

Policy, Development & Scrutiny Panel Early Years, Children & Youth Panel – 23rd September 2013

Briefing paper on exclusions in schools that have become academies

PDSP requested that Officers considered whether there was any correlation between schools becoming academies and the rising number of children being permanently excluded from school (PEX) or fixed term excluded (FTE). This report provides data and hypothesis on whether there is any cause and effect that supports this theory.

Analysis

Permanent Exclusions

The Children Missing Education Service has analysed secondary school exclusion data from 2009 to 2013; looking both at permanent and fixed term exclusions (see attached). In considering the PEX data this shows that in the academic year 2009-2010 there were **4 PEX**; whilst at the end of the 2012-13 there were **20**.

At one level this could appear to be the correlation of secondary schools becoming academies over the last 3 years, however on further analysis the number of maintained schools permanently excluding is not that different to academies.

What appears to have potentially made the difference is that in 2010-2011 academies began to refuse to accept the £6,000 levy implemented in the past for children who were permanently excluded. This was a financial penalty to deter schools and to encourage them to manage pupil behaviour differently. The data indicates the levy may have influenced the numbers of permanent exclusion. The Local Authority has no legal powers to impose this levy and once one academy refused to pay (in 2010) there was a domino effect.

It could therefore be concluded that a lack of financial consequence when permanently excluding a child led to a rise in permanent exclusions, rather than the conversion to academy status.

Fixed Term Exclusions

The second analysis looks at fixed term exclusion data (the data shows the number of **periods of exclusion**, not days) for secondary schools that are both academy and maintained (see diagram 2). This diagram suggests that in the majority of schools (both maintained and academy) there has been a significant drop in fixed term exclusions. With the exception of Oldfield, Ralph Allen and Writhlington, all schools have seen a drop in exclusions.

However, nationally there is a concern that schools have been excluding young people without recording these as Fixed Term Exclusions – commonly called illegal exclusions. It is difficult to be sure of this, but it is possible that this is also happening in Bath and North East Somerset. The National Parent Partnership Network that supports parents with children with SEN undertook a national survey in December 2012 which asked their members about illegal exclusions. This survey included all children and not those just with special educational needs. Their definition of “Illegal Exclusions” is:

What is an illegal exclusion?

An illegal exclusion is often described as an "unofficial" or "informal" exclusion. These are situations when a school requires a young person to leave the premises but the child's exit is not recorded as a formal exclusion. This might be for a fixed, usually short, period of time but can be indefinitely. It also refers to instances when a young person or their family is persuaded to move school, a move usually sold to the family and the child as an alternative to a permanent exclusion going on the child's record.

The problem with these exclusions is that as they are not recorded and due to the nature of the exclusions there is not much evidence that they are actually happening.

Their report covering 63 responses from Parent Partnerships across the country indicated a rise in illegal exclusions in recent years with 51% reporting an increase; 36% saying they didn't know and 13% saying they had seen a decrease. Of those that responded 10% went on to cite academies as being the reason for the increase.

Types of illegal exclusions

The main types of illegal exclusions we heard about from PPS were:

- Exclusions for a proportion of the day – 96.9% of respondents (75% said that this was the most common type of illegal exclusion)
- Lunchtime exclusions – 84.6% of respondents
- Exclusions from school trips/events – 84.6% of respondents
- Exclusion from a particular lesson – 32.3%

Other types of exclusions mentioned were:

- Ofsted Inspections – there were a lot of responses that cited that parents were told to keep their child at home during Ofsted inspections.

We have in the past had to support parents who have been asked to keep their child off school for the three days Ofsted inspectors are in. We are now advising parents to contact Ofsted as soon as this happens but not all will, as they believe their child will be named or implicated.

When Ofsted inspections are about to happen

- Parents not receiving an exclusion letter with a return date, so are off indefinitely
- Exclusions from school assemblies
- Asked to go home early and we'll say no more about it"

Reasons for illegal exclusions

We heard from PPS that there were a number of common reasons why these illegal exclusions happen. A large proportion of respondents used the phrase 'cooling off period':

- *School ask parent to take child home to cool down as they can't cope with the behaviour*
- *Asking parents to "just keep the child off school whilst things settle down"*
- *One or two schools operate cooling off and reflection days*

Exclusion before admittance

92.4% of respondents said that schools were deterring parents from sending their children to schools before they applied. We were told that schools say things like 'we can't cater for your child' or 'your child needs more specialised provision and we can't offer that'. Parents often decide not to send their child to that school.

Whilst this is a national report, representing 63 local authority areas, the quotes and responses reinforces our own knowledge & information from anecdotal evidence.

In Bath & North East Somerset, the data indicates that secondary schools may be under-reporting fixed term exclusions.

Informal or unofficial exclusions, such as sending pupils 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.

We are aware from other agencies that there appears to be a rising number of vulnerable children not in education during a school day.

Other national reports including a report in September 2011 entitled "No Excuses: A review of educational exclusion" by the Centre for Social Justice reported similar findings:

2. Lifting the lid on exclusion

2.1 Permanent and fixed-term exclusions and truancy

*Latest figures from 2009/2010 show there was an estimated 5,740 permanent exclusions, and 331,380 fixed-term exclusions, amongst a pupil population of approximately eight million. This is a highly significant minority. On the basis of official statistics, the previous Government's objective to reduce the number of permanent exclusions appears to have succeeded, in that they have steadily declined: from 12,300 permanent exclusions in 1997/1998 to an estimated 5,740 in 2009/2010.³ In the academic year 2009/2010, fixed-term exclusions **fell to their lowest since 2003/2004 – to 331,380.**⁴*

However, in view of our evidence and other research, the use of referrals, part-time timetables, managed moves and dual registration must also be considered when calculating the potential number of exclusions. An increasing number of pupils are being educated in Pupil Referral Units (PRUs) and other alternative provision by these means.⁵ For example, despite the number of permanent exclusions falling by approximately one-third in the late 1990s, the number of pupils being educated in PRUs almost doubled between 1997 and 2007.⁶

Whilst many schools are using these processes appropriately, some are employing them to exclude pupils illegally. These processes are either wholly unregulated or subject to little regulation and government guidance. In addition, there is a lack of transparency in relation to their use, coupled it seems with a lack of monitoring by schools, local authorities (LAs) and the Department for Education (DfE). The DfE does not collect data, for example, on the reasons why pupils join the roll of PRUs, or on the use of referrals, managed moves or part-time timetables."

Again many of the issues highlighted in this report may be pertinent to our schools; however there is little challenge the local authority can make when the evidence tends to be unsubstantiated.

One final comment is a quote from the recent report by the Children's Commissioner "Always Someone Else's Problem", which illustrates the problem of rising exclusions.

"For a long time, illegal exclusions from school have been an elephant in the room for educators, policy makers and others. Whenever I speak to head teachers, educational psychologists or education welfare officers anywhere in England, all will admit, always in strict confidence that these exclusions do sometimes happen. But nobody wants to go public or is prepared to name names.

There is a feeling in these conversations that for the sake of inter-school harmony, or the reputation of the system, this is a subject best left alone. It is too hard to identify what is happening, or while there may be a few bad apples, it isn't really a significant problem. As the conversation goes on, it usually dawns on those talking to me that, if you are one of the however few children it has happened to, it is very significant indeed."

We will continue to monitor the situation and will follow-up any case with individual schools.

Report Authors: Sara Willis, Service Manager 0-11 Outcomes
Sharon Lymoss, Children Missing Education Manager

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