

SUFFOLK SEND PROGRAMME BOARD

SUBJECT:	Suffolk Permanent Exclusion Deep Dive
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DATE:	17 th March 2021
PURPOSE:	For approval

SUMMARY OF MAIN POINTS:

- In May 2020 a concerning upward trend in permanent exclusions and it was agreed that a PEX Deep dive Inquiry should be undertaken.
- Following an initial scoping report prepared by a seconded HMI over the summer, a specification was agreed for a second phase of work focusing on a detailed inquiry into 15 case studies and associated review of documentation. Phase 2 is now completed.
- This paper provides a response to the Phase 2 report
- Programme Board are asked to consider and agree the proposed recommendations

RECOMMENDATIONS

That Programme Board

1. Note the key findings of the Phase 2 Deep Dive Report into Permanent Exclusions in the academic year 2019/20 prepared by Verulam Education Consultancy Ltd.
2. Consider and agree the proposed next steps plan set out below

DETAILS

Introduction

In May 2020, the Suffolk SEND Programme Board identified a concern regarding the high number of permanent exclusions (PEX) that had occurred during the period September 2019 to March 2020. 132 PEX were started in the first two terms of the 2019/20 academic year (until the Covid-19 closure of schools on 23/3/20). Although some of these were overturned on appeal this was very high compared with the 76 PEX commenced during the same period in the 2018/19 academic year. This meant that PEX initiated in Suffolk for the equivalent period had increased by almost 75% between 2018/19 and 2019/20. It was determined that an in-depth inquiry should be undertaken to understand the factors that were leading to this situation.

Phase 1 – Scoping Report May to August 2020

The COVID-19 pandemic resulted in an opportunity for several Her Majesty's Inspectors (HMI) to be deployed to local authorities to support their work during the first national lockdown. It was agreed with Ofsted that one such HMI would begin the first phase of the inquiry by undertaking a desktop study and initial interviews with key people to review the information held by the LA for any key trends and to prepare a plan for a deep dive to be undertaken into fifteen cases (Phase 2).

Findings from Phase 1

From the desktop analysis of the Sept 2019 to March 2020 data, the scoping report concluded the following:

- *The number of black and minority ethnic (BAME) pupils who are PEX is disproportionately high.*
- *The number of pupils in the pupil premium group (PPG) who are PEX is disproportionately high.*
- *White English boys with special educational needs or disabilities (SEND) are the most likely pupils to be PEX from Suffolk schools.*
- *By far the most common reason for a pupil to be PEX was persistent disruptive behaviour, the reason given in almost half of cases.*
- *The proportion of PEX girls who had an identified SEND when they were excluded is well below that of boys. None of these pupils had an EHCP.*
- *Primary-aged PEX pupils are ten times more likely to be boys than girls.*
- *Boys who are PEX are disproportionately more likely to have an identified SEND, and to have an EHCP, than girls.*
- *Girls are more likely to be PEX for persistent disruptive behaviour than boys. Boys are more likely to be PEX for a single, one-off incident than girls.*
- *Persistent disruptive behaviour is the most likely reason for a pupil to be PEX from a secondary school. Just over half of all PEX this academic year were for this reason. Around a tenth of PEX in secondary schools were for physical assault against an adult or child. A similar proportion were drug and alcohol related.*
- *PEX in primary schools is far less likely to be for persistent disruptive behaviour than in secondary schools. A third of primary PEX were for persistent disruptive behaviour, half were for physical assault against an adult or a child.*
- *Where a child is subject to a child protection plan, they are known to be suffering, or to be likely to suffer, significant harm. It is of concern that three pupils have been PEX when this is known to be the case.*
- *Drug and alcohol related exclusions are particularly prevalent in the Ipswich and East Suffolk CCG area*

The HMI also identified the following insights from a combination of data analysis and interviews with a range of stakeholders:

- *Probably without exception, if schools were asked whether they consider themselves to be 'an inclusive school', the answer would be 'yes'. This appears to be at odds with the high rate of PEX.*
- *There is no standard definition of what it means to be 'an inclusive school'. This is interpreted differently in different schools.*
- *Attendees at scoping meetings expressed a range of concerns about PEX and SEND. One concern is that half of pupils who were PEX had an identified SEND. Another concern is the effectiveness of assessment and identification of need. If a pupil presents challenging behaviour, is this seen as the pupil's primary or only SEND?*
- *It is widely accepted that PEX has a detrimental impact on pupils' mental health and on their life chances.*
- *It is also known that PEX puts additional strain on families, sometimes pushing them to breaking point. Children and young people who have been PEX have a greater likelihood of being taken into care than those who remain in school.*
- *Almost all the secondary schools in Suffolk have PEX at least one pupil in the last two years. Most have PEX more than one pupil.*

Phase 2 – Deep Dive Case Studies August 2020 – March 2021

In the scoping phase the HMI identified five Key Lines of Enquiry (KLOE) to form the basis of the next phase (phase 2) of the inquiry:

1. Inclusiveness of schools
2. SEND journey
3. Pupils and their families
4. Capacity and availability of high-quality provision
5. Academies and MATs

The HMI also developed a detailed methodology for the second phase which was to involve an in-depth study of fifteen pupil cases identified to reflect the overall profile of the pupils that had been PEX. The recommended plan for phase 2 of the study was approved by the SEND Programme Board and an independent consultant was appointed to undertake the second phase, which was originally meant to be completed and reported on by December 2020. Due to unforeseen delays the consultant was not able to deliver the final report for phase 2 until March 2021.

Phase 2 Methodology

This section is an extract taken from the Scoping Report. It sets out the methodology developed as part of the phase 1 scoping report which was adopted for phase 2 of the inquiry:

- a) *PEX affects pupils, the children who are excluded, more than anyone else. It is key, therefore, that this project has pupils at its centre. For this reason, the main project activity in the enquiry phase will be undertaken through pupil sampling.*

- b) *Fifteen pupils will be selected, representing just over 10% of the 2019/20 PEX. Pupils will be selected carefully to ensure that different groups of pupils, including BAME, disadvantage, and boys and girls, are proportionately represented.*
- c) *The pupils for the sample group will be selected from those who were PEX for persistent disruptive behaviour. Where pupils were PEX for other reasons, these are single, one-off events. The learning gained from this project is likely to be far greater if it is focused on how pupils' challenging behaviour is managed in the longer term.*
- d) *Permission will need to be secured, from both pupils and their parents, before each selected pupil is included in the sample group.*
- e) *For each pupil in the sample group, the following activities will be carried out:*
 - i. *establish pupil's 'journey' from birth to PEX*
 - ii. *meeting/phone call – pupil*
 - iii. *meeting/phone call – parent(s)/carer(s)*
 - iv. *meeting/phone call – headteacher – excluding school*
 - v. *meeting/phone call – SENCO – excluding school*
 - vi. *meeting/phone call – CEO of MAT (where appropriate) – excluding school*
 - vii. *meeting/phone call – governors/trustees – excluding school*
 - viii. *meeting/phone call – current educational provision*
 - ix. *meeting/phone call(s) – other involved professionals (health, social care, youth justice, probation, police)*
 - x. *review of pupil's assessment records*
 - xi. *review of documentation relating to pupil's PEX*
 - xii. *review of excluding school's website – ethos and values statement, behaviour policy, exclusions policy, SEND policy.*
- f) *The findings from each pupil sampling exercise will be collated and analysed to look for similarities and trends. These will be used as a starting point for establishing the project's key areas for improvement.*
- g) *To ensure consistency, the meetings/phone calls will take a structured interview approach. That is, each meeting will have a pre-determined list of questions that will be asked in all cases.*

Other activities

- h) *Other activities will also be appropriate, in addition to pupil sampling. It will be important to speak with the headteachers and SENCOs of the four schools who have not PEX any pupils for the past two years. This could be indicative of strongly inclusive practice or it could indicate unacceptable practice, in terms of illegal exclusions and long-term part-time timetables.*

Phase 2 Findings – Summary Comments on the Key Lines of Enquiry

The following extract is from the phase 2 report which summarises the findings from the pupil case studies collected using the methodology described above:

KLOE 1. Inclusiveness of schools

Although all schools in the case studies assert they are being inclusive, a review of the published policies does not support this claim. There is too much variation in the quality of the content of both exclusion policies (if these even exist) and behaviour policies. Only half of the policies make a clear link with pupils' special educational needs and how this might impact on their behaviour. Nearly all of the behaviour policies fail to identify preventative strategies for PDB.

School leaders too readily justified having to PEX a pupil in the interest of the majority. While many of the schools' equality policies included reference to pupils with SEND, very few included SEMH in their equality objectives which is important as the majority of pupils in the case studies suffered with their social, emotional and mental health. Schools face the challenge of admitting an ever-increasing number of pupils who have SEMH needs or SEND, but they do not all have the expertise or facilities to meet these needs. They also sometimes struggle to meet these needs as the previous school has not dealt with the challenges early enough or has failed to communicate effectively what the pupil's needs are.

Additionally, a majority of the pupils in the case study attended school less regularly than their peers which means they are not sufficiently in school to be exposed to the school's inclusive strategies.

KLOE 2. SEND journey

The data show that not all of the pupils in the case study who were PEX were on the school's SEN register, although nearly all were identified as having additional needs. These usually related to SEMH. The review shows that school policies are poor at linking SEND with SEMH which means that the policy cannot be used effectively to hold leaders to account for the measures they take to address SEMH for SEND pupils.

Documentation and discussions showed that pupils with SEND or additional needs typically displayed PDB and defiance but discussions with SENCOs showed that they did not necessarily link the two together. SENCOs and behaviour managers do not consistently work closely enough to tackle these issues head on. A more coordinated approach is likely to reduce the proportion of pupils that are PEX.

Additionally, discussions with parents confirm that a few SENCOs are telling parents it is so hard to get an EHCP for a child and that it is not worth bothering. This means that the child does not receive timely intervention and behaviour can deteriorate and lead to a PEX. Discussions with the providers show that a very few parents who believed their child should have an EHCP have been successful when the child has moved to the new provider.

The experience of a majority of schools is that referrals to CISS take too long and pupils' behaviour deteriorates so quickly in the meantime that they are PEX before support from CISS can be provided. Additionally, the sample shows that the first point of contact is with CISS, but fewer schools reach out to other external agencies including educational psychologists.

KLOE 3. Pupils and their families

Meetings with parents and pupils show that parents whose children have been PEX typically lose faith in the school and become distrusting of the school's leaders. Some parents had poor experiences themselves while at school. This leads to them becoming

disengaged and unwilling to cooperate with the school's leaders. The lack of supportive guidance for parents in school behaviour and exclusion policies exacerbates this problem.

Parents confirmed they are not always provided with work for their child to do when at home and are unable to ensure that their child stays at home during an exclusion or completes the work received. Pupils do not always make the best use of time spent at home.

Parents find any exclusion a stressful experience and a number of those spoken to say their mental health was affected. Pupils who have had a large number of fixed-term exclusions typically find it hard to reintegrate into school and to conform with the school's expectations.

A small number of parents in the sample refused to buy into the external support procured by the school which makes a PEX more likely, as underlying issues cannot be addressed. Additionally, some parents say they refuse a managed move as they do not like the proposed school or are adamant that their child should be placed into a specialist provision. It is not clear what happens when a parent refuses a managed move. Some parents refuse for their child to be placed in a PRU as this comes with an embedded stigma.

KLOE 4. Capacity and availability of high-quality provision

There is a perception from school leaders that there is a lack of high-quality alternative provision, although Suffolk is at a stage where they are starting to investigate types and availability of AP. Because schools have this perception, some leaders hold onto pupils for too long and the pupil's behaviour worsens in the meantime leading ultimately to a PEX.

Half of the schools in the sample have little faith in the IYFAP arrangements and believe the process is unfair which is why they PEX. They believe the only way to procure another provider is to PEX. However, this can lead to parents refusing the new provider and any new start is hindered when a placement is finally accepted as the pupil has got used to not being in school.

Schools that are of the opinion that they cannot meet a pupil's needs make inappropriate use of part-time timetables which may involve partial use of AP. These disjointed timetables lead to instability and lack of routine which has a detrimental effect on pupils' outcomes.

Pupil referral units are often used for too long and not for short-term referrals with a view to getting the pupil back to their home school. This missed opportunity leads to pupils arriving at the PRU having been PEX when remedial work by the PRU on a short-term basis may well have prevented the PEX in the first place. Schools themselves confirm a lack of sufficient specialist units to address the needs of challenging pupils and this leads to a PEX.

KLOE 5. Academies and MATs

Most of the pupils in the case study attended academies, many of which were part of a MAT. Some of the MATs implement a generic behaviour policy across the schools, while a school specific policy would be more appropriate taking account of the local context, its challenges and demographics.

MAT CEOs and headteachers assert that they have established systems to challenge each PEX based on robust data and record keeping. Nevertheless, there are some schools within a MAT that have an unacceptably high number of permanent exclusions. A discussion with a MAT recognised that previous weak leadership had led to a high proportion of PEX in one of its schools. High staff turnover and difficulties in recruiting staff in some schools also leads to a greater degree of inconsistency in terms of expectations, relationships, and the consistent implementation of key policies.

A very few academies suggest that the relationship between them and the local authority is less positive than with maintained schools. This may lead to them being more unwilling to cooperate and collaborate with the local authority. Schools with high proportions of PEX are also less likely to appeal to first choice parents and may attract pupils and parents who are not totally committed to the school's values and ethos because it was not their school of choice.

The phase 2 report identifies the following key findings linked to the KLOEs:

- a) Arrangements for Suffolk's In Year Fair Access Panel (IYFAP) require improvement.
- b) There is currently a lack of appropriate alternative provision.
- c) CISS do not always intervene sufficiently swiftly
- d) Systems for communication need to be refined
- e) The over-use of part-time timetables is detrimental to pupils' learning and progress
- f) Arrangements for pupil transition are in need of strengthening
- g) A few home-school agreements do not share responsibilities of school and parents fairly.
- h) A number of stakeholder perceptions need to be addressed in order to reinstate faith in the educational provision for pupils and young people.
- i) Schools attempted to use a variety of strategies at their disposal to offer support but with mixed success.
- j) While schools assert they are fully inclusive, school behaviour policies and websites do not support this claim.

Phase 3: Delivery in Response to Phase 1 and 2 Findings

The final phase of this programme is the delivery of change phase. This involves the development and delivery of a plan of action to address the matters that have been raised during the first two phases of the inquiry. To begin this phase an agreed set of priorities for action need to be agreed.

Changes already implemented or in progress.

It should be noted that the PEX data analysed in this inquiry dates from the period September 2019 to March 2020. This means that a year has now elapsed between the date of the last exclusion considered in this report and the time of this response. During that time there has continued to be considerable changes implemented in the Suffolk system in response to feedback from stakeholders and aspects already identified for change. These include the following key developments:

- The system for admissions to Alternative Provision has been changed to enable much swifter consideration of applications for AP. These are now considered at a weekly panel rather than a termly one.
- The CISS service has changed its admissions process from a termly one to a weekly review of new applications to enable swifter access to specialist support.
- Almost 200 new specialist education placements were made available within the local area in September 2020 through the Council's SEND Capital Programme and this has enabled more children to have access to these placements. In September 2021 a similar number of additional places will be available and by 2025 a total of 870 new places will have been delivered.
- The expansion in specialist placements has resulted in a lower number of children with EHCPs being referred to pupil referral units and for the first time in many years Suffolk has had capacity within its AP provision throughout the academic year 2020/21 which is enabling swifter admissions in many cases and the opportunity for earlier admission enabling short term remedial work. This trend should build as further specialist units open in September 2021.
- A redesign of the Specialist Education Services offered by Suffolk County Council is currently in progress. The purpose of this is to further develop the specialist support offer available to education providers in Suffolk. As part of this change a Whole School Inclusion Team is being established that will be able to improve the support offer regarding inclusive practice and a specialist team of teachers to support practice for pupils with Social Emotional and Mental Health needs.
- New Mental Health in Schools teams are gradually being established in some parts of Suffolk to enhance the support offer to schools and colleges regarding wellbeing and mental health.

The Policy Development Panel for Alternative Provision

Also, within this period the Suffolk County Council Policy Development Panel for Alternative Provision has reported its findings and these are now in the implementation phase. These recommendations are set out in Table 1 below.

Recommendation 1: The development of an Alternative Provision Commissioning Board to advise the LA on their commissioning decisions for alternative provision

Recommendation 2: That the range of pathways within the alternative provision offer should be expanded and clarified to include split placements for pupils in Key Stages (KS) 1-4, and placements of varying durations to be available to meet the diverse needs of pupils attending alternative provision

Recommendation 3: The introduction of clear policy and guidance regarding the management of part-time timetables, to ensure that all pupils progress to a full-time offer as soon as possible given their needs as learners

Recommendation 4: The completion of a review of the language used in the naming and description of our alternative provision sector

Recommendation 5: That a standardised set of alternative provision policies and protocols should be established across Suffolk so that everyone has a clear understanding of the offer and expectations on each delivery partner

Recommendation 6: That the Alternative Provision Commissioning Board undertake a further review of the future need for alternative provision to meet medical needs in 2021, once the impact of the new specialist units programme and the current Raedwald pathways pilot is better understood

Recommendation 7: For Suffolk County Council to continue with their commitment to the SEND Capital Programme, to alleviate pressures on alternative provision

Table 1: Recommendations from the PDP for Alternative Provision

The Alternative Provision Commissioning Advisory Board has been established and has a programme of work set out that includes addressing PDP recommendations 2,4,5 and 6. PDP recommendation 3 relating to the closer management of part time timetables in AP was implemented in autumn 2020, however this has been severely disrupted by the various periods of lockdown due to COVID-19 since. It will be progressed further in April 2021 now that PRUs are fully open again.

Additional Priorities for Action Arising from The Inquiry

Considering the changes that have already been implemented since March 2020 and based on the evidence from the scoping report and the case study deep dive the following further priorities for action are recommended. These are not at this stage presented in order of priority or implementation, they are all important measures to take forward in acting on the findings of the inquiry.

Co-production: It is key that going forward we work together to build a system wide partnership to address the issues raised in both Phase 1 and 2 of this report. Co-production will be essential to achieving this: with multi-academy chief executives (CEOs); school head teachers; children and young people; parents and carers; the Regional Schools' Commissioner's (RSC) Team; and representatives from social care and health. This must be a central principle of the third stage of this work.

Priority 1: Establish a Suffolk wide agreement and framework about what it means to be an inclusive education organisation and develop good practice models to support education providers to achieve this standard. The new Deputy Head for Specialist Education Services (SES) should be asked to lead on this work. It would need to involve a review of local and national good practice and draw on existing standards available externally that could be adopted. It will need to involve strong co-production with school leaders, the RSC, young people and parents and carers and further consultation with all education providers. Following agreement of the standard there will need to be a comprehensive information sharing and training/support programme to enable its take up. This should be led by the new SES Head of Whole School Inclusion and delivered jointly by the SES Whole School Inclusion Teachers and involve, education psychologists and expert practitioners from schools. There will need to be financial investment to support the involvement of practicing teachers in the programme as trainers or peer mentors.

Priority 2: Strengthen the support arrangements provided and facilitated school to school by the SCC Specialist Education Services to enable the development of best practice in identifying need and ensuring effective support for children with SEND across all settings. This should be led by the Headteacher for Specialist Education Services, working closely with the Head of Psychology and Therapeutic Services, and include the establishment of the four new specialist teacher teams, one for each of the areas of need within the SEND Code of Practice; further embedding of the Suffolk SEND Graduated Response; best practice and effective use of high needs funding; and support for development of expertise in our new specialist settings.

Priority 3: Develop an expert team of practitioners to support the development of and disseminate best practice across Suffolk settings in meeting the educational needs of children and young people who exhibit persistent disruptive behaviour. This team should be jointly comprised of current education practitioners, specialist teachers from the new SES SEMH team, mental health practitioners and educational psychologists. The development of the programme and the work of the team should be led by the new Head of Service for SEMH within SES. There will need to be financial investment to support the involvement of practicing teachers in the training/support programme.

Priority 4: Establish a Suffolk wide protocol, co-produced with school leaders and parent organisations regarding the use of part-time timetables in mainstream schools for any pupils and seek the support of all academies and maintained schools in its implementation. Implementation of the protocol would be part of the agreed inclusion standard. This would need to be led by a joint team drawn from across Education and Learning and Inclusion Services.

Priority 5: Work with school leaders to agree a straightforward way for them to routinely share fixed term exclusion data with the County Council so that pupils who need additional support can be identified more quickly. A working party should be established led by the Head of Whole School Inclusion to address the current barriers that exist because of diverse data systems and the differing understanding of school leaders about the need to report this data routinely. The working party should agree an approach, and this should then be implemented swiftly to enable Suffolk CC to receive this data regularly. Regular reporting of fixed term exclusions should be an expectation of the agreed inclusion standard and the new Whole School Inclusion Team will need to use this data to help direct their work on an ongoing basis.

Priority 6: Develop and implement Suffolk protocols for the transfer of information / communication regarding managed moves and placement following PEX in co-production with school leaders and parents/carers. There is a need to develop a standardised approach for school staff, Family Services Teams, and other practitioners to follow in relation to both managed moves and PEX that ensures that everyone involved is clear of what is expected of them and that communications are effective. This work should be led by the SEND Manager for Progress and Quality Assurance and will need to be developed in partnership with parents and carers and services across education, health and care.

Priority 7: Develop a wellbeing and support offer for pupils who are subject to a PEX and for their parents and carers. This work should begin by asking parents and carers and pupils, and where appropriate social workers, who have recently been

involved in PEX what support beyond that provided by Family Services staff would best help them through this distressing situation. Our psychology and therapeutic services and Primary Mental Health Worker team should be asked to lead the co-production of an offer to support these pupils and their families and implement the new arrangements that are agreed.

Priority 8: Undertake a review of the current IYFAP process in consultation with school leaders to identify further steps that can be taken to strengthen the process and secure active participation from more schools. There have been significant changes made to the IYFAP process since the pupils in this study were PEX, however there are still challenges regarding the active participation of some schools in the process and following the implementation of changes in the last 18 months it would be appropriate to undertake a further review. It is recommended that the SEND Manager for Progress and Quality Assurance should lead this.

Priority 9: Plan and implement a communications and information sharing campaign to ensure that all education leaders have the latest information about the support offer, systems and provision in place to assist them in meeting the needs of pupils with additional needs. Further work and an ongoing programme of communication and information sharing is needed to ensure that all education leaders and senior practitioners are aware of the support offer available. As the key leader within the authority for specialist support services working with mainstream schools the Headteacher for Specialist Education Services would be well placed to direct this at a strategic level with support from the various officers responsible for communications within CYP services.

Next Steps

The next step in taking forward this work is to confirm a senior officer to lead Phase 3 of the programme, this is likely to be the new AD for Inclusion but may depend on timing and arrangements regarding this appointment.

It is vital that the priorities and suggested actions set out here are jointly agreed with parents and carers representatives and education leaders. Therefore, following agreement by the SEND Programme Board it is recommended that the Phase 3 Leader should undertake a swift but broad consultation with school leaders, including the CEO network and the Regional Schools' Commissioner to seek their input into the final set of priorities and how these should be implemented and agree with the Suffolk Parent Carer Network next steps from their perspective. From this an implementation plan should be drawn up, taking account of the timescales for the SES redesign, and work should begin at the earliest opportunity.

FINANCIAL IMPLICATIONS

Implementation of the priorities 1 and 3 will require additional investment to enable current school practitioners to be involved. It is recommended that £80,000 of the existing SEND Reform Grant funds are used for this purpose.