



Report sponsor: Andy Smith: Strategic Director  
of People Services (DCS/DASS)  
Report author: Sharon Buckby: Director of  
Learning, Inclusion and Skills

## **Attendance, Suspensions and Exclusions November 2023.**

### **Purpose**

- 1.1 This report provides a high level summary of exclusions, suspensions and attendance relating to Derby residents for the 2022/23 academic year and the academic year to date from September 2023 to November 2023.

### **Recommendation(s)**

- 2.1 To note activity for the 2022/23 academic year and performance against benchmarked data.
- 2.2 To note the work undertaken between the local authority, schools and the wider partnership to support children and young people to attend and remain in mainstream schools.

### **Summary of exclusions in the academic year 2022-23 and for the period 1 September 2023- November 2023**

- 3.1 Exclusions, when given, must be made in line with the principles of administrative law - that they are lawful, rational, reasonable, fair and proportionate. A pupil may be excluded for one or more fixed periods which is defined as suspension. Suspensions can be issued to pupils up to a maximum of 45 school days in a single academic year. A Permanent Exclusion (PEX) is defined as a decision that results in a pupil not being able to return to the school. Schools must record their suspensions in line with Department for Education guidance. Derby City Council monitors suspensions of all schools through monthly data submissions from each school or setting. Statutory guidance makes clear that schools need to inform the Council if the decision is made to PEX a pupil who resides in Derby. The Council then has a legal mandate to provide full time education from the 6<sup>th</sup> day of the exclusion. The Headteacher and governing board must comply with their statutory duties in relation to Special Educational Needs and Disabilities (SEND) when administering the exclusion process. This includes having regard to the SEND Code of Practice 2015 and Looked after Children<sup>1</sup>.
- 3.2 Whenever a headteacher excludes a pupil, they must, without delay, notify parents of the period of the exclusion and the reason(s) for it. It is unlawful to exclude for non-disciplinary reasons such as poor attendance or parental behaviour. 'Informal' or

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<sup>1</sup> Promoting the education of looked after children and previously looked after children. Statutory guidance 2018

'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful. Any exclusion of a pupil, even for short periods of time, must be formally recorded. Understanding and having due regard to a child's individual needs and circumstances are essential, and the child as a consequence may not fully engage with school and with learning; emotional and mental health needs may be unsupported, either directly in school or via difficulties obtaining external support; behaviour systems and processes may disadvantage those children who do not (cannot) respond to rewards and sanctions, or a zero tolerance approach; attendance may be difficult for a child and they may self-exclude.

- 3.3 Despite the increased pressures in schools and higher presenting needs of pupils post pandemic, Table 1 demonstrates continued lower rates of PEX in Derby when compared to the pre-pandemic years. There were 29 Derby residents (31 in total) secondary students permanently excluded in 2022/23 and 9 primary students.

**Table 1: Permanent exclusions data**

Secondary

2018/19	2019/20	2020/21	2021/22	2022/23
63	38	4	17	29

Primary

2018/19	2019/20	2020/21	2021/22	2022/23
27	18	4	6	9

- 3.4 In the 2022/23 academic year schools in locality 2 were permanently excluded more than schools in other localities [26 of 38, 68%]. There were a higher proportion of female pupils permanently excluded in secondary schools, than males. An increase of permanent exclusions was issued in autumn term 2 2022 than in other half terms. One school issued 17 permanent exclusions during 2022/23. There were 2 young people permanently excluded known to children's social care in secondary and 4 in primary. There were no young people permanently excluded with an EHCP in secondary compared to 3 in primary. The main reason for permanent exclusions in secondary schools was persistent disruptive behaviour, in primary schools it was for physical assault against an adult.
- 3.5 Despite the increase of permanent exclusions in 2021/22, Table 2 confirms that compared to national and comparators Derby still has lower rates of permanent exclusions in secondary and for consistent with comparator data in primary. 2022/23 academic year comparator data is yet to be published.

**Table 2: Comparative data.**

	2021/22		
	Overall	Primary	Secondary
<b>Derby</b>	0.05	0.02	0.08
<b>Local Comparator</b>	0.09	0.02	0.18
<b>East Midlands</b>	0.07	0.02	0.14
<b>National</b>	0.08	0.02	0.16

- 3.6 In the academic year 2022/23, 45% of suspensions [1930] were issued to pupils from one secondary school in Locality 2. This equates to 8403.5 days in total and 3337 days for one school. 60% of suspensions were issued in secondary schools for persistent disruptive behaviour. Year 8 pupils were more likely to receive a suspension than other year groups. Primary pupils with SEND received almost 70% of the suspensions issued.

Table 3: Suspensions data 2018-2023

Secondary

2018/19	2019/20	2020/21	2021/22	2022/23
2506	1479	1205	2697	4288

Primary

2018/19	2019/20	2020/21	2021/22	2022/23
334	134	154	204	276

- 3.7 Whilst higher than national for secondary suspensions, Table 4 demonstrates that there Derby schools issued a similar number of suspensions to the national average and lower than both the East Midlands and statistical neighbours.

Table 4: Suspensions: comparative data

	2021/22		
	Overall	Primary	Secondary
<b>Derby</b>	6.94	0.90	15.03
<b>Local Comparator</b>	8.21	1.56	17.02
<b>East Midlands</b>	7.59	1.25	16.04
<b>National</b>	6.91	1.42	13.96

- 3.8 The number of suspensions has increased over the last two years mainly due to an increase in the complex needs of children and young people since the pandemic, particularly poor social, emotional regulation leading to poor behaviour in schools, which often stems from environmental factors. Additionally, some schools are aligned by their Academy Trust's policies and procedures, which have an impact on the overall suspension figures across the city. Persistent disruptive behaviour is the most common reasons for suspensions. However, almost 80% of primary suspensions are issued to primary pupils with SEND. These children generally have characteristics or a diagnosis of ASD, ADHD or have a referral for an assessment. More work needs to be undertaken to understand these trends and to develop strategies to meet needs that often present as ASD/ADHD but are a consequence of poor social communication, emotional regulation and interaction/transition skills in both primary

and secondary and is reflected in research undertaken by the Department for Education (DFE).<sup>2</sup>

- 3.9 As of the end of November 2023 10 permanent exclusions have been issued. All permanent exclusions have been issued to secondary aged pupils with no permanent exclusions issued to primary children. 70% of permanent exclusions were issued for physical assault, mainly against a pupil with only one against an adult. 80% of pupils have no special educational needs. Additionally, 83 suspensions have been issued to primary children. 59% of primary suspensions were issued for physical assault (32% against a pupil and 27% against an adult), and 22% were issued for persistent disruptive behaviour. 84% of primary suspensions were issued to children with special educational needs, 1301 suspensions have been issued to secondary pupils. Over half of the suspensions have been issued to pupils from two secondary schools (one school has issued 35% of the suspensions), 53% of suspensions have been issued for persistent disruptive behaviour. 39% of secondary suspensions were issued to pupils with special educational needs. The issues identified reflect the issues identified in paragraph 3.8. Comparative data will not be available until 2024/5 academic year.
- 3.10 The Council, schools and alternative provision and Derby County Community Trust are working collaboratively to reduce permanent exclusions and suspensions. The Inclusion Strategy Group (ISG) was established during the Opportunity Area programme and has been significantly impactful in ensuring that the best outcomes for children and young people are achieved. There is a culture of 'ownership' of school's own pupils, most schools exhaust all of their inclusive strategies and interventions to keep the pupils in mainstream schools. An Inclusion Charter signed by all schools has been established and implemented alongside a range of professional development, research and evidence based interventions. During the 2022/23 academic year 1500 school staff attended trauma and attachment training. Additionally, 50% of schools have attended relational training that supports school staff to manage behaviour and attendance in schools differently and is based on the 'kindness principle'. Schools do not tend to permanently exclude pupils with an EHCP or who are LAC, Local Authority teams work together to use alternative processes. The Behaviour Strategy processes (part of the ISG) have prevented over 20 permanent exclusions over the last two academic years. The Local Authority work closely with RESPECT Collaboration of Schools to prevent placement breakdowns, utilising Local Authority commissioned places where appropriate.

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<sup>2</sup> 'Learning from the pandemic' July 2021 Department for Education.

## Summary of Attendance in the academic year 2022/23 and for the period 1 September 2023- November 2023

4.1 The level of attendance in some Derby schools has meant that school attendance is one of the priority actions within the Department for Education's Priority Education Investment Area Programme (DPEIA) for Derby. The DPEIA incorporates actions on attendance for schools, the Council and partner agencies with a focus on working with families in the identified wards and building the capacity of school staff to intervene earlier when absenteeism begins to present. Schools in six wards have been identified for targeted support<sup>3</sup>. Despite the focus on six wards, attendance is a priority for all Derby schools and the Council. The new DFE View Your Education Data (IDAM/VYED) system (administered by WONDE), which automatically collects daily attendance data from schools, means that in future absence data will be more readily from schools that opt into the system. Whilst this is not a statutory requirement for schools. In Derby 84 mainstream schools are now engaged in the new attendance monitoring system (WONDE) providing an opportunity from January 2024 for the Council and the wider partnership to develop more robust 'live' data on attendance and consequently target specific actions.

4.2 Table 5: Primary absence rates 2018- November 2023

### Primary overall absence rate and persistent absentees for 2023/24\* by cohort groups

number of primary schools using WONDE				Total number of primary schools		
71				74		
LA cohort	Overall absence %	diff		Persistent absentees %	diff	
		2018/19	2022/23		2018/19	2022/23
All pupils	5.5%	↑ 1.3%	↓ 1.0%	16.7%	↑ 7.1%	↓ 1.9%
SEN support	7.1%	↑ 1.5%	↓ 0.7%	23.3%	↑ 7.8%	↓ 2.5%
EHCP	9.4%	↑ 1.8%	↓ 1.6%	30.4%	↑ 7.7%	↓ 4.5%
FSM	7.5%	↑ 1.5%	↓ 1.3%	24.0%	↑ 5.5%	↓ 6.7%
National	Overall absence %	diff		Persistent absentees %	diff	
		2018/19	2022/23		2018/19	2022/23
All pupils	4.8%	↑ 0.8%	↓ 1.2%	no data	-	-

\*Source: IDAMS for current academic year (up to 17/11/23), IDAMS and DfE experimental stats for 2022/23, DfE official statistic for 2018/19



<sup>3</sup> Alvaston, Abbey, Arboretum, Boulton, Derwent, Mackworth, Normanton and Sinfin.

4.3 Table 6: Secondary absence rates 2018- November 2023.

**Secondary overall absence rate and persistent absentees for 2023/24\* by cohort groups**

No. of secondary schools using WONDE				Total number of secondary schools		
13				15		
LA cohort	Overall absence %	diff		Persistent absentees %	diff	
		2018/19	2022/23		2018/19	2022/23
All pupils	8.1%	↑ 2.7%	↓ 2.4%	24.4%	↑ 9.6%	↓ 4.1%
SEN support	12.7%	↑ 4.9%	↓ 2.7%	37.1%	↑ 12.2%	↓ 5.7%
EHCP	17.4%	↑ 9.4%	↓ 1.6%	45.8%	↑ 19.1%	↓ 2.4%
FSM	12.4%	↑ 3.8%	↓ 2.3%	38.3%	↑ 9.3%	↓ 9.5%
National	Overall absence %	diff		Persistent absentees %	diff	
		2018/19	2022/23		2018/19	2022/23
All pupils	8.0%	↑ 2.5%	↓ 1.3%	no data	-	-

\*Source: IDAMS for current academic year (up to 17/11/23), IDAMS/WONDE and DfE experimental stats for 2022/23, DfE official statistical release for 2018/19



- 4.4 Table 5 and 6 demonstrates the focus on attendance was gaining traction in the last academic year (2022/23). Research arising from DPEIA has identified the main reasons for absence and persistence absenteeism in Derby is due to families taking leave during term time. The Council have processed 790 penalty notices since September 2023 due to term time holidays. Approximately 25 of these fines are for families not returning from the school holiday period with extended stays overseas. This reflects a national picture of a break in the 'parent pact' with education and the importance of attendance on achievement. The Public First report 'Listening to, and Learning from Parents in the Attendance Crisis', September 2023, has captured a range of parental voices that express reasons for non-attendance due in the main to the impact of the cost-of-living crisis, their children's mental health, and a post-Covid 'new normal' society of long periods of non-attendance being acceptable.
- 4.5 Nationally the issue of illness and in particular emotionally based school non-attendance (EBSA) has been raised, primarily as a consequence of a rise in anxiety and mental health needs. EBSA is mainly a feature in secondary school and all Derby secondary schools have identified between two and three young people who are absent for extended periods due to their mental health. In all cases they are close to or below severely absence rate as a result. However primary schools are reporting that Years 5 and 6 are seeing more children starting to present with EBSA. In 2023/24 academic year to date the rate of absence due to illness is 2.7% in Derby compared to 2.6% nationally for primary and 3.7% (Derby and national) for secondary. Whilst this has not been a statutory requirement to collate the numbers relating to EBSA, the Education Welfare Service has adjusted the monitoring of this cohort so that the Council will be able to report more accurately the data for this.
- 4.6 EBSA is one element of the DPEIA. There is work underway, led by the Council and Derby County Community Trust, to establish a new resource kit, training programme and a policy for schools and wider services including CAMHS and targeted emotional wellbeing provision. Provision, including Mental Health Support Teams in Schools and education package that look to support young people back into mainstream schools are in place in Derby.

- 4.7 For children with a special educational need a dedicated education welfare officer has been allocated to the SEND team to support the improvement in attendance; the impact of which will be assessed at the end of this academic year.
- 4.8 Activities under the DPEIA are very much focused on building back the parental pact and raising the motivation of young people to be motivated to achieve, a direct link to the Derby Promise of raising aspirations. This approach has been very successful in ensuring good attendance of looked after children.
- 4.9 The attendance for looked after children has remained consistently high in 2022/23 with an outturn of 93%, despite the trauma that most children looked after have experienced. This consistently high level of attendance is in the main due to the collaboration of the Virtual School, schools, social workers and foster carers/residential homes. In support of maintaining good attendance, the Derby Virtual School provides a range of training opportunities for school staff alongside interventions that seek to build the motivation for learning. Whilst not a valid reason for an exclusion, poor attendance is often a response used by young people looked after to avoid situations that might lead to trigger previous trauma.
- 4.10 Whilst a purpose-built LAC tracking system is in place to provide robust oversight on the attendance of LAC (Welfare Call), for children with a social worker the Virtual School is reliant on WONDE to collate details. With the strong take up by schools in Derby, the Virtual School has been able to utilise a targeted approach to improving attendance. The funding provided through the Extended Duties programme<sup>4</sup> has been used to pilot a new initiative with 5 schools co-funding apprentice teaching assistance providing dedicated interventions for children with a social worker. This is an innovative use of funding and if proven to be successful will offer a new model to support children with a social worker's attendance, inclusion and achievement.
- 4.11 In May 2022 the DFE launched a new framework for national school attendance support through Working Together to Improve School Attendance. Going forward the DFE expects schools and local authorities to:
- promote good attendance and reduce absence, including persistent absence
  - ensure every pupil has access to full-time education to which they are entitled

act early to address patterns of absence.

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<sup>4</sup>Virtual school head role extension to children with a social worker, 2019, 2023

- 4.12 The guidance places significant new responsibility on local authorities to deliver a core level of support to all schools, including independent schools, with no additional funding from central government. It outlines the core responsibilities of schools with the option of commissioning the local authority to deliver those duties. At the end of July 2023 the DFE announced that Working Together to Improve School Attendance Guidance would not be statutory for the start of the 2023/24 academic year, but may become statutory at short notice during the year. In readiness for the new arrangements becoming statutory the DPEIA a new delivery model will be proposed detailing how the LA will meet its extended responsibilities and work with schools to meet their new responsibilities.

## **Public/stakeholder engagement**

- 5.1 The work of the Inclusion Strategy Group and DPEIA is rooted in consultation with partners across the sector including schools, the university, voluntary sector, the Council, parents and young people. The programme is coproduced, and the evaluation will look to explore not only the impact of the actions on key performance indicators but also experience of families and young people. More focused work is expected in 2023/24 academic year with families, communities and vulnerable groups most affected by exclusion and poor attendance. Going forward the commitment of the Council and partner agencies is to make inclusion and attendance everyone's business

## **Other options**

- 6.1 No other options have been identified

## **Financial and value for money issues**

- 7.1 Supporting young people to remain in mainstream education is an element of the High needs Block (HNB). Currently £3.442m is allocated from the HNB to maintain a low rate of exclusions, and £0.207m from other funding blocks within the Dedicated Schools Grant (DSG). Additionally, schools fund pre-exclusions diversionary activity. The Inclusion Strategy Group seeks to secure funding from external sources to improve the offer for reengagement of young people. The inclusion Strategy Group and School Forum work alongside the Council to provide assurance on value for money.
- 7.2 The Derby Priority Area (DPEIA) has injected £0.5m funding onto supporting an alternative approach to improving attendance and supporting a reduction in persistence absenteeism. Funding for the educational welfare service is currently £0.091m and balanced by offering a traded service to schools. Of concern is the current burden's analysis for improving attendance undertaken by the Department of Education where it is considered that delivering the new duties present no burden on local authorities. The position for Derby will be reviewed once the statutory guidance is published.

## **Legal implications**



- 8.1 All activity outlined in this report for managing exclusions are undertaken by the local authority and parent agencies including schools are governed by the following statutory guidance:

‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England September 2023.

For attendance the following non- statutory guidance is in place and is awaiting legislative change before becoming statutory.

Working together to improve school attendance Guidance for maintained schools, academies, independent schools, and local authorities; May 2022.

Relevant legislation underpinning this non statutory guidance includes:

The Education Act 1996; The Children Act 1989; The Education (Pupil Registration) (England) Regulations 2006; The Education (Parenting Contracts and Parenting Orders) (England) Regulations 2007; The Education (Penalty Notices) (England) Regulations 2007.

## Climate implications

- 9.1 There are no climate implications arising from this report.

## Socio-Economic implications

- 10.1 As noted in this report (paragraph 4.1) six wards have been identified for targeted action as part of the DPEIA priority programme to improve attendance. The current data identifies that the Gypsy, Roma and Traveller communities are significantly over-represented in the persistent absenteeism data across both primary and secondary schools. A feature of the New Communities Team and the Education Welfare Service action plan is to engage with the communities to explore how attendance in school can be improved. Conversely students from White British backgrounds are significantly represented in the permanent exclusions data

## Other significant implications

- 11.1 There are no other significant implications.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Ido (Head of Legal, Insurance and information Governance)	30/11/23
Finance	Alison Parkin (Director of Finance and 151 Officer)	30/11/23
Service Director(s)	Sharon Buckby (Director of Learning, Inclusion and Skills)	01/12/23
Report sponsor Other(s)		

Background papers: N/A  
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