

**TITLE OF REPORT:** Briefing – Permanent exclusions and the position of the Pupil Referral Unit

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## Summary

1. This report provides OSC with an analysis of permanent exclusions in Gateshead schools over recent years. In addition, the report details the Council and its partners' response to the ongoing trend of increased permanent exclusion. Finally, an update is provided on the position of the Pupil Referral Unit (Behaviour Support Service).
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## Permanent Exclusions

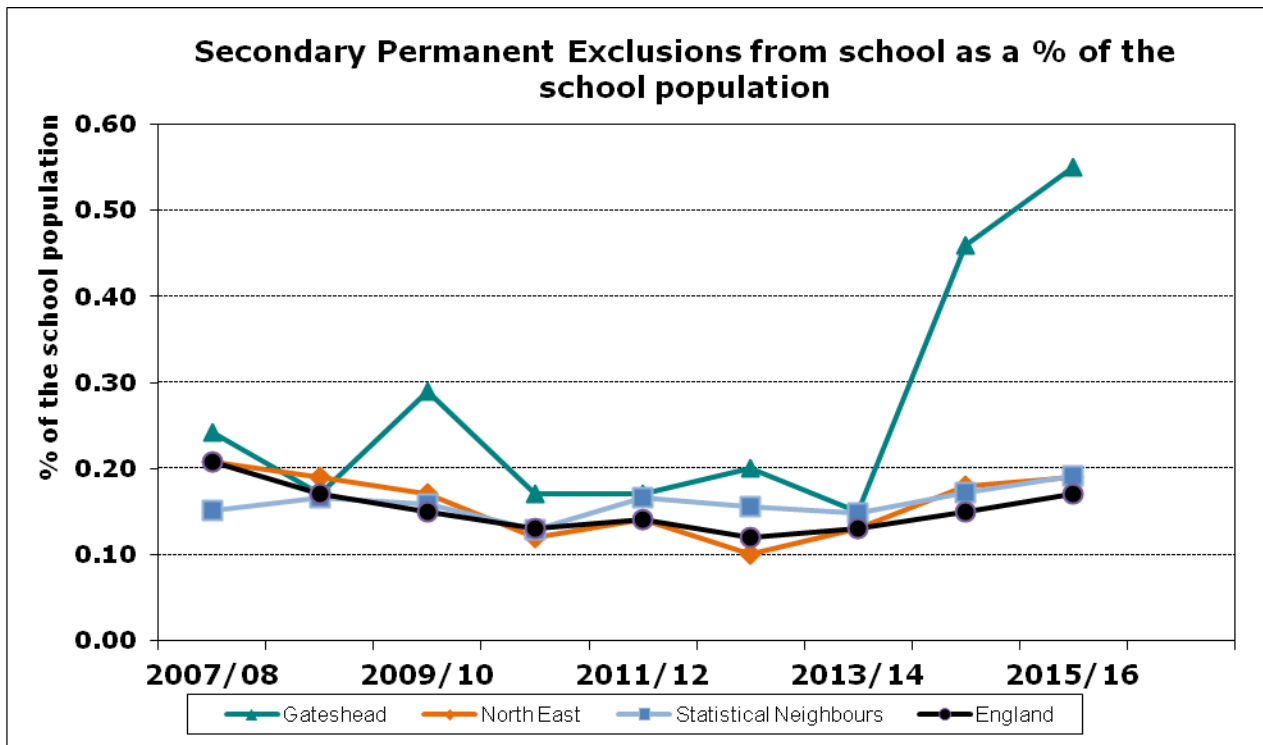
2. Schools have the right to permanently exclude a pupil on disciplinary grounds. Pupils can be excluded for one or more fixed term periods (up to a maximum of 45 days in a single school year and if exceeded a pupil is automatically permanently excluded) or permanently. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
3. It is unlawful to exclude for academic attainment or the actions of a pupil's parent, exclusions are undertaken as a direct result of a disciplinary issue. Behaviour that is disruptive over the lunchtime period may result in lunchtime exclusion and is counted as a half day exclusion to give parents the right to challenge this via the school governors discipline panel.
4. The behaviour of pupils outside of school or attending alternative provision can be considered as ground for exclusion, this will be a matter of judgement on the part of the Headteacher in accordance with the school's published behaviour policy.
5. All exclusions must be made in line with the principles of administrative law in that they are lawful (including the schools wider legal duties as well as guidance on exclusion), rational, reasonable, fair and proportionate. The Headteacher must also apply the civil standard of proof when considering the use of exclusion i.e. the balance of probabilities that a pupil did what they are accused of rather than the criminal standard, beyond reasonable doubt.

6. The DfE report in their statistical release, July 2017 (Permanent and Fixed Period Exclusions in England 2015 to 2016) that both the number for fixed and for permanent exclusions has increased over the past year (2015/16). Their report states that the rate of permanent exclusions across all state-funded primary, secondary and special schools has increased from 0.07 percent of pupil enrolments to 0.08 percent, which is the equivalent of 8 pupils per 10,000.
7. The report states that 81 percent of permanent exclusions occurred in secondary schools, which increased from 0.15 percent in 2014/15 to 0.17 percent in 2015/16. Interestingly the rate of permanent exclusions stayed the same in primary schools at 0.02 percent and decreased in special schools from 0.09 percent in 2014/15 to 0.08 percent in 2015/16.
8. **It is clear that the proportion of children and young people being excluded is increasing nationally.** Some reports suggest that permanent exclusion has increased by a third in the last two years.

### The Gateshead Position

	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Thorp							3		3	2	3	5	7
Emmanuel							1		3	3	2	3	1
Heworth	3	3	nil	3	1	1	3	0	3	1	5	4	8
Hookergate	Nil	2	2	Nil	1	1	1	N/A	N/A	N/A	N/A	N/A	
Joseph Swan	3	4	4	4	2	4	1	4	3	2	5	12	11
Kingsmeadow	2	Nil	Nil	1	5	1	3	7	4	4	2	7	7
Lord Lawson	1	5	6	3	1	3	1	1	1	2	7	11	9
Ryton	Nil	1	2	1	1	2	3	N/A	N/A	N/A	N/A	N/A	
Cardinal Hume	6	8	6	2	1	4	2	Nil	2	2	3	8	8
St Thomas More	3	1	1	1	2	5	Nil	2	3	2	9	2	4
Thomas Hepburn	10	3	6	11	5	6	6	3	3	3	6	11	14
Whickham	3	2	1	1	Nil	2	6	2	1	2	12	7	8
Furrowfield	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil			
PRU	1	Nil	Nil	Nil	Nil	Nil	Nil	2	Nil	1			1
Extra District												1	2
Total	31	30	28	27	19	29	26	24	28	24	54	70	80

9. Gateshead excludes a higher rate of secondary aged pupils than its north east neighbours. The table overleaf shows a comparison with other secondary schools in the northeast, statistical neighbours and the England average, with Gateshead's permanent exclusions numbers in relation to the school population, since the 2007/08 academic year. As shown, the rise in secondary permanent exclusions in 2016/17 continues to be considerably higher than other local authorities in the North East and/or our statistical neighbours.



Comparison data-permanent exclusions (Data taken from the Local Authority Interactive Tool- LAIT)

### The Response to Increasing Permanent Exclusion

10. Each year a report on permanent exclusions is produced and it has become evident that there is an emerging and worrying trend of increasing permanent exclusion. This situation led to the LSCB commissioning a multi disciplinary group being drawn together in 2016 to begin to try to understand the reasons behind the increased permanent exclusions and more significantly to identify practical actions that would reduce exclusion.
11. The report was presented to the LSCB in Spring 2017 and suggested that the reasons for the increase in permanent exclusions were complex. A number of key causal factors were identified. Schools in particular were able to demonstrate that changes to the Ofsted Inspection framework and the DfE's curriculum requirements had put them under significant and increased pressure. A consequence of this pressure was an increase in permanent exclusions. Examples of poor behaviour, low attendance or weak achievement identified by Ofsted could lead to unfavourable inspection reports or enforced academisation. Schools that were prepared to keep on roll and work with those complex and challenging pupils with poor attendance and poor achievement were generally not praised for their inclusive practice but punished for "poor data". Issues of reducing youth work and a lack of support for young people with mental health problems were also identified.
12. In discussion with the independent Chair of the LSCB it was decided to organise an "exclusions conference" where a range of professionals (schools, education, health, social care and early help) would be brought together to agree an action plan. The conference took place on July 11<sup>th</sup>, the action plan has been shared with partners and the new Strategic Director of Care, Wellbeing and Learning has

appointed a Senior Officer to lead on and monitor the impact of the 14 point action plan.

### **The Pupil Referral Unit (Behaviour Support Service)**

13. The Council has a statutory duty to provide suitable education at school, or elsewhere for children of compulsory school age who for some reason would not receive suitable education unless arrangements were made for them.
14. In 2016 the Service was assessed as inadequate by Ofsted and, as a result, the Secretary of State approved an Academy Order in respect of the Behaviour Support Service in July 2017. An Academy Sponsor has been identified and conversion to academy status is expected to be completed by January 1<sup>st</sup> 2018.
15. The Academy Sponsor is the River Tees Multi-Academy Trust (MAT) which currently operates across Teesside; however, as the legal obligation to provide education sits with the Local Authority, the role of the Academy will be that of service delivery on behalf of the Authority.
16. The Academy will be governed by the Department for Education's model form funding agreement for an alternative provision academy, which will ensure that the Academy meets the specific requirements of the Academies Act 2010.
17. The Council will still be able to make referrals to the Academy as it currently does with the PRU pursuant to s19 of the Education Act 1996.

### **What happens when the PRU is full due to the increasing numbers of permanent exclusions?**

18. This situation occurred relatively early in 2017. The PRU was physically unable to accommodate the numbers of excluded pupils and did not have the capacity to ensure alternative providers were of sufficient quality.
19. The Council responded by creating an off school roll which in practical terms resulted, by Summer 2017, in a group of approximately 40 young people receiving a minimal tutoring offer with little chance of academic success.
20. This situation wasn't acceptable and the schools capital team began to try to identify suitable accommodation to ensure there was no future requirements for an off roll register. Corporate Assets were tasked with identifying the most suitable accommodation. The schools capital team proposed a range of options but identified the use of the "old" Ravensworth Terrace Primary site as the most appropriate temporary solution. Reports were taken to Strategy Group, Portfolio and Leader's Meeting before a final report was taken to Cabinet in September 2017.

## **Recommendations**

OSC is asked to consider the content of the briefing report.

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