Reducing exclusion from Oxfordshire schools

A guide for school leaders and agencies supporting school-age children / young people at risk of exclusion from school
created collaboratively by school leaders and agencies, including parents, in Oxfordshire as part of the Learner Engagement Strategy based on best practice in the county

---

Contents

---

1. Summary of Local Arrangements

The Oxfordshire Learner Engagement Strategy has been developed to ensure that children access their full educational entitlement so that they achieve, thrive as adults and fully participate in the economic, learning, personal and social life of Oxfordshire. Together we are aiming to reduce permanent and fixed term exclusions for Oxfordshire children. Children who are excluded from school are more vulnerable to child exploitation, knife crime and statistically more likely to end up in prison than those who are not excluded from school. For any child at risk of exclusion from school, consider if they are at risk of exploitation using the screening tool HERE

Current concerns that this document aims to address (January 2020):
- High numbers of both fixed term and permanent exclusions in the county.
- High percentage of exclusion of children with additional learning needs including those at Special Educational Needs (SEN) Support and those with Education, Health and Care Plans.
- Reported lack of clarity on the support available to school leaders, including when to contact Oxfordshire County Council and other agencies regarding children who are at risk of exclusion.

The statutory guidance from the Department for Education this guide is based on can be found HERE

NHS
Oxford Health
NHS Foundation Trust

OXFORDSHIRE SECONDARY SCHOOLS
OSSHTA
HEADTEACHERS' ASSOCIATION

OXFORDSHIRE COUNTY COUNCIL

Statutory guidance

A decision to exclude a pupil permanently should **only** be taken:

• *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.*

(Exclusion from maintained schools, academies and pupil referral units in England, September 2017)

Underlying causes of persistent disruptive behaviour must be investigated, and support provided so permanent exclusion is only ever a **"last resort".** Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The headteacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems. (DfE, September, 2017)

2. Universal Provision

In order to reduce exclusions across Oxfordshire all schools are expected to consider relevant policies to ensure their universal provision is inclusive for all vulnerable learners. This would include reviewing:

- Quality training for all staff in supporting children presenting with challenging behaviour
- Quality first teaching, including a differentiated curriculum and consideration of the impact of environmental factors on some children
- Differentiated behaviour approaches that are appropriate for all children in the school including those with social, emotional and mental health needs
- A whole-school approach to wellbeing
- Effective partnership working with parents / carers
- Effective identification of need (in line with SEND Code of Practice)
- Targeted evidence-based support for children
- Engaging support from appropriate external agencies
- Inclusive ethos, principles and beliefs

All behaviour is a communication and as professionals working with Oxfordshire children we are committed to exploring **why** children behave in a particular way, so that we can identify and action the support needed for to positive engagement in school. Oxfordshire encourages a restorative approach to behaviour whereby, if a pupil has damaged a relationship or broken a rule, they should be supported to repair harm, to renew their commitment to the school

ethos and to learn from their mistakes. Pupil voice should always be at the heart of any behaviour or support plan for children at risk of exclusion.

Statutory guidance
"The headteacher should take account of any contributing factors."
"Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have."
"The headteacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour."
"Under the Equality Act 2010, schools must not discriminate. For disabled children, this includes a duty to make reasonable adjustments to policies and practices."

3. Children / young people at risk of exclusion

Actions for Oxfordshire School Leaders
1.   **All children at risk of exclusion**, identified by regular reviews of behaviour data, undertake screening for underlying special needs using the **Oxfordshire SEN Support guidance** and other specialist guidance which can be found HERE working in partnership with parents and carers.
2.   When SEND is identified, following the SEND Code of Practice 2014, implement a SEN Support Assess-Plan-Do-Review cycle.
3.   For further advice, consult the Local Offer and engage specialist support. A directory of local services is available HERE
4.   Complete an Early Help Assessment with the family if the child has SEMH needs or there are possible safeguarding concerns
5.   Contact behaviour and attendance helpline on 01865 323513 for support and further ideas to reduce the risk of exclusion for the child or young person

Statutory Guidance

"The head teacher should consider what extra support might be needed to identify and address the needs of pupils in order to reduce their risk of exclusion."

4. Children / young people who remain at risk of exclusion

Actions for Oxfordshire School Leaders
1. **All children who remain at risk of exclusion,** use the school's preferred tool for planning support (Positive report card / Inclusion Support Plan / Pastoral Support Plan) regularly engaging parents / carers as part of the process.
2. Seek support from another school or from Multi Academy Trust.
3. Contact your area Exclusion and Reintegration Officer to discuss the case.
4. Appoint a key adult for the child
5. Engage external services including the Locality Community Support Service and convene a Team Around the Family.
6. Any decision regarding fixed period exclusions are discussed by Headteacher with the Designated Safeguarding Lead, SENCO and the key adult.
7. Reintegration meetings following any exclusion include a review of current support which is communicated to all relevant staff.
8. Use the OXSIT checklist to reduce the risk of exclusion to identify next steps.
9. Use the Oxfordshire behaviour toolbox to identify further support strategies. Contact 01865 323513 for a log-in and password. the for the code.
10. Consider a governor / trustee's review of the case.

In all of these cases a multi-agency meeting should be arranged to reduce the risk of exclusion:
● If a child has an **Education Health and Care Plan** you must contact your SEN Officer to discuss the risk of exclusion
● If the child is a **Looked After** you must contact the Virtual School for Looked After Children
● If the child is open to social care **(Child in Need or Child Protection)** you must contact the social worker

5. Alternatives to exclusion

Statutory Guidance

"Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school."

● Schools must not suggest **Elective Home Education** or a move to another school as an option to avoid exclusion. EHE guidance can be found HERE
● There is a **Managed Move** protocol for Oxfordshire - HERE
● There is an **alternative educational provision directory** on INSITE- HERE

- You may consider extended work experience placements as part of a support package for young people in Year 10 and 11.

> **Actions for Oxfordshire School Leaders**
> **Primary Schools**
> The child may be eligible for additional funding from the SEN team HERE
> **Managed Moves** must be lodged with the area Exclusion & Reintegration Officer in line with the Managed Move protocol for Oxfordshire.
> **Alternative Provision** may also be considered for a short period of time to support the child to re-engage with school.

> **Actions for Oxfordshire School Leaders**
> **Secondary Schools**
> **Managed Moves** must be lodged with the area Exclusion & Reintegration Officer in line with the Managed Move protocol for Oxfordshire. This may be discussed at IYFAP/ Inclusion meetings
> **Alternative Provision** Funding towards places to reduce the risk of exclusion can be considered through the IYFAP/ Inclusion panel, including F.E college place
> **Extended work experience** can be explored for young people in Years 10 and 11.
> **Y11 students:** Year 11 students are supported through IYFAP / Inclusion to remain on roll at their school or dual rolled with an alternative provider to secure the best educational outcomes for the child.

In all of these cases below schools are asked to arrange a multi-agency meeting:
- **Looked After Children:** When a headteacher/ principal wishes to access alternative provision for a child who is Looked After, they must contact the Virtual School for Looked after Children and the child's Social Worker.
- **Children / young people with Education Health and Care Plans:** When a Headteacher wishes to consider exclusion of a child or access a long-term Alternative Provision place for a pupil with an EHCP, the SEND officer for the school must be invited to an interim emergency annual review.
- If the child is open to social care **(Early Help, Child in Need or Child Protection)** the headteacher must ensure the social worker is involved in the discussions about the suitability of alternative provision.

6. The serious breach of school behaviour policy

Statutory Guidance
"Where practical, head teachers should give pupils an opportunity to present their case before taking the decision to exclude."
"Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases" (p6, DfE and ACPO Drugs Guidance)
"Drug use can be a symptom of other problems and schools should be ready to involve or refer pupils to other services when needed."
Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.
"Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, when it comes to light that a pupil has suffered a bereavement, has mental health issues or has been subject to bullying."
"Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school."

Where an incident can be managed so that other children / young people are not harmed, pupils should not be permanently excluded for a serious breach or breaches of the school's behaviour policy.

When behaviours of children are unlawful, schools should consider the Safer Schools Partnership (SSP) approach and whether to involve Thames Valley Police (TVP). Under the SSP, Thames Valley Police work in partnership with schools and OCC to address a criminal incident with an appropriate consequence. These can include an educational meeting with TVP officer or staff, a restorative session between students alone or with their parents / carers or a proportionate and timely schools-led consequence. This also allows for appropriate referrals to other trusted partners to support children in addressing underlying issues or making safer choices. By correctly and accurately recording the information of all parties involved, TVP work with schools to monitor future behaviours or vulnerabilities and address any continued or escalating issues that are presented. SSP addresses reported criminality in circumstances when it may not be appropriate or necessary for a child to take a criminal justice route whilst still recording offences correctly in line with Home Office rules. They allow for appropriate sharing of information between partners to fully safeguard children and provide reassurance for children and their parents / carers that their concerns have been listened to and acted upon. The SSP was launched by the National Police Chiefs Council (NPCC) in 2002 with a focus on early intervention and prevention. SSPs allow an appropriate response to criminal behaviours that support all parties and reduce reoffending. TVP does not advocate for automatic exclusion following a weapon or drug incident.

Schools are required within current exclusion paperwork to indicate **all** of the inclusive measures taken to enable the child to remain in school (good practice would be to review the last calendar year) and / **or** undertake a managed move.

> **Actions for Oxfordshire School Leaders**
> 1.   Provide support for the child to repair harm, learn from the mistake and closely monitor with risk assessment in place – record this in a Pastoral Support Plan or Inclusion Support Plan. Invite your Exclusion and Reintegration Officer to attend this meeting.
> 2.   Consider Safer Schools Partnership approaches and whether it is appropriate to report to Thames Valley Police (TVP)
> 3.   Adhere to 2012 DfE guidance on drugs misuse to avoid permanent exclusion for possession. Refer to OSCB guidance
> 4.   Consider mitigating circumstances, e.g. safeguarding concerns, SEN, child protection issues, bereavement, possible child exploitation, trauma or bullying.
> 5.   Consider a governor / trustee's review of the case.
> 6.   If none of the above are sufficient to allow child to remain within the school then placement elsewhere should be arranged. Oxfordshire has a Managed Move protocol that can be followed if the parent agrees. Contact the Education Inclusion Team for further information and support.

Oxfordshire School Leaders agree not to permanently exclude Looked After Children in Oxfordshire. **Looked After Children** at risk of permanent exclusion must be referred to the Virtual School for Looked After Children and the child's social worker must be contacted.

Children with **Education Health and Care Plans** must not be permanently excluded without an emergency annual review having first been convened. You must invite your SEN Officer, parents and all the relevant professionals to this meeting.

If a child is open to Social Care **(Early Help, Child in Need or Child Protection)** is at risk of permanent exclusion a meeting must be convened with a representative from OCC Exclusion Reintegration Team, parents and the child's Social Worker. The Designated Safeguarding Lead should also be involved.

7. Acknowledgements

With thanks to the Oxfordshire primary and secondary school headteachers, SENCOs and Inclusion leaders from across Oxfordshire who wrote this guidance with Local Authority Officers from the Locality Community Support Service, Educational Psychology service, the Oxfordshire School Inclusion Team, the Special Educational Needs team and the Virtual School for Looked After Children. Support was also provided by the Child and Adolescent Mental Health Service, Thames Valley Police, and members of the Oxfordshire Parent Carer Forum. This guide will be reviewed in April 2020. Any comments on this first version of the document or to express an interest in this work please contact OXSIT@Oxfordshire.gov.uk .