



Name of meeting: Children’s Scrutiny Panel

Date: 20th March 2023

Title of report: Exclusions & Suspensions in Kirklees Schools

Purpose of report: To inform scrutiny members of the current context around exclusions and suspensions in Kirklees and planned actions to support work in reducing these.

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| <p>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.</p> | <p>No</p> |
| <p>Key Decision - Is it in the <u>Council’s Forward Plan (key decisions and private reports)</u>?</p> | <p>Key Decision – No Private Report/Private Appendix – No</p> |
| <p>The Decision - Is it eligible for call in by Scrutiny?</p> | <p>Not applicable</p> |
| <p>Date signed off by <u>Strategic Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning?</p> | <p>Mel Meggs</p> |
| <p>Cabinet member portfolio</p> | <p>Cllr Carole Pattison / Cllr Viv Kendrick</p> |

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered?

1) National Context

Every year 8,000 children in the UK are permanently excluded from school. Often excluded children end up in Alternative Provision (AP), not back in mainstream education.

School exclusion is directly linked with poorer life outcomes:

- Permanent exclusion has been shown to exacerbate and provoke poor mental health
- Only one in twenty excluded pupils who finish their education in AP passes their English and Maths GCSEs
- Half are not in education, employment or training six months after leaving AP
- Four in ten prisoners report having been permanently excluded from school

These factors, alongside school exclusion, put some of our most vulnerable children and young people at greater risk of criminal exploitation.

These children deserve and need the best possible support that we can give them. They are more likely to live in poverty, have special educational needs or be looked after by the state.

The Timpson Review of school exclusion (2019) commissioned by the DfE and Damien Hinds (Education Minister 2019) to ensure exclusion from school is used appropriately found that:

“There are also other characteristics closely associated with exclusion, including children with SEN, those receiving support from social care and gender. The analysis produced for this review shows that 78% of permanent exclusions issued were to pupils who either had SEN, were classified as in need or were eligible for free school meals. 11% of permanent exclusions were to pupils who had all three characteristics.”

The Timpson Review (2019) consulted with parents of Children and Young People who had experienced exclusion and found that many believed their child was excluded due to a school’s lack of understanding of their child’s needs:

“Often their children had additional needs such as SEN or attachment disorder, and many wrote that their child’s exclusion was a symptom of the school’s failure to understand and address their needs. One mother of an adopted child wrote about her strong feeling that there is “a lack of understanding of LAC/ adopted children’s needs and many [exclusions] result from inadequate support for the pupil”. Similarly, a mother of a boy with SEN excluded several times between Years 8 and 10 wrote that “all his expulsions related directly to a complete lack of understanding and awareness of his condition”. Coram found that 83% of parents whose children had been excluded (either for a fixed period or permanently) felt that the school did not work with their child to explore alternatives to exclusion.”

In July 2022, the DfE published new statutory guidance on Suspension and Permanent exclusions. The guidance placed a greater emphasis on schools being clear on setting high expectations of behaviour and standards. There are also clear recommendations placed on schools regarding the safeguarding of learners that are suspended or excluded and the arrangements that must be in place for reduced timetables and offsite directions.

Exclusions are separated into 2 areas:

- Fixed term exclusions - referred to as suspensions as of Sept 2021
- Permanent exclusions

2) Kirklees context - Headlines

Permanent exclusions from schools in Kirklees has seen a rise since 2017. At this time processes around exclusions changed in Kirklees when the exclusion contract was commissioned externally to the LA, to Ethos Academy Trust. The trend for Kirklees can be seen below:

| Year | Number of Permanent Exclusions in Kirklees |
|--|--|
| 2016/17 | 30 |
| 2017/18 | 72 |
| 2018/19 | 71 |
| 2019/20 | 54 * Covid-19 affected |
| 2020/21 | 31 * Covid-19 affected |
| 2021/22 | 59 (unvalidated) |
| 2022/23 as at 5 th March 2023 | 51 (unvalidated) |

3) Internal Audit into Exclusions

An internal audit of Exclusions was conducted in Autumn 2022 which was useful with regards to enabling fresh eyes on the systems and processes. Findings from this were very much in line with what the service had already identified.

The key actions identified within the audit, amongst others, are captured within the Inclusion workstream of the SEND Transformation Plan.

4) Strategic oversight of Exclusion in Kirklees

Oversight for exclusion sits within the Learning & Early Support Service as part of the Education Safeguarding and Inclusion Service.

Kirklees Council currently commission Ethos Academy Trust to carry out the statutory duties around Permanent Exclusion across all providers in Kirklees ensuring statutory obligations are met.

The processes around Exclusion include the following:

- If a young person is at risk of or experiencing exclusion from school, schools are encouraged to refer into our Specialist Outreach Team for additional support, advice and training.
- On receipt of an Exclusion notification, the Ethos Exclusion Officer will make direct contact with the relevant Headteacher and arrange an immediate meeting. The Exclusion Officer will then discuss the notification form with the Headteacher and ensure all processes and procedures have been followed, reminding Headteachers of their legal duties and responsibilities in accordance with the 2017 guidance.
- For additional support to the Headteacher around SEND, the Exclusion Officer may further consult with the Specialist Outreach Team to ensure there is sufficient evidence of the 'Assess, plan, do, review' cycle.
- Where other agencies are involved, the Exclusion Officer will make contact and arrange a Multi-Agency meeting where appropriate. Any consensual additional information from parents will be shared with the Headteacher where appropriate.
- Alternatives to exclusion will be discussed with the Headteacher, for example:
 - ✓ Inclusion Worker Support
 - ✓ Turnaround placement
 - ✓ Managed / Supported Move
 - ✓ Alternative Provision KS4
 - ✓ Alternative intervention programme e.g. "No Knives Better Lives"
- The Exclusion Officer will also represent Kirklees Council at Governors' Disciplinary panels and Independent Review panels as appropriate.

Plans are underway to reposition the work of the Exclusions team back in a central Kirklees Council team which will support access to key Kirklees services such as Early Support, SEMH outreach, Youth Engagement and Education Safeguarding services.

5) The Kirklees Exclusions Dashboard

The Data & Insight Service, alongside council and school-based partners have created an Exclusions Dashboard, upon request from the Service Director for Learning & Early Support, for robust data analysis and tracking of both permanent exclusions and fixed term exclusions/suspensions across Kirklees schools and academies. This gives us clear data and intelligence around exclusions at an individual school level. This monitoring and analysis focuses on vulnerable groups, with comparators to both national and regional neighbours (Yorkshire and Humber), with a purpose to ensuring the right groups are targeted for inclusive support, including informing future planning. This purpose of monitoring exclusions, challenging and supporting schools and settings also feeds through to the Our Kirklees Futures 2030 Learning Strategy.

6) What does our data tell us?

- **Permanent Exclusions**

The tables below shows a more detailed four-year trend separated into primary, secondary and special schools/academies in Kirklees for Permanent exclusions up to Summer 2022.

| Primary | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|----------------|--------------|--------------|---------------|---------|
| LA Pupils | 12 | 11 | 1 | 10 |
| LA % | 0.03% | 0.03% | 0.00% | 0.03% |
| National | 0.02% | 0.02% | 0.01% | |
| Difference | 0.01% | 0.01% | -0.01% | |

| Secondary | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|------------------|--------------|--------------|--------------|---------|
| LA Pupils | 59 | 38 | 33 | 58 |
| LA % | 0.22% | 0.15% | 0.13% | 0.20% |
| National | 0.20% | 0.13% | 0.10% | |
| Difference | 0.02% | 0.02% | 0.03% | |

| Special | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
|----------------|---------------|---------------|---------------|---------|
| LA Pupils | 0 | 0 | 0 | 0 |
| LA % | 0.00% | 0.00% | 0.00% | 0.00% |
| National | 0.06% | 0.04% | 0.03% | |
| Difference | -0.06% | -0.04% | -0.03% | |

This shows the permanent exclusion rate in Kirklees for 2020/21 being below the national figure for Primary schools and above for secondary schools. Special Schools have had zero permanent exclusions for at least 16 years.

Where schools have a behavioral concern and there is a risk of suspension or exclusion for a learner with an SEN, they should work in partnership to consider alternatives and additional support. In cases involving children with an EHCP contact must be made with the local authority and an early annual review called prior to issuing an exclusion notice. Thus, allowing for opportunities to review the current support offer and plan.

There were 68 permanent exclusions across all school phases during 2021/22, equating to a rate of 0.10% (out of 69,769 pupils on roll). This compares to the 0.05% National rate in 2020/21 and emerging national rate of 0.06% in 2021/22. Kirklees rate of exclusion is therefore double the rate of National.

(* percentage figures indicate proportion of the specific cohort excluded)

58 of the 68 permanent exclusions were for pupils in years 7-11:



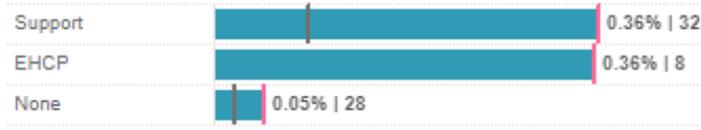
57 of the 68 permanent exclusions were Male:



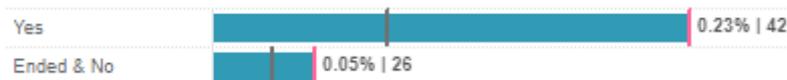
The ethnicity breakdown for permanent exclusions during 2021/22 can be seen below:



40 had Special Educational Needs:



42 have Free School Meal Eligibility:



The following vulnerable groups of learners require further consideration and support concerns:

- Secondary school aged learners
- Males
- EHCP or SEN support
- Free School Meals Eligible
- Living in the Dewsbury West ward (one school has a high proportion of suspensions and exclusions and is therefore an outlier)

The most common reasons for Permanent Exclusion are physical assault against a pupil (21), physical assault against an adult (15) and persistent disruptive behaviour (13).

A similar pattern for these reasons can be seen in suspensions data for 2022/23 thus far, up to January 2023.

Reducing exclusions and suspensions in Kirklees is a key priority within both the [Kirklees SEND Transformation plan](#) and the [Our Kirklees Futures | Kirklees Council](#) Learning Strategy and we have a number of key actions underway to support this. We need to refresh our approach to identifying and supporting the needs of our children and young people at a much earlier stage and projects are being implemented to address this.

- **Suspensions**

There were 6,053 suspensions during 2021/22 for 2,294 pupils (in all phases), equating to a suspension rate of **8.67%** (out of 69,769 pupils on roll). This compares to the 4.25% National rate in 2020/21 and an emerging national rate of 5.97% in 2021/22. This resulted in 11,027 days lost due to a suspension, with an average of 1.8 days per suspension.

Secondary Phase

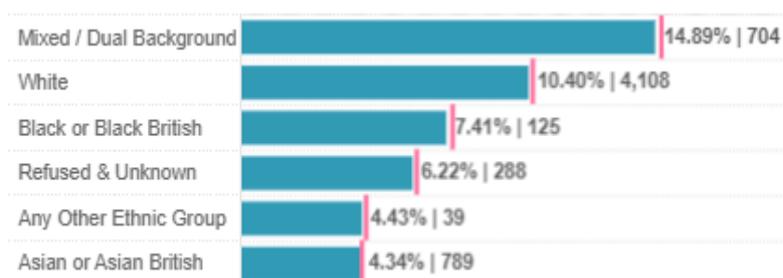
The majority of these suspensions were pupils in years 7-11;



A third were Male:

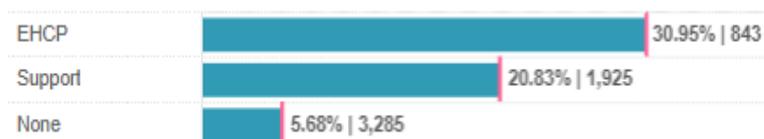


The ethnicity breakdown for suspensions during 2021/22 can be seen below:



The suspension rate was 31% of the pupil cohort with an Educational Health & Care Plan (EHCP) during 2021/22.

The suspension rate was 21% of the pupil cohort with SEN Support during 2021/22, which related to 631 pupils being suspended 1,925 times.



Analysis has enabled us to identify our vulnerable groups and work with schools and settings will be implemented using this rich data, to ensure these groups are targeted. A similar pattern for these groups can be seen in suspensions data for 2022/23 thus far, up to January 2023.

The following vulnerable groups are concerns regarding suspensions:

- Secondary school aged
- Males
- EHCP or SEN support
- High risk of criminality
- Free School Meals Eligible

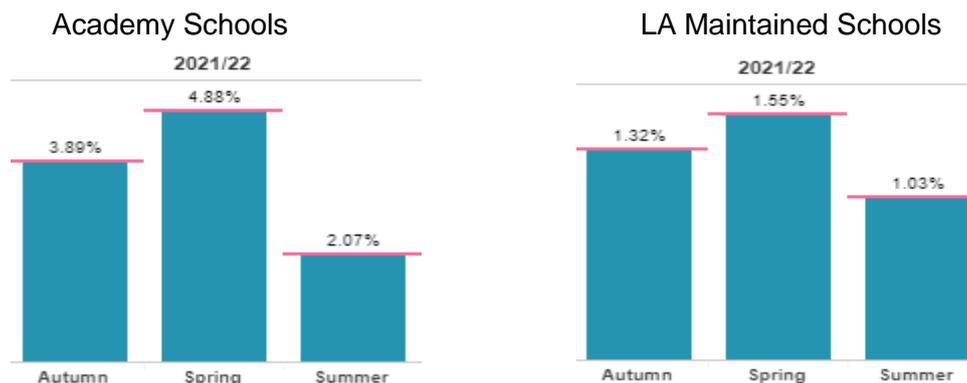
- Living in the Dewsbury East, Dewsbury West, Almondbury and Ashbrow wards

For Secondary school pupils with SEN Support, Kirklees has had similar rates of suspensions compared to Yorkshire & Humber Local Authorities, between 2007/08 and 2019/20, although above national. However, this changed during 2020/21. During 2021/22, the rate was 46.91% for 1,509 suspensions.



By far the most common reason for suspension is 'Persistent Disruptive Behaviour'.

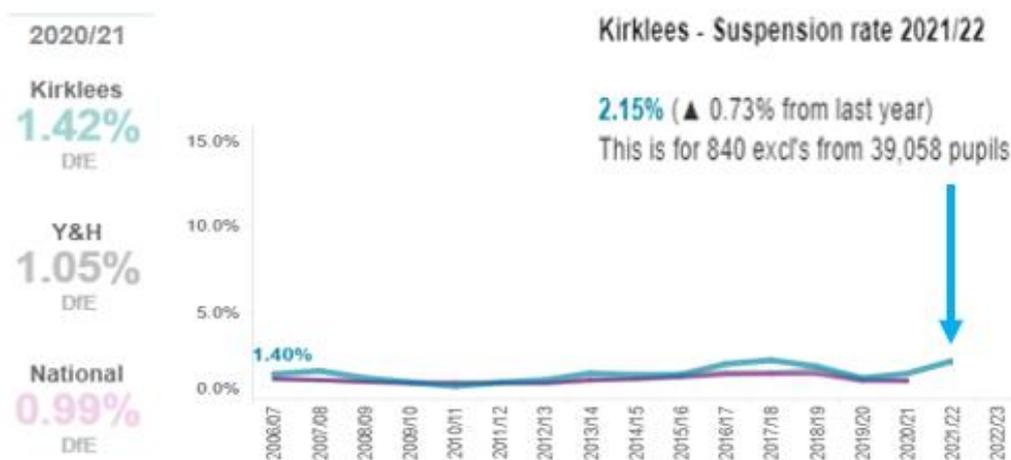
The difference in Academy and Local Authority Maintained School percentages can be seen below:



Primary Phase

Below shows Suspension data on a 15-year trend for all Primary aged learners in Kirklees.

This shows that in the Primary sector, Kirklees provisional 2021/22 rate of 2.15% (840 suspensions) is **above national validated 2020/21 0.99% by 1% for primary school/academy suspensions**. Based on a new emerging 2021/22 national figure of 1.28%, Kirklees primaries are still above by 1%, with a LA percentile rank of 91 (compared to all LA primaries).



From the intelligence we have around our schools within Kirklees we know there are settings with strong inclusive practices and some that require support to improve their approaches to inclusion. As outlined in the Timpson Review of Exclusion (2019) where exclusion is used ineffectively there are four fundamental factors: differences in leadership / culture set within a school; lack of consistent systems to understand and manage additional needs and challenging behaviour; a funding system which incentivises exclusion and lack of safeguards to prevent informal exclusionary practices. Exclusion is predominantly higher in secondary schools.

7) Analysis of the data

Since 2017 the exclusion rate has gradually risen and therefore there is a clear need for significant change in this area, as highlighted in the SEND Transformation Plan and is a key priority in Our Kirklees Futures, to include ownership, direction, collaboration and support around Exclusions, and most importantly, developing expertise, capacity and resources within schools and the Local Authority so that young people's needs can be understood and met within their mainstream setting without the need to exclude.

There are plans to reconsider the financial costs linked to exclusion as these are part of a legacy arrangement. The alternative provision landscape has altered in terms of both cost and availability meaning exclusion costs need realigning.

With the increase in requests for statutory assessment and EHCP plans this has led to several "withdrawn" or "rescinded" exclusions. A withdrawn exclusion tends to apply when a learner remains at the setting and the 'offence(s)' committed are sanctioned by other means rather than a permanent exclusion. A rescinded exclusion only applies in Kirklees to learners with a protected characteristic such as an EHCP or being looked after, usually a professionals meeting is called, and alternative solutions are found for the learner. This often leads to alternative provision placements or specialist provision placements, which – although reduces the numbers on paper of pupils experiencing exclusion - it has the same implications in the lived experience of learners as a permanent exclusion as the learner moves setting when schools state they cannot meet need, therefore this is a key area of focus for the system to improve our practises.

The data enables us to understand the key characteristic of learners (as previously outlined) who (struggle to engage in secondary settings. This could be a result of a combination of factors such as:

- School ethos
- Quality first teaching
- Provision and support at school
- School behaviour policies
- Support at home
- Unidentified and unmet SEND
- School performance capabilities
- Sufficiency of provision in the local area

8) How are we currently evaluating ourselves?

Based on 2020/21 validated data Kirklees would be band C for both fixed term and permanent exclusion measures in comparison to national figures.

This suggests that in Kirklees our exclusion figures and work around exclusions Require improvement, which is why there are key plans under the SEND Transformation Plan and Our Kirklees Futures.

9) How do we get better?

“The right support, in the right place at the right time”

Within the SEND Transformation Plan we have been working on a number of projects which will, in time, impact on a reduction in suspensions and exclusions from school. We want our exclusion figures to be significantly below national averages. We have an ambitious goal within Our Kirklees Futures Learning Strategy to aim for zero exclusion by 2030.

We acknowledge that, as outlined in the Timpson review:

“Exclusion, both fixed period and permanent, is a necessary sanction and this review has seen evidence of it being used effectively... Head teachers should be able to use their professional judgement about when to use exclusion. However, there is undoubted variation in how effectively exclusion is used in practice...”

Timpson goes on to outline that:

“As well as a necessary tool to keep others safe, there is also evidence that both fixed period and permanent exclusion, when used appropriately and with a clear purpose that all involved understand has a positive impact such as helping a child understand the impact of their behaviour. Several school leaders described fixed period exclusion prompting discussions at home with parents and carers about why the exclusion was issued, which helped the child understand and feel the consequences of their behaviour.”

In order to achieve our vision in Kirklees of zero exclusions we are aware we need to ensure there are alternatives and options available for our Children and Young People and for our school leaders so there is no need to use Permanent Exclusion and we therefore plan to focus on the following:

- The development of guidance documents for schools outlining expectations of what High Quality Inclusive Teaching should include. This guidance was co-produced with a group of Kirklees SENDCos, key teams across the LA and PCAN, our parent and

carer forum for Parents of Children with Additional Needs. [Inclusive High Quality Teaching Audit Tool | Inclusive High Quality Teaching toolkit | Kirklees SEND Local Offer \(kirkleeslocaloffer.org.uk\)](#)

- Further developing our offer from Kirklees Learning Partners to have a greater focus on Inclusion – ensuring we are using our data and intelligence to target schools who may need additional support or challenge around outcomes for children with SEND / those who are disadvantaged, ensuring those schools with the most Inclusive practice are able to support those with emerging practice.
- Reviewing financial models around exclusion processes in Kirklees Council
- Reviewing current processes around decision making and support allocation (eg Fair Access Panel / Single Point of Referral / Early Support Multi-Agency Panel / Kirklees Specialist Provision) to create a Multi-Agency Inclusion Panel – enabling early multi agency support when children and young people are at risk of exclusion
- The expansion of our central Specialist Outreach Team – specifically including outreach for children and young people with Social, Emotional & Mental Health (SEMH) needs. The Specialist Outreach Team offer training, advice, consultancy and support to schools and work pro-actively to promote inclusion. [Kirklees Specialist Outreach | Specialist Outreach | Kirklees SEND Local Offer \(kirkleeslocaloffer.org.uk\)](#). This team work closely with our Educational Psychology Service to lead on training and development within school settings – focussing on further developing understanding in Trauma Informed Practice and SEND across all schools and settings in Kirklees, ensuring all schools are Attachment and ACE aware and have trained ELSAs.
- Whilst the majority of children and young people’s needs can be met in their local mainstream school setting, some young people at risk of and those experiencing exclusion, require specialist provision, either in an “Alternative Provision” (AP), “Additionally Resourced Provision” (ARP) or special school placement. We have been working hard to address our sufficiency needs for children at risk of exclusion from school; securing the right number of specialist places is a fundamental part of our overall sufficiency strategy within our SEND Transformation Plan. This will allow Kirklees to continue to support children and young people’s needs by ensuring we have high quality, fit for purpose facilities that can support a wide range of need within a sustainable delivery model.

Our plan is for the development of a pathway for SEMH Provision in Kirklees, offering a continuum across a “Graduated Approach”, enabling children, young people, and their families to access the services they need, where they need them and when they need them - “Right Support, Right Place, Right Time”. The long-term vision is for realisation of the Our Kirklees future strategy where suspension and exclusion from school are possibilities but unnecessary given the variety of support options available.

The diagram below outlines the “Continuum of SEMH Provision” across a graduated approach:

Kirklees SEMH Continuum of Provision



An Alternative Provision procurement exercise is currently underway with contracts being awarded for lots in the following areas from April 2023 for use from September 2023:

- Day 6 Provision
- Medical Needs Provision
- Assessment/Turnaround provision
- Alternative Provision
- Additional Support Services
- Online learning provision
- Learners with EHCPs

Additionally, we have 5 new Additionally Resourced Provisions opening across Kirklees in September 2023 and we opened our first Special School Satellite Provision in September 2022, with additional Satellite provisions currently being scoped.

10) Supporting schools in developing a Trauma Informed Approach

Over the last 4 years our Educational Psychology Service have been undertaking two significant pieces of project work within a sample of Kirklees Schools; the Alex Timpson Project and the Mental Health Support Team Project. These have provided whole school support around emotion and behaviour regulation policies and emotion coaching as a tool to support behavioural needs in school. Training around understanding Adverse Childhood Experiences (ACEs) and how to support and develop resilience using relational approaches has also been delivered. Schools have included the Emotion Coaching approach within their behaviour regulation policies.

As a response to the covid pandemic the Educational Psychology service has also provided “Emotion Coaching” online training and resources to all our local authority schools which can be used as lesson plans, small group or 1:1 support. Schools are continuing to implement this and will continue to do so.

In addition, the project work has enabled Educational Psychologists to train Emotional Literacy Support Assistants (ELSAs) in schools in order to support children and young people with SEMH needs, some of whom may present with outward behavioural dysregulation within school. Enabling their behaviour to be understood as communication and receive the appropriate support through a relational intervention in school has made a significant impact on children and young people’s behavioural presentation.

Feedback was taken from the schools who have participated in the MHST and Timpson projects outlining any impact of the work. Below summarises some of the feedback we have received from schools:

- Staff now have an outward looking approach to understanding behaviour as the expression of unmet need. Staff engage with latest research and good practice.
- ACES training prompted staff who attended to reflect on a personal level, and be more aware of experiences of children and parents in their home settings.
- As a result of the training the rate of referral to the Education Mental Health Practitioners has decreased: Relational approaches are well embedded across the school so children’s needs are well met in-house.
- Following the EC training children are seen to have improved language for SEMH - they are identifying their own emotions and vocalising them which has reduced challenging behaviour in school.
- Behaviour policy has been updated to look at behaviour regulation and include Emotion Coaching - more staff recognise emotional needs and use simple strategies to support them e.g. allowing time for children to regulate and creating opportunities for them to speak about their emotions.

- School has removed their isolation room. They are trialling a reflective, restorative, therapeutic approach using a 'reflective space'. The reflective space is used to collaborate and support children where need for additional support is identified through a relation model – Educational Psychology training has supported the implementation of this.
- School has started to move away from a behaviourist approach to be more inclusive.
- 'Whole School Relational Policy' training from Educational Psychology has affirmed existing practice i.e. relational rather than 'zero-tolerance' approaches and school are seeing the impact of this with their high need pupils.
- Emotion Coaching (EC) - whole staff training complemented existing approaches. De-escalation techniques are now well embedded and supporting children with managing their emotions is working well. The physical interventions from Team Teach are not needed. The training validated that what school does to deescalate situations already is good practice.

2. Information required to take a decision

Not applicable

3. Implications for the Council

3.1 Working with People

We are highly ambitious that our education provision in Kirklees meets the needs of all of our children and young people, creating a wide range of provision so that, eventually, suspension and exclusion figures are significantly reduced and are rare. This will impact positively on Children, Young People and their families.

3.2 Working with Partners

We continue to work with partners both within the council and across wider partners such as School, Police, Health and Parent / Carer Forums to ensure all plans and responses are considered at a wider systems level.

3.3 Place Based Working

The work currently underway to create more specialist places (in Alternative Provision, Additionally Resourced Provision, Special School Satellite Provision and Special Schools) across the authority, with a better geographical spread, will enable more children and young people to attend an educational placement locally to where they live

3.4 Climate Change and Air Quality

If children and young people are able to attend school more locally to where they live this will reduce the need for travel across the authority or outside the authority – therefore reducing carbon emissions.

3.5 Improving outcomes for children

As outlined above, exclusions and suspension lead to poorer outcomes for children and young people – we therefore know that if we are able to better meet need and reduce the need for exclusions and suspensions, children’s outcomes will improve

3.6 Financial Implications for the people living or working in Kirklees

Not applicable

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

Having undertaken an equalities impact assessment it is clear this will impact positively on children, young people and their families.

4. Consultation

Not applicable

5. Engagement

Not applicable

6. Next steps and timelines

Continue to implement the project plan captured within the SEND Transformation Plan and also the Our Kirklees Futures Implementation Plan

7. Officer recommendations and reasons

That the Panel note the report.

8. Cabinet Portfolio Holder’s recommendations

Not applicable

9. Contact officer

Kelsey Clark-Davies, Head of Inclusion and Educational Safeguarding
Tel 01484 221000
Kelsey.clark-davies@kirklees.gov.uk

10. Background Papers and History of Decisions

[Alternative Provision - Cabinet Report - Dec 22 - final.pdf \(kirklees.gov.uk\)](#)

Approved – Dec 22

11. Service Director responsible

Jo-Anne Sanders, Service Director (Learning and Early Support)