

## Protocol for Eliminating Exclusions of Children in Care

### Preventing Exclusions

- 1.1 The Virtual School Roll will be updated weekly and sent to key colleagues eg. the Inclusion Officers (IOs) and the Educational Psychology Service (EPS).
- 1.2 At the point when the child/young person joins the school the Social Worker contacts the Headteacher/Designated Teacher of the school at the earliest opportunity. Normally this should be before the pupil joins, particularly where complex needs are known:
  - To advise on the child/young person's circumstances (including information relating to a Statement of SEN/ EHCP if appropriate);
  - To provide contact information;
  - To provide up-to-date details of the child/young person's Care Plan, including the Personal Education Plan (PEP);
  - To invite the school to the first Child Care Review. At the first statutory Child in Care Review the Independent Reviewing Officer (IRO) will ask for the PEP;
  - To advise on known agencies/services already in contact with the pupil.
- 1.3 The Social Worker ensures that the Headteacher/Designated Teacher of the school has up-to-date details of:
  - The Carer (Foster or Kinship Carer where appropriate; named Residential Care Worker where the child/young person is in a residential setting);
  - The Social Worker;
  - The legal status of all Children in Care in their school;
  - Any other relevant information.
- 1.4 It is critical that a child's learning is not interrupted and therefore:
  - (a) The PEP Coordinator ( or the Social Worker if the child is with Integrated Services) will instigate the new Personal Education Plan (PEP);
  - (b) The Designated Teacher will then ensure that a high quality PEP is written and developed in partnership with the PEP Coordinator, the child/young person's teacher(s), the child/young person, the Carer , the parent if appropriate and the Social Worker, within 10 days of the child starting the new school. This will include strategies to ensure that rapid progress is continuous for the child and that appropriate interventions are identified and put in place. This includes identifying Pupil Premium funding to support identified outcomes;
  - (c) The Designated Teacher will ensure that the high quality PEP is completed and submitted securely to [educationofchildrenincare-mailbox@devon.gov.uk](mailto:educationofchildrenincare-mailbox@devon.gov.uk) within 5 days of the PEP meeting so that it can be quality assured and the Pupil Premium released as appropriate. The quality criteria, PEP form and PEP completion flowchart, providing details of the new process, can be found at: <http://www.devon.gov.uk/index/childrenfamilies/childrenincare/childrenincareeducation/cic-personal-education-plans-allowances.htm>;
  - (d) The Designated Teacher will ensure that the high quality PEP is implemented, regularly monitored and that there is a PEP review schedule in place. A copy of the PEP will be kept on the child's school file;

- (e) When social, emotional or behavioural issues have been highlighted in the information provided to the school, the Designated Teacher will ensure that strategies are in place to support the social, emotional and behavioural wellbeing of the child;
  - (f) The school will consider whether strategies and targets are more appropriately expressed in the PEP, or whether a PSP would provide more explicit support;
  - (g) The PEP Coordinator, Social Worker and Designated Teacher will ensure that they have the PEP in time for the next statutory Child in Care Review.
- 1.5 The PEP Coordinator (or Social Worker if the child is with ICS) will be responsible for ensuring that:
- They facilitate and support the Designated Teacher in their leadership role;
  - Instigating PEP reviews at appropriate intervals in line with the child's Care Plan;
  - The PEP Coordinator (or ICS Social Worker) will arrange for a copy of the PEP to be saved on CareFirst and the PEP classification is amended;
  - The PEP Coordinator (or ICS social worker) will arrange distribution of completed PEP to Carers (and parents if appropriate) and notify the Social Worker and IRO that PEP is on CareFirst.
- 1.6 Experience has shown early intervention strategies can minimise later difficulties. The child/young person's carers are responsible for keeping the school informed of unsettling events or concerns in the child/young person's life where there is a likelihood that these could impinge on the child/young person's success in school.
- 1.7 If difficulties arise for the school in relation to a Child in Care, the school should contact the Foster Carer or Residential Carers. The Carers will liaise with the school and, as necessary, make contact with the Social Worker.
- 1.8 When difficulties begin to emerge, such as notes of concern, internal exclusion from lessons, sanctions eg. detentions, then schools must arrange an 'early intervention' meeting, in order to establish strategies and support before the situation escalates into something more serious (this may or may not involve external agencies and strategies such as Restorative Approaches, resource within the Local Area Partnership / Primary Partnership, or mediation).

## 2 The Headteacher/Principal is seriously considering a Fixed Period Exclusion

- 2.1 Headteachers who are considering a Fixed Period Exclusion of more than one day for a Child in Care must inform the Inclusion Officer of the possible exclusion and contact the Foster Carer or Residential Carers. The Carers will, as necessary, make contact with the Social Worker, who will in turn liaise with the school.
- 2.2 On the same day the Inclusion Officer will contact the school's Educational Psychologist (EP) or if not available, report the situation to administrative staff (please note that an email contact is not sufficient).
- 2.3 The Inclusion Officer will signpost Headteachers to other services for support eg. Behaviour Support Team, CAMHS.

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- 2.4 The Inclusion Officer will inform the Area Education Commissioning Officer within the SEN 0-25 Team if the child has a Statement of SEN/EHCP or is undergoing Statutory Assessment; and will also inform the Social Worker and the Devon Virtual School Head for Children in Care.
- 2.5 The EP will telephone the key contact at the school within 48 hours for a verbal update, and if the child has not been seen by an EP in the previous 12 weeks, to arrange an EP consultation.
- 2.6 If the Child in Care does not already have a Pastoral Support Programme (PSP) the Inclusion Officer will support the school in developing one in order to identify support and alternative strategies to address the presenting behaviour. A date should be set to review the PSP. The child should always be involved in the PSP process. Best practice shows that where the child is able to participate there is a much higher chance of success.

### 3 The Headteacher/Principal decides on a Fixed Period Exclusion of the Child in Care

- 3.1 Fixed Period Exclusions should be for no more than a maximum of five days unless there are exceptional circumstances.
- 3.2 In all cases, the school must notify the Carer and the Social Worker before the child is sent home. Telephone information should always be followed up with a letter setting out the reasons for the exclusion, the responsibility of the school and Carer, the rights of the Carer to make representation to the Chair of the Discipline Committee and contact names for advice from the Local Authority. Where a child is excluded from school for a fixed period, the school will provide work for the child. The Social Worker must liaise with the Carer/Residential Worker about suitable arrangements for supervising the child to complete the schoolwork during the day. The Carer/Residential Worker, in partnership with the Social Worker, have a duty to ensure that, while excluded, the child is not found in a public place during school hours, unless there is a reasonable justification.
- 3.3 The school must report any Fixed Period Exclusion of more than one day of any Child in Care to the Inclusion Officer within one working day of the exclusion. This should be done by completing all details on the [Annexe B form](#) and submitting it to [fixed-exclusions@devon.gov.uk](mailto:fixed-exclusions@devon.gov.uk)
- 3.4 If the Fixed Period Exclusion is for more than one day, the Social Worker will be responsible for making a request for a Discipline Committee Meeting to be convened if appropriate.
- 3.5 The Inclusion Officer will report the exclusion to the Educational Psychologist on the same day as the report is received.
- 3.6 An initial Action Plan will be agreed with the child, school and other partners.

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### 4.0 If a Fixed Period Exclusion of more than five days is being considered

- 4.1 Headteachers who are considering a Fixed Period Exclusion of more than five days for a Child in Care must inform the Inclusion Officer of the possible exclusion.
- 4.2 The Inclusion Officer will ask the Headteacher / Designated Teacher to arrange a meeting within four working days to discuss the situation with staff, the EP, the Foster Carer, the Social Worker and/or other relevant people. The Headteacher / Designated Teacher will liaise with the Inclusion Officer and EP to ensure that the appropriate people are invited. The school must organise full-time education from the sixth day.
- 4.3 An updated Action Plan will be agreed with the child, school and other partners.
- 4.4 Within five working days the Inclusion Officer will copy the Preventing Exclusion Record Form which incorporates the plan to all attendees, the Devon Virtual School for Children in Care and to SEN 0-25 Team if the Child in Care has a Statement or is undergoing Statutory Assessment.
- 4.5 If the Fixed Period Exclusion is for more than 5 days the Virtual School Team should write to the Headteacher requesting that a Discipline Committee be convened. The Social Worker will then prepare a representation to Governors about the exclusion.
- 4.6 Managed Move: this is a process whereby all stakeholders agree on how a move between schools may be managed, with support from a Pupil Referral Unit. A Managed Move is undertaken under the Hard to Place Protocol if the Child in Care is in a Primary School. The case for a Managed Move is considered by the Behaviour & Attendance Panel if the Child in Care is in a Secondary school. The normal Managed Move Protocol will be followed: this could include support from the Inclusion Officer and supplementary funding.
- 4.7 If a Child in Care accumulates more than 15 days Fixed Period Exclusions in one term the school will automatically convene a Discipline Committee and the Social Worker will attend with a prepared representation. Any subsequent Fixed Period Exclusion(s) of the Child in Care, in the same term, would again trigger a Discipline Committee.
- 4.8 If a Discipline Committee is convened the Social Worker will consult with the appropriate Inclusion Officer for guidance in preparing a representation. The Social Worker may also decide to appoint an independent advocate to advise and support the preparation of the representation and to make the representation to the Discipline Committee.
- 4.9 The Social Worker must make a written record of the reasons for either making representation, or not, and it should be placed on the child/young person's Social Work file. In determining whether or not to make representation an evaluation should be made of the arrangements set out in the PSP, the wider efforts made by the school to support the child/young person achieve his or her optimum chances, and the opportunities for cooperation to improve the situation in the future. The Inclusion Officer will be informed of the Social Worker's decision to make representation.

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- 4.10 The Virtual School Team will consult the school on setting up a review of the PEP with appropriate school staff and the Carer.
- 4.11 School staff will implement the agreed Action Plan and report progress to the Inclusion Officer and the EP at the review meeting, or within the agreed timescale. School staff will provide written report to all relevant parties.

### 5 Imminent Permanent Exclusion

- 5.1 If all strategies to support the Child in Care have been fully implemented through previous plans or if there is a serious one-off offence as defined by the DCSF (see Appendix 1) and a Headteacher is considering the Permanent Exclusion of a Child in Care the Headteacher must immediately, prior to the exclusion, inform the Inclusion Officer, the Carers, the Social Worker and the Virtual School Head. After notifying the Carers and relevant agencies, the Headteacher should then implement the normal exclusion procedures ie. completing the Annex G form and submitting it, along with the Information Passport and Risk Assessment forms (all available via this [link](#)) to the relevant Inclusion Officer.
- 5.2 The Headteacher, in conjunction with the Inclusion Officer, will immediately arrange for a Child in Care Protocol meeting to be convened and will liaise with the EP, Social Worker, Carer and the Virtual School Team.
- 5.3 The Child in Care Protocol meeting will consider the reasons for the exclusion and investigate whether all possible action has been taken, and whether further preventative in-school action would be inappropriate. The first principal is that a child is transferred to another permanent education provision, usually another mainstream provision or possibly a Special School. Where this is not possible, full time, interim education will be provided by Devon Personalised Learning Service.
- 5.4 The Inclusion Officer will explain statutory rights to the birth parent, Carer and Social Worker on the implications of a Managed Transfer and how this removes their right of representation to a Governors' Disciplinary Meeting and any subsequent independent appeal.
- 5.5 If any of the stakeholders reject the Managed Transfer then the school may, at that point, have no alternative to Permanent Exclusion.
- 5.6 If a Managed Transfer is agreed, close involvement by school staff with the new school is critical to the success of the Education placement.
- 5.7 Colleagues in the [School Transport Team](#) must be contacted at the earliest opportunity and advice sought regarding transport arrangements.
- 5.8 Where a pupil has a Statement or Education & Health Care Plan the SEN 0-25 Team will be invited to the Team Around the Child meeting where recommendations about the type of provision to meet the requirements of the Child in Care will be discussed. Using the recommendation the SEN 0-25 Team will progress the new placement for the Child in Care.