

## Exclusion and the Child We Care For

When a child or young person is taken into care every effort should be made to support them to achieve their true potential in education. The responsibility for achieving this does not lie with one individual but is shared by all adults who are involved with the young person.

### **In the words of the Children's Minister:**

*"I want everyone who's involved in a vulnerable child's life; teachers, social workers, foster carers, health professionals, councillors, to have a real sense of parental responsibility for their prospects. To, not just focus on their narrow area, but look at the overall welfare. To ask themselves, before they make a decision or fill in a form, 'Would this be good enough for my own child?'"* Edward Timpson, Children's Minister. 04.02.2013  
DfE quote (Jan 2015)

- Everything possible should be done by all partners to ensure that children we care for are never permanently excluded and that fixed term exclusions are avoided. If it is felt that there is any risk of permanent exclusion, please contact the Virtual School as early as possible to explore how this can be avoided.
- Every effort should be made to enable the young person to continue to attend school and to minimise disruption to their learning.
- All parties should work together and with the young person through the Personal Education Planning (PEP) process to develop and implement flexible and creative approaches to address any difficulties and avoid exclusion.

**Exclusion of a child in care is not an equal punishment as that of a child living with their family; the consequence can often be loss of their home, not just their education.**

- Nationally, exclusion rates for children in the care of the local authority are more than 5 times those for all pupils. In Oxfordshire children we care for are **8 times** more likely to be excluded
- Problems with education, particularly those resulting in exclusion are one of two main causes of foster care breakdown.
- Fixed term exclusion has been one of the key factors in persistent absence of Children we care for, which is higher than the England average.
- A series of fixed term exclusions frequently precedes a child being taken into care.

## Protocol to reduce exclusion

### Alternatives to Exclusion

- **Assess risk.** To what extent can potential harm to other students' safety, wellbeing and learning be reduced? Complete risk assessment and Inclusion Support Plan (ISP) – contact Virtual school for guidance
- **Early intervention and communication** – with carers, social worker, Virtual School
- **Engage behaviour support** - contact Virtual School for advice
- Request The Virtual School convene a **Cross-Professionals Education Meeting**. These meetings must lead to clear actions which will reduce disengagement and disruptive behaviour. These may include flexible curriculum arrangements, involving external providers, elements of off-site engagement support, identification of funding streams, family and therapeutic solutions.
- **Internal exclusion** - should be for the shortest possible time and subject to review
- **Preventative arrangements** may also be developed or in place as part of partnership work between schools and appropriate specialist settings

### Monitoring behaviour and exclusions

Fixed-term and permanent exclusions of all children we care for, including those from other Local Authorities, are monitored by the LA on a half-termly basis in line with attendance reports. Within schools governors, professionals and designated teachers should be monitoring patterns, triggers and the frequency of exclusions to prevent escalation. Strategies to support a reduction in exclusions may include:

- more frequent meetings with the young person and the relevant professionals to discuss progress and/or PEP targets
- mentoring to support the young person on a regular basis
- academic monitoring
- behaviour reports
- a personalised timetable
- the issue of rewards to reinforce positive attitude and/or good progress
- analysis of assessments completed
- Special Educational Needs of the young person and how they are met
- liaison with alternative providers to discuss further support
- partnership arrangements with other schools re managed moves and/or respite placement

To ensure the young person is getting the most appropriate support all the relevant people must communicate effectively with clear aims and objectives. Everybody has an important role to play.

## Exclusion Regulations

Schools must not have an unofficial arrangement where a child is not allowed on the school site. Informal or “unofficial” exclusions, such as sending students home “to cool off” are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a student, even for short periods of time, must be formally recorded.

The full protocol for exclusion and the school register code guidance should always be followed if an exclusion has to be issued. Only the Head teacher (or member of staff with delegated responsibility) can exclude a pupil. All looked after children must be offered full time supervised alternative education from the first day of any exclusion. For full information and guidance go to: **Oxfordshire Exclusion and Reintegration Team** <http://schools.oxfordshire.gov.uk/cms/content/exclusion-and-reintegration-team>

### **Fixed-term exclusions**

Short-term exclusions should be as short as possible. For a fixed-term exclusion of more than 5 school days, the school has a duty to arrange suitable full-time educational provision. This provision must begin no later than the sixth day of the exclusion. Whilst the statutory duty on governing boards or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In the case of a child we care for, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school. Schools should have a robust strategy for reintegrating pupils upon their return to school.

### **Permanent exclusions**

**Everything must be done to avoid the permanent exclusion of any child we care for.** Schools are expected to be proactive in working with the young person, carers, social workers and the Virtual School in doing everything possible to avoid excluding a child we care for. If a child is permanently excluded, provision must be made by the local authority from the sixth school day of exclusion. However, as good practice, **when a child we care for is excluded, full time supervised alternative provision should be in place from the first day of exclusion.** Where it is not possible, or appropriate, to arrange alternative provision during the first day of an exclusion, schools should take reasonable steps to set and mark work for pupils. The work that is provided should be accessible and achievable by pupils outside of school.

The **Education Inclusion Service (Exclusion and Reintegration Team)** is also informed of the permanent exclusion. The Governing Body must meet between the

sixth and the fifteenth day following the exclusion and invite the parent/carer, the young person's social worker, the Head teacher and a local authority officer. At least five days before the meeting any written statements should be circulated to attendees. All decisions about exclusion need to be made in reference to the statutory **DfE Guidance on Exclusions**, which is effective from September 2012 and is located on the DfE website, at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/26968/1/Exclusion\\_from\\_maintained\\_schools\\_\\_academies\\_and\\_pupil\\_referral\\_units.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/26968/1/Exclusion_from_maintained_schools__academies_and_pupil_referral_units.pdf)

Head teachers and Governing Bodies must, by law, have regard to this guidance when making decisions on exclusions and administering the exclusion procedure. Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

### **Readmission**

The Head teacher should ensure that the parent/carer and social worker has been contacted immediately and ideally by telephone. If available, and if appropriate, the parent/carer should then take responsibility for the collection and supervision of the young person. Written notice must be given to the parent/carer and the young person's social worker informing them of the precise period and reasons for the exclusion, relevant details of a reintegration interview, and the duties and rights of the parent/carer and the personnel to contact if necessary. There should also be an outline of arrangements made by the school for educational provision for the young person from the first day of the exclusion.

The parent/carer becomes responsible for a young person in the first five days of any exclusion, ensuring that he or she is not present in a public place during school hours. The Head teacher must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Interventions should be in place to avoid an accumulation of 45 days exclusion in one academic year for a young person. This would lead to the young person being permanently excluded.

### **Appendix**

#### **Statutory guidance to headteachers on the exclusion of pupils with Education, Health and Care Plans (EHC plans) and looked after children**

21. As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with Education, Health and Care Plans (EHC plans) and children we care for. Headteachers should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a child we care for.

22. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, schools should

cooperate proactively with foster carers or children’s home workers, the local authority that looks after the child and its Virtual School Head.

23. Where a school has concerns about the behaviour or risk of exclusion of a child with additional needs, including a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil’s SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim / emergency review.

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