

Cyfarwyddwr Addysg a Gwasanaethau Corfforaethol

Directorate of Education and Corporate Services

**Practice Guidance - exclusions
from schools and education
provisions**

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Man gwyrddach



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1. Summary

This guidance links directly to the Inclusion Strategy and defines Caerphilly Local Authority's guidance regarding the practice of schools, providers and LA staff in relation to exclusion, and the importance of working in partnership.

The aim of the LA and its schools is to promote inclusion and to support children overcome barriers and challenges to enable them to reach their full potential.

2. Ensuring Best Practice in the use of Exclusion

Schools should ensure they are compliant with legislation and guidance (for example exclusions, equalities and discrimination, additional learning needs, safeguarding and children looked after) when considering whether to issue an exclusion.

In seeking to embed a holistic LA and school approach to Inclusion the aim is to ensure a consistent approach particularly in relation to thresholds for exclusion.

There is a strong expectation that through the implementation of the Inclusion Strategy and associated guidance the root causes of emerging behaviours are understood and appropriately addressed as early as possible through intervention and multi-agency approaches.

In accordance with Welsh Government Guidance 171 / 2015 a decision to exclude a learner should be taken only in response to serious breaches of the school's behaviour policy and if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

Long term the LA expectation is that this will reduce the use of exclusion and will reinforce the main reason for both fixed term and permanent exclusions will be in line with Welsh Government Guidance. Serious breaches of schools' behaviour policy are likely to link to serious incidents which cause risk of harm to others, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school, or where behaviour is illegal.

In the context of a pandemic it is critical to be mindful of other circumstances which may impact on children's behaviour. As with all circumstances it will be important to understand the context of the behaviour displayed. As an example it is important that risk assessments linked to the management of Covid are adhered to and any non-compliance should be managed carefully. This may not be a reason in itself for issuing an exclusion.

3. Continuum of Provision and alternatives to exclusions

Schools should appropriately explore support from external agencies in seeking to understand and identify the needs of children. In very few cases children may require provision outside of mainstream for a given period of time (see EOTAS Strategy).

Behaviour considerations

Schools would want to consider some factors that might be contributing to the presenting behaviour such as:

- changes in home circumstances
- early life adverse experiences and past trauma
- young carer responsibilities
- bullying and harassment
- mental health issues
- substance use
- bereavement and loss
- unidentified SEND
- domestic violence
- friendship problems
- personal identity (eg ethnicity, gender, race, religion, sexual orientation etc)
- experiencing discrimination including transphobia, biphobia or homophobia
- impact of the use of social media on behaviour

Key questions to consider when exploring presenting issues might include:

- what is working well to support the young person?
- what else can we do to support and engage the young person/child and their family?
- is there anything currently happening in their education setting that might in some way explain the young person's absence patterns (as part of the context) and/or behaviour?
- has anything happened at their education setting in the past that I need to take into consideration?
- is there anything currently happening at home or outside their education setting that might in some way explain the young person's absence patterns (as part of the context)and/or behaviour?
- has anything happened at home or outside their education setting in the past that I need to take into consideration?

Use of in-house alternative provision

A number of primary and secondary schools across the LA have developed their own on site alternative provision to increase their flexibility to make reasonable adjustments to meet the wide ranging needs of their children and young people who are struggling to access education. This provision is used, where appropriate, as an alternative to fixed term exclusion and to provide intervention, time and space to gain a better understanding of the young person's needs. The aim should always be that the young person accesses this provision for a time limited period and is then appropriately supported to reintegrate into the mainstream classroom. It is important that curriculum access is not compromised and it should be tailored to meet the needs of the individual.

Reduced timetables

The LA has a clear protocol for reduced timetables and this can be considered as part of a continuum of provision to reengage a child with education.

Managed moves

In line with the LA managed move protocol where it is considered that a young person would benefit from a fresh start, schools can agree with the family to consider a trial at an alternative school.

4. Implementation

In accordance with Welsh Government Guidance 171 / 2015 a decision to exclude a learner should be taken only in response to serious breaches of the school's behaviour policy and if allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

In the context of a pandemic it is critical to be mindful of other circumstances which may impact on children's behaviour and may impact on rates of exclusion as outlined previously.

Permanent exclusions

In accordance with Welsh Government Guidance 171 / 2015 'a decision to exclude a learner permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following implementation of a wide range of other strategies. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the learner and should normally be used as a last resort. There will, however, be exceptional / isolated circumstances where in the Headteacher's judgement it is appropriate to permanently exclude a learner for a first or one-off offence. These might include, serious actual or threatened violence against another learner or a member of staff, sexual abuse or assault, supplying an illegal drug, or use or threatened use of an offensive weapon. In most cases it would be appropriate for schools to inform the police if they believe such a criminal offence has taken place.

It is the LA expectation that permanent exclusions will only be issued if the behaviour has put the child or others at risk of significant harm or if the activity is criminal in line with the section 2 above. It would not be expected that a permanent exclusion would be issued (other than as outlined in section 2) in circumstances where behaviour has shown an escalation but where there has been no appropriate intervention put in place. It will be important to consider each case individually.

It is understood that the decision to issue an exclusion of any sort rests with the Headteacher. However in the context of working together to seek solutions for children it is desirable that if a school is considering issuing a permanent exclusion the Headteacher contacts the Inclusion Officer to alert the LA that this is a possibility.

If the Headteacher issues a permanent exclusion they must notify the LA in writing with copy of the correspondence sent to parent / carer) within 24hrs.

If a school issues a permanent exclusion a request will be made to the Head Teacher to meet with senior LA officers (either remotely or in person) within 2 school days in order to identify next steps for the school and the learner. This will include identification

of a lead practitioner to link with the family, possible interventions with the learner, and a discussion regarding the way forward which may include consideration of an alternative placement. The learner will be supported in order to ensure there is a good understanding of events and next steps are informed by their needs.

If the school decides not to proceed with a permanent exclusion then a number of alternatives may be considered in accordance with presenting need. This may include a period of intervention with the learner, issuing a fixed term exclusion rather than a permanent exclusion, a managed move, or consideration of alternative provision. A permanent exclusion should never be issued as a method of securing alternative provision for a learner.

Following the issuing of any exclusion the school:

- must update Sims to reflect the correct status at the time of the exclusion. If a permanent exclusion is rescinded to a fixed term or an appeal is upheld sims must be amended to reflect this change;
- will be invited to attend a meeting at the LA to discuss the way forward;
- will work with EAS Governor Services to ensure a Governors panel is convened as appropriate;
- will discuss the way forward with parents / carers;
- will ensure that the parents / carers understand the process and the rights of appeal;
- will work with the LA to provide/ share information that will facilitate the offer of provision as soon as possible following the Governors panel (or appeal) and at the outside within 15 days of the panel or appeal process being concluded.

Appendix 1 shows this process for reference.

Fixed term exclusions

Schools will consider all possible alternatives before issuing an exclusion. An exclusion should not be issued (unless in exceptional circumstance as outlined previously) where there has been no proactive and specific intervention to support the individual learner.

The role of the LA inclusion officer

In relation to all exclusions the LA Inclusion officer will:

- Act as the link between schools and Lead for Inclusion and ALN
- Arrange meetings with the Head Teacher
- Monitor the LA exclusions mailbox daily
- Alert inclusion teams to exclusions in order that schools can be supported with any assessment / intervention as appropriate
- Update the LA records monthly to ensure that they accurately reflect sims
- Convene monthly internal monitoring meetings with LA officers
- Attend Governor exclusion panels

- Schedule and attend termly monitoring meeting with secondary schools and the Lead for Inclusion and Head of provision for vulnerable learners
- Schedule and attend termly monitoring meetings with Primary schools where exclusions are identified to have hit an agreed trigger or where a meeting is requested by the school
- Link with colleagues who have responsibility for data to ensure information is provided to schools on a monthly basis
- Respond to any queries from schools

Appendix 2 show this process for reference.

5. Monitoring processes related to exclusions

The principle of the Local Authority approach is one of inclusion and working collaboratively, in partnership with schools and providers. It is essential that schools / providers and the LA work together to recognise the principle of an approach to improve access and reduce exclusions. Therefore there will be an element of challenge to schools where exclusions fall within a range that may be considered to be outside of the expected limits (these being agreed at an LA and school level). It is also essential to recognise that at certain time there are circumstances that impact on a particular school, geographical area or LA as a whole that may impact significantly upon the use of exclusion.

- ***Data***

The LA will produce a range of data at a whole LA level and an individual school level on a termly basis. This will include permanent and fixed term figures, pupil level data, specific information linked to vulnerable groups, transfer and referral for alternative placements. School based information will be shared with Headteachers on a termly basis.

Data will facilitate identification of patterns and trends and can be used to make comparisons across terms and years. The LA will identify trigger points for discussions with schools regarding these patterns. The LA and schools will work supportively together to identify what else might be needed to support where there recognised concerns.

Data will be presented termly at Education SMT, support development planning at an LA and school level, (including directorate performance assessment), and be presented to Education Scrutiny and Estyn.

- ***Local Authority Service Improvement Plan***

The Service Improvement Plan identifies the targets and actions for improvement across all aspects of the Education Directorate. Reducing exclusions is a key area for the Directorate. To identify the impact of the plan, staff undertake a termly monitoring and evaluation exercise that considers:

- the extent to which the actions have been completed;

- the impact of the work;
- further activities that need to take place to achieve the targets identified in the plan.

Education Management Meetings are a further opportunity to evaluate and challenge each other with regards to the work undertaken to achieve the targets in the plan.

- ***School development planning***

Schools should build into the development planning and self-evaluation the monitoring of exclusion data. This may include the effectiveness of behaviour management across the school, impact on wellbeing (of children and adults), and individual improvements in attendance and attainment. Schools should also have clear processes to respond to their exclusions. Exclusions data will be identified in the SDP if appropriate. This will link to the LA / EAS process for SDP development.

- ***Schools Causing Concern Meetings (SCC)***

Where exclusions show a pattern for fixed terms or permanents which are as a result of significant contextual information or as a result of limited impact of internal or external intervention by either the LA or school these may be a feature of these meetings. Schools will be expected to recognise the concern and to being able to discuss the data linked to exclusions as well as agreeing a collaborative approach to reduce exclusions. Where schools are not involved in SCC meetings LA officers and schools may meet together as outlined below in order to work together to agree how best to support a reduction in exclusions.

- ***Local Authority Quality Assurance Meetings (LAQA)***

The LA QA sessions evaluate the progress of individual schools and identifies further work to be undertaken by the EAS on behalf of the Local Authority. These meetings, therefore, monitor the impact of the 'Shared Ambitions' document. There is an opportunity to triangulate data regarding exclusions as appropriate and consider any role for EAS.

- ***Local Authority Wider Group Meetings (internal)***

Wider group meetings provide an opportunity for a range of LA services to triangulate information and discuss how best to support and challenge schools in the context of the LA QA and SCC. Where exclusions show a pattern for fixed terms or permanents which are as a result of significant contextual information or as a result of limited impact of internal or external intervention by either the LA or school these can be discussed in the broader context at these meetings in order to identify support or intervention that may be required.

- ***Local Authority monthly exclusion meetings (internal)***

LA officers will meet monthly to ensure that accurate data can be shared and progress trends and patterns explored. Where exclusions show a pattern for fixed terms or permanents which are as a result of significant contextual information or as a result of limited impact of internal or external intervention by either the LA or school LA officers

will link with schools to consider support. Where best practice is identified this will be shared across schools.

- **Termly steering group**

The Lead for Inclusion will chair termly meetings to review the implementation of the approach to exclusions. The purpose will be to focus on best practice and facilitate a culture of change within schools. Membership will include:

- Lead for Inclusion
- Educational Psychologist
- Secondary Headteacher(s)
- Primary Headteacher(s)
- Inclusion Officer
- Head of provision for vulnerable learners
- EAS representative

- ***Termly meetings with individual schools (Headteacher/ senior leader)****

Individual schools will be invited to attend termly meetings with the Lead for Inclusion and the Inclusion officer to:

- review patterns and trends in exclusions
- review exclusion data (data will be considered in terms of the schools own data month on month, comparisons with Caerphilly data and the national data)
- identify key areas for development in relation to the universal and targeted support
- agree actions
- agree goals for reduction in exclusions

*All secondary schools and primary schools where data shows a pattern for fixed terms or permanents which are as a result of significant contextual information or as a result of limited impact of internal or external intervention by either the LA or school.

- ***Permanent exclusion meetings (with schools)***

If a school issues a permanent exclusion the Headteacher will be strongly encouraged to attend a meeting with LA (inclusion officer and senior manager) to explore the way forward.

- **Education Scrutiny meetings**

The Education Scrutiny committee has a statutory role to ensure that the council carries out its responsibilities properly and, where necessary, are accountable for their actions. Local Authority officers report the work to reduce exclusions and the impact of this to the committee on an annual basis or more often if requested.

- **Estyn**

As part of their remit, Estyn will scrutinise the standards and provision and outcomes for learners.

6. Training / professional learning

The Local Authority will work with partners to provide training and professional learning linked to the exclusion process, wellbeing, additional learning needs and behaviour. This is available to Governors, teachers, TA's and other school / setting staff as appropriate. The offer will include opportunities to collaborate across clusters and the region, shadowing, learning from research based practice, and access to formal training events.

7. Appendices

1 flow chart permanent exclusions process

2 flow chart fixed term exclusions process