

**Meeting:** Overview and Scrutiny      **Date:** 24<sup>th</sup> January 2022

**Wards affected:** All

**Report Title:** Exclusions and Elective Home Education During Covid (2020/2021)

**When does the decision need to be implemented?** No Decision

**Cabinet Member Contact Details:** Cordelia Law

**Director/Divisional Director Contact Details:** Rachael Williams, Divisional Director, Education

## 1. Purpose of Report

- 1.1 To outline the number of exclusions in Torbay's Schools during the academic year 2020/21
- 1.2 To outline the number of children who are being Electively Home Educated in Torbay and who are known to the Local Authority.

## 2. Exclusions and Suspensions

### 2.1 Fixed Term Exclusions (Suspension)

For the Academic Year 2020-21 there were a total of 616 pupils with 1472 Fixed Term Exclusions in Torbay Maintained Schools and Academies, this represents around 3% of the school population. See Figure 2 below.

School Setting	Number of Exclusions	Number of Pupils	% of pupils against total NOR
Primary School	195	89	0.8
Secondary School	964	435	4.7
Special School	250	65	11.4
PRU	63	27	54.0
<b>Total</b>	<b>1472</b>	<b>616</b>	<b>3.0</b>

Figure 2: Exclusions in Torbay schools, NOR-Numbers on Roll as per Summer Census 2021

Both the number of fixed term exclusions and the number of repeated fixed term exclusions are at their highest in the secondary phase, see Figure 3 below.

Phase of Setting	Number of Fixed Exclusions	Number of Pupils
<b>Primary Total</b>	<b>195</b>	<b>89</b>
<b>Secondary Total</b>	<b>964</b>	<b>435</b>
<b>Special Total</b>	<b>313</b>	<b>92</b>
<b>Overall Total</b>	<b>1472</b>	<b>616</b>

Figure 3: All Pupils Fixed Term Exclusions and number of Pupils by phase

This data is held at school level and used to inform the work of officers. It will be validated and released by DfE in July 2022.

Published data for Fixed Term Exclusions for previous Academic Years is shown in Figure 4 below. Due to the pandemic 19/20 is the latest published data on the Local Authority Interactive Tool. This shows nearly a 3% reduction on Fixed Term Exclusions between 2018/19 and 2019/20.

It should be noted that this period includes a period during which schools were using remote learning for many children. This remote learning was for longer than the 3% drop would suggest, giving a rise in suspensions when similar timescales are compared,

<https://www.gov.uk/government/publications/local-authority-interactive-tool-lait>

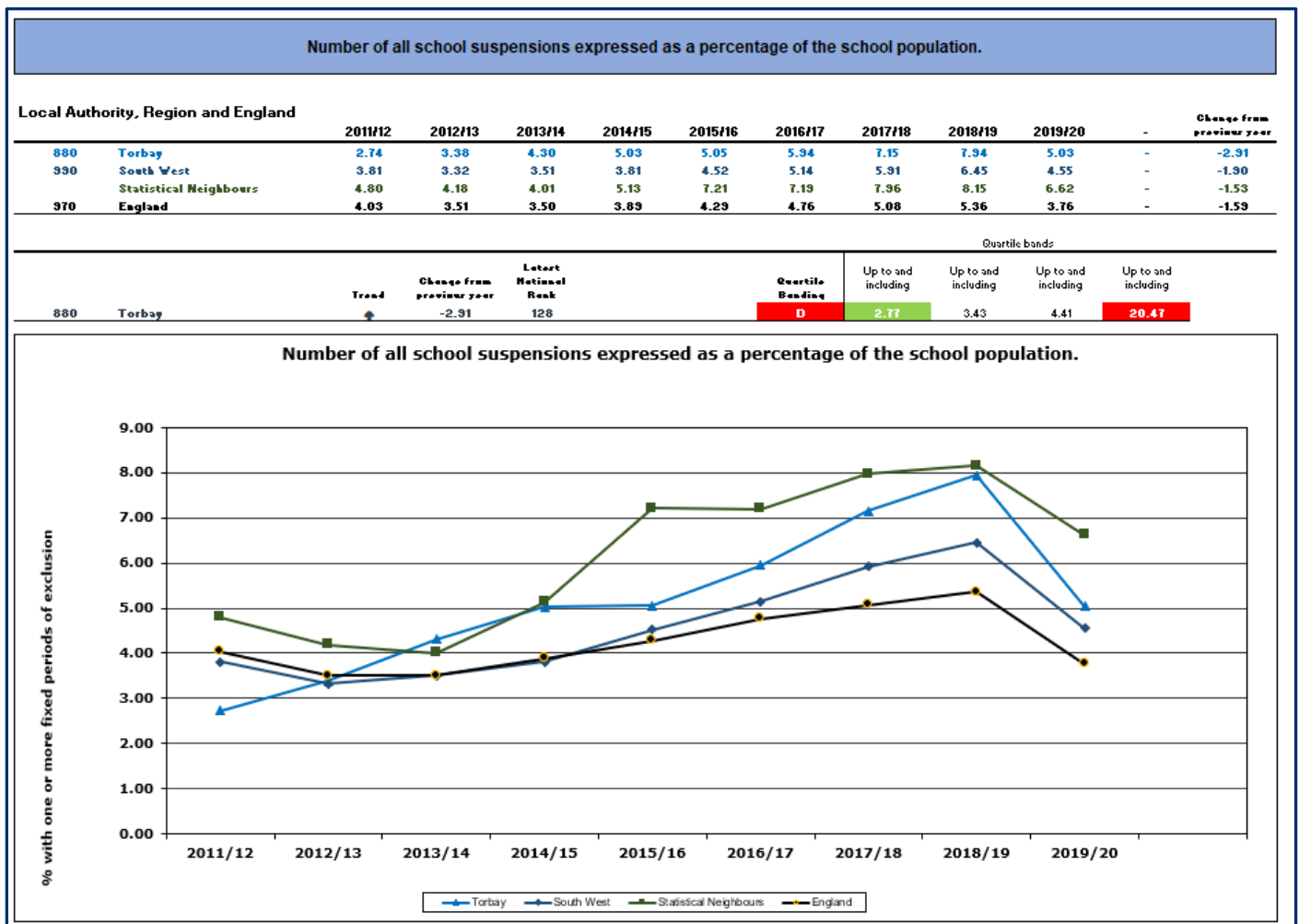


Figure 4: LAIT Number of Fixed Exclusions (suspensions) as % of school population 2011-2020

For the Academic Year 2020-21 there were 30 Cared for Children who had 79 Fixed Term Exclusions.

Of these, 43 Fixed Term Exclusions occurred in Torbay Schools involving 20 children and 36 occurred Out of Area (10 pupils). See Figure 5 below for details per child.

Year Group	Cared For 12+	Torbay/Out of Area School	Number of Occasions	Number of sessions excluded (2 sessions = 1 day)	M/F	EHCP
Year 11a	Y	Out of area	2	5	M	SpLearning
Year 11b	Y	Torbay	1	6	F	No
Year 11c	Y	Torbay	1	1	F	No
Year 11d	Y	Torbay	4	14	M	SEMH
Year 11e	Y	Torbay	1	4	F	No
Year 11f	Y	Torbay	3	5	M	No
Year 11g	Y	Torbay	2	4	F	No
Year 11h	N	Torbay	2	4	M	MLD
Year 10a	Y	Out of area	14	25	F	RSA
Year 10b	Y	Torbay	1	1	M	No
Year 10c	Y	Out of area	1	4	F	No
Year 10d	Y	Torbay	5	9	M	SEMH
Year 10e	N	Out of area	2	13	M	No
Year 9a	Y	Torbay	3	22	M	SEMH
Year 9b	Y	Torbay	3	10	M	SEMH
Year 9c	Y	Out of area	4	12	M	SEMH
Year 8a	Y	Out of area	5	20	F	No
Year 8b	Y	Torbay	1	6	M	SEMH
Year 8c	Y	Out of area	1	14	F	No
Year 8d	Y	Torbay	1	6	F	No
Year 8e	Y	Torbay	1	4	M	No
Year 8f	N	Torbay	2	20	F	No
Year 7a	N	Torbay	7	24	M	RSA/SEMH
Year 7b	Y	Out of area	2	16	M	SEMH
Year 7c	Y	Torbay	1	10	F	No
Year 7d	Y	Torbay	2	8	F	SEMH
Year 7e	Y	Out of area	3	12	F	SEMH
Year 6a	Y	Torbay	1	6	M	RSA/SEMH
Year 6b	Y	Out of area	2	6	M	SEMH
Year 3a	Y	Torbay	1	3	F	RSA/SEMH

Figure 5: Exclusion per Cared for Child – Torbay Virtual School

Published data for Cared for Children who had a Fixed Term Exclusion is shown in Figure 6 below.

This shows a 2.56% reduction between 2018 and 2019, greater than comparative National and Regional figures.

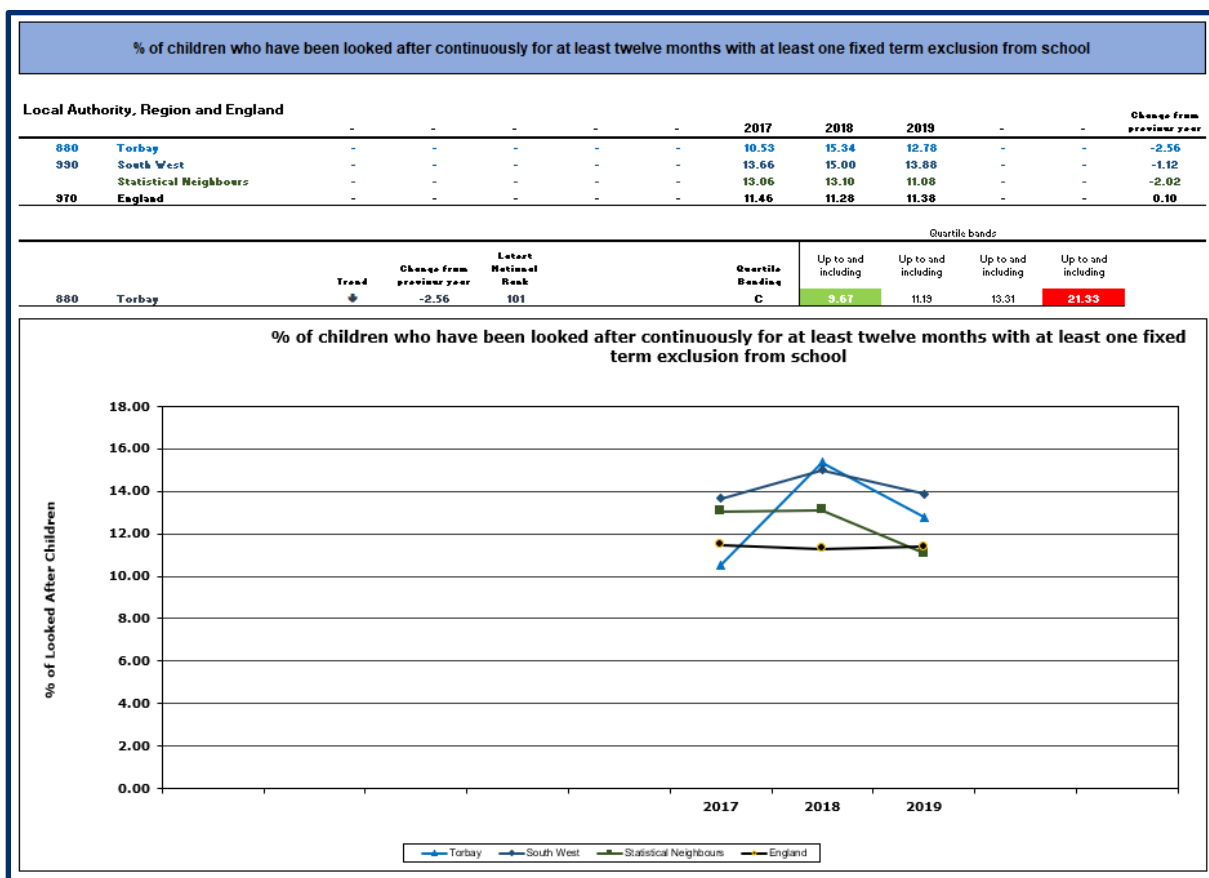


Figure 6: % of Cared for Children with a Fixed Exclusion 2017-2019 by area

## Multiple Instances of Fixed Term Exclusions

In Torbay schools a total of 335 pupils had just 1 Fixed Term exclusion in 2020-21 whereas 13 pupils had between 10 and 16 Fixed Term exclusions. See Figure 7 below.

Across settings one pupil had 16 Fixed Term exclusions in Primary however on moving to a Special school had a further 4, totalling 20. This student had an EHCP.

Setting	Number of Occurrences of Fixed Term Exclusion per Pupil															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Primary School	49	18	9	5	7	2										1
Secondary School	247	98	33	29	11	8	10	5	4	2	1	1		1		
Special School	28	5	8	4	6	4		1	2		1	2	1	1	2	
PRU	11	6	6	4		1										
<b>Total</b>	<b>335</b>	<b>127</b>	<b>56</b>	<b>42</b>	<b>24</b>	<b>15</b>	<b>10</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>

Figure 7: All pupils – Total Occurrences of Fixed Term Exclusions per pupil

There were 12 Cared for Children who had 1 Fixed Term exclusion each, and one Out of Area child who had 14 separate incidents. See Figure 8 below.  
The case study 3 in Appendix A outlines support given to the child with 14 Fixed Term exclusions (page 17)

	1	2	3	4	5	7	14
Out of Area	2	4	1	1	1		1
Torbay	10	4	3	1	1	1	

Figure 8: Cared for Children Fixed Term Exclusions – Torbay Virtual School

## Fixed Term Exclusions and SEND Status

Of the 616 individual pupils with a Fixed Term Exclusion for the Academic Year 2020-21, a total of 126 pupils (20.5%) have an Educational, Health and Care Plan (EHCP) and 186 had been assigned K-SEN Support by their schools.

A total of 50.6% of individual pupils who have a fixed exclusion in 20/21 are SEND (EHCP or K-SEN Support). See Figure 9 below.

REPEAT (individuals)	EHCP	K-SEN Support	No SEND Needs	%E	No. Pupils SEND	% SEND
Primary School	27	49	13	30.3	76	85.4
Secondary School	38	120	277	8.7	158	36.3
Special School	61	4		93.8	65	100.0
PRU		13	14	0.0	13	48.1
<b>Total</b>	<b>126</b>	<b>186</b>	<b>304</b>	<b>20.5</b>	<b>312</b>	<b>50.6</b>

Figure 9: Percentage of Individual pupil Fixed exclusions with SEND status

To address the rate of fixed term exclusions a number of both, support and challenge mechanisms have been put in place. These are:

1. Peer support groups to establish a shared responsibility for children and to disseminate best practice through joint consideration of interventions where a placement is at risk. This is supported by:
2. A shared 'Behaviour Thresholds' document co created with senior leaders from across Torbay and adopted through the Headteachers' groups (TAPS and TASH)
3. Case Officer and Head of Service challenge and support to schools where levels of suspensions and exclusions are of concern or statistical outliers.
4. Relationship building to understand the aspiration of schools to reduce exclusion and support in school development to achieve this.
5. Regular sharing of the 'at risk of exclusion' list with Early Help to ensure they are placed to support families.
6. Work within social work statutory processes to ensure school attendance remains at the centre of planning.
7. The provision of an independent mediation service to support effective communication between schools and families and best support children.

## Exclusions

For Academic Year 2020-2021 there were 32 Permanent Exclusions in Torbay Maintained Schools and Academies. Of the 32 pupils, 10 pupils had an EHCP, 21 pupils overall with SEND, see Figure 10.

Phase of Setting	EHCP	K - SEN Support	No SEND	Total
<b>Primary Total</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>7</b>
<b>Secondary Total</b>	<b>2</b>	<b>8</b>	<b>11</b>	<b>21</b>
<b>Special Total</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>4</b>
<b>Overall Total</b>	<b>10</b>	<b>11</b>	<b>11</b>	<b>32</b>

Figure 10: All Pupils Permanent Exclusions 2020-2021 by School and Pupil SEND status

Published data shows a reduction in Permanent exclusions as a percentage of the school roll of 0.7% between academic years 2018/19 and 2019/20, see Figure 11 below.

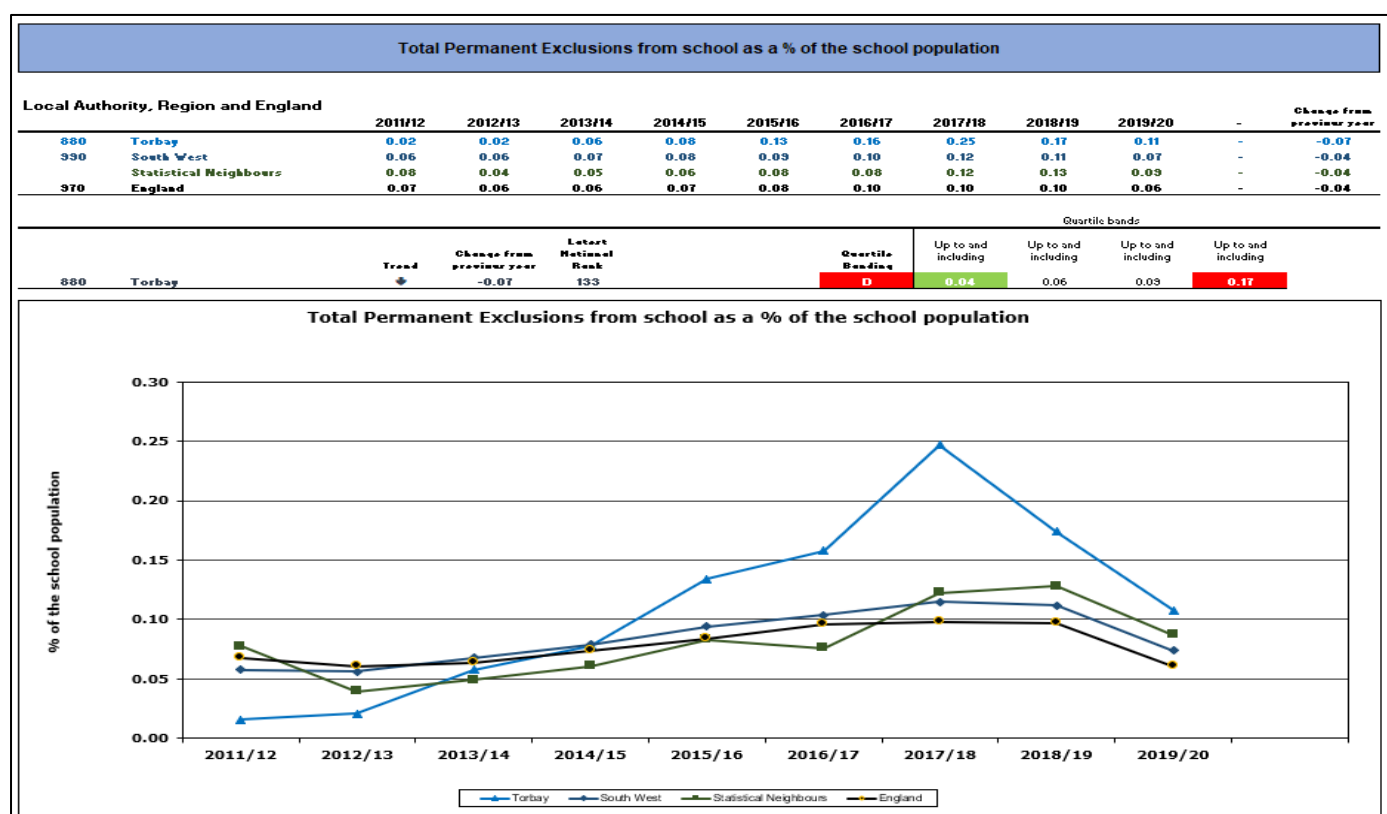


Figure 11: LAIT Total Permanent Exclusions as % of school population by area 2011-2020

There was one Permanent Exclusion for an Out of Area Cared for Child who had 14 prior Fixed Exclusions.

## Challenge and Support Around Exclusions

Local authority officers have a duty to work with all partners to maximise inclusive practice across the area. Exclusions and suspensions signal a failure of our inclusive practice, so we have a robust response.

Schools are supported and challenged around possible exclusions in the following ways.

1. By intervention from the Vulnerable Pupils Team when a child is listed as at risk of exclusion, or the team is made aware by a stakeholder or the school.
2. Through extraordinary interim and annual reviews for children with EHCPs
3. By peer challenge and support at peer groups.
4. Through solution focussed work assembling groups of local senior leaders to discuss individual children and drawing on the collective experience of the area.
5. Supporting schools and children's services colleagues to robustly challenge provision and interventions, using appropriate professional differences processes on need.
6. Engaging YOT where a child is open to that service for either statutory or preventative work.
7. In a very few cases, by providing supplementary funding to support alternative provision pending a planned change in support from other agencies

After exclusion, officers carry out the following;

1. Provide feedback on the quality and relevance of the Governors Decision Making (GDM) pack
2. Provide guidance on the process to governors
3. Attend all meetings where invited by academies and in all cases for maintained schools.

This work is well supported by the majority of schools but a small number decline to allow officers to attend or support.

## Managed Moves

In certain circumstances, it may be appropriate to transfer a pupil to another school to reduce the risk of the pupil being either permanently excluded or their educational experience being detrimentally affected. Such transfers are processed within defined procedures, so that schools are in no doubt as to who is responsible for the pupil at any time during the process.

Managed transfers between schools are offered as a possible alternative to Heads in response to a serious breach of the school's behaviour policy in DfE guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units in England:

“A pupil can also transfer to another school as part of a ‘managed move’ where this occurs with the consent of the parties involved, including the parents.”

A managed move may also be appropriate when a child has spent time at an alternative provision and has made sufficient progress to be ready to be reintegrated into mainstream schooling.

Figure 14 below shows a reduction in managed moves since academic year 2018-19. Successful moves have increased.

Academic Year	Number of MM	Successful	Unsuccessful
1819	16	8	8
1920	6	2	4
2021	6	4	2

Figure 14: All pupils – Managed Moves over time

There are currently 10 managed moves in the new academic year, 4 are ongoing, 4 have been successful. See Figure 15 below.

SEN	Initiating School	Receiving School	Start Date	Final Review	Status
N	StCM	Torquay Academy	11/01/2021	06/09/2021	Successful
N	StCM	Torquay Academy	22/03/2021	06/09/2021	Successful
N	StCM	Brixham College	26/04/2021	19/07/2021	Unsuccessful
N	TBGS	PCSA	03/09/2021	06/10/2021	Successful
N	Barton Hill	St Margaret's	13/09/2021	13/12/2021	ONGOING
N		Brixham College	14/09/2021	29/09/2021	Unsuccessful
N		Torquay Academy	06/09/2021		ONGOING
N	PCSA	StCM	13/09/2021		ONGOING
N	The Spires	StCM	13/09/2021		ONGOING
N	StCM	Paignton Academy	23/09/2020		Successful

Figure 15: All Pupils Current Managed Moves 2021

There were no managed moves for Cared for Children in 20/21



### 3. Elective Home Education

Elective Home Education currently 283 children, December 2021

2017-18 (227 1.1% as of end of July)	2021 – 2022 (1.4% as of end of Dec)	
Number of children on the EHE Register	End of December	Difference between Dec 2020 to Dec 2021
Reception	1	-1
Year 1	18	9
Year 2	16	2
Year 3	15	-2
Year 4	18	-1
Year 5	25	7
Year 6	22	-2
Year 7	32	9
Year 8	37	16
Year 9	31	4
Year 10	32	9
Year 11	36	7
<b>Total</b>	<b>283</b>	<b>57</b>

The number of families has been increasing at a slower rate than the national picture. 1.4% EHE is in line with the national figure before the pandemic. In March 2020 this was 0.9% in Torbay.

A particular concern is significant increase in EHE numbers on year 7 and 8. A working theory is that these children have struggled to develop a sense of belonging in their new schools as both years transitioned during the pandemic. This may also explain the doubling in Year 1.

This cohort is encouraged to register with the local authority via a voluntary registration process. The LA is also informed of their status at the point they leave a school roll. We have a robust process that ensures first contact with an EHE Officer within a week and a visit with a further week. These are currently virtual but have been in person when requested.

The team work with social care and SEN colleagues to ensure the education is suitable, children are safe and any outcomes from an EHCP are being met. If it is assessed as not suitable families are supported to select a school and return to formal education. If necessary, this can include the use of a School Attendance Order to require attendance.