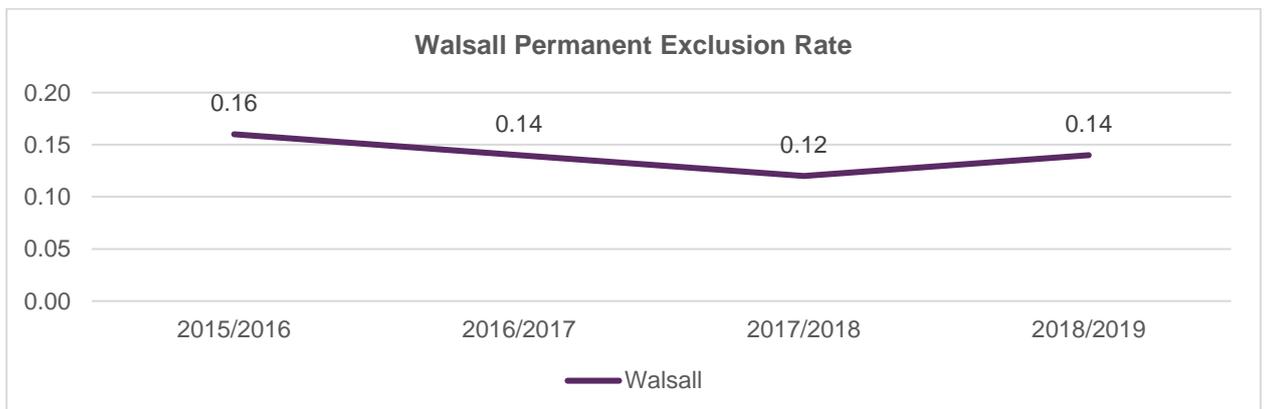
The percentage of pupils in Walsall with SEN S/EHC Plan who had fixed period exclusions has decreased from 15.28% in 2016/2017 to 12.55% in 2018/2019. Walsall is below National (16.11%), West Midlands (13.30%) and statistical neighbours (20.06%).



Permanent Exclusions

Prevalence

The number of pupils with a permanent exclusion in Walsall schools increased from 60 (0.12%) in 2017/18 to 71 (0.14%) in 2018/19. The proportion of permanent exclusions had been decreasing since 2015/2016 (0.16%).

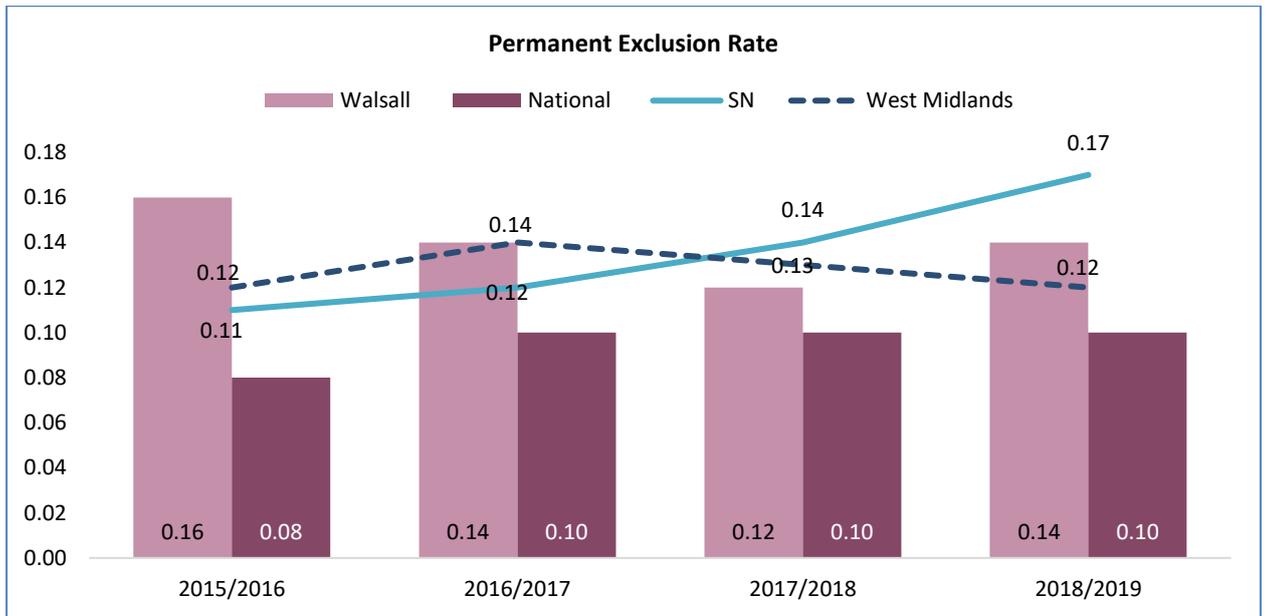


Comparing the percentage of pupils with a permanent exclusion in Walsall schools with national, statistical neighbours and other West Midlands' local authorities, the permanent exclusion rate in Walsall steadily decreased until 2017/2018 but has increased slightly in 2018/2019.

National has remained stable since 2016/17.

The Statistical Neighbour average has increased every year since 2015/16 and is now above Walsall.

West Midlands has always remained relatively in line with Walsall.



By Phase

Secondary schools have the highest number of permanent exclusions in Walsall - this is also the case for National, Statistical Neighbours and West Midlands local authorities.

In 2018/2019 permanent exclusions for primary were below that of Statistical Neighbours and West Midlands but above National by 0.01%. Primary has remained at 0.03% since 2017/2018.

Secondary percentages in Walsall have generally been decreasing over the last few years and was at 0.30% for 2018/19. This is 0.10% above National, 0.06% above West Midlands, but below Statistical Neighbours by 0.07%.



Characteristics

FSM

The percentage of pupils in Walsall eligible for FSM with a permanent exclusion has been decreasing, from 0.33% in 2016/2017 to 0.28% in 2018/2019. Walsall is both below Statistical Neighbours (0.40%) and West Midlands (0.31%) and is closing the gap to National (0.27%) in 2018/2019.

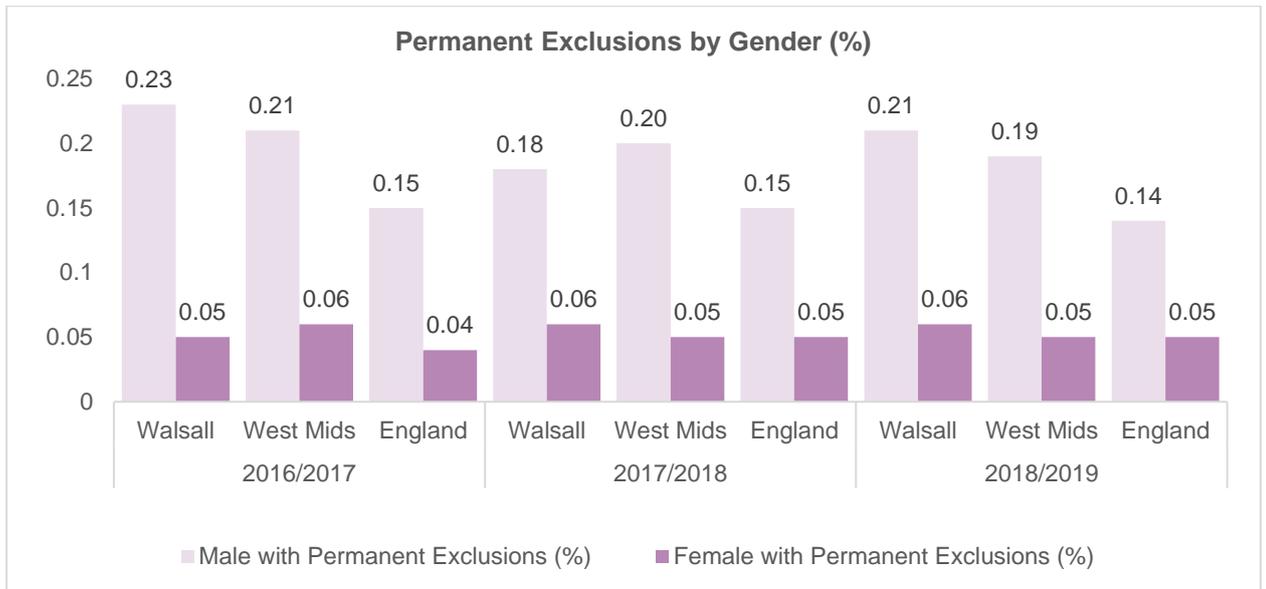


Gender

The percentage of male pupils in Walsall with a permanent exclusion is higher than for female and higher than National and West Midlands.

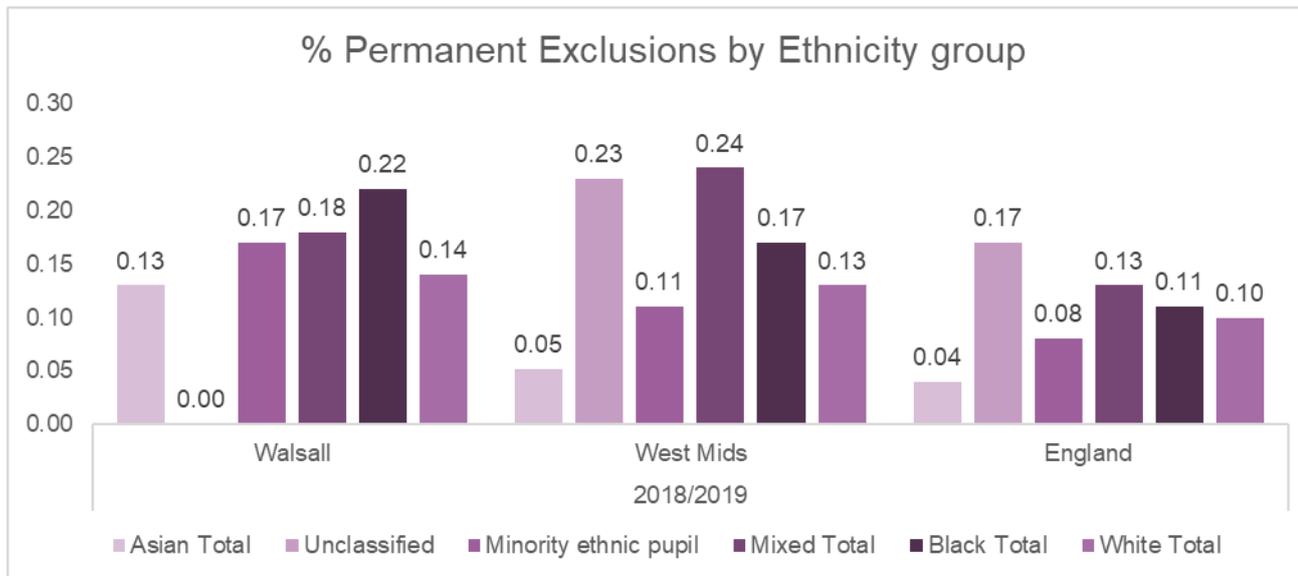
Since 2016/2017 the percentage of permanent exclusions for male pupils has improved from 0.23% to 0.21% in 2018/2019. Walsall is above national by 0.07% and West Midlands by 0.02%.

The percentage of female pupils in Walsall with a permanent exclusion has remained at 0.06% for the last two years and is currently 0.01% above both National and West Midlands who are at 0.05%



Ethnicity

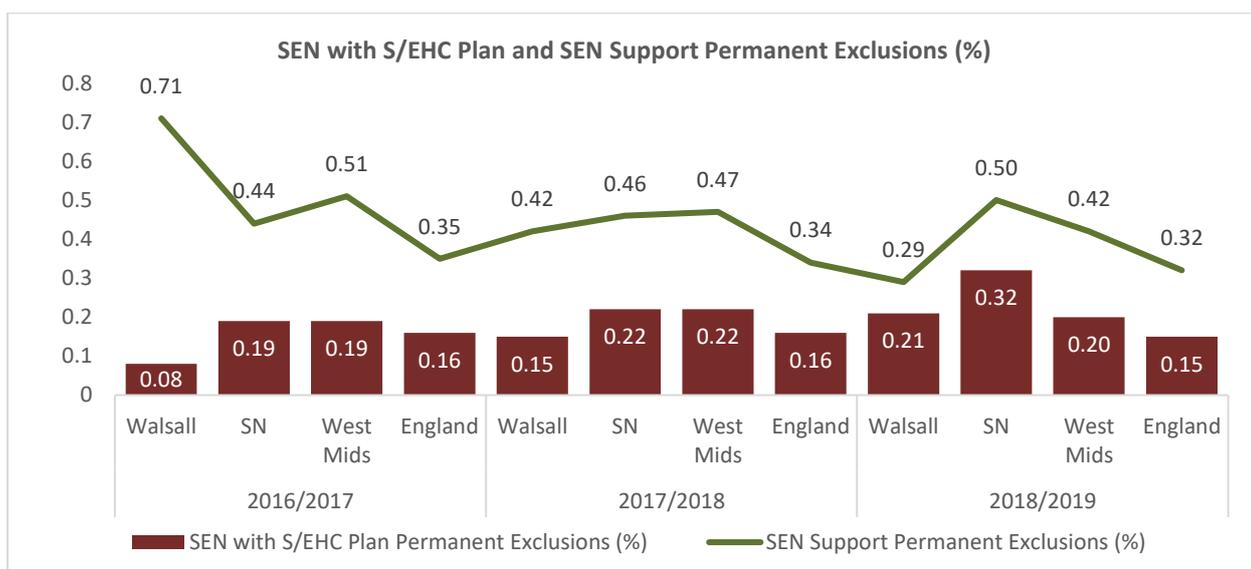
In Walsall the ethnicity group with the highest permanent exclusions in 2018/2019 was Black with 0.22%. Excluding Unclassified, the highest group in West Midlands and National was Mixed.



SEN

The percentage of pupils in Walsall with SEN Support who had a permanent exclusion has decreased from 0.71% in 2016/2017 to 0.29% in 2018/2019. Walsall is currently below National (0.32%), Statistical Neighbours (0.50%) and West Midlands (0.42%).

The percentage of pupils in Walsall with SEN S/EHC Plan who had a permanent exclusion has increased from 0.08% in 2016/2017 to 0.21% in 2018/2019. Walsall is above National (0.15%) and West Midlands (0.20%) but below Statistical Neighbours with 0.32%.



2019/20 Academic Year

This report covers the 2018/19 academic year. The statistics for the 2019/20 academic year are not due to be published until the summer of 2021 – they will likely be affected by the Covid-19 pandemic when all schools closed from 20 March to all pupils but for the most vulnerable children and children of critical workers.

During the pandemic, the local authority acted swiftly with regard to exclusions and the need for schools to retain ‘excluded’ pupils and those that were at the ‘cusp of exclusion’ on roll at their existing school.

2020/21 Academic Year

The Local Authority’s Placement Panel meets on a weekly basis to consider all permanent exclusions of Walsall resident children and young people both from Walsall school and schools in other LA areas.

As part of our engagement with schools to review existing and to help reduce future exclusions, officers from both Access and Inclusion and the Early Help Service are currently reviewing and updating Walsall’s existing exclusion policy and processes. This is to ensure there is clarity about:

- The processes that need to be followed by both schools and the Local Authority in terms of notifying all relevant parties about fixed period and permanent exclusions.
- the levels of support that should be provided by both the Local Authority and Walsall schools to children, young people and their parent and carers prior to, at the point of and post exclusion, dependent on whether the exclusion is fixed period or permanent.
- The level of support and, where appropriate, challenge that should be provided by the Local Authority to schools prior to, at the point of and, post exclusion, dependent on whether the exclusion is fixed period or permanent.

This review process will be completed ready for consultation, approval and implementation during the second part of the autumn 2020 term.

4. Financial information

There are no direct financial implications of the report but all pupils who are permanently excluded from schools go 'on roll' at the New Leaf Centre for assessment and provision of education. The funding for New Leaf comes from the High Needs Block of the Dedicated Schools Grant through the high needs local funding formula.

5. *Reducing Inequalities*

The over-arching objective of the local authority is to continue to identify characteristics of good practice in addressing inequalities in school exclusions, with particular attention to the following factors: Free School Meals; gender; ethnicity; and Special Educational Needs (SEN).

Our aim is to work towards the position where the needs of all young people are addressed, and where schools no longer feel the need to exclude given the continuum of provision and support available to enable them to meet pupil needs.

6. Decide

Scrutiny may decide to note the current position.

The Committee may decide to request further information or assurance in respect of the progress against of schools exclusions.

7. Respond

Any recommendations made by the Committee will be assessed against the Access and Inclusion work programme and performance board.

8. Review

School exclusions are under constant monitoring and assessment via Placement Panel and Childrens Services performance board.

Background papers

None

Author:

Rob Thomas

Head of Access

✉ rob.thomas@walsall.gov.uk