

REPORT TO:	Lifelong Learning Scrutiny Committee
REPORT NO:	HEd/04/19s
DATE:	21 February 2019
LEAD MEMBER:	Councillor Phil Wynn (People - Education)
CONTACT OFFICER:	John Grant (Tel: 268140) Education Support Lead
SUBJECT:	Levels of Fixed Term/Permanent Exclusions and Youth Justice Service Education Engagement
WARD:	All

1. PURPOSE OF THE REPORT

To provide scrutiny with a monitoring report on the levels of fixed term and permanent exclusions in Wrexham and how this compares to the all Wales data summary provided by Welsh Government. The report also provides data in respect of the education, training and employment (ETE) indicator for the Youth Justice Service.

2. EXECUTIVE SUMMARY

2.1 The Education Department is required to report the level of exclusions that take place in Wrexham schools to Welsh Government. The Education Department also measures progress against the priorities within the Council Plan and examines trends across Wales as a whole.

2.2 The indicators measured are:

Fixed Term and Permanent Exclusions

- Occasions of Fixed term exclusion of up to 5 days
- Occasions of Fixed term exclusion of 6 days and over
- The number of permanent exclusions
- The number of days lost to education as a result of exclusion (Local Indicator)

Youth Justice Service

- Total number of hours offered and engaged with at pre and post 16
- Average number of hours offered and engaged with at pre and post 16

2.3 The most recent data published by Welsh Government (WG) for exclusions across Wales provides information in relation to the school year from September 2016 to July 2017 and was released on 2 October 2018 having been compiled utilising PLASC data. This year's Statistical First Release was the first that was published without comparative Local Authority data. The release instead provides the national rates of exclusion and confirms the trends within the context of the whole of Wales. It is therefore not possible for Wrexham to compare its return against any other Local Authorities in Wales. This report therefore includes data that relates to the timeframes documented in the Statistical First Release, but also includes locally collected data for Wrexham to the period that ended 31 August 2018.

In summary, the Welsh Government Statistical Release reports a significant increase in fixed term exclusions over the past three years and the first increase in permanent exclusions since 2011/12 across Wales. The most common explanations for exclusion are recorded under the categories of Persistent Disruptive Behaviour and Verbal Abuse/Threats to an adult which are recorded as 43% of the total. The trend in Wrexham mirrors the developments suggested across Wales as documented in the First Statistical Release.

2.4 The following key areas were recommended to the Lead Member for Education for improvement at the November 2017 Scrutiny Committee and are addressed within the body of this report:

- That prior to the next monitoring report, the secondary schools behaviour and expectations policies be reviewed to understand how fit for purpose they are with a view to ensuring a more robust and consistent approach across the County Borough.
- That the Committee express concern regarding the inconsistency in recording exclusions and that the issue be raised with WASH and the Primary Head teachers Federation.
- That the next monitoring report to Committee include details of Governor Training on school exclusions.

The following recommendations were also made to the Head of Education to circulate:

- Anonymised case studies of excluded pupils in secondary and primary schools to Members of the Committee.
- An Information Report to Members detailing the interventions and process that makes up the new EOTAS Framework.

2.5 The Lead Member asks that the Scrutiny Committee considers the contents of the report and to note the revised process that has been developed to robustly monitor the levels of fixed term exclusions. The Education Department continues to monitor the exclusion rates in Wrexham schools on a consistent basis and provides support and advice proactively to schools to attempt to keep both categories of exclusions at the lowest possible rate.

- 2.6 The need to reduce fixed term exclusions will be a priority in the 2019-20 business plan.

3. RECOMMENDATIONS

- 3.1 That Members of the Committee formulate their conclusions and recommendations based on the information in the report and the discussion at the meeting.**

REASONS FOR RECOMMENDATIONS

- (i) To ensure that all young people within Wrexham have access to a safe and appropriate school placement in Wrexham schools and that young people within the criminal justice system are receiving their full educational entitlement.
- (ii) To ensure that those young people that are excluded from school receive support and guidance to enable them to return to education and to reduce the risk of further exclusion wherever this is possible.

4. BACKGROUND INFORMATION

The Local Context

- 4.1 The process for monitoring exclusions in Wrexham has been revised once again and was implemented on an incremental basis in its new form from Spring 2018. Individual exclusions are all received by the Local Authority electronically under the new process. Every exclusion is examined and is then cross referenced by the Education Support Lead to identify potential support at the earliest possible opportunity. Any patterns that are emerging in relation to individual children or within a school itself are highlighted. The Exclusion Intervention Model (EIM) (Appendix 1) attempts to ensure that appropriate responses can be provided to minimise the risk of further exclusions. The EIM requires school-based Education Social Workers and other relevant officers to ensure schools are implementing Pastoral Support Plans (PSP) for vulnerable pupils at the earliest opportunity.
- 4.2 A PSP is a short-term plan that documents a strategy to support the pupil. The PSP is a recognised part of WG guidance on exclusion. Contributions to the PSP could come from professionals across a variety of disciplines. The PSP is recorded and signed by all participants, and it specifies the services/actions that should be provided. The PSP should be reviewed on a regular basis. This process should also be used for young people within the criminal justice system when their education is being compromised through lack of effective engagement. Training for the PSP process is being arranged by the Education Support Lead for education staff later in this school year and is to be underpinned by a revised multi agency policy document
- 4.3 The trend for 2016/17 did see an increase in Permanent Exclusions in Wrexham Schools. This was partly as a result of Wrexham CBC continuing to apply a more robust recording of all permanent exclusions in accordance with WG guidelines rather than managing individual cases as they occurred. This approach provides a timelier

indication of current and emerging trends within Wrexham schools and subsequently resulted in a significant reduction in Permanent Exclusions for 2017/18.

Process for Primary Exclusions

- 4.4 The Education Lead receives all Primary School exclusion documentation. These forms are then scanned and emailed to a number of partner agencies. These agencies include the Education Officer at YJS, Behaviour Support Service, the Education Inclusion Service, Youth Work in Education (Year 6 transition) and the Education Psychology Service. This process was originally implemented in 2014 and highlights potential difficulties in the primary sector at the earliest opportunity.
- 4.5 The appropriate ESW will also receive a copy of each exclusion form by email and will regularly assist the school with intervention and planning. If a pupil has been subject to exclusion in primary school, this will also be identified during planning for transition to secondary school. This planning would normally involve pastoral staff from schools, the ESW and Youth Workers in Education (Transition from Year 6 cases).
- 4.6 This multi-agency preventative approach provides an early opportunity to share information with the secondary school and to consider support for vulnerable pupils during transition. On occasion, a PSP that is being utilised in a primary school will transfer with the child to the new secondary school.

Process for Secondary Exclusions

- 4.7 WG exclusion guidance requires each school to have a functional Behaviour Policy and this should document the school's ethos and disciplinary structure. These policies establish the protocols within individual schools, but the threshold for exclusion is ultimately determined by the Headteacher. Following the recommendation at the Lifelong Scrutiny Committee of November 2017, all secondary school behaviour policies have been reviewed.
- 4.8 Headteachers will usually consult directly with the Education Support Lead to discuss potential exclusions. The Education Support Lead utilises a prescribed exclusion model that is applied in both Wrexham and Flintshire. However, the final decision is always the responsibility of the individual Headteacher and does not rely on a specific threshold. The level of evidence does not require absolute proof for a Headteacher to apply an exclusion.
- 4.9 The individual tariff for Fixed Term Exclusion can only be suggested to a Headteacher as a guide. There is no requirement to increase the tariff for a second or third exclusion as any situation that warrants exclusion should be considered on the basis of each incident. The Headteacher should gather and consider the evidence available and make their decision on the basis of the balance of probability.
- 4.10 The ESW Service will act in a consultative capacity to ensure that schools adhere to the WG guidelines and to make parents aware of their statutory rights, including having the opportunity to engage an advocate.
- 4.11 Schools will also utilise the PSP process to highlight a range of potential interventions including a commitment to provide additional classroom support when appropriate, curriculum related testing and obtain support from other agencies. The ESW service will often advise school staff on the planning process.

Education other than at School (EOTAS)

- 4.12 Some secondary schools also utilise alternative provision to provide EOTAS in an attempt to engage pupils at risk of exclusion. From September 2018 the Pupil Referral Service now has a dedicated EOTAS service and schools can apply via a half termly Behaviour Panel for support having gathered their evidence. Other EOTAS provision can be commissioned directly by schools should the Headteacher feel that this is appropriate and is outlined in the EOTAS Framework that supports the provision (Appendix 2).

Youth Justice Service Education Officer

- 4.13 The role of the Youth Justice Service Education Officer is primarily to ensure that young people in receipt of statutory court orders are accessing their education entitlement.
- 4.14 All children of statutory school age should receive 25 hours of education per week, whilst those who are post 16, should receive a minimum of 16 hours of education, training or employment per week. It is the role of the Youth Justice Service to facilitate education and not to deliver it. The aim is to ensure that a young person is complying with all aspects of their court order so that they do not risk being considered in breach by the court. The numbers of court related orders has reduced considerably and a greater degree of the officer's time is now dedicated to preventative work.

Process for return to school planning

- 4.15 Once the exclusion has been completed, schools should plan reintegration on the basis of a return to school meeting. This meeting is suggested by WG as an indication of good practice, but is not a requirement in every case.
- 4.16 Reintegration to school should be planned to ensure that all school staff are aware of a pupil's individual timetable and the strategy that is being adopted to avoid a further exclusion. These reintegration plans are often successful but can be affected by the level of support services available to the schools and staff available in school itself.
- 4.17 The Education Support Lead will monitor individual cases during ESW staff supervision and will attend selected Governors Disciplinary Meetings to provide advice on process related matters when the threshold for exclusion is reached. Schools are both supported and challenged by the Education Support Lead to ensure that exclusions are kept to a minimum. This process has assisted schools to intervene early in many cases but the trend across Wales has seen exclusions rise considerably.

Fixed term exclusions

- 4.18 The most recent WG publication for Fixed Term Exclusion in Wales was made available on 3 October 2018 and was for the school year 2016/17.
- 4.19 Fixed term exclusions have increased significantly across Wales in 2016/17. The use of exclusion in some primary schools is often in relation to more complex cases where a pupil struggles to cope within a mainstream setting. Complex cases such as these

require significant levels of support and intervention and are reliant on the capacity of other agencies and organisations to respond in a timely manner. Every option is considered to avoid exclusion for these complex pupils and early intervention strategies have reduced the incidences in this type of cases in 2016/17. However, there are still times when mainstream environments struggle to cope and can result in a pupil being excluded.

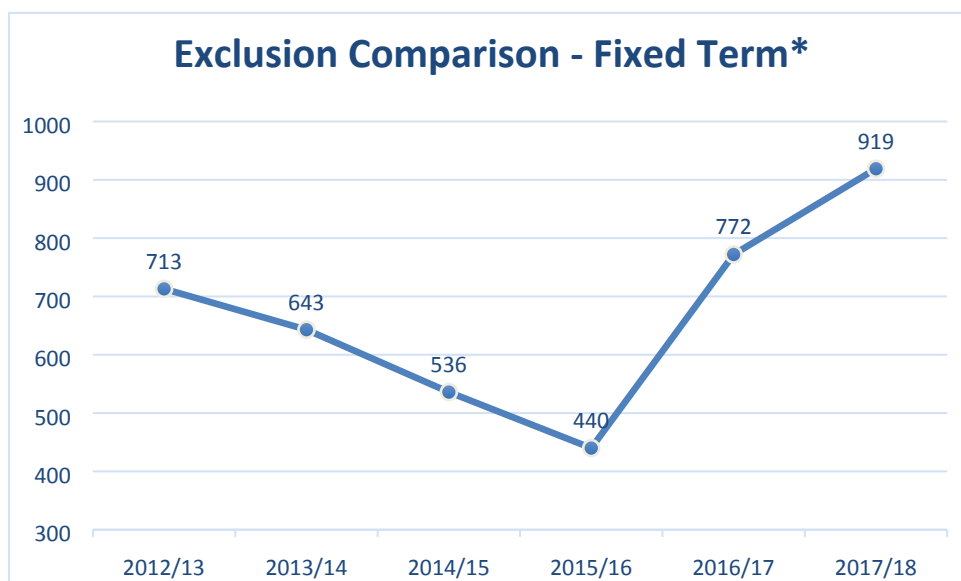
4.20 The Head of Education has consistently raised the issue of increases in Fixed Term Exclusions with WASH and Primary Heads and also the Chair of Governor Association.

Days of Education Lost as a result of exclusion

4.21 WG does not record the days lost to education as a consequence of exclusion; however, the data collected locally suggests that the concerted effort to reduce fixed term exclusions was successful up to 15/16 but has since worsened.

Year	Days lost to education a result of exclusion
2012/13	2213.5
2013/14	1773.5
2014/15	1551.5
2015/16	1340.0
2016/17	2548.0
2017/18	3162.5

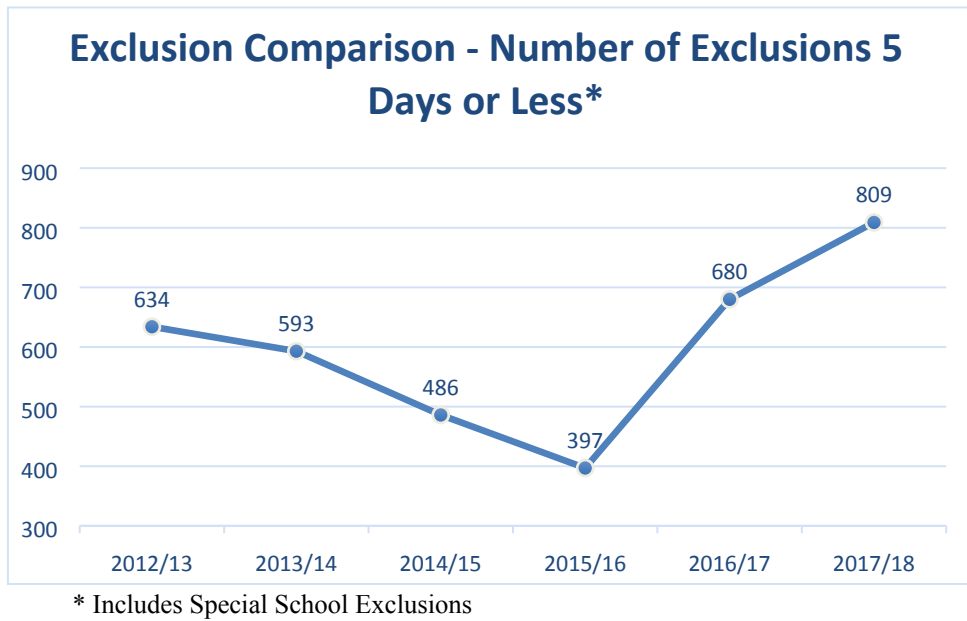
4.22 Fig. 1 Total Fixed Term Exclusions 2012/2013 – 2017/18



* Includes Special School Exclusions

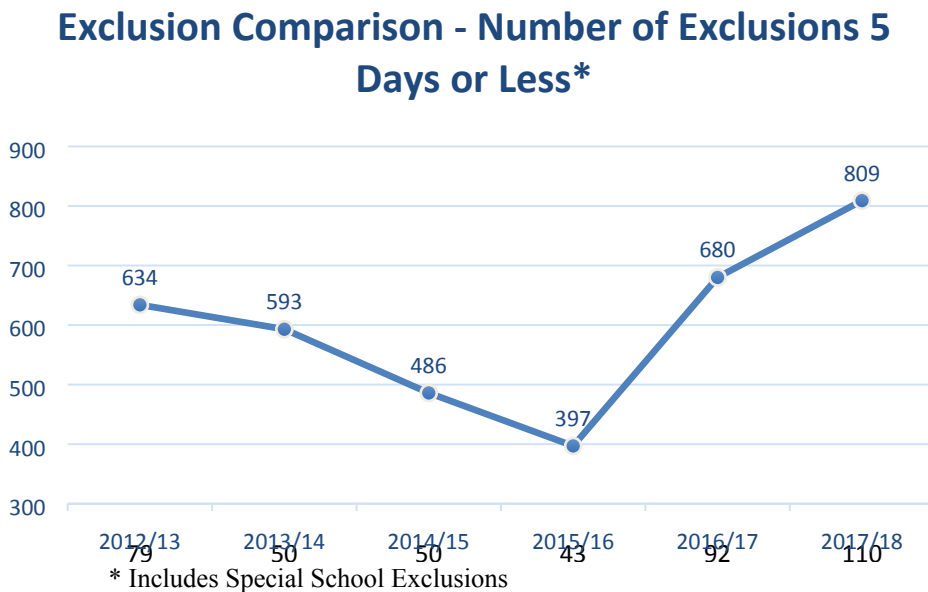
Figures above are for the number of occasions and not the number of pupils. Some pupils will only receive one Fixed Term Exclusion whilst others may receive more than one.

4.23 Fig. 2 Number of Exclusions 5 days and fewer 2012/2013 – 2017/18



Figures above are for the number of occasions and not the number of pupils. Some pupils will only receive one Fixed Term Exclusion whilst others may receive more than one.

4.24 Fig. 3 Number of Exclusions for over 5 Days 2012/2013 – 2017/18



Figures above are for the number of occasions and not the number of pupils. Some pupils will only receive one Fixed Term Exclusion

4.25 In 2011/12 Wrexham was ranked within the top third in Wales for recorded fixed term exclusions. There had been a considerable reduction up to and including 2015/16 but

this trend has not continued and the number of fixed term exclusions has increased since then.

4.26 The following tables document the data that has been recorded by WG for the period of the latest official statistical release published on 3 October 2018 and also include locally collected data for the period 2017/18.

Table 1 confirms the number of exclusions for 2014/15 to 2017/18 by WG category for 5 days or fewer, 6 days and over and permanent exclusions.

Table 1

Number of Exclusions Between 2014/15 & 2017/18 as recorded in January PLASC								
Academic Year	Fixed Term Exclusions (5 days or less)		Fixed Term Exclusions (over 5 days)		Total Fixed Term Exclusions		Permanent Exclusions	
	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary
2014/15	85	398	7	38	92	436	1	3
2015/16	71	321	6	33	77	354	2	7
2016/17	115	554	14	74	129	628	0	18
2017/18	143	654	11	99	154	753	0	10

*** Note - The figures above are the number of individual exclusions by occasion. Some pupils may have been excluded more than once. This therefore is NOT the number of individual Wrexham Pupils that have been excluded from school.**

Table 2 confirms the number of exclusions by SEN category of those pupils who were excluded for a fixed term.

Table 2

Number of Exclusions Between 2014/15 & 2017/18 as recorded in January PLASC by SEN						
Academic Year	Fixed Term Exclusions (5 days or less)			Fixed Term Exclusions (over 5 days)		
	No SEN	School Action/Action Plus	Statemented	No SEN	School Action/Action Plus	Statemented
2014/15	218	244	21	16	24	5
2015/16	183	181	28	17	22	0
2016/17	311	329	29	35	48	5
2017/18	343	411	43	44	63	3

*** Note - The figures above are the number of individual exclusions by occasion. Some pupils may have been excluded more than once. This therefore is NOT the number of individual Wrexham Pupils that have been excluded from school.**

Table 3 confirms the number of individual students that were made the subject of fixed term or permanent exclusion in Wrexham schools.

Table 3

Number of Students with Exclusions between 2014/15 & 2017/18 as recorded in January PLASC				
Academic Year	Fixed Term Exclusions		Permanent Exclusions	
	Primary	Secondary	Primary	Secondary
2014/15	47	243	1	3
2015/16	42	214	2	7
2016/17	69	313	0	18
2017/18	72	388	0	10

Permanent Exclusions

- 4.27 The number of permanent exclusions had increased steadily since 14/15 with a spike noted in 16/17 but the trend was reversed in 2017/18.
- 4.28 The 16/17 increase coincided with a review of recording processes carried out by Education Support Services which resulted in the introduction of more robust accountability and administration processes. This has enabled the local authority to more clearly document emerging trends and address these in partnership with schools at the earliest point.
- 4.29 The evidence would suggest that there were no obvious patterns to the exclusions. In general, permanent exclusions are evenly spread across schools. It is important that the local authority continues to increase its understanding of the issues that are leading to these exclusions and works with schools to seek alternatives to exclusion where possible.
- 4.30 The permanent exclusion process must also be seen in the context of the school's Behaviour Policies. Certain categories of incident may warrant a permanent exclusion because the school policy makes a unilateral statement. One example of this is with regard to serious criminal activity such as the distribution of illegal substances within school. Training was provided to school Governors in February 2018 to ensure that they have a clear understanding of their role and the importance of having robust and consistently applied behaviour policies. The feedback was positive and this event is to be repeated on a regular basis to allow Governors from as many schools as possible to access the training. An outline of the contents of the training is Appendix 3 and a sample of case studies provided as part of the training can be found at Appendix 4.
- 4.31 The Education Support Lead regularly provides challenge to schools to ensure that the decisions made are appropriate and in accordance with WG guidance. The final decision for exclusion though remains entirely with the Headteacher and can only be countermanded by the Governors, an Independent Appeal or ultimately a potential Judicial Review.

Exclusion Codes

- 4.32 Wrexham schools record any exclusion that is applied using a code that indicates the reason for the exclusion. These codes and a brief narrative are included on the exclusion form. A copy of the exclusion codes is attached as Appendix 5. Table 4 below confirms the reasons for exclusion recorded in Wrexham schools for the period 2014 – 2018.

Table 4

Number of Exclusions between 2014 & 2018 as recorded in January PLASC By Exclusion Reason									
Exclusion Reason	Academic Year	Fixed-term exclusions		Fixed-term exclusions		Total Fixed-term exclusions		Permanent Exclusions	
		(5 days or less)		(over 5 days)		Primary	Secondary	Primary	Secondary
		Primary	Secondary	Primary	Secondary				
BU – Bullying	2014/15	1	1		1	1	2		
	2015/16	1	3		1	1	4		
	2016/17		4			0	4		
	2017/18	1	11			1	11		
DA - Drug and alcohol related	2014/15		10		2	0	12		
	2015/16		4		2	0	6		3
	2016/17		11		6	0	17		1
	2017/18		15		11	0	26		1
DB - Persistent disruptive behaviour	2014/15	8	69		9	8	78		1
	2015/16	21	76		6	21	82		
	2016/17	27	125	2	7	29	132		2
	2017/18	32	156		19	32	175		
DM - Damage	2014/15	1	4	1		2	4		
	2015/16	4	10			4	10		
	2016/17		10		5	0	15		
	2017/18	1	11		2	1	13		
OT – Other	2014/15	1	75	2	8	3	83		
	2015/16	2	66		5	2	71		2
	2016/17	5	163	1	24	6	187		6
	2017/18	12	124	1	14	13	138		1
PA - Physical assault against an adult	2014/15	40	10	3	3	43	13		
	2015/16	15	7	1	5	16	12		
	2016/17	45	7	3	3	48	10		4
	2017/18	43	12	4	7	47	19		2
PP - Physical assault against a pupil	2014/15	16	89	1	5	17	94		1
	2015/16	13	65	3	6	16	71	2	
	2016/17	21	81	2	11	23	92		1
	2017/18	27	110	2	21	29	131		1
RA - Racist abuse	2014/15	2	7			2	7		
	2015/16	1	3			1	3		
	2016/17	2	9			2	9		
	2017/18	1	6		3	1	9		
SM - Sexual misconduct	2014/15		3			0	3		
	2015/16		3		2	0	5		
	2016/17		5			0	5		
	2017/18	1	2		1	1	3		
TH – Theft	2014/15		3		1	0	4		
	2015/16					0	0		
	2016/17		2			0	2		
	2017/18		8		1	0	9		
VA - Verbal abuse/threatening behaviour against an adult	2014/15	14	116		8	14	124	1	1
	2015/16	13	75	2	5	15	80		1
	2016/17	12	120	4	11	16	131		3
	2017/18	21	173	4	18	25	191		4
VP - Verbal abuse/threatening behaviour against a pupil	2014/15	2	11		1	2	12		
	2015/16	1	9		1	1	10		1
	2016/17	3	17	2	7	5	24		1
	2017/18	4	25		2	4	27		

Youth Justice Service Education, Training and Employment Indicator

- 4.33 The following relates to young people who resided in Wrexham and were of secondary school age or post 16 and whose court orders closed between 1 April 2017 and 31 March 2018. This data is reported to the Youth Justice Board on a quarterly basis.
- 4.34 All young people of statutory school age and who are registered with a secondary school or the Pupil Referral Service should automatically be offered 25 hours of education, in line with their statutory entitlement to education. For a small number of young people, they may initially be offered fewer hours. This will normally be in cases where engagement in mainstream education has been limited for some time and a phased approach is therefore taken to re-engage them with school. For young people who are above statutory school age, the requirement is 16 hours of ETE.
- 4.35 All young people registered with a school or PRS are subject to the same attendance requirements of all young people, with parents/carers responsible for ensuring their child attends school.
- 4.36 Occasionally the Youth Justice Service can ask for an education requirement to be placed on a Court Order to encourage a young person to engage with education, employment or training. Young people who are in custody are offered and engage with 30 hours of education each week and are recorded as such. During 17/18, 39 individual young people received a total of 86 court orders. Of these, 7 were of statutory school age, whilst 32 were of post school age.
- 4.37 Analysis and comparison of the two years data indicates an increase in the provision being offered to Post 16 and less for pre-16 however this is relative to the numbers of offenders in both cohorts. The average engagement rate was lower in 2017/18 during an extended period where there Education Officer post was vacant, therefore some provision may have been recorded as a supervision contact instead of education. The Education Officer post has now been filled.
- 4.38 Of the total cohort, 4 young people who were post 16 were classed as Not in Education, Employment and Training. This is due to a range of factors, with young people within the youth justice system tending to be affected by very complex factors including poor mental health, substance misuse, behavioural difficulties and family breakdown.
- 4.39 The Youth Justice Service is continuing to work with partners to improve the current position. For those who do engage, many complete their statutory school education and go on to college or employment and this is critically important to preventing any further reoffending.

5. IMPLICATIONS

- 5.1 **Policy Framework** – The Welsh Government guidance ‘Exclusion from schools and pupil referral units 171/2015’ provides guidance to schools and the local authority. The support and guidance provided to schools and pupil referral units, aims to reduce exclusions and helps the council to ensure that ‘children and young people have positive aspirations, learn and achieve their potential’ as outlined in the Council Plan (PE1).

5.2 **Budget** – There are no budgetary implications.

5.3 **Legal** – The power to exclude a pupil is contained within Section 52 Education Act 2002. The procedure is defined by The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 as amended with statutory guidance provided by the Welsh Government.

The Youth Justice Service was established under the Crime and Disorder Act 1998.

5.4 **Staffing** – There are no staffing implications.

5.5 **Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx?reportnumber=EIA00034/2017>. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

A summary of the Equality Impact Assessment is attached as Appendix 6.

5.6 **Risks** – The potential risk is that young people with the most complex issues may fail to receive their educational entitlement in a mainstream setting and this jeopardises their future engagement in education, employment or training. Being in full-time statutory education is a recognised protective factor for vulnerable children and prevents them from engaging in behaviours that might lead to them entering the youth justice system and/or making a successful transition to adulthood.

6. CONSULTATION

6.1 There has been no consultation carried out in respect of this report.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Exclusion from schools and pupil referral units 171/2015 April 2015	Welsh Government Website	http://gov.wales/topics/educationandskills/publications/guidance/exclusionguidance/?lang=en