

TITLE OF REPORT: School exclusions 2021/2022

REPORT OF: Service Director Education, Schools and Inclusion

SUMMARY

1. The purpose of this report is to update the Children and Families Overview and Scrutiny Committee on exclusions in Gateshead for academic year 2021-2022.
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Background

2. The government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe, and supportive environment in which pupils can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.
3. Only the headteacher* of a school can suspend or permanently exclude a pupil on **disciplinary grounds**.
4. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
5. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.
6. When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

7. Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.

*In a maintained school, 'headteacher' includes an acting headteacher by virtue of section 579(1) of the Education Act 1996. An acting headteacher is someone appointed to carry out the functions of the headteacher in the headteacher's absence or pending the appointment of a headteacher. This will not necessarily be the deputy headteacher: it will depend on who is appointed to the role of acting headteacher. In an academy, 'principal' includes acting principal by virtue of regulation 21 of the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

8. They should inform the pupil about how their views have been factored into any decision made.
9. Where relevant, the pupil should be given support to express their views, including through advocates such as parents or, if the pupil has one, a social worker.
10. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance which states:

'The behaviour policy should include a range of possible sanctions clearly communicated to and understood by pupils, staff, and parents.

Examples of sanctions may include:

- *a verbal reprimand and reminder of the expectations of behaviour;*
- *the setting of written tasks such as an account of their behaviour;*
- *loss of privileges – for instance, the loss of a prized responsibility;*
- *detention;*
- *school based community service, such as tidying a classroom;*
- *regular reporting including early morning reporting; scheduled uniform checks; or*
 - *being placed "on report" for behaviour monitoring;*
 - *suspension; and*
 - *in the most serious of circumstances, permanent exclusion.'*

11. A suspension, where a pupil is temporarily removed from the school, can be an essential behaviour management tool that should be set out within a school's behaviour policy.
12. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

13. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion.
14. **In exceptional cases**, usually where further evidence has come to light, a further suspension 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 suspension.
15. A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated).
16. The decision to exclude a pupil permanently should only be taken:
- 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 education or welfare of the pupil or others such as staff or pupils in the school.
17. The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board.
18. Where an exclusion is cancelled, then:
- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
 - Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
 - Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
 - The pupil should be allowed back into school.

For additional background information see **Appendix 1**

Exclusion information 2021/2022

Permanent exclusions

19. **Table 1** shows the number of pupils permanently excluded from Gateshead schools **over a three-year period** where the permanent exclusion was upheld

Table 1

Academic Year	Permanent Exclusions (Total)	Permanent Exclusion (Secondary Primary)	Autumn Term	Spring Term	Summer Term
2019/20	38	37/0	25	13	0
2020/21	42	42/0	19	8	15
2021/22	50	49/1	18	19	13

20. **Table 2** shows permanent exclusion rates nationally and in Gateshead over a three year period

Table 2

	2019-2020	2020-2021	2021-2022
National permanent exclusion rate	0.06%	0.05%	0.04%
Gateshead permanent exclusion rate	0.11%	0.13%	0.10%

() increase/decrease from previous year

21. **Table 3** shows the number of permanent exclusions issued from Gateshead schools in academic year 2021-2022

Table 3

School	Total permanent exclusions issued	Total withdrawn/not upheld	Y5	Y7	Y8	Y9	Y10	Y11	M	F	Out of area pupils
School A	5			1	2		2		4	1	
School B	1		1						1		
School C	6			3	2			1	6		4
School D	4			1	1	1	1		3	1	
School E	5				3	2			3	2	
School F	6			1	1	2	2		3	3	
School G	10	1		1	3	1	2	3	9	1	2
School H	1						1			1	
School I	3					2		1	2	1	
School J	5				3	2			4	1	
School K	1						1		1		
School L	1						1		1		
School M	4	1			1	1	1	1	4		1
Total	52	2	1	7	16	11	11	6	41	11	7

22. **Table 4** shows the pupil profile at the point that a permanent exclusion that were issued in academic year 2021-2022

Table 4

School	Total number of pupils Child in our Care at point of permanent exclusion being issued	Total number of pupils with social worker at point of permanent exclusion being issued	Total number of pupils SEN K at point that of permanent exclusions being issued	Total number of pupils EHCP at point of permanent exclusions being issued	Total number of pupils families open to Early Help at point of permanent exclusion being issued
School A			1		1
School B			1		
School C					1
School D			1		
School E			2		3
School F		1			1
School G		1			
School H					
School I					3
School J					2
School K			1		
School L	1 (Newcastle LAC)				1
Total	1	2	6	0	12

Reasons for permanent exclusions

23. Table 5 shows a breakdown of permanent exclusions upheld by reason in academic year 2021-2022

Table 5

Reason	Number
Physical assault (pupil)	5
Physical assault (adult)	6
Verbal abuse (pupil)	0
Verbal abuse (adult)	0
Bullying	1
Racist incident	1
Sexual misconduct	0
Drug/alcohol	4
Damage	0
Theft	0
Persistent disruptive behaviour	31
Inappropriate use of social media	0
Other	1(knife) 1 (stealing acid)

Suspensions

24. Table 6 shows suspension rates across Gateshead over a three year period

Table 6

	2019-2020	2020-2021	20212022
National suspension rate	4.17%	4.14%	4.25%
Gateshead suspension	4.77%	6.88%	7.93%

25. Table 7 shows suspensions across Gateshead in 2021-2022

		GENDER			SEN				PUPIL PREMIUM		
School Name	SUSP Total	Female	Male	Total	EHCP	SEN Support	No SEN	Total	YES	NO	Total
School M	3	1	2	3	1	2	0	3	1	2	3
School N	7	1	6	7	0	6	1	7	7	0	7
School O	-	-	-	-	-	-	-	-	-	-	-
School P	1	0	1	1	0	1	0	1	0	1	1
School Q	3	0	3	3	0	3	0	3	3	0	3
School R	1	0	1	1	0	1	0	1	0	1	1
School S	1	1	0	1	0	1	0	1	1	0	1
School T	3	0	3	3	3	0	0	3	3	0	3
School U	15	5	10	15	4	2	9	15	6	9	15
School V	1	0	1	1	0	0	1	1	1	0	1
School W	1	0	1	1	0	1	0	1	1	0	1
School X	9	0	9	9	9	0	0	9	9	0	9
School Y	6	0	6	6	0	5	1	6	0	6	6
School Z	3	1	2	3	0	1	2	3	2	1	3
School A1	3	1	2	3	0	3	0	3	3	0	3
School B1	5	5	0	5	0	5	0	5	5	0	5
School C1	1	0	1	1	0	1	0	1	1	0	1
School D1	6	0	6	6	0	3	3	6	3	3	6
School E1	4	0	4	4	1	3	0	4	4	0	4
School F1	1	0	1	1	0	1	0	1	1	0	1
School G1	3	0	3	3	0	3	0	3	3	0	3
School H1	4	0	4	4	0	1	3	4	4	0	4
School I1	1	0	1	1	0	1	0	1	1	0	1
School J1	1	0	1	1	0	1	0	1	1	0	1
School B	10	0	10	10	0	10	0	10	10	0	10
School K1	1	0	1	1	0	0	1	1	1	0	1
School L1	1	0	1	1	0	0	1	1	0	1	1
School M1	2	0	2	2	1	0	1	2	2	0	2
School N1	1	0	1	1	0	1	0	1	1	0	1
School O1	3	2	1	3	0	0	3	3	3	0	3
School J	309	83	228	311	12	66	233	311	150	161	311
School E	454	214	244	458	35	137	286	458	371	87	458
School D	495	203	294	497	7	192	298	497	390	107	497
School P1	1	0	1	1	0	0	1	1	1	0	1
School G	372	160	218	378	15	101	262	378	247	131	378
School L	82	22	63	85	3	10	72	85	42	43	85
School F	183	97	89	186	2	34	150	186	122	64	186
School A	72	27	49	76	0	26	50	76	50	26	76
School I	57	21	38	59	1	2	56	59	15	44	59
School Q1	-	-	-	-	-	-	-	-	-	-	-
School R1	43	7	36	43	43	0	0	43	40	3	43
School S1	4	3	1	4	4	0	0	4	1	3	4
School T1	88	19	69	88	4	17	67	88	70	18	88
	2261	873	1414	2287	145	641	1501	2287	1576	711	2287

Summary

Permanent exclusions

26. The rate of permanent exclusion over the three-year period is significantly above the national average. It is a fluctuating figure across for the local area. Research highlights that pupils who are excluded are at greater risk of having poorer educational outcomes, more fragile to criminal and sexual exploitation and have reduced life chances.
27. In 2021-2022 boys represented the highest number of permanent exclusions that were issued and upheld. They are approximately three times more fragile to permanent exclusion than girls. This is a trend continued from the previous year.
28. In 2021-2022 none-SEN pupils represent the highest group of pupils that were issued with a permanent exclusion that was upheld.
29. In 2021-2022 Key Stage 3 was the phase where most permanent exclusions were issued and upheld. This is a trend continued from the previous year.
30. In 2021-2022 persistent disruptive behaviour was cited on the greatest number of permanent exclusions issued and upheld.

Suspensions

31. The rate of suspensions over the three-year period is significantly above the national average. It is a figure on the rise.
32. In 2021-2022 boys represented the highest number of suspensions issued. They are approximately twice more likely to be suspended than girls. A trend that is reflected in permanent exclusions that are issued and upheld.
33. In 2021-2022 primary school issued more suspensions to pupils identified as SEN whereas Secondary schools issued more to those pupils not identified as SEN.
34. In 2021-2022 pupils identified as pupil premium were twice as likely to be issued with a suspension than those not identified as pupil premium.
35. Historic suspension rates show Gateshead are sig above national suspension rates and where increases are evident Gateshead are increasing at a greater rate.

Strategic considerations

36. The rate of permanent exclusions is too high.
37. Exclusions have to be a focus of local area work right across the Gateshead system so that we can achieve a cultural change which is supported by a realistic strategic plan that drives greater inclusion and a more robust, holistic, preventative work so that permanent exclusions and suspension rates are on a consistent downward trend.
38. This must pay particular attention to behaviours that can become entrenched and difficult to modify; particularly amongst males, building capacity within schools to adapt policy, procedure and practice. It must include ways in which we can support and build school capabilities and support pupils at the right time and in the right way using the strengths we have within the system SENIT; TAS and SWIS. See Education, Schools and Inclusion Service priorities (**Appendix 2**).

Recommendations

39. The Overview and Scrutiny Committee is asked to receive this report for information and discussion.

Appendix 1 - Background information

Staffing to meet statutory duties in relation to exclusion

1. To meet our statutory duty set out in Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (2022) to 'arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place' we employ a 0.8 Grade H Officer who arranges this provision.
2. This Officer also assists with arranging tuition to meet our statutory duty under Ensuring a good education for children who cannot attend school because of health needs (2013) to 'arrange suitable full-time education (or as much education as the child's health condition allows) for children of compulsory school age who, because of illness, would otherwise not receive suitable education as soon as it is clear that the child will be away from school for 15 days or more, whether consecutive or cumulative.'

Support with the local area

3. Gateshead also offer a suite of support that can be accessed by most schools. This support ranges from adapting learning environments and strategies within school to better meet need, building staffing capabilities for the longer term and reducing familiar barriers that may be a contributing factor to behaviours.

SEN Inclusion Team (SENIT)

High Needs Incident Team (HINT)

4. The High Incidence Needs Team (HINT) are part of the SEN Inclusion Team and consist of teachers who are specialists in the areas of:
Communication and Interaction
Speech, Language and Communication Needs (SLCN)
Complex Social Communication (CSC)
Autistic Spectrum Condition (ASC)
Physical and Medical Needs
Cognition and Learning
Specific Learning Difficulties (SpLD)
5. Supported by a team of Higher Level Teaching Assistants HINT teachers work with schools and settings by supporting them to implement the graduated approach to meeting the needs of children and young people aged 4-25 with special educational needs and/or disabilities (SEND). HINT staff can contribute to the 'assess, plan, do, review' cycle through training, modelling and coaching, advice and guidance for staff, and through observation/assessment of skills and needs of the child or young person.

Primary Behaviour Support (PBS)

6. This team working across Gateshead, providing advice and support when a child is referred for behavioural, emotional or social difficulties. They work mainly in the school concerned working directly with the children and staff.
7. They adopt a multi-agency approach, working closely with both education and health care professionals as well as with parents and carers. They also have effective links with specialist provisions.
8. The team offer behaviour training to raise self-esteem; manage anxiety and building resilience and managing anger.

The Early Years Assessment and Intervention Team (EYAIT)

9. This team consists of a team of specialist teachers and specialist teaching assistants. They work closely with children and families, schools and settings and with other professionals and are skilled and experienced in working with children with special educational needs and disabilities. The team may offer assessments, interventions, support and reviews for children experiencing barriers to their development and learning, and for whom specialist intervention may be recommended.
10. They are able to:
 - offer assessment, targeted intervention, advice, coaching and modelling sessions for children from 0-4 who are experiencing significant barriers to their development and learning
 - establish and develop partnerships with parents/carers in supporting children with SEN
 - offer coordinated, holistic and multi-agency assessments, interventions and reviews
 - develop effective strategies to enable children to access their education in an inclusive environment
 - liaise with parents/carers and practitioners to develop appropriate action plans
 - develop and support transition to the child's next educational placement
 - contribute to the EHC Plan process
 - maintain data and carry out evaluations for the Local Authority

Early Help Team Around the School

11. The Team Around the School (TAS) model commenced in April 2018 with one school. It now includes four Secondary schools (Whickham, Lord Lawson of Beamish, Heworth Grange and Kingsmeadow) and two primary schools (South Street and Carr Hill).

12. The model focuses on children and young people within Years 5, 6, 7 and 8 and uses a monthly panel meeting of school staff, Early Help practitioner and manager and drugs/alcohol worker (currently Platform). Allocations of support are given through school staff completing a vulnerability tool to record and evidence concerns about children and young people in these year groups. TAS is one of several initiatives in place to support education colleagues to provide early help interventions that can include a focus on wider familial and contextual issues that impact upon consistently good school attendance at a Tier 2 intervention level.

Children's Social Care Social Workers in School Programme

13. The Social Workers in Schools Programme aims the expertise of social workers to help facilitate a real time supportive and collaborative response to safeguarding concerns within schools at the very earliest opportunity. Social worker colleagues are also available to offer support, advice and smaller scale interventions within the school.

14. Gateshead Council secured funding up until March 2022 and this has now been extended to August 2023.

15. The following schools were randomly selected to host a social worker through the Programme: Wickham Kingsmeadow St. Thomas More Lord Lawson River Tyne Academy Heworth Grange. With a total outreach to in excess of 6000 young people and their families.

16. Although the cumulative research findings will not be available until late in 2022 with regards to the efficacy of the programme it is clear from qualitative information that the Programme has afforded the space, opportunity and time to make our multi-agency safeguarding approach ever more robust. This includes in supporting and advising on wider contextual factors. This can be prior to any recommendation to offers of support through Early Help or referrals to front door but does also include sharply focused advice to Designated Safeguarding Leads with regards to families known to tier 2 and tier 3 support services.

Appendix 2

Education, Schools and Inclusion

Action	Lead	Completion Date	Milestones	Progress	RAG
Develop a commissioning strategy for alternative provision and develop the ARMS provision across Gateshead to meet the needs of more children and young people in mainstream settings. (SEN action plan 3.1)	Julie McDowell/Deborah Mason	TBC	<p>DRAFT</p> <p>Establishing Analysis of relevant data completed. Financial envelope has been agreed. Assets have been identified. Engagement activities with: Service users. Schools – in particular joint enterprise completed. Engagement with other partners (Health?) completed.</p> <p>Outcome Evidence base for AP evidenced.</p> <p>Planning Identification of relevant providers using local knowledge has been carried out.</p> <p>Outcome Relevant provider(s) identified.</p> <p>Implementation Procurement process has been undertaken with commissioners. Contract with successful provider(s) agreed - clear</p>	<p>DRAFT paper Alternative Provision produced</p> <p>Gateshead SEN action being developed and actioned</p>	

			<p>outcomes are agreed: educational, social, cultural, therapeutic and vocational. Referral criteria and process established. Including undertaking a comprehensive assessment of the pupil to ensure that the AP is able to meet their individual needs. Outcome QA criteria agreed. Referral criteria and protocols for placements established. Support and challenge Challenging targets set around permanent exclusion with schools. Monitoring and evaluation procedures agreed with provider(s) and partners. Outcome PEX reducing. Regular QA cycle established.</p>		
We will review and refine our support for schools around exclusions with the aim of reducing our	Julie McDowell/others TBC	TBC	<p>DRAFT Develop the outreach offer from River Tyne Academy so the school workforce is better equipped</p>	Gateshead SEN action being developed and actioned	

rate of exclusions. (SEN action plan 1.3)			to effectively support children and young people with social, emotional, and mental health needs (summer 2023)		
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