

## Permanent and Fixed Term Exclusion Analysis

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### Introduction

This is the fourth report of permanent exclusions and fixed term exclusion occurring in the Local Area across all phases and provisions. The report sets out to provide an overall picture of the local trends over a period of time and the most recent intelligence held by the Local Authority.

This is the first report since the introduction of the new protocol for Secondary School permanent exclusions. The Torbay protocol states that:

- Students on their first permanent exclusion will be placed at Burton but will not enter that facility.
- First permanent exclusion students will go straight to a parental preference managed move to mainstream.
- Second permanent exclusion students will transfer into Burton for intervention work before being considered for reintegration

The report provides no solutions, but is vital evidence for the Higher Needs Recovery Group to consider and action as part of the agreed plan.

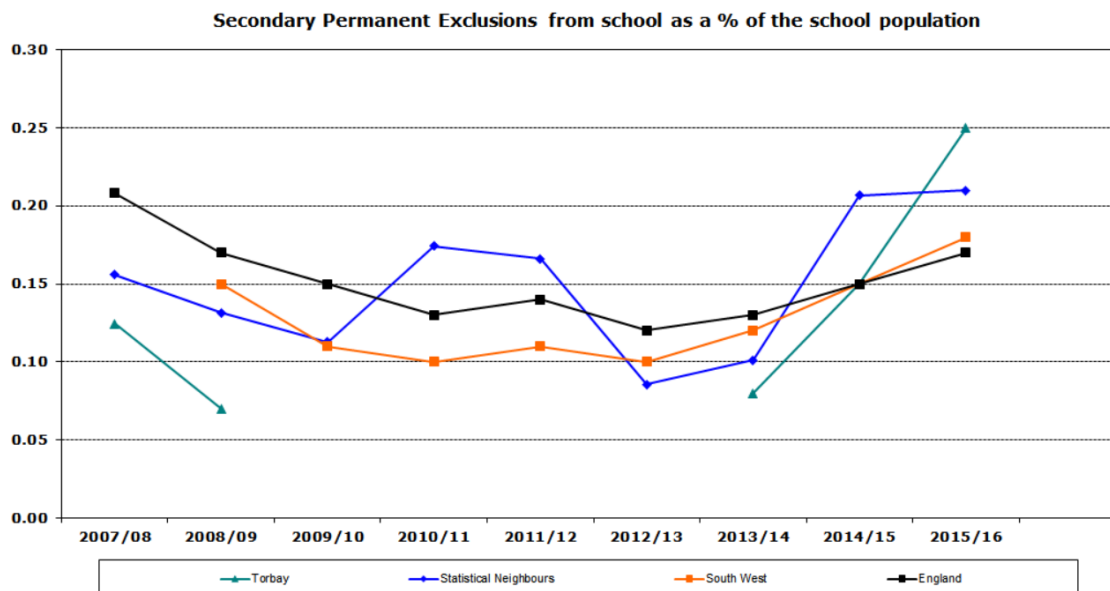
### Historical Data, Compared to National and Statistical Neighbours

The number of permanent exclusions has risen significantly since 2013/2014. Although this mirrors a national trend, pupils attending a Torbay Secondary School are more likely to be excluded than the national group and our statistical neighbours. Of particular concern is the higher proportion of students with SEN and /or who are open to Social Care who are excluded. There is also a significant challenge in our rate of increase in permanent exclusions which far exceeds that of our statistical neighbours.

### Permanent Exclusions

|           | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 To Date |
|-----------|---------|---------|---------|---------|-----------------|
| Primary   | 3       | 2       | 6       | 4       | 4               |
| Secondary | 10      | 14      | 23      | 27      | 27              |
| Special   | 0       | 0       | 3       | 1       | 1               |
| Total     | 13      | 16      | 32      | 32      | 32              |

|                        |  | 2017/18 to Jan 31st |            |             |           |              |               |         |            |             |
|------------------------|--|---------------------|------------|-------------|-----------|--------------|---------------|---------|------------|-------------|
|                        |  | Primary             | Primary SC | Primary SEN | Secondary | Secondary SC | Secondary SEN | Special | Special SC | Special SEN |
| Number of Students PEX |  | 4                   | 1          | 1 (2)       | 27        | 6            | 8             | 1       | 0          | 1           |



### Fixed term

In addition to the increased number of permanent exclusions there has also been a significant increase in the number of days missed from school through issuing fixed term exclusions. For the purpose of the report a comparison is provided for the Autumn term over three years.

|           | Aut 2015   | Aut 2016   | Aut 2017    | 2016/17     | 17/18 to Date |
|-----------|------------|------------|-------------|-------------|---------------|
| Primary   | 129 days   | 125 days   | 152.5 days  | 394 days    | 191.5 days    |
| Secondary | 266.5 days | 382.5 days | 352.50 days | 1372.5 days | 471 days      |
| Special   | 99.5 days  | 135 days   | 70.50 days  | 336 days    | 145 days      |

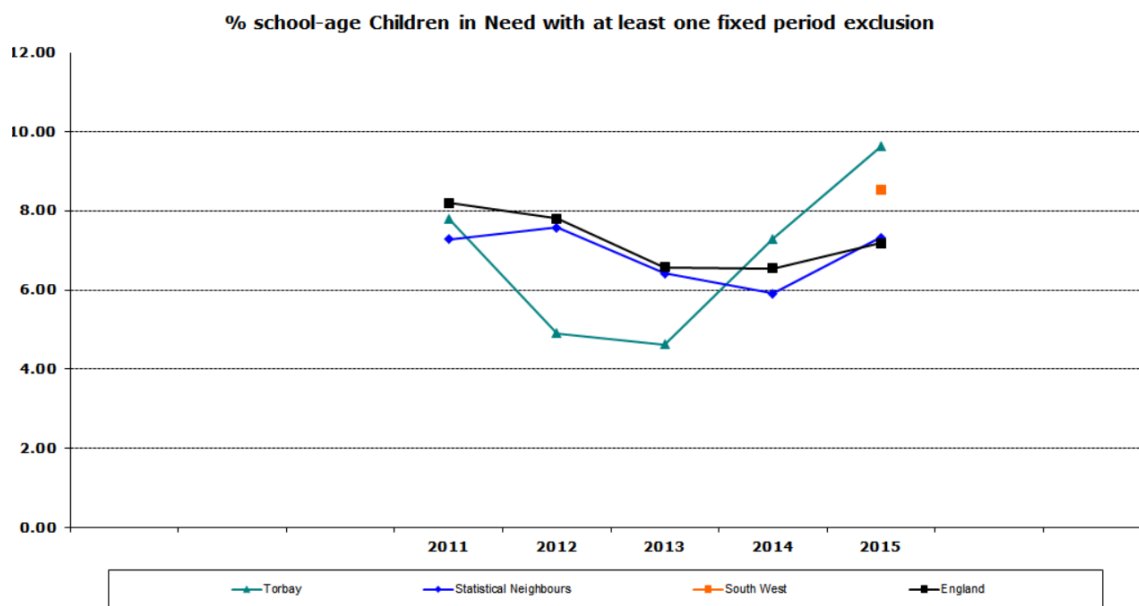
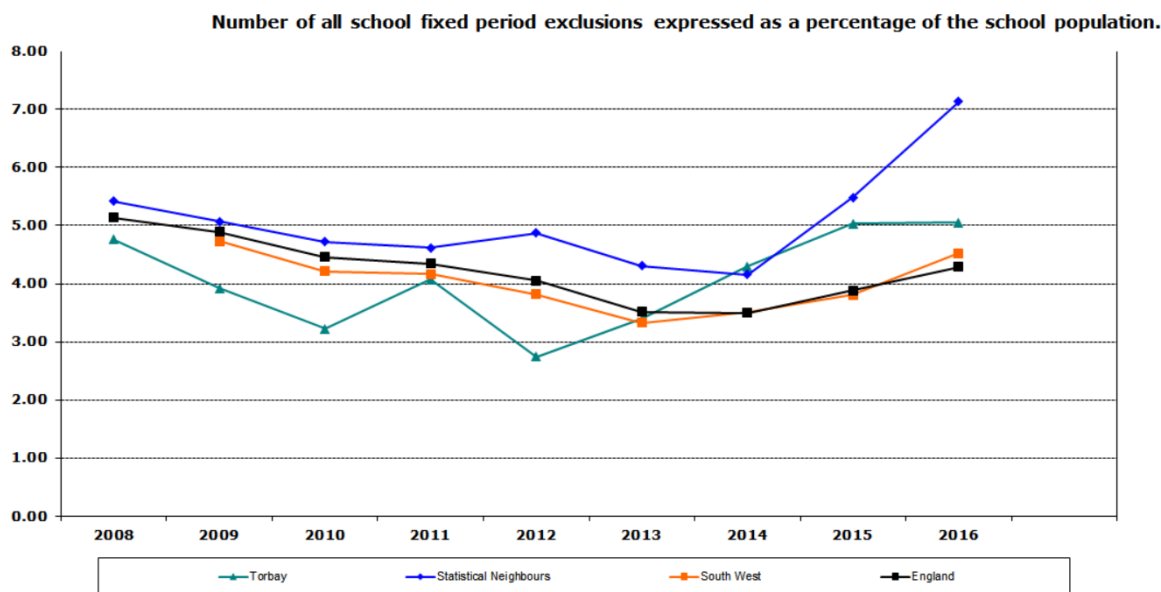
The following charts demonstrates the number of pupils that have been excluded that are known to social care and SEN services.

|                                     |  | <b>2017/18 to Jan 31st</b> |                  |     |             |     |           |              |     |               |      |         |            |    |             |      |     |  |  |
|-------------------------------------|--|----------------------------|------------------|-----|-------------|-----|-----------|--------------|-----|---------------|------|---------|------------|----|-------------|------|-----|--|--|
|                                     |  | 100%                       |                  |     | 3.30%       |     |           | 15.40%       |     |               | 100% |         |            | 4% |             |      | 15% |  |  |
|                                     |  | Primary                    | Primary Soc Care | %   | Primary SEN | %   | Secondary | Secondary SC | %   | Secondary SEN | %    | Special | Special SC | %  | Special SEN | %    |     |  |  |
| <b>Number of Students FTE</b>       |  | 35                         | 9                | 26% | 24          | 69% | 123       | 12           | 10% | 40            | 33%  | 70      | 0          | 0% | 51          | 73%  |     |  |  |
| <b>Number of Students &gt;1 FTE</b> |  | 23                         | 5                | 22% | 19          | 83% | 47        | 6            | 13% | 22            | 47%  | 32      | 0          | 0% | 24          | 75%  |     |  |  |
| <b>Number of Students PEX</b>       |  | 4                          | 1                | 25% | 1           | 25% | 27        | 6            | 22% | 8             | 30%  | 1       | 0          | 0% | 1           | 100% |     |  |  |

Note: Although the data shows 1 SEN student with a PEX, 2 of the others are being considered under RSA's.

The analysis above demonstrates that:

1. SEN students are far more likely to be excluded for a fixed term than their peers.
2. They are also more likely to have repeated fixed term exclusions in Primary school.
3. Children open to Social Care are more likely than their peers to be excluded and this rate of disadvantage is accelerating compared to our statistical neighbours.



### Autumn Term 2017 Permanent Exclusions

The Local Authority continues to monitor permanent exclusions. Since taking up his post Dan Hamer (Head of Vulnerable Pupils) has begun to request additional information following the notification to the Local Authority. This has enabled the Local Authority to question decisions and also ensure that the next provision is carefully considered. The evidence presented by schools continues to be of varying quality and a communication regarding the types of information required has been sent to schools.

The following charts demonstrates the number of permanent and fixed term exclusions issued in the autumn term 2017 by phase. For the fixed term exclusions there is a comparison provided to Summer 2017 data.

## Primary Permanent Exclusions- Autumn 2017

2 primary schools permanently excluded 4 pupils this term for Persistent Disruptive Behaviour. One is open to Social Care and One is SEN (see note above).

## Secondary Permanent Exclusions – Autumn 2017

6 secondary schools permanently excluded 27 pupils. The category of exclusion is recorded below. Out of the 27 pupils 6 were known to Social Care

|            | Assault on an Adult | Assault on a Pupil | Drug and Alcohol | PD Behaviour | Racist Abuse | Verbal Abuse of and Adult | Verbal Abuse of a Pupil |
|------------|---------------------|--------------------|------------------|--------------|--------------|---------------------------|-------------------------|
| <b>No.</b> | 1                   | 5                  | 5                | 8            | 1            | 4                         | 3                       |

## Primary Fixed Term Exclusions –Autumn 2017

23 primary schools have issued one or more fixed term exclusion during the Autumn Term.

| Type                            | Summer 17 | Autumn 17 |
|---------------------------------|-----------|-----------|
| Assault on Pupil                | 12        | 13        |
| Assault on adult                | 34        | 43        |
| Persistent disruptive behaviour | 15        | 6         |
| Verbal abuse of adults          | 6         | 2         |
| Verbal abuse of pupils          | 1         | 1         |
| <b>Total</b>                    | <b>73</b> | <b>65</b> |

## Secondary Fixed Term Exclusions –Autumn 2017

8 secondary schools have issued one or more fixed term exclusion during the Autumn Term.

| Type                            | Summer 17  | Autumn 17  |
|---------------------------------|------------|------------|
| Assault on Pupil                | 28         | 16         |
| Assault on adult                | 2          | 1          |
| Persistent disruptive behaviour | 72         | 69         |
| Bullying                        | 7          | 1          |
| Verbal abuse of adults          | 36         | 34         |
| Verbal abuse of pupils          | 7          | 3          |
| Sexual Misconduct               | 2          | 5          |
| Drug and alcohol                | 9          | 10         |
| Damage                          | 6          | 1          |
| Racist Abuse                    | 1          | 1          |
| Theft                           | 2          | 5          |
| Other                           | 14         | 15         |
| <b>Total</b>                    | <b>186</b> | <b>161</b> |

It should be noted that although there has been a reduction in fixed term exclusions compared to the summer term, there has been a rise in permanent exclusions

## Special School Fixed Term Exclusions –Autumn 2017

3 special schools have issued one or more fixed term exclusion during the Autumn Term.

| Type                            | Summer 17 | Autumn 17 |
|---------------------------------|-----------|-----------|
| Assault on Pupil                | 18        | 26        |
| Assault on adult                | 13        | 19        |
| Persistent disruptive behaviour | 20        | 11        |
| Verbal abuse of adults          | 13        | 4         |
| Verbal abuse of pupils          | 1         | 1         |
| Drug and alcohol                | 10        | 9         |
| Damage                          | 8         | 1         |
| Theft                           | 1         | 0         |
| Racist Abuse                    | 0         | 1         |
| Bullying                        | 0         | 0         |
| Other                           | 3         | 8         |
| <b>Total</b>                    | <b>87</b> | <b>80</b> |

## Spring Term – Until 31<sup>st</sup> January 2018

The number of both permanent and fixed term exclusions has stabilised within the term. For the period 1st to 31st January 2018 the figures are:

|                  | Fixed Term | Permanent |
|------------------|------------|-----------|
| <b>Primary</b>   | 29.5 days  | 3         |
| <b>Secondary</b> | 60 days    | 5         |
| <b>Special</b>   | 10 days    | 0         |

There has been a limited flow back into mainstream provision and it has become increasingly challenging for the Pupil Referral Panel to make managed moves take place and for the outcome to remain positive.

This is starting to show signs of improving through the hard work of the Challenging Behaviour Group in a meeting on 31st January. The schools represented in this group have identified 19 students who have left, or will imminently leave Burton provision. This will create space for the provision to take in excluded students and undertake some limited assessment work.

## Recoupment Formula

School Forum are the statutory body for setting the recoupment mechanism to be applied across all schools that permanently exclude a pupil. The Local Area has not revisited the formula applied for many years and School Forum took the decision on the 8th March 2018 to refer this to the Higher Needs Recovery Group for consideration.

The following extract is taken from the national guidance Schools Revenue Funding 2018 to 2019 Operational Guide:

“When a pupil is excluded from a mainstream maintained school, the local authority must deduct from the school’s budget in-year the amount within the formula relating to the age and personal circumstances of that pupil, pro rata to the number of complete weeks remaining in the financial year from the ‘relevant date’.

This means the deduction should cover not just the basic entitlement, but also the relevant amounts for pupil-led factors, such as free school meals or English as an additional language, where the pupil attracted funding through those criteria.”

Our current method is:

| Funding Factor                                    | Amount                 |
|---|------------------------|
| AWPU – Primary                                    | £2,806.18              |
| AWPU – KS3  | £3,862.65              |
| AWPU – KS4  | £4,386.61              |
| Working figure for 16+                            | £4,000.00              |
| FSM6 – Primary                                    | £1,320.00              |
| FSM6 – Secondary                                  | £935.00                |
| Service Children                                  | £300.00                |
| Care Leavers / Adopted from Care (Not Guaranteed) | £2,300.00              |
| SEN Funding                                       | £6,000.00 - £18,000.00 |

Under the current arrangements this gives this range of recoupment.

| Funding Range          | Amount                 |
|------------------------|------------------------|
| Primary                | £2,806.18 - £4,426.18  |
| KS3                    | £3,862.65 - £5,482.65  |
| KS4                    | £4,386.61 - £6,006.81  |
| Working figure for 16+ | £4,000.00              |
| SEN Funding            | £6,000.00 - £18,000.00 |

The Head of Vulnerable Pupils has undertaken an analysis of current models used by other Local Authorities and has identified the following good practice. It is recommended that we amend the current recoupment process to the following model:

$$(A \times (B/52)) + C$$

**A** is the amount determined by the LA in accordance with this part, that would be attributable to a pupil of the same age and personal circumstances as the pupil in question at primary or secondary schools maintained by the authority for the full funding period.

- Minimum Funding Guarantee amount (dependant on Key Stage)
- Pupil Premium (for individual identifiable pupil)
- Top Up (High Tariff Needs Funding) Funding (for individual pupil)
- Looked After Child funding
- Deprivation funding (FSM6)
- Prior Lower Attainment funding
- English as an Additional Language

**B** is a measure of weeks left (hence the divide by 52). 52 has been chosen as base running costs are across a calendar year.

**C** is currently the £4,000 financial adjustment order if the governing body refuses to take a pupil back after an independent review panel have advised reinstatement

| Using the AWPU as Factor A   |                |                |
|--|----------------|----------------|
| Funding Range  | Minimum Amount | Maximum Amount |
| Primary  | £ 2,806.18     | £ 4,426.18     |
| KS3  | £ 3,862.65     | £ 5,482.65     |
| KS4  | £ 4,386.61     | £ 6,006.81     |
| Working figure for 16+   | £ 4,000.00     | £ 4,000.00     |
| April 1st Exclusion Range  | Minimum Amount | Maximum Amount |
| Primary  | £ 2,806.18     | £ 4,426.18     |
| KS3  | £ 3,862.65     | £ 5,482.65     |
| KS4  | £ 4,386.61     | £ 6,006.81     |
| Working figure for 16+   | £ 4,000.00     | £ 4,000.00     |
| All Plus £4,000 and £6,000 - £18,000 Element 2&3 funding approx if a school refuses to readmit after direction or successful appeal. |                |                |
| Oct 1st Exclusion Range  | Minimum Amount | Maximum Amount |
| Primary  | £ 1,403.09     | £ 2,213.09     |
| KS3  | £ 1,931.33     | £ 2,741.33     |
| KS4  | £ 2,193.31     | £ 3,003.41     |
| Working figure for 16+   | £ 2,000.00     | £ 2,000.00     |
| All Plus £4,000 and £3,000 - £9,000 Element 2&3 funding approx if a school refuses to readmit after direction or successful appeal.  |                |                |

| Using the MFG as Factor A  |                |         |                |
|--|----------------|---------|----------------|
|  |                |         |                |
| Funding Range  | Minimum Amount | Diff    | Maximum Amount |
| Primary  | £ 3,300.00     | £493.82 | £ 4,426.18     |
| KS3  | £ 4,600.00     | £737.35 | £ 5,482.65     |
| KS4  | £ 4,600.00     | £213.39 | £ 6,006.81     |
| Working figure for 16+   | £ 4,000.00     | £ -     | £ 4,000.00     |
|  |                |         |                |
| April 1st Exclusion Range  | Minimum Amount | Diff    | Maximum Amount |
| Primary  | £ 3,300.00     | £493.82 | £ 4,426.18     |
| KS3  | £ 4,600.00     | £737.35 | £ 5,482.65     |
| KS4  | £ 4,600.00     | £213.39 | £ 6,006.81     |
| Working figure for 16+   | £ 4,000.00     | £ -     | £ 4,000.00     |
| All Plus £4,000 and £6,000 - £18,000 Element 2&3 funding approx if a school refuses to readmit after direction or successful appeal. |                |         |                |
|  |                |         |                |
| Oct 1st Exclusion Range  | Minimum Amount | Diff    | Maximum Amount |
| Primary  | £ 1,650.00     | £246.91 | £ 2,213.09     |
| KS3  | £ 2,300.00     | £368.68 | £ 2,741.33     |
| KS4  | £ 2,300.00     | £106.70 | £ 3,003.41     |
| Working figure for 16+   | £ 2,000.00     | £ -     | £ 2,000.00     |
| All Plus £4,000 and £3,000 - £9,000 Element 2&3 funding approx if a school refuses to readmit after direction or successful appeal.  |                |         |                |

This has no effect on the maximum recoupment but reflects the MFG.

### Recommendation

Higher Needs Recovery Group note the report and put forward a recommendation to Schools Forum to adopt the recoupment formula applying MFG.