

Report of the Director of Children and Families

Report to Executive Board

Date: 18th September 2019

Subject: Exclusions, Elective Home Education and Off-rolling



Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- The number of children excluded from schools nationally has risen each year since 2014 (Edward Timpson (2019) “Timpson Review of Exclusions” https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf). Analysis of the characteristics of those excluded highlighted that children who were vulnerable, had special educational needs (SEN) and those from particular ethnic groups were more liable to be excluded. In response, the then Secretary of State for Education, Damien Hinds MP, commissioned Edward Timpson in March 2018 to undertake a review of exclusions, to explore how head teachers use exclusion in practice, and why some groups of pupils are more likely to be excluded.
- The outcome of this review was published in May 2019 and contained thirty recommendations for Government to ensure that exclusion is used consistently and appropriately, and that enable the schools system to create the best possible conditions for every child to thrive and progress (See Appendix 2).
- As the Timpson report was being finalised the Children’s Commissioner for England, Anne Longfield, produced a report on Elective Home Education (EHE). Numbers of EHE have increased by twenty percent in each of the last five years and have doubled since 2013/14 (Anne Longfield, Children’s Commissioner for England, (2019) “Skipping School: Invisible Children - How children disappear from England’s schools”.

<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/cco-skipping-school-invisible-children-feb-2019.pdf>).

- In Leeds, we work in partnership with all primary and secondary schools and academies both individually and collectively, through well-established Area Inclusion Partnerships (AIP), to avoid, wherever possible, permanent and fixed term exclusions. A positive outcome of our close partnership with schools and multiagency supportive structures, including the weekly held Social Emotional and Mental Health Panel (SEMH Panel), is a significant reduction of permanent exclusions. Leeds has the third lowest rate of permanent exclusions in the country, much better than the national average, statistical neighbours and core cities.
- Leeds fixed term exclusion rate has been rising since 2014, in line with a national trend. Leeds had a higher rate than all comparators. However, in 2017/18 Leeds fixed term exclusion rate decreased and is now below national and all other comparator averages for fixed period exclusions.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- As outlined in this report, there are clear processes and partnership arrangements in place to ensure that the focus on children and young people are safe and feel safe. The support and challenge to schools through Area Inclusion Partnerships, Early Help and RES teams as well as through Learning Inclusion and School Improvement teams directly works to the Best Council Plan of improving education attainment and closing achievement gaps of children and young people vulnerable to poor learning outcomes. In terms of exclusions there is ongoing analysis of the outcomes of schools for their post-16 results against their fixed term and permanent exclusion rates to investigate any potential correlation.
- The work of the EHE team also links directly to being safe and feeling safe and to improving education attainment and closing achievement gaps of children and young people vulnerable to poor learning outcomes. Where the parent does not have the resources and ability to provide a suitable education for the child's age, aptitude and special needs if any, the caseworkers start the process to return a child to school through the school attendance order protocol. They also support parents to apply for school places when parents agree that they cannot offer an appropriate and suitable education to their child. The Pupil Tuition Team offers short time provision to some EHE children who are particularly vulnerable to poor learning outcomes to ensure their return to school is successful.

3. Resource Implications

- The current contact with Area Inclusion Partnerships and funding for the EHE team within Learning Inclusion has no addition resource implications. If however the legislation changes around EHE processes and all parents are required to register their children, it is anticipated that the LA will need more resource for an expected increase in EHE numbers for the registration processes and then safeguarding and education plan assessments. The DFE have requested an outline figure from each LA for this anticipated additional work we have presumed on the basis that this would be funded by government. In Leeds has been estimated as likely to be around £300K for admin and additional EHE team posts.

Recommendations

- a) Executive Board notes the information in this report and the recommendations in the Timpson Review (Appendix 2) and the issues raised by the Children's Commissioner in her report "Skipping School: Invisible Children - How children disappear from England's schools".
- b) Executive Board notes that Children and Families Directorate will produce an annual report on the issue of exclusions and elective home education.
- c) Executive Board notes that the remit for monitoring exclusions and elective home education falls under the Head of Learning Inclusion.
- d) Executive Board agrees to support The Children and Families Directorate as it seeks to drive down the rate of fixed term exclusions across the city and to reduce the average length of time pupils are excluded for.
- e) Executive Board is asked to be ambitious in ensuring that our most vulnerable children and young people are not prevented from accessing a full education through any of the methodologies listed in the report.
- f) Executive Board agree to the data in the report being shared with both the Department for Education and the Children's Commissioner, as they both have a clear interest in this issue.

1. Purpose of this report

- 1.1 This report informs Executive Board about patterns of exclusions and elective home education in Leeds over the last three years; the arrangements and progress made, particularly in relation to permanent exclusions which are among the lowest in the country, to support schools, children and parents and work being undertaken. It also outlines the work that will be undertaken through the 3As strategy to work with schools to reduce exclusions and improve outcomes for children and young people.

2. Background information

- 2.1 The Government commissioned Edward Timpson, the former Minister for Children to undertake a review of exclusions in England due to concerns about both the rate of exclusion which had increased each year from 2014. Between 2014 and 2017, permanent exclusions have increased from 0.06% to 0.10% for all state-funded primary, secondary and special schools, this is an increase of 2776 permanent exclusions. Fixed period exclusion for all state-funded primary, secondary and special schools have risen from 3.5% to 4.76% between 2014 and 2017. This is an additional 40,625 pupil exclusions in 2017 compared to 2014. There were also concerns that some groups of children were more likely to be excluded.
- 2.2 These include boys, children with SEN, those who have been supported by social care or come from disadvantaged backgrounds, and children from certain ethnic groups. Data from the Department for Education highlighted that children eligible for Free School Meals are around four times more likely to be excluded than children who are not eligible for Free School Meals. Pupils from these groups in Leeds are also more likely to be excluded. The purpose of Timpson's review was to explore how head teachers use exclusion in practice, and why some groups of pupils are

more likely to be excluded and to make recommendations on how arrangements could be improved to ensure that exclusion is used consistently and appropriately, and that enable the schools system to create the best possible conditions for every child to thrive and progress.

- 2.3 The terms of reference for Timpson's review did not include an examination of the powers head teachers have to exclude. The Government took the view that it is the right of every head teacher to enable their staff to teach in a calm and safe school, just as it is the right of every child to benefit from a high-quality education that supports them to fulfil their potential.
- 2.4 Head teachers and school governors must follow statutory guidance issued by the Department for Education when excluding a child. (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf - September 2017)

The guidance says:

- Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds
- A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently
- Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school
- The decision to exclude a pupil must be lawful, reasonable and fair.

- 2.5 The Timpson Review found that there was general support from head teachers, parents and pupils for exclusions although a significant number in each group dissented from this view.
- 2.6 Timpson found that there was considerable variation in the use of both fixed term and permanent exclusions:
- In 2016/17, 54% of the total number of permanent exclusions were in the quarter of highest excluding LAs, and only 6% in the quarter that excluded the fewest
 - Over 17,000 mainstream schools (85% of all mainstream schools in England) issued no permanent exclusions in 2016/17. 94% of all state-funded primary schools and 43% of all state-funded secondary schools did not issue any permanent exclusions, but 0.2% of schools (47 schools, all of which are secondary schools) issued more than 10 in the same year
 - Rates of fixed period exclusion also vary across LAs, ranging from 0.0% to 21.42% and, at a school level, just under half (43%) of mainstream schools used none at all, while 38 schools issued over 500 each in a single year [Timpson Review of Exclusions p9]
 - In 2017-18 Leeds ranked 1st (lowest number) of all Local Authorities for Primary permanent exclusions and 4th for Secondary permanent exclusions.
- 2.7 The analysis produced for Timpson's review found that 78% of permanent exclusions issued were to pupils who either had Special Educational Needs,

were classified as in need or were eligible for free school meals and that 11% of permanent exclusions were to pupils who had all three characteristics. [Timpson Review of Exclusions p10]

- 2.8 Timpson found that the reasons that some groups of children and young people were disproportionately liable to exclusion were complex and reflected factors that related to the individual and their circumstances, their school and community, the support that is available to children and young people and their families and the working relationship between schools and local authorities.
- 2.9 However, Timpson also highlighted that, 'it is clear that the variation in how exclusion is used goes beyond the influence of local context, and that there is more that can be done to ensure that exclusion is always used consistently and fairly, and that permanent exclusion is always a last resort, used only where nothing else will do' [Timpson Review of Exclusions p5].
- 2.10 Timpson cautioned against setting a national or optimal rate for exclusions as, 'exclusion rates must be considered in the context in which the decisions to exclude are made. A higher exclusion rate may be a sign of effective leadership in one school, and in others a lower exclusion rate may reflect strong early intervention strategies that have been put in place. In contrast, higher rates of exclusion could demonstrate schools not putting in place enough interventions before excluding too readily, while lower rates could be indicative of children being pushed out of school without the proper processes being followed. We should not artificially increase or decrease the use of exclusion, but we should create the conditions where exclusion is used effectively and appropriately. In doing this, the right level of use will be maintained'. [Timpson Review of Exclusions p54]
- 2.11 Instead Timpson called on the Department for Education to look closely at the patterns for individual schools, whatever their type, alongside the outcomes of Ofsted inspections on the effectiveness of their approaches to managing behaviour. Timpson welcomed the new draft school inspection framework from Ofsted which will include a focus on exclusions, including rate and trend over time, and as he had 'seen and heard some credible evidence that a small number of schools are 'off-rolling' children for their own interests.' [Timpson Review of Exclusions p54]
- 2.12 Ofsted defined off-rolling as 'the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. This includes pressuring a parent to remove their child from the school roll¹¹ to home educate.
- 2.13 The issue of 'off-rolling was also highlighted in "Skipping School: Invisible Children-How children disappear from England's schools", a report into the increase in Elective Home Education. Elective Home Education is where a parent decides to remove their child from school and educate them at home. The Government does not collect any data on the number of children educated at home. However, because it is an issue of concern the Association of Directors of Children's Services collect data from local authorities. This has revealed that the number of children and young people educated at home has increased by about 20% in each of the last five years and has doubled since 2013/14. There have always been groups who have home educated for religious or philosophical reasons. The biggest rise appears to be in children eligible for Free School

Meals, those with Special Educational Needs and previous social care involvement – some of our most vulnerable groups.

2.14 Whilst the Children’s Commissioner found that for many parents and children the decision to home education was a positive choice, for others the decision was made because they did not feel that their children’s needs were being met in mainstream education and in some cases parents felt pressured to remove their child from school to avoid exclusion and/or avoid attendance prosecution. She states the following in her report: ‘There are clear indications that the growth in home education is related to the rise in children leaving school due to their needs being unmet. Local authorities say the main reasons children in their area are being home educated are “general dissatisfaction with the school” and “health/emotional reasons” Ofsted’s Chief Inspector Amanda Spielman has warned that there is a lot of anecdotal evidence that parents are also home educating their children under duress, because they are being encouraged to do so by the school, or because they want to keep the child out of sight of the state.’

2.15 Both Timpson and the Children’s Commissioner made a number of recommendations to Government to improve ensure that exclusion is used consistently and appropriately, and that enable the schools system to create the best possible conditions for every child to thrive and progress.

2.16 The recommendations made by Timpson were shaped by a recognition that reducing exclusions and improving educational outcomes for those children and young people currently most vulnerable to exclusion requires jointed up approach by schools, and local authorities and partner agencies. His recommendations are grouped under 4 headings:

- Ambitious leadership: setting high expectations for every child
- Equipping: giving schools the skills and capacity to deliver
- Incentivising: creating the best conditions for every child
- Safeguarding: ensuring no child misses out on education

2.17 The full recommendations are included as Appendix 2 of this report. However, two recommendations are of particular interest:

- The first is that ‘the Department for Education should make schools responsible for the children they exclude and accountable for their educational outcomes’. This is designed to reduce the issue of off-rolling. We wait to see more detail on this and how this would address the situations where students are permanently moved to an alternative provision without being excluded from their originating school. If students are temporarily in an alternative provision or dual rolled then the results still sit with the original school.
- The second is that the ‘Department for Education should set the expectation that schools and LAs work together and, in doing so, should clarify the powers of LAs to act as advocates for vulnerable children, working with mainstream, special and AP schools and other partners to support children with additional needs or who are at risk of leaving their school, by exclusion or otherwise. LAs should be enabled to facilitate and convene meaningful local forums that all schools are expected to attend, which meet regularly, share best practice and take responsibility for collecting and reviewing data on pupil needs and moves,

and for planning and funding local AP provision, including early intervention for children at risk of exclusion'. This recommendation mirrors the arrangements that are in place in Leeds through the close partnership work between the LA and the Area Inclusion Partnerships.

3. Main issues

- 3.1 In Leeds, the work to support inclusion and reduce exclusions is taken forward through an innovative partnership between the local authority and schools. The local authority funds Area Inclusion Partnerships to provide on early support for pupils who may present with social, emotional and mental health difficulties in the classroom that may cause a barrier in their success and may lead to behaviours that detract from learning. Working together schools promote inclusion and prevent exclusion through the provision of early support inside and outside the classroom, managed moves, commissioning appropriate alternative provision and supporting the re-integration of pupils back into mainstream education. The Area Inclusion Partnerships also provide a mechanism to share good practice across the city. There are five Area Inclusion Partnerships (AIPs) across the city and all maintained schools and academies and free schools belong to an Area Inclusion Partnership, unless they specifically choose not to.
- 3.2 The work of the Area Inclusion Partnerships is coordinated and monitored through reports and regular meetings of the Area Inclusion Chairs which are chaired by the Head of Learning Inclusion. Since the establishment of the AIPs and the focus on exclusions, we have made progress in supporting young people at risk of exclusion and schools behaviour support.
- 3.3 In September 2016, the Social, Emotional and Mental Health (SEMH) Pathways Panel was established following the closure of Leeds Pupil Referral Units and additional commissioning of partnership work with of the Area Inclusion Partnerships,. The panel is multi-agency and meets weekly to provide a forum for schools to discuss how to collectively support children with SEMH needs. The panel helps to ensure that, if there is a notified permanent exclusion, all means have been considered to seek an alternative to this action.
- 3.4 As a result of the approach taken in 2016/17 Leeds has remained in the first quartile nationally for permanent exclusions including being the 4th lowest at Secondary in 2017/18. In 2018/19 there were 32 notifications of permanent exclusion from Leeds schools and academies this year. However, 13 of these were confirmed at governor's panel meetings as 19 were withdrawn and other alternatives provided, following support from the Area Inclusion Partnerships and Social, Emotional and Mental Health Panel.
- 3.5 The creation of the Head of Learning Inclusion post in Summer 2018 has provided an opportunity for further cohesion across teams within Children and Families and provides an appropriate structure to support the 3As strategy. The Learning Inclusion service continues to work closely with the development of the Early Help Service and Restorative Early Support Teams.
- 3.6 Given Leeds success in reducing permanent exclusions it is perhaps to be expected that Leeds would have a slightly higher rate of fixed term exclusions. However, for the rate of fixed term exclusions, Leeds remains in the 1st quartile nationally at primary and the 3rd quartile for secondary which, for both, is now

below national and all other comparator averages. For average length of fixed term exclusion, however, Leeds is ranked 148th out of 152 authorities with our average being 6.7 days per exclusion.

- 3.7 The picture in Leeds is similar to that found by Timpson nationally in that there has been a rise in fixed term exclusions over the past two years, with the majority of fixed term exclusions being made by secondary schools.
- 3.8 Table 1 provides a breakdown of primary exclusions across all 233 primary schools in Leeds. Whilst these are generally low there has been a rise in the number and length of exclusions over the last two years and trends for the first term of 18/19 indicate that there will be a further increase in the current years. Appendix 1 provides a breakdown of permanent and fixed term exclusions for Primary and Secondary Schools. Special schools are not included in this data.

Table 1 – Primary fixed term exclusion data

Year	No. of fixed term exclusions	No. of pupils excluded	Length of exclusions as sessions lost	Length of exclusions as days lost
16/17	608	293	1608	804
17/18	571	291	2062	1031 ⁽¹⁾
18/19 term one ⁽¹⁾	250	147	875	437.5

Source: DfE statistical first release, 2019/School census 2018/19.

1| Data provisional and not validated.

- 3.9 Table 2 provides a breakdown of Secondary exclusions over the same period. It highlights that while there has been a fall in both the number of exclusions and number of pupils excluded between 16/17 and 17/18, the length of excluded days lost has not decreased in the same way. This indicates that the average length of an exclusion increased. The verified data from the first term of last academic year 18/19 appears to show that this trends has continued in the current year.

Table 2 - Secondary fixed term exclusion data

Year	No. of fixed term exclusions	No. of pupils excluded	Length of exclusions as sessions lost	Length of exclusions as days lost
16/17	6601	2713	33478	16739
17/18	4500	2184	29249 ⁽¹⁾	14624.5
18/19 term one	2038	1194	11426 ⁽¹⁾	5713

Source: DfE statistical first release, 2019/School census 2018/19.

1| Data provisional and not validated.

- 3.10 As with the analysis in the Timpson Review, Leeds local data reveals that there is considerable variation in the use of exclusions between schools. **Appendix 1** provides a breakdown by school of permanent and fixed term exclusions. As noted by Timpson some caution is needed in interpreting the data as high rates of exclusion may occur for a variety of reasons. However, what is clear is that 12 Secondary schools account for 64 percent of all exclusions in the city. Data on exclusions is shared with schools and the local authority works closely with schools on this issue through the School Improvement Service. The data also shows that, while some schools have been very successful in reducing exclusions and the length of exclusions over time, others have a consistent pattern of either high numbers or high average lengths.
- 3.11 The tables do not show other associated data such as internal exclusions or where schools have moved students permanently to an alternative provision so that they do not appear on the school roll. The data also does not reflect the knock on effect that fixed term exclusions can have, including periods of internal isolation, reduced timetables and increased absence. These measures are not reported to the council currently.
- 3.12 Children and Families has worked closely with individual schools where exclusion levels have been high, offering support and challenge. This has seen a drop in their fixed term exclusions in those schools. There will be analysis of the outcomes of schools for their post-16 results against their fixed term and permanent exclusion rates to investigate any potential correlation.
- 3.13 As part of the 3As strategy, which focuses on attendance, attainment and achievement, we are encouraging schools and partners to join together to ensure the issues outside of school which may be affecting the progress of the child are considered in the widest context. This means join up between Area Inclusion Partnerships, Early Support Hubs and Clusters to enable support to the child and their family in and out of school.
- 3.14 Exclusions and off-rolling are one of the eight priorities of the 3As Strategy and we will continue to support and challenge schools around this vital issue. We have recruited additional staff to enable us to attend more Governor Panels which follow on from permanent exclusions or long term fixed term exclusions.
- 3.15 The local authority anticipates that the government will be reviewing school and LA resource levels for all vulnerable children including those with specific special educational needs running alongside the focus of the new Ofsted framework.
- 3.16 **Elective Home Education**
- 3.17 The Education Act 1996, Section 7, states that it is the duty of parents of every child of compulsory school age to ensure that they receive efficient full-time education suitable to their age, ability and aptitude and to any Special Educational Needs they may have either by regular attendance at school or otherwise. The word “otherwise” affirms parents’ right to educate their child themselves instead of regular attendance at a school.

All local authorities have two duties relating to children that are home educated. Firstly, under section 175 (1) of the Education Act 2002 to safeguard and promote the welfare of children and “to make arrangements for ensuring the functions conferred upon them in their capacity as a local education authority are exercised with a view to safeguarding and

promoting the welfare of children”. Secondly although local authorities have no statutory duties in relation to monitoring the quality of home education on a routine basis, under Section 437(1) of the Education Act 1996, local authorities shall intervene **if it appears** that parents are not providing a suitable education. The recent updated DfE guidelines (2019) to local authorities and those for parents have re-emphasised that parents must be providing a suitable education and that local authorities are expected to request education plans from parents. As both the EHE team and attendance team in Leeds are now under the same lead officer the speed of moving cases where there is no evidence of suitable education has accelerated in the last year. The schools attendance service was instructed with 136 school attendance orders – of these 95 cases have been closed to the school attendance team to date with the following outcomes:

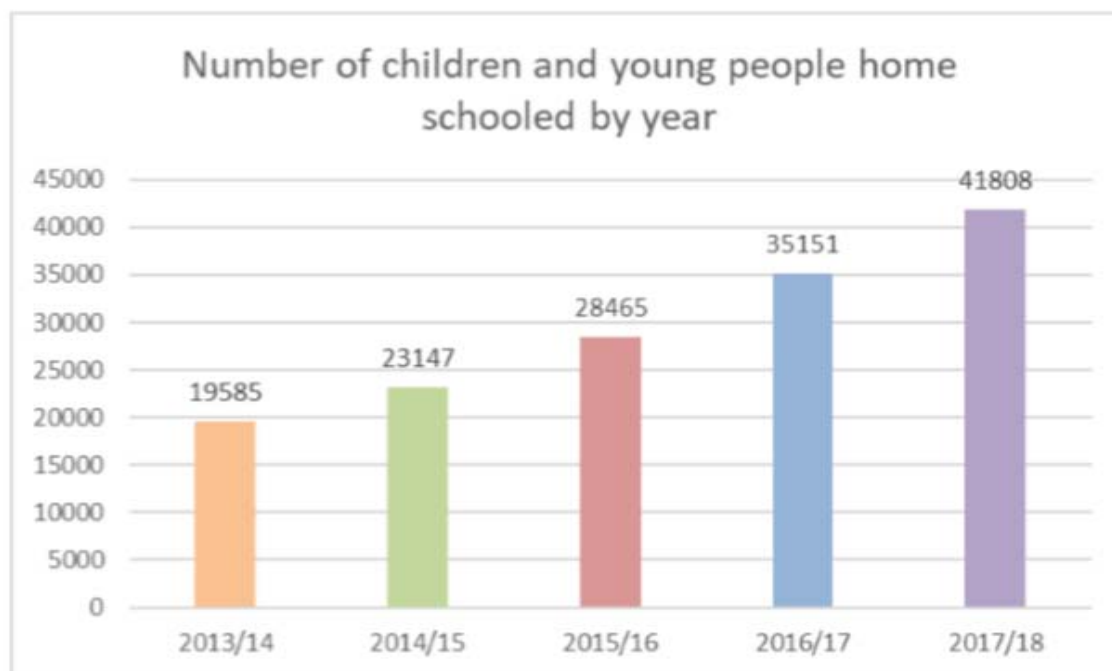
- 42 have returned to school
- 27 provided more information that moved to have assessment of suitable education at home and continued on the elective home education list
- 9 were reported to Children Missing Education as could not be found in Leeds
- 11 were above compulsory school age before the SAO could be implemented and have been added to the post 16 team for follow up
- 6 new cases to be allocated this week
- 41 currently open cases going through process to either return to school through FAP or provide evidence of suitable education by specific timescale.

3.18 The process of becoming home educated is simple: parents can send to school a letter informing the school that they intend to take responsibility to provide an education for their child and the school under current statute must remove from roll from the date indicated by the parent. If a child has an Education, Health and Care Plan (EHCP) and is attending a specialist provision, then parents must provide information on the education plans to satisfy the EHCP needs. The decision in this context to allow the parent to home educate is made by the Head of Learning Inclusion. The EHE team undertakes safeguarding visits and assesses the suitability of education plans sent in by parents. If they are not suitable, despite support, then school attendance order processes are evoked, undertaken by the attendance team.

3.19 The lead officer for Elective Home Education has responded to the Children’s Commissioner and ADCS requests for Leeds data. In the recent consultation with local authorities, Leeds outlined the likely additional resource needed to respond to the notion of a statutory registration process.

3.20 In the report, “Skipping School: Invisible Children - How children disappear from England’s schools”, the Children’s Commissioner, Anne Longfield outlined her concerns that not only had the number of electively home educated children doubled nationally since 2013/14 (see table 3 below) but also that evidence is gathering that some parents have made the choice to home educate under pressure rather than as previously seen as a planned philosophical / personal decision.

Table 3



Source: Skipping School: Invisible Children - How children disappear from England's schools

- 3.21 The report also added concern that these figures may not reflect all children and young people who were home educated as no formal statutory registration process is currently in place and as such *'According to a survey by ADCS, only 7% of local authorities are confident that they are aware of all the children being home schooled in their area. The total number of children being home educated is therefore likely to be higher than the figures above suggest.'*
- 3.22 In terms of impact, the commissioners report notes that EHE pupils 'are four times as likely to end up classified as NEET – not in education, employment or training – once they reach 16.
- 3.23 In Leeds, as with our regional colleagues, there has been an increase in EHE notifications in line with the national trend over the last 3 years.

Table 4 EHE data – End of year data from last 3 years for comparison

	16/17 (June)	17/18	18/19
Number of EHE on list at end of year	512	468	610
Primary EHE – end of year	211	192	254
Secondary EHE – end of year	301	276	355
EHE with Education Health and Care Plan	13	21	19

Table 5 EHE data – notifications in year by phase for comparison

	2015/16	2016/17	2017/18	2018/19
Primary	110	110	127	165
Secondary	96	159	171	213
Unknown (from other LA and CME referrals	22	43	39	
	228	312	337	378

While it is understood that there are a range of reasons that lead to a parent to choose to home educate and that many parents have a deep philosophical reason or specific reason for this choice, taking this action in late KS3 and KS4 seems more likely to be due to pressure from school or avoidance of further exclusion, attendance processes or medical reasons. In the last year the EHE team have reported an increase in EHE notifications where the child has free school meal eligibility and also collated information that more have had previous social care interventions. Work to look into this further with social care colleagues is underway. The specific groups in Leeds that show the fastest growth are:

- GRT year 7 pupils who notify the intention to home educate at end of year 6 or beginning of year 7 and then continue home educate to year 11 and then access college
- Potential off rolled students in Year 11 in first term Year 11 /summer term Year 10 (before January census when they would count on a school's exam results). The names of these students are shared with the relevant AIP to seek support to return them to their previous school as soon as possible. Where this is not feasible we have offered some tuition to ensure access to exams paid for by the schools. As outlined our concern is that these young people are more likely to be FSM eligible
- KS3 and KS4 young people with medical or mental health needs
- Reception or Year 1 where the parent is not happy with the school offered

3.24 In the light of the above, we are publishing the data set for the past 3 years of EHE notification by school (Appendix 4). The DfE publishes data annually and the Children's Commissioner has stated her intent to publish the 'worst offenders' in the near future.

3.25 Appendix 4 also shows notification of EHE by school and by year group.

3.26 Colleagues in the Learning Inclusion Service within Children and Families take relevant action based on the analysis of the EHE data and are active in challenging the practice of off-rolling working with the commissioned Area Inclusion Partnerships in cases where parents have raised this as being pressured to make this choice and where there is information that provides a context suggesting this is the case. Where the decision to home educate has come after October and the young person is not able to return to school for a number of complex reasons, we have offered some tuition through the Pupil Tuition Service to enable them to access their GCSE exams. Schools have paid for the exams

and made arrangements for the student. Some very vulnerable young people have accessed exams through this service.

4. Corporate considerations

4.1. Consultation and engagement

- 4.1.1. Leeds hosted the ADCS regional meeting around exclusions, EHE and off rolling concerns sponsored by the Chief Officer for Partnerships and Health and the Deputy Director of Children and Families (Education) in May 2019. The recommendations from this report are incorporated in Appendix 5. Work with regional colleagues is ongoing and further reports are anticipated in January 2020.
- 4.1.2. Senior members of the Learning Inclusion Team meet regularly with the officers of the AIPs and twice termly with the AIP Chairs to ensure ongoing discussion on all aspects of inclusion and exclusion. The AIPs are provided with overall data on exclusion and EHE for their areas and at child level once a term. This also supports ongoing consultation and engagement.

4.2. Equality and diversity / cohesion and integration

- 4.2.1 Equality Improvement Priorities have been developed to ensure our legal duties are met under the Equality Act 2010. The priorities will help the council to achieve its ambition to be the best city in the UK and ensure that as a city work takes place to reduce disadvantage, discrimination and inequalities of opportunity.
- 4.2.2 The publication of Exclusions and Elective Home Education data, coupled with challenging the practice of off-rolling puts a strong focus on protecting some of the most vulnerable children and young people in the city and ensuring they are being educated in the settings most appropriate to their needs.

4.3. Council policies and the Best Council Plan

- 4.3.1 This report provides context on a key city regional and national challenge. Ensuring children and young people in “do well at all levels of learning and have the skills they need for life” is a key outcome of the Best City Council Plan and improving Attendance, Attainment and Achievement levels amongst all children is the aim of the newly released 3As Strategy within Children and Families Directorate. To achieve these objectives, it is imperative that children and young people remain in school.
- 4.3.2 These priorities are also reflected in all city strategies contributing to a strong economy and compassionate city including the Best Council Plan 2018/19 – 2020/21, The Best City for Learning 2016-2020, the priority around being a Child Friendly City, Best Start in Life Strategy, Leeds SEND Strategy, the Health and Wellbeing Strategy 2016-2021 and Thriving - The Child Poverty Strategy for Leeds 2019-2022.
- 4.3.3 Climate Emergency – Climate change is now one of the key focuses of education settings in educating our children and young people about the affects their own behaviours have on the environment. Minimising fixed term and permanent exclusions enables children and young people to be in school to receive their

education. Similarly, electively home educated children's focus on climate change may greatly vary whereas attending a school setting there is arguably greater certainty that some learning around climate change take place.

4.4. Resources, procurement and value for money

- 4.4.1. Focus on fixed term and permanent exclusions and those becoming electively home educated remains a priority in protecting some of the most vulnerable children in the city. Through continued joined up working with Area Inclusion Partnerships and utilising existing services within Children and Families Directorate, the cost to the City Council will be minimal. If the Local Authority does not focus on the aforementioned areas the costs to the city will possibly be substantial in the future, as poor educational outcomes are more likely, when the current cohort of vulnerable children move into adulthood and potentially become NEET (Not in Education, Employment or Training).

4.5. Legal implications, access to information, and call-in

- 4.5.1. This report is subject to Call in.

4.6. Risk management

- 4.6.1. Risk will be managed through the Children and Families Trust Board, Children and Families Leadership Team, Learning Leadership Team, the Area Inclusion Partnership Leaders Meeting and the SEND Partnership Board.

5. Conclusions

- 5.1. The report outlines the national concerns in regards to the rising level of exclusions and elective home education numbers and reflects the position in Leeds in terms of providing school based data. The local authority is awaiting the government's response to the Timpson Review and any potential changes to legislation around Elective Home Education which may include statutory registration, which may have future resource implications.
- 5.2. The local authority continues to work in partnership with all schools and academies in Leeds to promote inclusion, reduce exclusion and provide support services to enable children to be happy and succeed inside and outside of the classroom.

6. Recommendations

- 6.1. Executive Board notes the information in this report and the recommendations in the Timpson Review (Appendix 2) and the issues raised by the Children's Commissioner in her report "Skipping School: Invisible Children - How children disappear from England's schools".
- 6.2. Executive Board notes that Children and Families Directorate will produce an annual report on the issue of exclusions and elective home education.
- 6.3. Executive Board notes that the remit for monitoring exclusions and elective home education falls under the Head of Learning Inclusion.

- 6.4. We ask that Executive Board agrees to support The Children and Families Directorate as it seeks to drive down the rate of fixed term exclusions across the city and to reduce the average length of time pupils are excluded for.
- 6.5. Executive Board is asked to be ambitious in ensuring that our most vulnerable children and young people are not prevented from accessing a full education through any of the methodologies listed in the report.
- 6.6. Executive Board agree to the data in the report being shared with both the Department for Education and the Children's Commissioner, as they both have a clear interest in this issue.

7. Background documents¹

- 7.1. None.
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¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.