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To: Learning and Development, Children, Families &
Education Policy Overview & Scrutiny Committee

Date: 1st March 2011

Subject: Exclusions and Non Attendance in Kent Schools

Classification: Unrestricted

Summary: This report, requested by Members, covers the current situation regarding school attendance and exclusions in Kent, including trends and national comparisons, and outlines particular issues and pressures, and how they are being addressed.

Introduction

1. (1) This report in part updates the report to the Learning and Development POSC of 20 May 2010 on 'Absence in Kent Schools', and also includes a similar report on the trends in the use of both permanent and fixed term exclusions as a sanction in Kent schools. The Attendance and Behaviour Service (ABS) acts for the Local Authority (LA) to fulfil the statutory responsibility of ensuring regular attendance of pupils, and monitoring the appropriate use of exclusion by schools.

(2) The report highlights a range of pressures that are being faced currently, or will be faced in the near future, which may have an adverse effect on the current relatively positive picture of trends in both attendance and exclusions. It also outlines the activities that are taking place or are planned to take place to mitigate these pressures.

Background

2. (1) Information on Kent schools' attendance and exclusions is included in Appendices 1 (a&b) and 2. As will be apparent from that information there is a significant time delay between the published statistical report from DfE (the Statistical First Release) and real time data. ABS works closely with schools to address issues of attendance and exclusion, and shares pupil level and school level information with other LA officers to ensure consistent support and

challenge. In this work, ABS relies on its good relations with schools to provide up to date data and analysis which will facilitate early intervention and preventative activity with families. Although this information has been forthcoming, historically there is now no requirement on academies to share their data, nor to engage with ABS in early intervention or preventative activity. Nevertheless, ABS remains the statutory route through which prosecution is initiated and implemented.

(2) Persistent Absence:

It is not yet possible to factor into effect of the 2010 tranche of academies to the overall trend. However, for the year 2009/10, for those academies that reported a full year, there were significant differences in both overall attendance and persistent absence (PA) figures when comparing academies with maintained schools. The total proportion of absence for secondary schools in Kent (including academies) was 7.53%. For that period the overall absence figure for the academies alone was 9.8%. There is a similar picture of comparison for persistent absence, which in secondary schools in Kent (including academies) was 5.4% while in academies alone for that period the PA figure was 9.9%. It is important to note that the academies reported above were 'old style' academies, and the profile of academies has changed significantly since September 2010.

(3) Charging requirement for services to academies:

There are anomalies for both the Attendance and Exclusions activities of ABS between the non-statutory activities (which can be charged for) and statutory activities (which cannot be charged for). These can cause tension when officers are advising support, mediation, multi-agency planning (non-statutory and therefore chargeable activities) but are placed under pressure to prosecute (which is statutory and therefore non-chargeable). Similar circumstances are encountered by alternative provisions that work to resolve behavioural difficulties through support, remediation and reintegration (chargeable) rather than providing for excluded pupils (a statutory requirement that that is therefore non-chargeable).

(4) Should academies not have adequate education welfare services to monitor and challenge issues of poor attendance it is possible that young people would not have the support they need. There is a concern that ABS would not have the ability to challenge the legality of some school practices which have come to light in the past, such as off-rolling pupils, part-time timetabling and unreported exclusions.

(5) The potential risks for the Attendance and Behaviour Service of implementing a universal charging policy for Academies are being mitigated by designing packages of services, with Service Level Agreements, that include the delivery of advice support and challenge, and allow individual cases to proceed to prosecution if required at no additional cost. Despite identified pressures, ABS activity continues to support schools and academies to improve attendance and reduce exclusion.

(6) Prosecution:

There is a potential difference between academies and maintained schools over the quality of evidence gathered for purposes of prosecuting parents/carers over poor attendance if academies are setting up their own education welfare mechanisms (prosecution remains a LA statutory activity). This could create a two tier system.

(7) ABS' ability to carry through with its statutory role of prosecution of parents/carers when that is an appropriate course of action has recently been hampered by the closure of a number of Magistrates Courts around the county. Court closures generates a significant pressure on the availability of court slots, unavoidable time delays in prosecution, and unacceptable travel hardship for parents/carers to attend court and defend the prosecution.

(8) Alternative Provision:

There is a considerable pressure for Alternative Provision across the LA caused by the increasing number of pupils identified by mainstream schools for whom this is considered to be an appropriate option. There has also been a significant increase in the identification of young pupils with challenging behaviour (Key Stage 1 and 2) resulting in a very worrying increase in the use of fixed term exclusions and a steady stream of permanent exclusions in these phases. The ABS discussions with head teacher groups and In Year Fair Access Panels will continue to address referrals and challenge fixed term exclusions in all key stages.

(9) The pressure of a finite resource being oversubscribed is being mitigated through local discussions to ensure that there are both locally agreed referral and access arrangements, and locally agreed contingency plans to purchase any required additionality. Through continued review of the ABS practices and procedures for commissioning alternative provision, advice will be given to localities of schools to ensure that commissioned provision is flexible to meet changing needs. Through the continuing LA Review of SEN Intervention and Provision it is anticipated that there will be a move to delegate both the resource and the accountability for outcomes for pupils who are excluded or at risk of exclusion to schools and groups of schools. This is fully in line with the recommendations in the recent Government White Paper 'The Importance of Teaching'.

(10) Alternative Provision that is currently provided by the LA through ABS (Pupil Referral Unit (PRU) provision (for behaviour, alternative curriculum or health needs education) is subject to the same monitoring and inspection regime as all schools, currently having both School Improvement Partner and Ofsted challenge and judgement. At the present time Ofsted has judged that, of the 18 PRUs in Kent, 2 are 'outstanding', 8 are 'good', and 8 are 'satisfactory'. Alternative Curriculum PRU's leadership teams will continue to be strengthened with the objective of improving the quality of teaching and learning. Alternative provision that is commissioned independently by schools does not have the

same level of independent scrutiny, and it is not possible to report securely on the outcomes for pupils who are placed in independent alternative provision.

(11) The ABS will continue to work with groups of schools to ensure that there is a rolling programme of procurement and that provision is commissioned to meet local needs, which will encourage schools to purchase alternative provision places to address over demand and thereby build capacity within the respective Alternative Curriculum PRU's.

Related Issues

3. (1) The recommendations to Members that will be made in the LA Review of SEN Intervention and Provision, particularly in relation to pupils with Behavioural, Emotional and/or Social Difficulties (BESD).

(2) The legislative outcomes of the Government White Paper 'The Importance of Teaching'.

(3) Recommendations made in the House of Commons Education Committee report 'Behaviour and Discipline in Schools' (Feb 2011).

(4) The recommendations made in the anticipated Government Green Paper on Special Educational Needs.

Next Steps

4. Local Authority Review of SEN Intervention and Provision, led by Grahame Ward, Director, Capital Programme and Infrastructure

Recommendations:

5. Members of the Learning and Development, Children, Families and Education Policy Overview and Scrutiny Committee are asked to:

Note the information provided in this report.

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Background Documents:

Absence in Kent Schools – POSC Report - 20 May 2010

Other Useful Information

None