

**NORTH YORKSHIRE COUNTY COUNCIL****Young Peoples Overview and Scrutiny Committee****21 July 2017****EXCLUSIONS: Project Brief****1.0 Purpose of Report**

- 1.1 The purpose of this report is to provide Members with an introduction to the topic of Exclusions of Pupils in North Yorkshire.

**2.0 Background**

- 2.1 Permanent exclusion from school is a very critical event in a young person's life; it can also be a distressing experience for a parent. And the decision to exclude permanently is always a very serious one for a head teacher. Whilst the percentage of pupils excluded from North Yorkshire's schools represents a very small percentage of the county's school population, for many permanently excluded children, getting back into mainstream education will be a major challenge and some will stay in alternative provision for the remainder of their school years.
- 2.2 Schools are expected to try a range of strategies instead of exclusion, and exceptional work is being done by many teachers to maintain children with challenging behaviour in mainstream education.
- 2.3 Exclusions is one of the four thematic areas the committee has chosen to look at over the course of the next 12-18 months. Although the topic falls under the theme "Assessing the customer experience", it also comes under the other general scrutiny themes of "Inclusion" and "School Improvement in a changing landscape".

**3.0 Objective**

The objective of this piece of scrutiny work is to better understand and then assess the significance of the prevalence and trend of Exclusions in North Yorkshire, what initiatives are currently delivered, what services are planned, and what the impact of these services has or will be upon outcomes.

**4.0 Methodology**

- 4.1 The approach taken will be:
- An engagement session with young people and PRU staff
  - A committee meeting of one session during which the committee will receive evidence and advice from CYPS Leadership and relevant witnesses.

- The committee will be asked to make some initial conclusions and recommendations
- These will provide the framework for completion of the work to be carried out by a sub group of members undertaking, if necessary, further analysis - for example desktop research into national guidance, policy and best practice.

4.2 At the end of this process a report or briefing will then be prepared for submission, via the committee meeting, to the Portfolio Holder and/or Executive

## 5.0 Scope of Item

5.1 The Committee is encouraged to look at the effectiveness of preventative work to ensure that pupils who are experiencing or exhibiting difficulty at school are supported to reduce the risk of permanent exclusion.

5.2 You are asked to review success against the overall aim to ensure that pupils remain in education but it is also pragmatic to recognise that there are situations where permanent exclusion cannot be avoided. An area of discussion and challenge continues to be provision for pupils for whom mainstream education may not be appropriate

## 6.0 Statutory Framework

6.1 Department for Education guidance can be found here [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269681/Exclusion\\_from\\_maintained\\_schools\\_academies\\_and\\_pupil\\_referral\\_units.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269681/Exclusion_from_maintained_schools_academies_and_pupil_referral_units.pdf)

6.2 I have attached the key points as appendix 1

## 7.0 Types of Exclusion

7.1 **Permanent exclusion** is used when a pupil has breached the school's behaviour policy to such a degree that s/he can no longer be taught by that school or when that pupil's continuing presence might seriously harm the education and welfare of either the pupil themselves or other pupils in the school.

7.2 **Fixed term exclusion** is when there has been a breach of the school's behaviour policy, including persistent disruptive behaviour, where this is not serious enough to permanently exclude and other sanctions such as detentions are not appropriate. Ofsted inspections evidence has suggested that 1-3 days is a sufficient number of days to exclude without any detrimental effect to the pupil's education.

7.3 **Alternatives to exclusions** - guidance states that alternatives to exclusions include:

- Restorative Justice - the offender to redress the harm that has

- been done to a victim
- Mediation – a third party, trained mediator working with the pupils, or with teacher and pupil
- Internal Exclusion – the pupil be removed from the class but not from the school premises with appropriate support
- Managed Moves - to another school to enable the pupil to have a fresh start

## **8.0 Probable Line of Enquiry Key Questions and Information Requirements**

### 8.1 What is the position on school exclusions

- Exclusions by reasons - statistically, why pupils are excluded
- Distribution of exclusions.

### 8.2 What are the key factors (Student, School (characteristics), family, Neighbourhood, School) Associated with Exclusions and an understanding of their complexity

- Is exclusion seemingly applied disproportionately to certain groups of students, if so, why is that?
- Is it the case that exclusions are applied disproportionately to lower socio-economic groups and some ethnic groups
- Exclusions and Special Educational Needs – context and significance of that
- Impact of neighbourhood and environment - Deprivation.
- Relating to type of school - comparing Academies with Local Authority (LA)
- How is the picture changing as a result of diversification in the school governance – greater autonomy and independence from the authority?

### 8.3 What are the support arrangements - for pupil, for parents (support and information and guidance) for school (pre and post exclusion?)

### 8.4 Why some schools exclude more than others - Are some schools more likely to exclude - why is that?

### 8.5 What happens when pupils are excluded

- How do we respond?
- Pupil referral mechanisms and provision
- Outcomes for pupils who have experienced a period of exclusion from school.

### 8.6 What is/can be done to reduce the rate of pupil exclusions? What can the authority do and what is it doing - a look at some of the current initiatives.

## **9.0 Work Plan**

### 9.1 The following work programme is intended to give an impression of the likely timeframe

Date	Action
21 July 2017	Members of YPOSC and young people Engagement Session with Young People and PRU staff
21 July 2017	YPOSC Committee meeting - receive report, briefing, presentation. Question expert witnesses and officer advice
Date to be agreed	Sub group of Members to review work, conduct desktop research and write report
Late August	Report shared in draft with Leadership
8 September 2017	YPOSC considers final report
Mid-September	Report submitted to Portfolio Holder and/or Executive

## **10.0 Recommendation**

- 10.1 The committee assess the information given in response to the proposed line of enquiry
- 10.2 A sub group of about 5 members be formed to review the work, write up the results in advance of the next meeting

DANIEL HARRY  
SCRUTINY TEAM LEADER  
County Hall,  
Northallerton

Author and Presenter of Report: Ray Busby  
Contact Details: Tel: 01609 532655  
E-mail: [ray.busby@northyorks.gov.uk](mailto:ray.busby@northyorks.gov.uk)

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Background Documents Nil

## 2. Key points

- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, 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 in the school.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- Schools should have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.
- All children have a right to an education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.
- Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. 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).
- An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.
- Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.