

EXCLUSIONS

Report of the Director of Children, Schools and Families

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1. Purpose

- 1.1 To inform Schools Forum on the current situation regarding the requirement to make full-time provision for excluded children from the 6th day of exclusion and to consult on proposals for the provision of additional funding to assist schools and the Local Authority in meeting this requirement.

2. Summary

- 2.1 This report provides Schools Forum with:
- a) Information about the requirements and responsibilities placed on schools and the Local Authority
 - b) Data relating to the number of permanent exclusions and fixed-period exclusions of 6 days or more
 - c) Proposals for the use of additional funding to meet the additional cost of 6th day provision for permanent exclusions
 - d) Options for the use of additional funding to respond to the requirement to make provision on day 6 for fixed-period exclusions

3. Conclusions

- 3.1 Schools Forum is asked to consider the proposal to allocate £0.1m to enhance the provision available for permanently excluded pupils and £0.2m to enhance the support and provision available for pupils who are excluded, or are at risk of being excluded, for fixed-periods of 6 days or more as set out in the Schools Budget proposals.
- 3.2 Schools Forum is also asked to consider the options for distributing the £0.2m additional funding for fixed-period exclusions and particularly whether it should be distributed to schools in their budget shares using deprivation factors or used to enhance support for groups of schools.

4. Background

- 4.1 The Education and Inspections Act 2006 places a duty on Local Authorities to ensure all permanently excluded children have access to full-time education from the 6th day of exclusion and a duty on schools to ensure all children who have fixed-period exclusions of longer than 5 days have access to full-time education from the 6th day of exclusion. These duties came into force on 1 September 2007.
- 1.2 The Department for Children Schools and Families (DCSF) issued updated guidance in July 2007 in respect of exclusion from schools and pupil referral units. This new guidance replaced that published in September 2006 by the then Department for Education and Skills (DfES).

5. Requirements for permanently excluded pupils.

5.1 Schools' responsibilities

It remains the responsibility of the school to send work home for the pupil for the first 5 days of a permanent exclusion.

5.2 Local Authorities' responsibilities

From September 2007 Local Authorities became responsible for making suitable full time provision for permanently excluded pupils from the 6th day of exclusion. The only exception to this is for pupils in their final year of compulsory education who have already taken (or missed) their public examinations

- 5.3 Appendix 1 provides data relating to permanent exclusion trends since 2003/04.

- a) Primary schools have worked very effectively with the support services, particularly their local Education Support Centre (ESC), Primary Support Base (PSB) and Behaviour Support Team (BST), to reduce the number of permanent exclusions, which have fallen from 31 in 2004/05 to 13 in 2006/07. An experienced ex-Headteacher, Phil Hewitt, continues to be employed by CSF to support the development of the PSBs and the Local Authority's strategies for reducing the need for children to be excluded from primary schools.
- b) Similarly, secondary schools have worked effectively with the support services to reduce the number of permanent exclusions 194 in 2003/04 to 186 in 2006/07.

- 5.4 Of the 244 permanently excluded children who are currently permanently excluded from school 164 (67%) have access to full-time education (7 January 2008). Of the 68 children who have been issued with a permanent exclusion since 1 September 2006, 21 (31%) had been accessed to full-time education from the 6th day of their exclusion. A further 15 children had been accessed to full-time education within 10 days

- 5.5 Although the data represents a significant improvement in performance during the last 18 months there clearly remains a need for substantial improvement in order that the Local Authority is able to meet its statutory responsibilities fully.

6. Requirements for pupils who receive fixed period exclusions

6.1 Schools' responsibilities

- a) It remains the schools' responsibility for fixed-period exclusions up to and including 5 school days to set work for the pupil to complete and arrange for it to be marked unless the school has made arrangements, on a voluntary basis, for full time provision for the pupil to commence earlier than the sixth day.
- b) From September 2007 schools have a duty to arrange full time education from the 6th day where a pupil is given a fixed period exclusion of duration of 6 school days or longer.
- c) The DCSF guidance states that the full time provision should normally be off site, but that a school may make provision on site where arrangements for shared on site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools.

6.2 Appendix 2 provides data relating to the number of fixed-period exclusions of 6 days or more during the 2006/07 academic year. It should be noted that more than one event could apply to the same individual child.

- a) There were 83 occasions across the county in 2006/07 when day 6 provision for primary school children would have been necessary, 671 occasions when day 6 provision for secondary school children would have been necessary and 31 occasions for special school children when day 6 provision would have been necessary. An analysis of the data shows that the 83 primary schools exclusions were from a total of 54 schools, the 671 secondary school exclusions were from a total of 64 schools and the 31 special school exclusions were from a total of 6 schools
- b) According to the IRIS database there have only been 8 fixed period exclusions of 6 days or more from primary schools and 43 fixed period exclusions of 6 days or more from secondary schools since September 2007. There may, however, be some under-recording of fixed period exclusions for the current term due to data inputting issues.

6.3 The data clearly demonstrates a significant difference between the primary and secondary sectors in relation to the likely need to make provision on day 6 of fixed-period exclusions.

7. Funding provided for Local Authorities and Schools

7.1 The DCSF guidance indicates that LAs will need to work through their Schools Forum to decide an appropriate allocation to schools, both in terms of the overall level, and also the distribution mechanism. The guidance recommends that authorities do not base allocations on historical levels of fixed period exclusions but consider an allocation method of overall numbers weighted for deprivation and that they may want to use similar measures of deprivation as are used elsewhere in their funding formula.

7.2 2007/08 (part year from September 2007)

The DCSF guidance, produced very late in the budget cycle, indicated that Local Authorities would need to meet the cost of day six provision in 2007-08 from within the 5% per pupil increase in the Dedicated Schools Grant (DSG). Nationally the DCSF estimated the cost at an additional £9.3 million, of which £5.8 million related to fixed-period exclusion provision and £3.5 million related to additional provision for permanently excluded pupils from day six. The DCSF indicated that Hertfordshire's share of this was £198k.

Given the lateness of the allocation and the minimal impact at school level, no specific allocation was made to schools. However, this resource was taken into account in determining school budgets.

7.3 2008/09

Within the provisional 2008/09 DSG the DCSF has provided additional funding of £164k for Hertfordshire for day 6 provision. This is intended to provide for the full year effect.

Responding to the issue in the 2008/09 Schools Budget, the authority is proposing to delegate an additional £0.2m in schools budget shares for the additional cost of 6th day provision regarding fixed term exclusions.

The proposed 2008/09 Schools Budget also includes an additional £0.1m for the authority's responsibilities of 6th day provision for permanently excluded pupils.

8. Proposals

- 8.1 It is proposed that the additional £0.1m allocated for the additional cost of 6th day provision for permanent exclusions will be used by the ESCs to provide the required increase in provision. Arrangements have already been put in place to amend procedures and processes in order to enable permanently excluded students to have access to education from the 6th day of exclusion. This has included the setting up 'overspill' provision on the Boxmoor House site as an interim measure. The Lead Officer for ESCs is currently discussing with the ESC Headteachers appropriate arrangements after the interim provision ends.
- 8.2 Although the DCSF guidance recommends that authorities do not base allocations on historical levels of fixed period exclusions, the data clearly indicates a significant disproportional need between the primary and secondary sectors, with 11% of the total number of exclusions of 6 days of more being from primary schools and 85% from secondary schools. The remaining 4% were from special schools. This would suggest that it would be appropriate to weight the distribution of funding in favour of secondary schools. If the additional £0.2m allocated for the additional cost of 6th day provision for fixed-period exclusions was allocated between the primary, secondary and special phases in accordance with potential need based on the 2006/07 fixed-period exclusion data, £21,000 would be allocated for primary schools, £171,000 for secondary schools and £8,000 for special schools.

- 8.3 If the funding was then distributed in accordance with free school meal entitlements the average allocation for a primary school would be £52 (ranging from nil to £241) and the average allocation for a secondary school would be £2,221 (ranging from £36 to £6462). The average allocation for a special school would be £320.
- 8.4 Alternatively, the funding could be distributed in accordance with pupil numbers or a formula based on a combination of pupil numbers and free school meal entitlements.
- 8.5 However, Schools Forum may feel that the funding could be more productively used by distributing it to groups of schools, which could then work with their local ESC, PSB, BST and Integration Team to develop appropriate local arrangements that support partnership working.
- 8.6 It is suggested that separate approaches may be adopted by primary and secondary schools:

a) Primary Schools

The Local Authority has been working hard with primary schools to reduce the need for both permanent and long fixed-period exclusions. There continue, however, to be occasions when due to a lack of capacity to respond to concerns primary schools are left with little option other than to permanently exclude a child or issue a long fixed-period exclusion to a child.

Work has been undertaken by a group of CSF Officers and Headteachers to propose a co-ordinated arrangement for the delivery of the Local Authority's behavioural support services with a single point of access through the local ESC. These proposals will be considered by HASSH and PHF during the Spring Term with a view to implementation by September 2008. It is expected that these changes will improve the speed of response to concerns raised about the behaviour of individual pupils that may lead to long fixed-period exclusions.

In order to further improve the support available to schools it is suggested that an additional 0.5fte member of staff could be attached to each ESC or PSB to provide additional support for primary schools in the management of children whose behaviour is likely to lead to fixed-period exclusions of more than 5 days. It is anticipated that this would further reduce the already very low level of fixed-period exclusions of more than 5 days from primary schools.

It is acknowledged, however, that there will continue to be a very small number of cases where it is necessary to issue a fixed-period exclusion of more than 5 days and it is suggested that the Integration Managers should work with their local schools to develop reciprocal arrangements between groups of schools and possibly to arrange other venues where tuition could take place when necessary. The Integration Managers would facilitate the development of local protocols that would support the reciprocal arrangements.

A small fund would be set aside to re-imburse schools for the cost of releasing staff to support the child from the 6th day of exclusion. Re-imbursement would be on the basis of the daily cost of a H4 non teaching assistant, although schools would be expected to make a contribution on

the basis of £20 for each day that provision was needed (approximately the equivalent of a day's AWPU). Schools would, therefore, receive £68 per day. This would need to be managed very rigorously in order to ensure that it did not create any incentive to exclude. We would be interested to hear the Forum's comments on the financial incentives this might create.

It is estimated that the cost of this arrangement would be £88,000 (£68,000 for the additional PSB staff and £20,000 for re-imbursing schools). It is suggested that £50,000 could be allocated from the centrally held Behaviour & Achievement budget. The balance (£38,000) would be met from within the £0.2m contribution from the Schools Budget. Since the centrally held Behaviour and Achievement budget is funded through the Children's Services Grant this arrangement would need to be reviewed before decisions are made for 2009/10 budget.

b) Secondary Schools

All 6 Key Stage 4 Learning Centres will also be fully operational by September 2008 with the aim of providing support to secondary schools in the provision of appropriate education for the most challenging Key Stage 4 students.

Discussions have recently been held with the LSC regarding the potential use of an additional £163,000 to provide a work-focused route to motivate 14-16 year olds with relatively low attainment and who are at serious risk of disaffection. It is proposed that this additional support would be available through the local Key Stage 4 Learning Centre preventative support services and would support the education of up to 180 students who are at risk of exclusion.

Within this context, Schools Forum may feel it appropriate to distribute the remainder of the £0.2m to the 8 ESCs with a request that they would work with their local schools to support the development of partnership arrangements in the management of the requirement to make provision on the 6th day of fixed-period exclusions. This would mean a total allocation of £154,000 which would be distributed to the ESCs in accordance with the LA's current formula for ESC funding.

c) Special Schools

The data in section 5 of the report indicates that there were only 31 occasions in 2006/07 when 6th day provision would be required as a result of a fixed-period exclusion from a special school. It is suggested that funding for special schools should be distributed to schools using free school meal entitlements

9. Options

9.1 Schools Forum is asked to approve the allocation of £0.1m to the ESCs to support the development of arrangements for 6th day provision for permanently excluded pupils.

9.2 Schools Forum is asked to consider 2 options for the use of £0.2m to support 6th day provision for fixed-period exclusions –

a) Distribution to all schools on the basis of an agreed formula as outlined in paragraphs 8.2 to 8.5

or

- b) Distribution to groups of schools as described in paragraph 8.6 in order to support the further development of preventative support and reciprocal arrangements at local level.

Appendix 1

Permanent Exclusions

	2003/04	2004/05	2005/06	2006/07
Primary	31	31	16	13
Secondary	194	194	202	186
Special	13	12	7	4
Total	238	237	225	203

Fixed-Period Exclusions

FIXED TERM EXCLUSIONS OF 6 DAYS OR MORE

2006-07					
Primary					
District	6-10 days	11-15 days	16-20 days	21+ days	Totals
Broxbourne	3		1	1	5
Dacorum	9	2	1	1	13
East Hertfordshire	6	2		1	9
Hertsmere	2	4	1		7
North Hertfordshire	5	3	2	1	11
St Albans	2	3			5
Stevenage	3	2	3	2	10
Three Rivers	2	4	1		7
Watford	5	1	1		7
Welwyn Hatfield	7	2			9
	44	23	10	6	83
Secondary					
District	6-10 days	11-15 days	16-20 days	21+ days	Totals
Broxbourne	36	11	2	5	54
Dacorum	60	33	5	11	109
East Hertfordshire	40	15	9	5	69
Hertsmere	32	13	3	2	50
North Hertfordshire	35	10	4	5	54
St Albans	41	34	19	6	100
Stevenage	50	18	4	5	77
Three Rivers	10	5	1	4	20
Watford	35	14	2	4	55
Welwyn Hatfield	56	17	4	6	83
	395	170	53	53	671
Special					
District	6-10 days	11-15 days	16-20 days	21+ days	Total
Broxbourne	9	1	1	2	13
East Hertfordshire	2			1	3
Hertsmere	7				7
North Hertfordshire	2				2
St Albans	5				5
Stevenage	1				1
	26	1	1	3	31