

# Report to Cabinet

## Working Together to Reduce the Number of Permanent Exclusions from School

A Report of the Children's Select Committee

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## From the Inquiry Chairman

On behalf of the Inquiry Team and the wider Children's Select Committee I would like to pass on our thanks to all those who gave up their time to meet with us to discuss the very important issue of permanent exclusions in schools.

Permanent exclusion from school is a traumatic and distressing experience for children, their families and the dedicated professionals working with them. It affects life chances in the most fundamental ways; children have worse long term outcomes than their peers, are more likely to develop mental health issues and to become involved in the criminal justice system.

During our Inquiry we have been impressed with the work that is already being done in our schools and the Council to avoid permanent exclusions. The recommendations in this Report are designed to support that work, to ensure that the numbers of permanent exclusions in Bucks are reduced further over the coming years.

Dev Dhillon – Chairman – Children's Select Committee

# Purpose of Cabinet Report

To seek the agreement of Cabinet for the Children’s Social Care & Learning Select Committee ‘s Working Together to Avoid Permanent Exclusions in Schools Report and Recommendations

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# Inquiry Scope and Purpose

In 2015/16 permanent exclusions in Buckinghamshire primary and secondary schools increased by 100% on the previous academic year, with a further increase of 6% in 2016/17. Department for Education data for 2015/16 showed Buckinghamshire as one of the highest permanently excluding authorities in England. The Committee was therefore keen to:

- understand the reasons for the increase in permanent exclusions
- assess the impact on the pupil referral units and special schools
- judge the effectiveness of the Council's partnership working in reducing permanent exclusions
- identify good practice in preventing and reducing permanent exclusions and share with others
- understand the funding available to help reduce permanent exclusions
- ensure government guidance and legislation on permanent exclusions is being rigorously followed
- Inquiry Scope agreed on 5<sup>th</sup> December 2017 – see Appendix A

Out of Scope: fixed term exclusions were not considered.

# Inquiry Scope and Purpose: Methodology

## The Inquiry Team



Dev Dhillon  
Chairman



Isobel Darby



Gareth Williams

## Evidence was gathered via:

- **Desktop research:** Including a review of Business intelligence data, national and local good practice and school protocols and procedures on exclusions
- **Visits and meetings:** Between February and April 2018 the Inquiry Team visited schools and professionals across Buckinghamshire. They conducted interviews with head teachers and inclusion staff in secondary and primary schools, the primary and secondary Pupil Referral Units and met families affected by permanent exclusion. They also met senior officers from Children's and Education Services
- **Observation:** Members of the Inquiry Team observed a Fair Access Board meeting at Aspire Secondary Pupil Referral Unit

# National and Local Context

## Avoiding permanent exclusion – why does it matter?

Permanent exclusion from school is damaging to the pupils and distressing for parents and carers. In a significant number of cases these are families with a range of additional needs already. Permanent exclusion from school is a further hurdle which increases the burden on families who may not be coping well, resulting in longer term calls on public services.

In October 2017, The Institute of Public Policy Research's report: ['Making The Difference'](#) found that:

- Each day 35 children in England are permanently excluded
- Each of these children goes on to cost around £370,000 over their life time, due to poorer outcomes
- The excluded children in any cohort therefore cost around £2.1 billion
- It is the most vulnerable children who are likely to be excluded. 1 in 2 has a recognised mental health need. They are four times more likely to be from the poorest families, three times more likely to be interacting with social services and ten times more likely to have a mental health problem.

# National and Local Context: the Role of the County Council

As a local authority, Buckinghamshire County Council is responsible for the performance and activities of maintained schools only.

Buckinghamshire academies, faith and free schools are autonomous, funded directly by central government and are independent of local authority control.

Comparative 2014-15 and 2015-16 statistics for national, regional and local permanent exclusion rates are attached at [Appendix B](#) to this Report.

During the course of this Inquiry the Prime Minister announced on 16 March 2018 [a review of school exclusion](#) led by Edward Timpson CBE. A call for evidence formed part of this review with a report expected by the end of 2018. The recommendations in this Inquiry Report have therefore focused on the improvements the Committee considers the Council can make now; any future proposals by central government will be addressed by the Committee as part of its ongoing scrutiny work.



# National and Local Context

## Legislation and Departmental Guidance

The Department for Education (DfE) guidance on Exclusion from maintained schools, Academies and pupil referral units in England, on which Buckinghamshire County Council's advice to schools and practice is based, relates to:

- The Education Act 2002, as amended by the Education Act 2011;
- The Education and Inspections Act 2006;
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended, 2014); and
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

# What our witnesses said

No head teacher wants to permanently exclude a pupil – it should be very much the last resort

Upskilling of school staff is needed along with 'behaviour buy-in' by some head teachers and senior leadership teams

We need support to keep pupils with mental health difficulties in school wherever possible so we can maintain structure, routine and key educational and social relationships as part of their recovery to good mental health

We would like the Education Service to be more proactive in sharing good practice information. Transfer of good practice knowledge and skills is a critical factor in reducing low-level disruptive behaviour issues in the classroom

The EHCP process is incredibly difficult and takes hours of work. Templates are infuriating and not intuitive

Early intervention is key with both pupils and parents. We are seeing an increasing number of cases where an EHCP or intervention should have been done at primary level; by the time pupils get to Year 7 behaviour is learnt and so much more difficult to address

The wait for CAMHS is far too long – when you need them, you need them

As parents we felt the support we received from SENDIAS was brilliant but their involvement was too late in the process. We needed some help with information about permanent exclusions before it happened – this should be accessible on the Bucks website

# Summary of Findings

## Strengths

- ✓ All head teachers and Council officers committed to reducing permanent exclusions across Bucks
- ✓ A strategic approach to inclusion through the Bucks Inclusion Hub
- ✓ Primary and Secondary PRUs offer training support to schools
- ✓ Face-to-face contact between Council staff and parents of children and young people who have been permanently excluded

## Weaknesses

- ✗ No Early Help representation on Inclusion Hub
- ✗ Poor uptake of behaviour management training opportunities by schools
- ✗ Accessibility of information on the BCC external website
- ✗ Time-consuming referral processes are not flexible enough to help children in crisis avoid permanent exclusions

# Summary of recommendations

| <b>Recommendation</b> | <b>Focus</b>  |
|-----------------------|---|
| <b>1</b>              | <b>Early Help representation on Bucks Inclusion Hub</b>   |
| <b>2</b>              | <b>Collaborative work to raise the profile of managing low level disruptive behaviour within Bucks schools</b>    |
| <b>3</b>              | <b>Ensuring schools have up to date information on the Bucks Permanent Exclusions Toolkit</b>                     |
| <b>4</b>              | <b>Support and facilitation from the Education Service to help schools embed a system-led model of SEN audits</b> |
| <b>5</b>              | <b>More Effective promotion and signposting of Education Health Care Plan guidance and alternative provision</b>  |
| <b>6</b>              | <b>Review of the impact of the Educational Psychology Service and consideration of local clusters</b>             |
| <b>7</b>              | <b>Formation of formal locally-based networks of head teachers to support each other on permanent exclusions</b>  |
| <b>8</b>              | <b>Accessibility of information on the Bucks CC website for parents and families</b>                              |

# **THE DETAIL**

## **WORKING TOGETHER TO AVOID PERMANENT EXCLUSIONS IN SCHOOLS**

### **Findings, Conclusions and Recommendations**

# 1. Early Help and Tackling Exclusions

## Findings

- Bucks Children's Services set up an Inclusion Hub Project in late 2017 which manages a range of work strands to improve outcomes for children with special educational needs
- The Inclusion Hub does not currently have Early Help representation
- The 2017 IPPR Report 'Making a Difference' found that 'excluded pupils are likely to have complex needs, where different vulnerabilities intersect and compound one another.'
- Early intervention and building family resilience was regarded by all witnesses we spoke to as being a key component in avoiding permanent exclusion

# 1. Early Help and Tackling Exclusions

## Conclusion

Early Help is a fundamental part of the jigsaw in supporting families and children who are experiencing difficulties at school and at risk of permanent exclusion. The Inclusion Hub Project should therefore have Early Help representation to support its work

## Recommendation 1

It is recommended that Early Help representation should be part of the Bucks Inclusion Hub to ensure families and pupils experiencing difficulties or needing access to additional services get the early help they need

## 2. Preventing Exclusions – Behaviour Management

### Findings

- DfE figures report, and Bucks head teachers' evidence confirms, that the majority of permanent exclusions from school are as a result of persistent disruptive behaviour
- Behaviour Network Meetings, a free source of training for Bucks schools commissioned by the Council, are poorly attended, particularly at primary senior leadership level, despite encouragement from officers and the Primary PRU who deliver this training
- Data for 2015/16 shows that permanent exclusions at secondary level in Bucks schools represented 0.25 of the school population compared with 0.05 for primary schools
- Witnesses from secondary schools reported that in the vast majority of cases disruptive behaviour in the classroom is ingrained by the time a child reaches Year 7 and is therefore far more difficult and resource-intensive to address



## 2. Preventing Exclusions – Behaviour Management

### Conclusions

- Managing behaviour in schools is a key factor in avoiding permanent exclusions and staff training should be given the highest priority across the Bucks school estate with good practice shared between practitioners.
- A higher profile should be given to the importance of managing low-level disruptive behaviour in Bucks schools by the Council in collaboration with the Regional Schools Commissioner

### Recommendation 2

It is recommended that:

- a. a series of workshops 'Towards Better Behaviour, Sharing Best Practice' should be offered on selected INSET days during the academic year 2018/19, to be attended by all head teachers, their INCOs/SENCOs and chairs of governors with the possibility of rolling out the programme on a wider basis; and
- b. senior leadership teams across all schools in Buckinghamshire should be strongly encouraged to attend BCC-commissioned behaviour training (for example, Behaviour Network Meetings) and to include low-level disruptive behaviour training as a standard element in their school.

### 3. Permanent Exclusion Guidance - Support to Schools

#### Findings

- Head teachers we spoke to all reported having concerns about accessing the most up to date version of the Permanent Exclusion Toolkit and that communications from officers were too slow
- Concerns were expressed that using the wrong template letters during the permanent exclusion process could, and had, resulted in decisions to exclude being overturned at the Independent Review Panel (IRP) stage
- A parent witness confirmed that in their case the IRP had found in their favour due to procedural errors as the school had used an outdated template letter
- Education Service officers confirmed the Toolkit was up to date and was available to head teachers on the Bucks Schools Website; head teachers should be discouraged from saving previous versions of the Toolkit which could be resulting in old templates being used

### 3. Permanent Exclusion Guidance - Support to Schools

#### Conclusion

An apparent lack of confidence in the Permanent Exclusions Toolkit and communication from officers should be addressed by setting clear targets and procedures for officers when any amendments, particularly to templates, are made

#### Recommendation 3

It is recommended that:

- a. BCC guidance and toolkit templates should be reviewed immediately if there are any changes to national guidance or legal advice. Any changes should be made within 5 working days at a minimum and communicated to head teachers and governors within the same time period; and
- b. the toolkit should be removed from the schools website when amendments are being uploaded to ensure version control integrity and prevent out of date material being used by schools

## 4. SEN Audits - Support to Schools

### Findings

- Head teachers told the Inquiry Team that a periodic SEN 'health check' would be very helpful to them in formulating and updating their inclusion and behaviour policies and would ensure they were operating in line with accepted current best practice. This would also support them to avoid permanent exclusions as best practice would be in place
- The Bucks SEN team or Pupil Referral Unit staff have the professional experience and knowledge to be able to carry out this exercise, which could be similar to schools' use of external professionals to conduct mock Ofsted inspections
- Children's Services officers agreed that regular audits by schools of their SEN practice and behaviour and inclusion policies was desirable as part of the gold standard approach to avoiding permanent exclusions of this vulnerable group of pupils

## 4. SEN Audits - Support to Schools

### Conclusion

Best practice, along with training and what 'good' and 'outstanding' look like are key elements in avoiding permanent exclusions. SEN 'health checks' should therefore be part of the gold standard approach by schools to avoiding permanent exclusions

### Recommendation 4

It is recommended that, through the Side by Side project, the BCC SEN Team facilitates and supports schools in setting up regular SEN audits using a system-led model to ensure that their policies and procedures are compliant with legislation and regulations and in line with current best practice

## 5. EHC Plan Process - Guidance Support to Schools

### Findings

- Witnesses reported that the Education Health and Care Plan (EHCP) process was cumbersome, describing it as infuriating and not intuitive
- There was unanimous agreement by professionals that obtaining evidence of need could take as long as 6 months
- In 2015/16, 16 children admitted to Bucks Special Schools had been permanently excluded from school prior to admission
- A threshold guidance document was suggested by witnesses to enable head teachers gauge how much information is required to evidence need
- Head teachers we spoke to strongly believed that needs should trump resources - problems spiral quickly and fast track option running alongside the EHCP process should be available to avoid permanent exclusion
- Education officers confirmed that schools can bid for High Needs Block Funding to assist with crisis management during the EHCP process

## 5. EHC Plan Process - Guidance Support to Schools

### Conclusion

Processes should be flexible enough to deal with unexpected or unanticipated deterioration. Permanent exclusion should not be an inevitable outcome solely due to a lack of resources or a time-consuming form-filling process

### Recommendation 5

It is recommended that Education Service officers:

- a. more effectively promote and signpost guidance to schools to help them to identify, within statutory requirements, how much information and evidence to include on Education Health and Care Plan forms ; and
- b. review communications to head teachers concerning alternative provision opportunities through the SEND Local Offer to ensure all avenues are being explored when pupils are in imminent danger of being permanently excluded

## 6. Educational Psychology Service Support to Schools

### Findings

- Pressure on the Educational Psychology Service caused by the diversion of resources to convert Statements of Special Education Needs into EHC Plans resulted in the Link Educational Psychology Service being withdrawn in 2016
- Link Educational Psychologists had historically been allocated to designated schools and therefore understand the context of school, children, parents and extended family
- All professional witnesses, including those from the Educational Psychology Service, commented that they believed the withdrawal of Link Educational Psychologists had been to the detriment of pupils and families
- To replicate this service schools had resorted to buying-in private Educational Psychologist services putting further pressure on their budgets



## 6. Educational Psychology Service Support to Schools

### Conclusions

- The Link Educational Psychologist model is more likely to help avoid permanent exclusion and speed up the EHCP process
- A proactive approach would help avoid permanent exclusions as schools would have an Educational Psychologist who understood the context and demographic of the school, children, parents and extended families

### Recommendation 6

It is recommended that, as part of the review of the outcomes of SENDIAN pilot, the Education Service should also review the impact and value of a 'named' Educational Psychologist for schools and explore ways in which mixed primary and secondary school clusters could be set up to achieve this objective where budgets allow

# 7. Support to Head Teachers

## Findings

- Bucks permanent exclusion data and evidence from witnesses, including those who had recently taken up post as a Bucks head teacher, shows that spikes occur in permanent exclusions when a new head teacher is appointed
- Bucks has a relatively high turnover in head teachers. Figures from the Education Service show that in 2015/16 there were 37 new heads, in 2016/17 that dropped slightly to 34 but so far in 2017/18 figures show 51 changes in head teachers
- All secondary head teachers we spoke to agreed that having named professionals in local clusters would benefit new to Bucks or new to the role heads who do not have a network to draw on and could mitigate the 'new broom' effect which results in spikes in permanent exclusions

# 7. Support to Head Teachers

## Conclusions

- Formally facilitated networks of head teachers would be a better and more transparent option than informal arrangements, particularly for those new to the role of head or new to Bucks.
- The Bucks Side By Side Project, which shares good practice between schools, could be a suitable vehicle for implementation of these networks
- Members also felt that another option could be for BCC to consider using external voluntary expertise if necessary to facilitate the networks

## Recommendation 7

It is recommended that, as part of its work on the Inclusion Hub, officers should facilitate formal locally-based networks of head teachers to support each other on permanent exclusion issues

## 8. Permanent Exclusion Guidance - Support to Parents

### Findings

- Members of the Inquiry Team found that the accessibility of information about permanent exclusions on Bucks website could be improved. BCC website information is brief and not as user-friendly as some other local authorities which we checked for comparison
- We felt the website would be difficult to negotiate for those who struggle with processing information and some references to links did not appear to work. In addition, the website does not signpost to a range of advocacy services
- Officers confirmed that all parents with permanently excluded children receive a home visit to explain the process and are given a variety of hard-copy information, including an explanatory letter, Q&A and a SENDIAS leaflet

## 8. Permanent Exclusion Guidance - Support to Parents

### Conclusion

Face to face contact between parents and Council officers was good but this should be supported by a website that is accessible to all and signposts parents and carers to a range of advocacy services

### Recommendation 8

It is recommended that the BCC website is further strengthened to make it more user-friendly for parents. This should include:

- a link to a permanent exclusion Q&A format or leaflet for parents whose child has been permanently excluded; and
- signposting to a range of advocacy services to help parents negotiate the permanent exclusion process, an approach which is favoured by other local authorities

# Other Findings

There are no specific recommendations to make around the following and not all were directly in scope. However, during its evidence gathering the Inquiry Team identified the following issues for the Children's Services and are therefore keen to highlight them. The Committee will use the findings to inform potential work items.

# Other Findings – Independent Review Panels (IRPs)

The Inquiry Team were very concerned to be given, from every head teacher they spoke to, examples illustrating a lack of professional courtesy by Independent Review Panel Members and Clerks to schools representatives during and after IRP hearings. As the Panels are the responsibility of the Department for Education (DfE) any additional training needs for IRP members cannot be addressed by Council officers. However, it is noted that additional professional standards training could be included as part of the regular barrister-led two year DfE training for IRP members and the Inquiry Team therefore hopes that this evidence is fed back to central government contacts.

# **Other Findings – Head teacher engagement outside the Buckinghamshire Association of Secondary Head teachers (BASH) forum**

The Inquiry Team were told by all head teachers they met that they would value the setting up of smaller groups as the needs of permanently excluded pupils in the non-selective and selective sectors can be very different and more difficult to discuss in detail in a larger forum. Building on the current work of the Inclusion Hub, BASH heads should be encouraged to have conversations about setting up smaller forums, particularly in relation to alternative provision and common issues on permanent exclusions.



# Other Findings – Children & Adolescent Mental Health Service (CAMHS)

As part of the Inclusion Hub work focusing on CAMHS/Paediatric case allocations, response times by CAMHS officers should be raised. The Inquiry Team found that delays are leaving vulnerable children and young people with unmet needs for far too long. Head teachers also reported that less straightforward cases where complex needs had already been identified by experienced school staff were more likely to be rejected at first referral. Schools were being passed between CAMHS and Paediatric Services with neither service agreeing to accept the referral. This created a significant time lag (in some cases over a year) in securing help for children presenting with mental health and other complex needs.

# Other Findings – Educational Psychology Service

The Educational Psychology Service (EPS) had previously operated a trading function. Due to pressures on the Service relating to the conversion of Statements of Special Educational Needs to Education Health Care Plans this work had been paused. In discussions with EPS officers the Inquiry Team identified an appetite to resume the trading function as soon as staff resources allow, as the income generated could then be ploughed back into further Educational Psychology support.

# Next Steps

- The Draft Inquiry Report will be discussed and agreed by the Children's Select Committee on 10 July 2018
- The Final Report and Recommendations will be presented to Buckinghamshire County Council Cabinet on 10 September 2018; and
- Six month and 12 month reviews will be undertaken by the Committee to check progress against implementation of the Report's 8 recommendations.

# **Buckinghamshire County Council Children's Select Committee Working Together to Avoid Permanent Exclusions in Schools**

## **Appendices**

### **Appendix A**

Inquiry Scoping Document and link to Children's Social Care and Learning Select Committee Meeting Minutes 5<sup>th</sup> December 2017

### **Appendix B**

Comparative national, regional and local statistics on permanent exclusions, 2014-15 and 2015-16 broken down into SEN Status, Income Deprivation, Ethnicity, Free School Meal Eligibility and Gender

# **Buckinghamshire County Council Children's Select Committee Working Together to Avoid Permanent Exclusions in Schools**

## **Appendix A**

Inquiry Scoping Document – see attached appendix 2

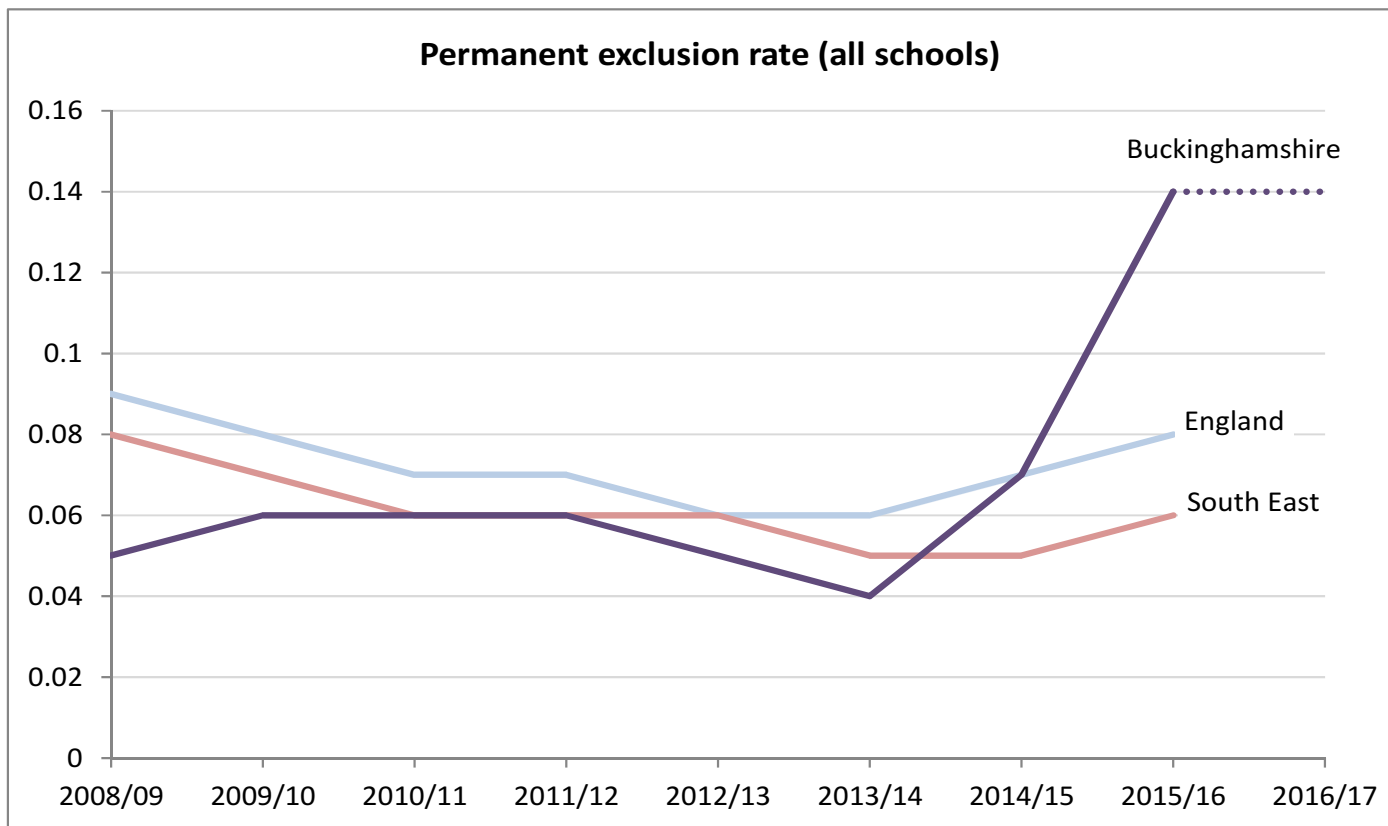
Link to Children's Social Care and Learning Select Committee Meeting  
Minutes 5<sup>th</sup> December 2017

<https://democracy.buckscc.gov.uk/ieListDocuments.aspx?CId=788&MId=9304&Ver=4>

## Background: National and Local Context Overview

### What the Permanent Exclusion statistics tell us

- Increase in permanent exclusions rate across England, the South East and Buckinghamshire in 2014/15 and 2015/16 (source DfE)
- The rate for 2016/17 has stabilised
- The indicative rate for Buckinghamshire in 2017/18 shows further improvements with a 35% decrease in permanent exclusions



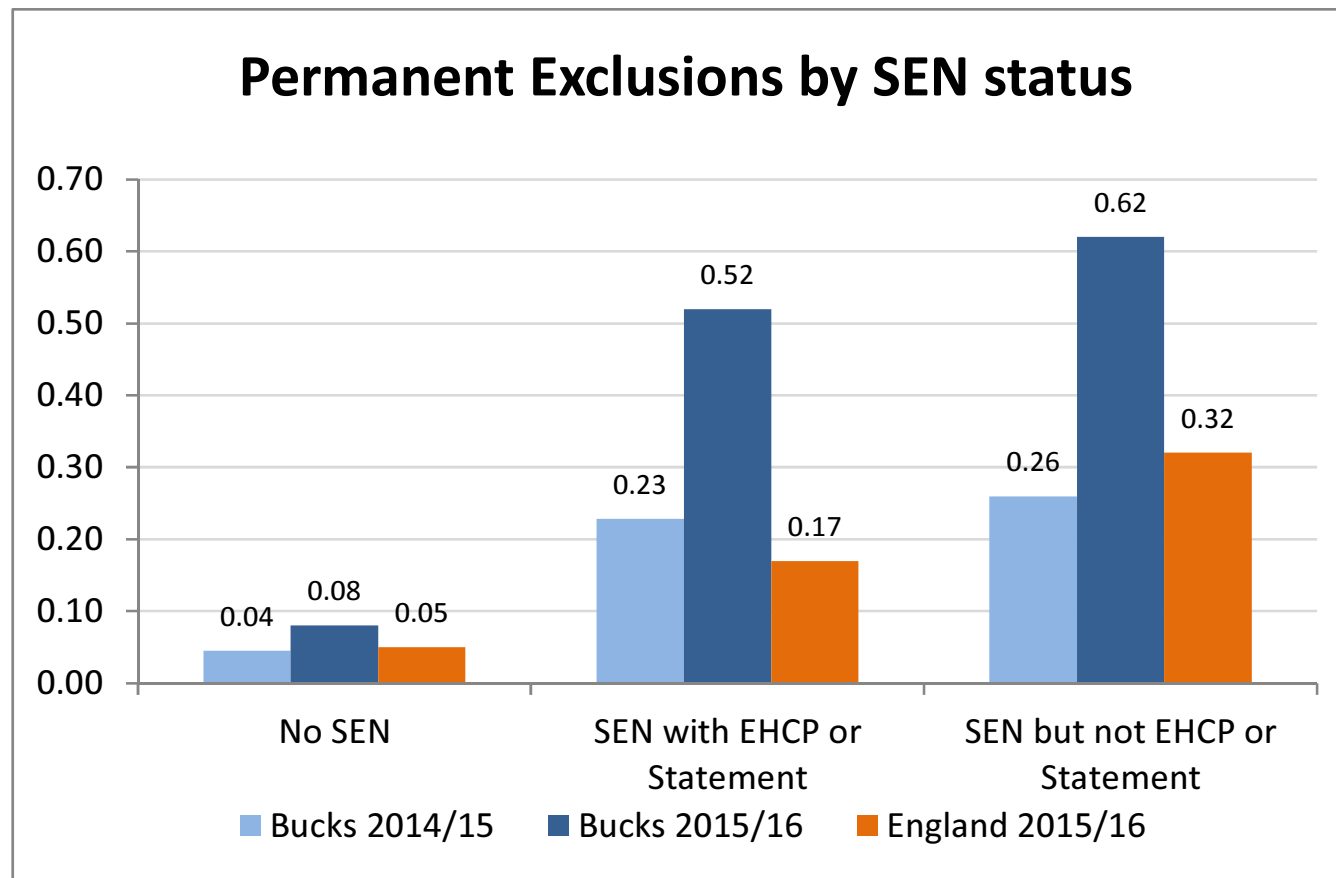
## Permanent Exclusions – contextual data

- Exclusion rates can be variable from year to year due to small numbers involved
- E.g. rate for black pupils in Bucks schools up by 0.25 but is only an increase of 5 pupils
- Permanent exclusions remain a very small proportion of school population

|                          |                            | 2014/15         |           |                          | 2015/16         |           |                          |           |           |                          |
|--------------------------|----------------------------|-----------------|-----------|--------------------------|-----------------|-----------|--------------------------|-----------|-----------|--------------------------|
|                          |                            | Buckinghamshire |           |                          | Buckinghamshire |           |                          | England   |           |                          |
|                          |                            | Headcount       | Perm Excl | Permanent Exclusion rate | Headcount       | Perm Excl | Permanent Exclusion rate | Headcount | Perm Excl | Permanent Exclusion rate |
| <b>SEN</b>               | No SEN                     | 71,115          | 32        | 0.04                     | 73,295          | 62        | 0.08                     | 6,783,320 | 3405      | 0.05                     |
|                          | SEN with EHCP/Statement    | 2,632           | 6         | 0.23                     | 2,706           | 14        | 0.52                     | 221,225   | 370       | 0.17                     |
|                          | SEN but not EHCP/Statement | 6,942           | 18        | 0.26                     | 6,503           | 40        | 0.62                     | 911,685   | 2915      | 0.32                     |
| <b>Ethnicity</b>         | White                      | 53,520          | 31        | 0.06                     | 53,668          | 67        | 0.12                     | 5,245,420 | 5055      | 0.1                      |
|                          | Mixed                      | 4,508           | 13        | 0.29                     | 4,753           | 19        | 0.4                      | 362,575   | 520       | 0.14                     |
|                          | Asian                      | 11,065          | 6         | 0.05                     | 11,761          | 17        | 0.14                     | 726,265   | 315       | 0.04                     |
|                          | Black                      | 1,766           | 3         | 0.17                     | 1,900           | 8         | 0.42                     | 388,520   | 540       | 0.14                     |
| <b>Free School Meals</b> | FSM eligible               | 5,118           | 19        | 0.37                     | 4,998           | 31        | 0.62                     | 1,132,065 | 2835      | 0.25                     |
|                          | FSM not eligible           | 75,571          | 37        | 0.05                     | 77,506          | 85        | 0.11                     | 6,784,165 | 3850      | 0.06                     |
| <b>Gender</b>            | Female                     | 39,318          | 9         | 0.02                     | 40,267          | 13        | 0.03                     | 3,881,975 | 1460      | 0.04                     |
|                          | Male                       | 41,371          | 47        | 0.11                     | 42,237          | 103       | 0.24                     | 4,034,250 | 5225      | 0.13                     |

## Permanent Exclusion rate by SEN status

- SEN children are more likely to be permanently excluded
- Children with SEN but do not have an EHCP are more likely to be excluded than those with an EHCP

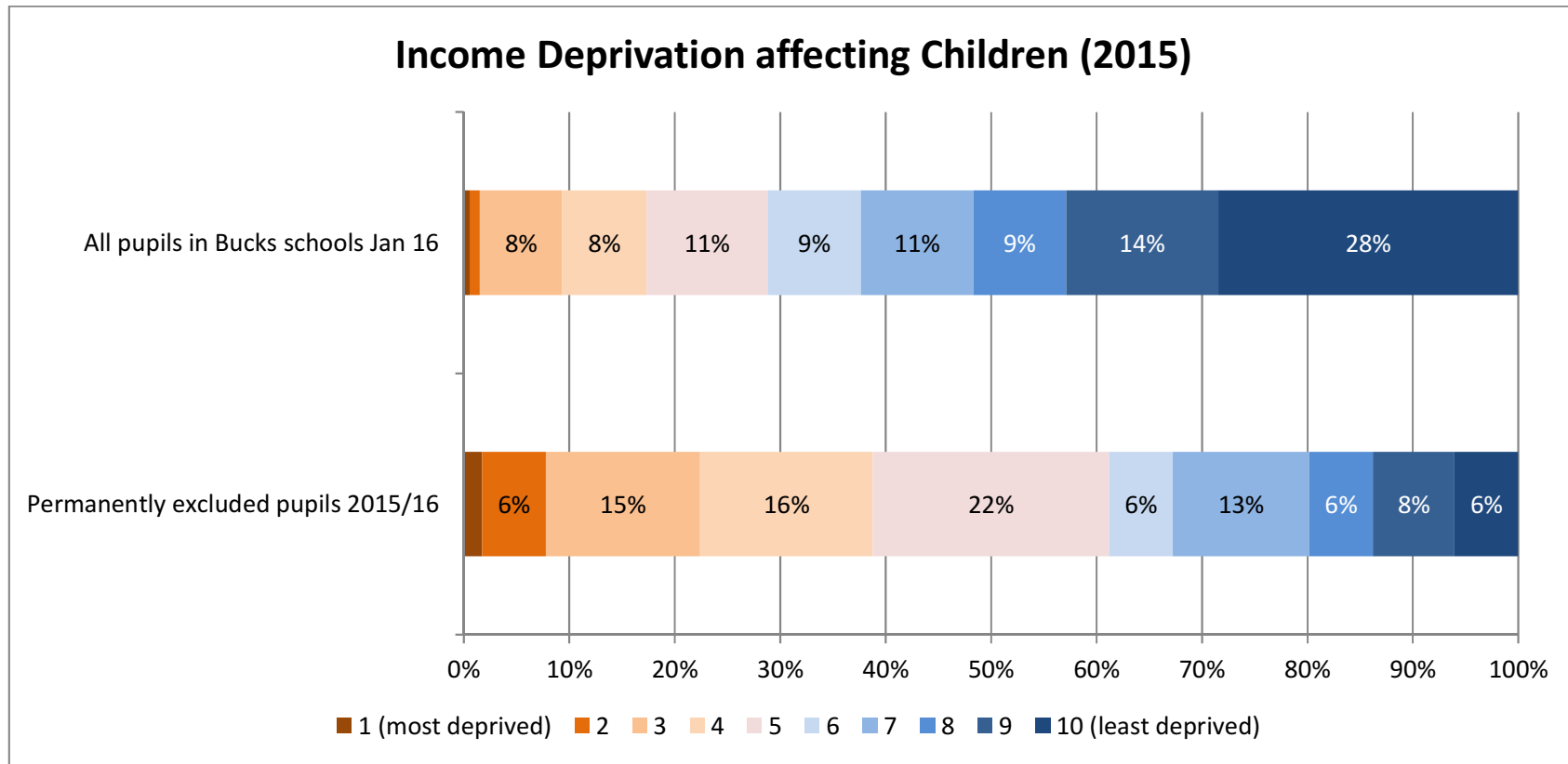




# Buckinghamshire County Council

## Permanent Exclusions and Income Deprivation

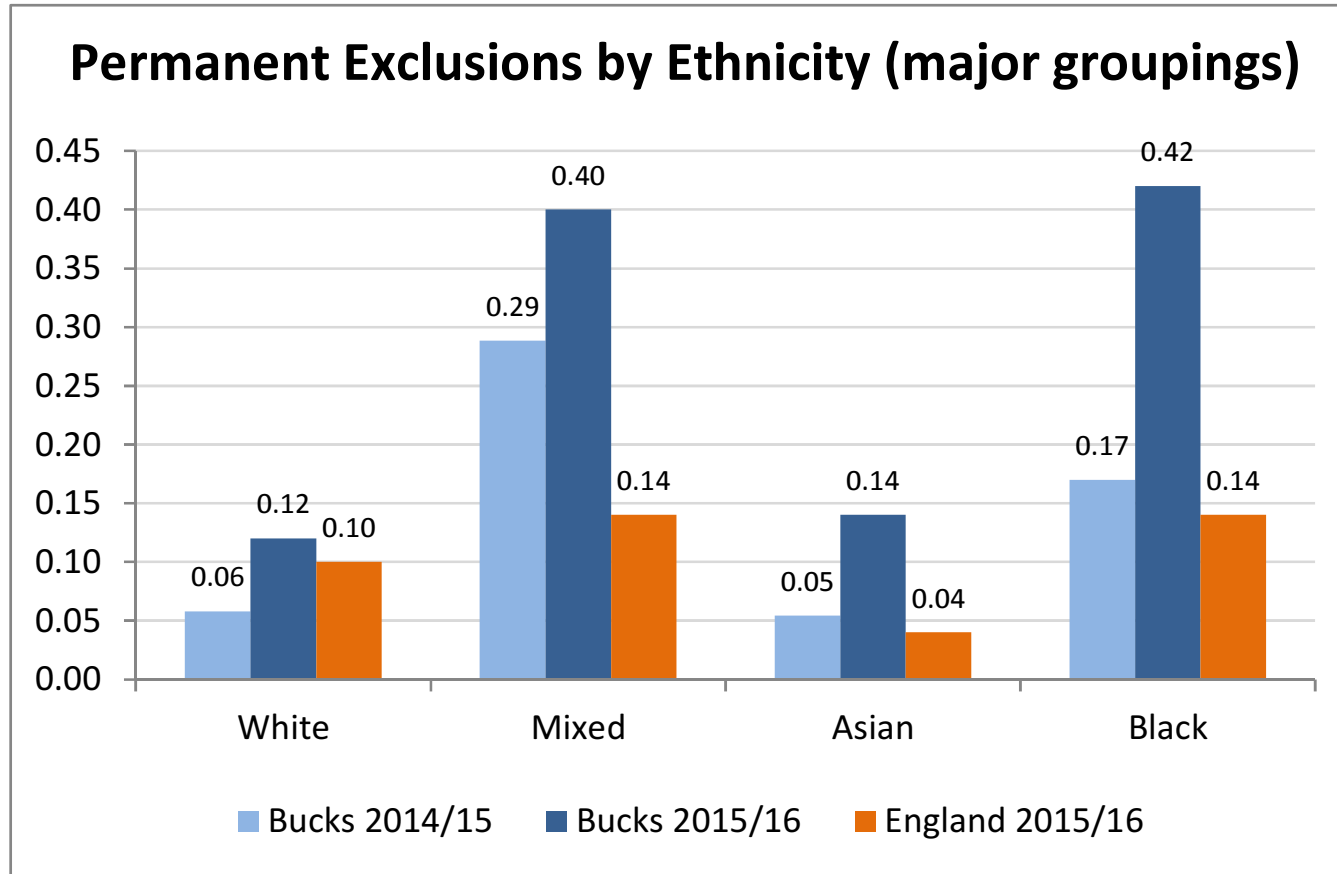
- Permanently excluded pupils are more likely to live in areas of higher deprivation
- Areas of higher deprivation are more prominent in towns and cities
- 40 out of 116 permanent exclusions live in Aylesbury Town
- 28 out of 116 live in High Wycombe



# Buckinghamshire County Council

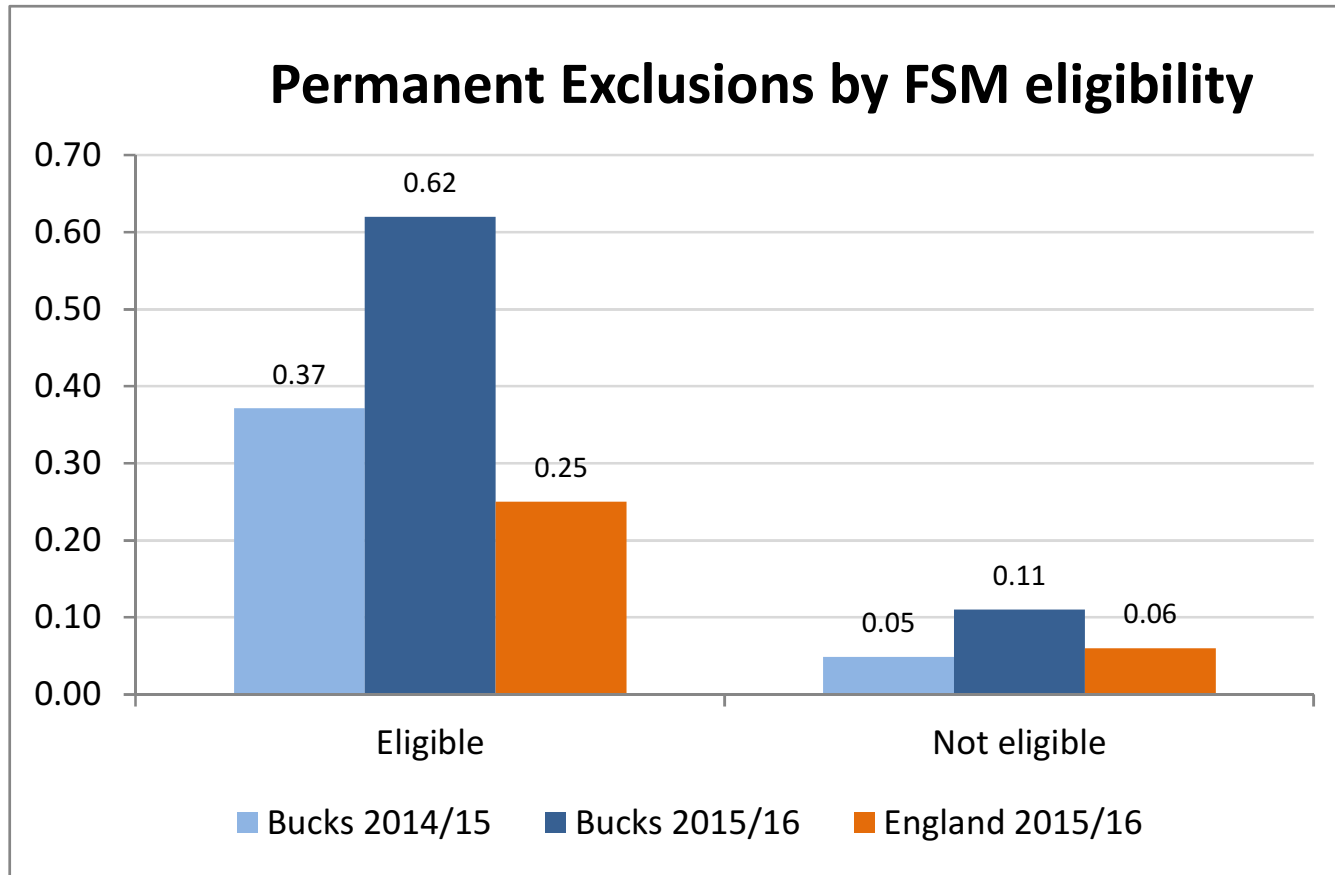
## Permanent Exclusion rate by Ethnicity

- Trends vary across different ethnic groups but numbers are very small so should be treated with caution



## Permanent Exclusion rate by Free School Meal eligibility

- Children eligible for Free School Meals are more likely to be permanently excluded than non-eligible children.



## Permanent Exclusion rate by Gender

- Boys are more likely to be permanently excluded than girls

