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Children at risk of exclusion: Checklist of expectations

This document draws on national government guidance, legislation and local Somerset context to clarify the duties and expectations of schools with regard to children and young people who present with challenging behaviour and are at risk of exclusion from school. We would like to thank the Somerset school leaders, parents and wider groups for their support in producing this document.

The purpose of this document is to outline the steps that should be taken in response to a child or young person at risk of suspension and/or exclusion. It aims to strengthen consistency of approach across settings and promote the use of effective strategies earlier so that exclusion risks are reduced and avoided wherever possible.

Exclusion must be a last resort and it must be lawful, reasonable, proportionate and fair. Before making the decision to exclude, the head teacher should have confidence that everything covered in this document has been fully considered.

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Checklist of Expectations

	National Guidance / Legislation	Expectations
Reasonable Adjustments	Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory (DfE, 2023, p.10).	Legal duties under the Equality Act (2010) must be followed when considering an exclusion for a child or young person who may have a protected characteristic. An exclusion may be discriminatory where the behaviour displayed is linked to an unmet need, failure to make suitable provision and/or make reasonable adjustments.
Step 1: In-school support and Identification of additional needs	Schools need to manage pupil behaviour effectively, whether or not the pupil has underlying needs. When a pupil is identified as having SEND, the graduated approach should be used to assess, plan, deliver and then review the impact of the support being provided (DfE, 2022.p.14).	Assessment of SEND should have been explored across all 4 areas of need as outlined in the Somerset graduated response tool, e.g. use of the quick checkers as outlined in the Somerset graduated response tool. Where SEN Support is in place, an APDR cycle of support must be happening which includes appropriate provision to meet the identified needs.
	Some behaviours are more likely be associated with particular types of SEND, such as a pupil with speech, language and communication needs who may not understand a verbal instruction (DfE, 2022, p.14).	Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN
	Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for	The Somerset Pastoral Support Plan process (or equivalent) should be used to specify the functions behind behaviour and what reasonable adjustments are needed, irrespective of SEND status. This is done

	the pupil and whether additional strategies need to be put in place to address behaviour (DfE, 2023, p.12)	with parent carer and pupil voice at the centre of the process and the actions are implemented consistently in an APDR cycle.
	Measures are in place and both general and targeted interventions are used to improve pupil behaviour and support is provided to all pupils to help them meet behaviour standards (DfE 2022, p.6).	Where there is evidence of psychological trauma and/or adverse childhood experiences, the school should demonstrate that this has been considered within the planning arrangements and that appropriate intervention and support has been put in place.
	Schools should, as far as possible, anticipate likely triggers of misbehaviour and put in place support to prevent these (DfE, 2022, p.15). See also Keeping children safe in education (DfE, 2023b).	Where there is a known risk of violence from a pupil towards other pupils and/or adults, there should be a plan in place that considers this risk and arrangements for minimising this.
	Working together to improve attendance (DfE 2022b) Alternative Provision: statutory guidance (DfE, 2013)	The education offer is appropriate and promotes education engagement, which might include alternative provision, part-time timetable for a short period and/or an alternative engagement pathway within the school.
Step 2: Engaging Specialist Support	Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs (DfE, 2023, p.23).	An early help assessment should be carried out and appropriate early help services and support avenues should be coordinated. A Team around the Family approach has been used where needed, working with agencies from outside of

		education to provide support, e.g. in the home or in the community (e.g. PFSA, FIS, VCSE sector).
	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 head teacher 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, disability or mental health problems but the scope of the assessment could go further, for example, by seeking to identify housing or family problems (DFE 2018, p.19).	School has received specialist advice and the CYPs needs have been fully assessed, e.g. through Educational Psychology Service, PRU Outreach, Inclusion Somerset and/or mental health services. This advice has been implemented over time and the impact reviewed with the specialist service.
		Where the exclusion risk relates to a specific area (e.g. mental health, sexualised behaviour), there is good evidence of working in partnership with specialists in these fields.
Step 3: Alternatives to exclusion and pre-exclusion considerations	Headteachers should also consider the following: a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or b) managed moves (permanent measure) as preventative measures to exclusion. (DfE, 2023, p.19)	A managed move or off site direction has been fully considered as an alternative option to exclusion.
	<u>Alternative Provision: statutory guidance (DfE, 2013)</u>	Where a child or young person needs an alternative offer, the setting has coordinated the use of alternative provision with a clear rationale and maintained ownership of the provision.
	Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the	Child / young person has been discussed at an area based- panel and appropriate feedback and advice has been sought from the PRU and other school leaders.

	<p>local authority), consider what additional support or alternative placement may be required (DfE, 2023, p.23).</p>	<p>The Peer Challenge: Before deciding whether to issue an exclusion, a head teacher should contact another head teacher for a fresh perspective and this document can be used as a guide in considering whether all necessary steps have been taken.</p>
	<p>Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. (DfE, 2023, p.11).</p> <p>The headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred (DfE, 2023, p.12).</p> <p>It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet (DfE, 2023, p.16).</p>	<p>Prior to a decision to exclude, the head teacher must be satisfied the decision is lawful, proportionate and fair. The views of the pupil must be taken into account and factor into the decision.</p> <p>The decision must also take into account the context, factors and circumstances that influenced misbehaviour.</p> <p>Particular attention should be paid to ensure that exclusion is not being considered due to appropriate SEN provision not being put in place as this is not a lawful reason to exclude. For those with SEN, a head teacher should be confident that appropriate provision was in place and advice from specialists implemented effectively.</p>

Specific situations

Pupils with an EHCP

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability (DfE, 2023, p.23).

Where a pupil has an EHC Plan and is at risk of exclusion, schools should seek advice from an external specialist as appropriate and adapt provision at an early stage. Children with EHC plans should not be permanently excluded without an Annual Review being held. Annual review meetings and reports should include recommendations following the input from the external specialists.

Pupils who are looked after (CLA)

Where a looked-after child (CLA) is at risk or likely to be subject to a suspension the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. (thevirtualschool@somerset.gov.uk) setting out the concerns. Somerset's Virtual School will work with the DT and others to consider what additional assessment and support needs to be put in place to help the school address the factors affecting the child's presentation in school and reduce the need for suspension or permanent exclusion. The school should also engage with a child's social worker, foster carers, or children's home worker, specifically those who have Parental Responsibility (PR) to ensure the child or young person is appropriately safeguarded and their care supported.

Should a school be considering permanent exclusion of a CLA, contact should always be made at the earliest possible point with Somerset's Virtual School and the child or young person's social worker. The Virtual School will always work with the school to explore alternatives to this course of action which can have damaging implications for Children Looked After.

A range of guidance and support materials around suspension and exclusion of Children Looked After are available on Somerset's Virtual School's website www.somersetvirtualschool.co.uk

The one-off Breach

It is recognised that occasionally a serious one-off breach of the behaviour policy may occur that leads to an exclusion being considered but where there has not been opportunity to follow the steps as outlined in this document. It is important to note that in this situation, step 3 remains relevant. Every effort should be made to avoid permanently excluding a pupil where there has been insufficient opportunity to follow steps one and two. Somerset Council promotes the use of restorative practice as part of Trauma-informed Somerset. This endorses the view that pupils should be encouraged and supported to repair harm, learn from mistakes and demonstrate a renewed commitment to the school following a serious one-off breach, and would typically suggest this happens alongside engaging other school-based and specialist support as outlined in this document.

References

Equality Act (2010) [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262402/equality-act-2010-guidance.pdf)

[Children and Families Act \(2014\)](#)

DfE (2015) [SEND Code of Practice 0-25 Years](#)

DfE (2023) [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

DfE (2022) [Behaviour in schools: Advice for headteachers and school staff](#)

DfE (2023b) [Keeping children safe in education 2023 \(publishing.service.gov.uk\)](#)

DfE (2022b) [Working together to improve attendance](#)

DfE (2013) [Alternative Provision: statutory guidance](#)

DfE (2018) [Mental Health and Behaviour in Schools](#)