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**Education Access**

***Managing Exclusion and Promoting Inclusion:***

***A Guidance document for use by schools, professionals, and school governors***

***September 2024***

**Before any decision is made to exclude schools are asked to contact the Education Access Team through their duty line on 03330 322534 or by email at** [**exclusions@essex.gov.uk**](mailto:exclusions@essex.gov.uk)**. A member of the Education Access Team will contact you.**

**Overview**

Essex County Council has committed to an approach named Trauma Perceptive Practice (TPP), to support schools to understand behaviour and support emotional wellbeing. This is fundamentally grounded in the following values:

* Compassion and Kindness
* Hope
* Connection and Belonging

These values are vitally important for us all and equally apply to the adults in school and to the wider school community. Becoming Trauma Perceptive encourages us all to think and act more boldly, through our values, policies and practice. This is vital in helping us to understand how to effectively support children and young people in our schools and beyond, whilst enabling us to create safe places where all can flourish, become resilient and learn.

This document is designed to offer advice and guidance to schools, school governors and professionals who are in the challenging position of considering the suspension or exclusion of a child or young person from their school community. The hope is that this document will support schools in accessing and understanding the support that might be available to help them with their decision making.

**The document is divided into 3 parts as follows:**

**Part A:** Children and young people at immediate risk of exclusion**.** Who to contact for immediate help and advice.

**Part B:** Offers guidance on the technical process and duties surrounding permanent exclusion and suspension. The Education Access Team can be contacted to discuss any aspects of the exclusion process and can be contacted through their duty line on 03330 322534 or by email at [exclusions@essex.gov.uk](mailto:exclusions@essex.gov.uk).

### PART C: is designed to highlight the steps that schools and governing bodies should consider when a pupil is at risk of exclusion. This section also gives details of those agencies and teams that can offer support to schools who are considering the exclusion of a pupil. It may be helpful to governing bodies to be aware of this part of the document when they are considering reinstatement of an excluded child.

### Appendix 1: Points for deliberation by schools and governing bodies when considering a Permanent Exclusion. This checklist should be used as guidance when working with children and young people presenting with persistent disruptive, difficult, or harmful challenging behaviour.

**Appendix 2**: Environmental Checklists for pupils with additional Social Emotional and Mental Health (SEMH) needs. This checklist should be used to consider the needs of a specific pupil before exploring the school environment with them in mind. The checklist can be used to inform One Planning.

**Appendix 3** STAR analysis, Inclusion support plan and Adult Response Plan

**Part A: Children and young people at immediate risk of exclusion**

**Child in care**

Before any decision is made to exclude a child in care the school must first speak to the Virtual School Head https://schools.essex.gov.uk/pupils/Essex\_Virtual\_School/Pages/Virtual-School-Contacts.aspx

**Pupil with a social worker**

Where the pupil has a social worker, they must be involved in the discussions around exclusion. Please speak to the allocated social work directly. if there is no response, please contact the virtual school using the contact list above.

**Pupils with an EHCP**

If the pupil has an Education, Health and Care Plan (EHCP) the school should contact the SEND Operations Team for an urgent review. <https://schools.essex.gov.uk/pupils/SEND/Pages/SEND-Operations-Service.aspx>

**All other pupils:**

**Pupils at risk of exclusion or suspension for persistent disruptive behaviour**

Pupils at risk of exclusion or suspension for persistent disruptive behaviour should have be raised with the school’s Inclusion Partner (IP) before any steps are taken to permanently exclude the child. Contact details for the quadrant based teams can be found on Essex Schools Infolink <https://schools.essex.gov.uk/info/director/Pages/default.aspx>

**Pupils at risk of exclusion for one off, isolated incidents**

The Education Access team can be contacted to discuss pupils at risk of exclusion for one off incidents. Please contact the team on the duty line 03330 322534 or speak to your Education Access specialist directly.

###### PART B: Guide to the exclusion process

1. **Key Points:**

The Department for Education (DfE) recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and to maintain the safety of school communities. However, these steps should only be necessary when strategies, practices and interventions set out within the Behaviour in Schools guidance have not been successful in improving a pupil’s behaviour or the use of more significant interventions or consequences are required.

This document has been written by the Education Access Team (EAT) to support schools faced with a situation where a pupil may be at risk of exclusion. It is designed to ensure that schools can quickly access help and support but must be read and considered alongside the key documents listed below.

1. **Key documents:**

In February 2024 the DfE amended their Managing Behaviour in Schools document [Managing behaviour in schools](https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools). In August 2024 an updated statutory guidance document covering exclusions and suspensions from school was published [Suspension and permanent exclusion guidance (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf). Schools must ensure they use the new guidance for any exclusions made from September 24. Both these documents must be read in partnership to ensure schools follow all steps to manage a pupil’s behaviour before moving to a suspension or permanent exclusion.

Schools should also ensure that they are familiar with the key safeguarding polices and documents that can be found on the safeguarding pages of the Essex Schools Infolink. <https://schools.essex.gov.uk/pupils/Safeguarding/Pages/Safeguarding.aspx>

1. **The school behaviour policy:**

All schools must have a written behaviour policy, and this should cover the consequences the school will consider for pupils that breach the policy. It is good practice for schools to review their behaviour policy annually and to include in this document details of their response to incidents and it should also reflect an understanding that some behaviour may be triggered because of trauma.

Where possible schools should avoid statements in their behaviour policy that will restrict their ability to be flexible with consequence they wish to impose. For example, use the phrase *this behaviour may result in ….* rather than *this behaviour will result in ….*

The Managing behaviour in schools document gives further advice and guidance on drawing up an effective behaviour management policy. [Managing behaviour in schools](https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools). For model policies - [SEMH strategy, policies and frameworks | Essex Schools Infolink](https://schools.essex.gov.uk/pupil-support-and-wellbeing/social-emotional-and-mental-health-semh/semh-strategy-policies-and)

For most pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort.

**4: Considering an exclusion from school:**

Only the head teacher of a school can exclude a pupil and this can only be on disciplinary grounds. Schools must explore all alternative avenues before considering an exclusion. Suspension or exclusion is an acknowledgement by the head teacher that the school has exhausted all available strategies for dealing with the pupil. It should therefore be used as a last resort.

Head teachers, when considering whether an exclusion is an appropriate consequence should consider any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

**5: Off rolling and illegal exclusions:**

Any exclusion of a pupil must be formally and accurately recorded. ‘Informal’ or ‘unofficial’ exclusions, such as sending a pupil home to cool off is unlawful, regardless of whether they occur with the agreement of parents or carers.

An example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose home education or to find another school place. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school’s complaints procedure with the governing board.

Ofsted consider any evidence of off rolling and may judge a school as inadequate if there is evidence that pupils have been removed from the school roll inappropriately and leaders have taken insufficient action to address this. This could include situations where the formal exclusion process has not been correctly followed or if Ofsted believe the school has encouraged a parent to remove their child from the school for home education.

**6. Investigating an incident(s)**

Exclusions can be for a one off incident, such as bringing an offensive weapon into school, or may

be for a build-up of incidents which is often known as persistent disruptive behaviour.

The head teacher must give the pupil the opportunity to share their views and take a witness statement from the pupil at risk of exclusion and any other witnesses to the event.

The witness statements should include the following:

* + Name of witness
  + Year group / Role in School
  + It should be written by the witness or scribed to reflect their own words
  + Focus on facts like time, date, places and names
  + Ensure it is signed, dated and time recorded

Following a review of the incident and the witness statements the head teacher must base their decision on whether the incident(s) happened on the ‘balance of probabilities’ rather than the criminal standard of “beyond reasonable doubt”.

The head teacher must also consider the following points:

* Have they given the pupil the opportunity to explore if there is something happening inside or outside school that is impacting on their behaviour.
* Are there any additional factors the head teacher is aware of which may have contributed to the poor behaviour such as bullying or domestic violence.
* What steps have been taken to consider whether the pupil may have SEN
* Are they satisfied that the exclusion was not based on any form of discrimination. If the pupil is from an at risk ethnic or social background was this given additional scrutiny
* Is the decision to exclude legal – is the head acting within their legal powers.
* Is the decision to exclude fair. Has one pupil been excluded for an incident where another pupil involved in a similar offence was not.
* Is the consequence proportionate. Could a less extreme consequence achieve the same result.
* What are the safeguarding concerns around this pupil. Will the pupil be at increased risk with the decision to exclude.
* Is there any other alternative available?

Once the investigation has concluded alternatives to exclusions must be considered.

**7. Alternatives to Exclusion**

Part Cof this document has been updated in collaboration with schools, other professionals across ECC and wider settings to provide schools with considerations to follow when working with a pupil displaying behaviour that may place them at risk of exclusion.

In addition to the strategies set out in the Behaviour in Schools guidance and part c, headteachers should also consider an off-site direction or a managed move would be appropriate.

**8: Off-site direction:**

Where interventions or targeted support have not been successful in improving a pupil’s behaviour, an off-site direction should be considered. Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Academies can arrange off-site provision for such purposes under their general powers. Off-site direction may only be used to improve future behaviour and not as a sanction or punishment for past misconduct.

An off-site direction is where the school arrange time-limited placements at an alternative provision (AP) setting or at another mainstream school. Any use of an off-site direction should be based on an understanding of the support a child or young person needs to improve their behaviour, as well as any SEND or health needs.

The length of time a pupil spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the governing body, who must hold review meetings at such intervals as they consider appropriate and for as long as the requirement remains in effect.

The school and governing board must also show they are aware of the statutory guidance covering alternative provision. [Statutory guidance around alternative provision](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942014/alternative_provision_statutory_guidance_accessible.pdf)

and should ensure that they are familiar with their responsibilities when placing the pupil in an AP setting. The ECC safeguarding in alternative education guidance document can be accessed here: <https://essexcc.pagetiger.com/safeguarding-AP/1>

**9: Managed moves:**

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves should only occur when it is in the pupil’s best interests.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school’s formal complaints procedure with the governing board and, where appropriate, the local authority. Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off-rolling and is likely to judge a school as inadequate on the basis of such evidence.

**10: Applying a sanction**:

Pupils can only be excluded for disciplinary reasons and cannot be excluded because a school, pupil referral unit (PRU) or academy cannot meet their SEND needs. The threat of exclusion must never be used to influence parents to remove their child from the school even if the school are struggling to manage the pupil effectively. There is no published “tariff” of sanctions following an incident(s) and the outcome will be the decision of the head teacher based on their statutory duty and their behaviour policy.

The decision to exclude must be as a last resort, when all other option have been explored, and the two exclusion tests have been met. Part 1 of the exclusion test is to ensure the decision is made because the pupil’s behaviour has led them to breach the school’s behaviour policy. Part 2 of the test is that the headteacher must be satisfied that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others, such as staff or pupils, in the school. Remember both tests must be met, and the school governing board are likely to want to review this as part of the appeal hearing.

The head teacher should be confident that they have thoroughly investigated any behaviour that may lead to them considering a permanent exclusion of a pupil and that they have sought support and guidance from other agencies, if appropriate. If all other approaches to support the child have been unsuccessful the head teacher may need to consider applying a more severe sanction such as a suspension or a permanent exclusion from the school.

When considering an appropriate sanction schools should be aware that the law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the suspension period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension. The head teacher may also cancel an exclusion that has not been reviewed by the governing board. The Education Access Team will be able to discuss this with a head teacher as appropriate.

**Reminder:**

If the pupil is a child in care the school must first consult with the Virtual School Head (VSH) – contact details [Essex Virtual School - Essex Virtual School Homepage](https://schools.essex.gov.uk/pupils/Essex_Virtual_School/Pages/default.aspx)

Where the pupil has a social worker they must be involved in the discussions around exclusion.

If the pupil has an Education, Health and Care Plan (EHCP) the school should contact the SEND Operations Team for an urgent review of the EHCP – contact details - [SEND - SEND Operations Service (essex.gov.uk)](https://schools.essex.gov.uk/pupils/SEND/Pages/SEND-Operations-Service.aspx)

**11: Suspension**

A pupil can receive a maximum of 45 days suspensions in an academic year. A suspension can also be for part of a day such as lunchtimes and this counts as a half day exclusion for monitoring purposes. Any time a pupil is sent home due to disciplinary reasons should always be recorded as a suspension.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school’s behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.

For a suspension of more than five school days, the governing board (or local authority for a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age.

The school’s legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

As stated earlier the law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. This can only be considered In exceptional circumstances, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the original suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

**12: Permanent Exclusion**

A Headteacher may decide that a pupil should be excluded permanently from the school. The pupil will only be reinstated if the governing board make that decision based on their review of the case presented at the exclusion hearing or following reconsideration after an independent review has taken place.

If the decision is made to permanently exclude a pupil from their school, the Local Authority must provide full time education from the 6th day. The Education Access team are responsible for providing the education for a permanently excluded pupil. On occasion, where the pupil is a child in care or has an EHCP this decision and responsibility may be taken in partnership with the virtual school or the SEND Operations team.

The Education Access team have commissioned TUTE to provide an online education to meet the education from the 6th day for permanently excluded pupils whilst a more permanent education offer is agreed. Secondary schools will be invited to attend a pupil planning meeting to share further information about the pupil and to ensure the pupil is placed at an appropriate education setting. The pupil will remain on the excluding schools roll until the appeal process around the exclusion has been concluded. The Education Access team will advise the school when the pupil can be removed from roll.

The Headteacher may also cancel an exclusion that has not been reviewed by the governing board.

**13: Advising parents / carers of the decision to exclude:**

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents or the excluded pupil (if they are 18 years or older) with the following information in writing:

* the reason(s) for the suspension or permanent exclusion
* the period of a suspension or, for a permanent exclusion, the fact that it is permanent
* parents’ right to make representations about the suspension or permanent exclusion to the governing board
* parents’ (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access
* how any representations should be made;
* where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or an excluded pupil have a rightto attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend
* draw the parent / carers attention to relevant sources of free and impartial information.

The head teacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil’s return to school.

Where an excluded pupil is of compulsory school age the head teacher must also notify the pupil’s parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

There are template letters available on Essex Schools Infolink that can be used and adapted to support with this duty Education Access - [Education Access - Permanent Exclusion (essex.gov.uk)](https://schools.essex.gov.uk/pupils/Education_Access/Pages/Permanent-Exclusion.aspx)

**14: Notifying the Local Authority**

The Headteacher must, without delay, notify the governing board and the local authority of any permanent exclusion, including where a suspension is followed by a decision to permanently exclude the pupil.

**If the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil’s ‘home authority’ of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.**

The headteacher must also, without delay, notify the social worker, if a pupil has one, and the Virtual School, if the pupil is a CIC, of the period of the suspension or permanent exclusion and the reason(s) for it.

Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.

Guidance on notifying a permanent exclusion to the local authority can be found on Essex Schools Infolink:

<https://schools.essex.gov.uk/pupils/education_access/Pages/Permanent-Exclusion.aspx>

A copy of any suspension letter issued to a parent should be sent to the secure email address [suspensions@essex.gov.uk](mailto:suspensions@essex.gov.uk)

**15. The Governing Board**

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated and, as part of their wider role, they should ensure leaders are making lawful use of their right to exclude.

The governing board must meet within **15** school days of receiving notice of an exclusion to consider reinstatement under the following circumstances, a **suspension,** that would bring the pupil’s total number of school days of exclusion to more than 15 in a term, or if it is a **permanent** exclusion.

For a suspension between 5 but less than 16 days if the parents make representation, the governing board must meet within **50** school days to consider reinstatement. For a suspension under 5 days a term the governing board must consider representation from the parents but cannot direct reinstatement.

The governing board should appoint a clerk who has a working knowledge of the exclusions process, and they will set up the meeting of the discipline committee hearing. This should be a quorum (3 governors) who ideally have no prior knowledge of the case. The clerk should send invitations to relevant people to attend the meeting and circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting. Parents can request that the meeting takes place remotely, but this should not be the default option. The clerk will also take minutes of the meeting.

At the meeting the governors will review all the evidence that has been presented to them and will also use the meeting to explore in more details the decision making process and steps taken before the decision to exclude was made.

After the head teacher, parents and other parties in attendance have left the meeting the governing board must decide whether to decline reinstatement or whether todirect reinstatement of the pupil immediately or on a particular date. The clerk must notify all parties in writing and without delay of the outcome and right of review by an independent review panel if the pupil has not been reinstated.

**16. Independent Review Panels (IRP):**

The IRP role is to review the decision made by the governing board not to reinstate the pupil. They do not consider whether the head teacher was right to exclude the pupil and they focus on the *decision making process* rather than the decision.

Parents have **15** school days from the governing boards decision not to reinstate to request an independent review. The local authority (or in the case of an academy) the Academy Trust must arrange, at their own expense the independent review. This must be held within **15** school days of parental request. Parent can request an SEN expert to attend the panel, regardless of whether the school recognises that the child has SEN

The school, parent and local authority/academy trust, as appropriate, have the right to attend the IRP which should be held in neutral premises. The meeting may be held via the use of remote access. New grounds for exclusion are not permitted, but the school and parents can present new evidence relevant to the exclusion.

The IRP will focus on 3 tests around the exclusion process.

* **Illegality** – did the head teacher and/or governing board act outside the scope of their legal powers in taking the decision to exclude e.g., it was not the head teacher who took the decision to permanently exclude.
* **Irrationality** – did the governing board rely on irrelevant points or make an unreasonable decision e.g., focusing on behaviour at a previous school.
* **Procedural impropriety -** substantial breach that impacted on the decision making so that justice was clearly not done e.g., parent not allowed to make representation.

The IRP cannot change the governing board’s decision. It can either:

* **Uphold** the decision to permanently exclude,
* **Recommend** that the governing board reconsiders the decision. Normally used where evidence or procedural flaws identified i.e. new evidence has come to light that the GB would not have been aware of,
* **Quash** the decision on the grounds of procedural impropriety and direct the governing body to hold a fresh hearing. This is related to something that had a significant impact on the decision making process i.e. parents not told they can make representation.

When an IRP directs or recommends a pupil’s reinstatement, the school governing board has the opportunity to look at the pupil’s reinstatement afresh. If the IRP has recommended or directed the governing board to reconsider reinstatement the board must reconvene within **10** school days of receiving the notification.

It is important that the governing body conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or recommended it to do so. The governing board’s decision should demonstrate how they have addressed the concerns raised by the independent review panel and should base their reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. If the parent is still not satisfied, they have the option to go to judicial review.

### 17: Checklist

The following is designed to act as an aide memoire to assist in the decision making around exclusions. Settings, governing boards and professionals should ensure they also consult the current statutory guidance relating to exclusions to ensure they are compliant.

* Has the school properly investigated the circumstances around the incident(s)
* Has the pupil had an opportunity to provide a statement
* Have statements been obtained from any witnesses
* Have wider issues that could have impacted on the pupil’s behaviour been considered
* Has the school properly considered whether the child has Special Educational Needs?
* Has the school considered that disruptive or impulsive behaviour might constitute a social, emotional or mental health need under the SEN Code of Practice?
* In a case of persistent breaches, has the school attempted to identify underlying causes and address them through interventions and support? Has the Inclusion partner been consulted
* Have the wider school and SEND polices been consulted and complied with
* Ensure there is no element of discrimination at play
* If the pupil is a CIC, has a social worker or an EHCP have the relevant teams been contacted
* If the pupil is at risk for a one off serious incident has the Education Access team been consulted
* Has a managed move or off site direction been considered
* Is the decision to exclude the last resort. What impact will this have on the future of the excluded pupil.
* Has the two part test establishing a serious breach or persistent breaches of the behaviour policy and showing that the pupil remaining in school would seriously harm either the pupil or others been met
* Is the decision to exclude lawful, fair and proportionate
* If the decision is to move to an exclusion has the family been appropriately notified
* Have the pupil and the parent / carer been notified of the exclusion hearing and their right to make representation.
* Has the school provided work for the pupil for the first 5 days?
* Has the LA been notified if a permanent exclusion

### PART C: Points to consider and potential support

The purpose of this section is to support the early identification of need and to plan the most effective support to improve pupil outcomes and reduce the risk of exclusion from school. This document should be used as a guide and highlights that there should be effective collaborative practice throughout any process with the pupil, their parents/carer and partner agencies.

It consists of 3 sections:

### Appendix 1: Points for deliberation by schools and governing bodies when considering a Permanent Exclusion. This checklist should be used as guidance when working with children and young people presenting with persistent disruptive, difficult, or harmful challenging behaviour.

**Appendix 2**: Environmental Checklists for pupils with additional Social Emotional and Mental Health (SEMH) needs. This checklist should be used to consider the needs of a specific pupil before exploring the school environment with them in mind. The checklist can be used to inform One Planning.

**Appendix 3** STAR analysis, inclusion support plan and Adult Response Plan

### Appendix 1:

### Points for deliberation by schools and governing bodies when considering a Permanent Exclusion

This checklist should be used as guidance when working with children and young people presenting with persistent disruptive, difficult, or harmful challenging behaviour.

|  |  |
| --- | --- |
| **1. Who to contact Has contact been made with the appropriate team?** |  |
| Child in care | Virtual school head |
| Pupil with a social worker | Social worker |
| Pupil with an EHCP | Send Operations |
| Pupils with SEND and those presenting with persistent behaviour | Inclusion partner |
| Pupil involved in a one off or isolated incident | Education Access |

|  |  |
| --- | --- |
| **2. Are the SEN or other needs of the pupil contributing towards their difficulties in school? Key Thoughts:** | **Actions** |
| Consider whether it would be helpful to attend an early help drop in session to discuss the merging concerns | <https://schools.essex.gov.uk/pupils/attendance_specialist_teams/Documents/ECC%20Early%20Help%20Drop-in%20Poster%20202324.pdf> |
| Have you contacted your Inclusion Partner (IP) and sought support through the Inclusion Framework? | The IP role is to work with schools to ensure the ongoing inclusion of all children. Children (individuals or cohorts) should have been raised with the school’s Inclusion Partner and/or EP and supported by the Inclusion Framework. Where required additional resources or funding can be requested through the IP supporting an application to the Inclusion Framework panel. The IP may draw on the expertise of Education Access (and other professionals as appropriate) in supporting the school with a creative plan/solution as part of the IF process. |
| Have you sufficiently supported and monitored the behaviour through the assessment stage of a One Plan? (Appendix 2- environmental checklist, Appendix 3 STAR analysis). | Review the One Plan to ensure repeated behaviours that are resulting in consequences are not a result of an unmet SEND need. |
| Does the pupil have an up to date one-page profile/pupil passport/one plan? | Work with the SENCO on One Planning, ascertain the pupil and parents/carers views,  Ensure pupil is being planned for at the right/ appropriate level of challenge to their learning ability |
| Does this pupil have at least one adult whom they connect or feel safe with? |  |
| Does this pupil have at least one friend whom they connect or feel safe with? |  |
| If the pupil is on SEN Support how are you utilising the SEN/AEN notional budget specifically to support their needs? |  |
| There are several ways to record and monitor the support around a pupil. For example, it can take place on an individual behaviour plan or pastoral support plan (PSP) or an Inclusion Support Plan ISP (see appendix) | Review weekly with key adults in school  Record key outcomes.   * Work towards agreed outcomes (rather than setting of targets) to ensure the pupil makes progress and with the pupil where possible.   Use the school’s behaviour policy and monitor behaviour, attendance and attainment regularly |
| If the school is trained in Trauma Perceptive Practice how is the personalised stress/distress management plan informing the adult response plan | * Consider further training for staff to support them to understand and reframe the pupil’s behaviour such as TPP. * [Trauma Perceptive Practice (TPP) training | Essex Schools Infolink](https://schools.essex.gov.uk/pupil-support-and-wellbeing/social-emotional-and-mental-health-semh/semh-training/trauma-perceptive) * Email - [tpp@essex.gov.uk](mailto:tpp@essex.gov.uk) |
| Try to establish what the pupil is trying to communicate through their behaviour by reflecting on stressors for disengagement and developing strategies to reengage the learner. | * STAR Analysis is useful to support reflection: <https://www.youtube.com/watch?v=1BQ1ZnHafFE> |
| It will be important for adults to adopt approach based on curiosity/ enquiry? Rather than judgement – wondering what has happened and focusing on causes rather than just behaviour | * Review the wellbeing of staff working with pupil. Any additional support required? Are they the right person/people to support the pupil? The relationship between staff and pupil is key.   Review environment for pupil in relation to analysis of the stressors. Are changes required to reduce the stressors and to increase success?  Continually review the plan, if incidents are occurring consider what is required to reduce risk and increase success. This could include intentional teaching, smaller group activities, involving outside agencies, change of key adult/environment. |
| Pastoral Support Plan (PSP) | Introduce if the pupil is at risk of PEX. |
| The PSP continues to run as the main framework for supporting school settings to reduce permanent exclusions | Outline the support offered. Frequently meet with parents/carers to review progress. Set achievable goals towards an acceptable outcome over an agreed time period. *Ensure that this support is included in the one planning this could be as an appendix.*    Record key outcomes and actions/review.    Working with parents/carers to ensure home school partnership remains positive, feels supportive and documented. |
| Have you considered holding a Team around the Family meeting? | If you would like support with this email [TAFSO@essex.gov.uk](mailto:TAFSO@essex.gov.uk) |

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| **3. Consider the following** |  |
| Check the data (attendance, exclusions, behaviours) are there any themes and/or patterns– if so, what are they? | Use the school’s behaviour policy and monitor behaviour, attendance and attainment regularly |
| Can you identify any triggers/stressors through patterns? (Lessons, staff, time of the day or social times) |  |
| Listening to and consulting with the pupil; is there a timeline of incidents that supports the pupil to begin to understand and manage their behaviours? |  |
| How has the pupil been supported to reflect upon their behaviours and understand their consequences? |  |
| Have they been offered support from a mentor or a trusted key adult? |  |
| Have they been able to communicate concerns? If not, why not? |  |
| It is important to think about the high level of exclusion for pupils with SEND with communication and language needs. This is a barrier and there is strong research evidence in this field. |  |
| Does the pupil’s file highlight a history of need, specifically, social, emotional issues? |  |
| Are there any issues from nursery/primary settings and multiple setting transfers? |  |
| Have events occurred in the pupil’s life that may help the adults to understand the behaviour |  |
| Trauma Perceptive Practice instils that adults should always ask ‘Why? and Why now?’ |  |
| Has the Ordinarily Available been used as a reference for identifying barriers to engagement in learning? | [Ordinarily Available: Targeted Support (essex.gov.uk)](https://eycp.essex.gov.uk/media/2507/ordinarily-available-targeted-support-some-pupils-sept2023.pdf) |
| Have you used the guidance for Understanding and Supporting Behaviour - Safe Practice for Schools? | <https://schools.essex.gov.uk/pupils/social_emotional_mental_health_portal_for_schools/Pages/default.aspx>  <https://schools.essex.gov.uk/pupils/social_emotional_mental_health_portal_for_schools/Documents/Provision-Guidance-v4.pdf> |
| Have any diagnostic assessments been used to identify any needs or areas of development?  Some suggestions to use assessments include Boxall, the Strengths and Difficulties Questionnaire (SDQ), Anxiety mapping, Thrive and the Spence Anxiety Scale. | Put together a comprehensive behaviour plan that can be applied consistently by anyone who has contact with the pupil including LSAs MDAs and sports coaches.  (Remember your Inclusion Partner (IP) or educational Psychologist (EP) can support you with this. |
| Is the pupil in a group vulnerable to underachievement i.e., LAC, PPG, SEN, EAL, CIN or Child Protection. | Contact Essex Virtual School  <https://schools.essex.gov.uk/pupil-support-and-wellbeing/essex-virtual-school/guidance-and-support> |
| Is the pupil subject to a private fostering arrangement? |  |
| What strategies have been put in to overcome any barriers? Does the child have a sense of belonging in school? |  |
| Have you considered an Early Help Assessment for this pupil? |  |
| Is the school’s behaviour policy being used consistently to support the pupil, to including reasonable adjustments?  Are there opportunities that allow for restoration and reflection following incidents? |  |
| What external issues may be affecting the learning at this time (e.g., significant family events, bereavement, parental separation – have they been exposed to Adverse Childhood Experiences (ACE’s) – remember that adverse external experiences can be overcome in school if the school is able to ensure that the feelings of the child are supported in school rather than affirmed.  Are there any historic issues that may now be affecting the pupil?  Is there a need to involve additional agencies or increase therapeutic support? |  |
| Have you contacted CAMHS Single Point of Access (SPA) – 0800 953 0222 - highlighting areas of concern (mental health, poor low esteem, negative thoughts, anxiety, fight or flight responses rather than for behaviour. |  |
| **4. Helpful approaches** |  |
| Use Trauma Perceptive Practice co-regulation (or Essex Steps de-escalation strategies). | [Trauma Perceptive Practice (TPP) training | Essex Schools Infolink](https://schools.essex.gov.uk/pupil-support-and-wellbeing/social-emotional-and-mental-health-semh/semh-training/trauma-perceptive)  [tpp@essex.gov.uk](mailto:tpp@essex.gov.uk) |
| Use a risk assessment to support for the pupil, staff and other learners. | Develop a personalised plan for the pupil. |
| Design a personalised timetable to reduce the number of incidents. | Rag rate subjects to maximise engagement. |
| Look at incentives that are meaningful and relevant to the pupil. |  |
| Consider a reduced timetable and explore with the parents/carers. If agreed, the Local Authority must be informed.  **Schools must ensure guidelines are followed and safeguarding arrangements are in place** | <https://schools.essex.gov.uk/pupils/Education_Access/Pages/Provision.aspx> |
| Discuss the pupil with your Inclusion Partner and/or Educational Psychologist. Any concerns you may have should be raised with these professionals so potential solutions can be sought. |  |
| Consider attachment-based interventions available to support the pupil |  |
| Consider if the pupil would benefit from therapeutic invention? Use the Emotional Wellbeing Portal for Schools. | <https://schools.essex.gov.uk/pupils/social_emotional_mental_health_portal_for_schools/Pages/default.aspx> |
| Consider the key adult in place for the pupil to offer daily contact and support?  Consider how progress is discussed and rewarded, how successes are communicated with parent/carers and other school staff effectively. Also consider where this information is recorded.  Consider how staff working with the pupil are being supported? For example, do the adults have the training they need? |  |
| Find out if there is a need for restorative justice to move a relationship forward? | [Home - Restorative Justice (restorativeessex.co.uk)](https://restorativeessex.co.uk/)  Restorative practices as an alternative to punitive measures. Encourage pupils to understand the impact of their actions and work towards repairing relationships rather than facing exclusion. |
| Look at how the pupil is developing their co-regulation skills to manage their emotions?  Consider what support is in place for developing emotional literacy and self-regulation strategies? |  |
| **For Young people aged between 8-13**  Have you considered a referral into Power? | <https://childfirsttrust.com/programmes/the-power-project/> |
| **For young people aged between 5-16 who are at risk of exclusion from education due to emotional dysregulation**.  Have you considered a referral into the Affinity Programme? | [Affinity-Programme-Flyer.pdf (cvstendring.org.uk)](https://www.cvstendring.org.uk/wp-content/uploads/2022/04/Affinity-Programme-Flyer.pdf) |
| **For young people aged between 10-17 have you considered**  Turnaround Programme |  |
| **Have you considered a Primary Request for Support into an SEMH enhanced provision - Has this been discussed with your IP/EP?** | <https://schools.essex.gov.uk/pupil-support-and-wellbeing/social-emotional-and-mental-health-semh/semh-enhanced-provision> |
| **5. At each meeting and review point** |  |
| Consider what is the data is saying |  |
| Seek the views of the pupil. Have these been captured via a one-page profile/pupil passport/one plan and updated regularly? | <http://www.essexlocaloffer.org.uk/category/one-planning-and-education-health-and-care-plan/> |
| Capture the views of the parents/carers, teachers, support team/ SENCO/ external agencies (if applicable)– i.e., Family Solutions, DBit, Social Care, CAMHS SEND Ops, IP, EP, EF, Attendance Specialists, School Nurse, POWER, Affinity? |  |
| Consider how to ensure review meetings enable all parties to have their views heard whilst ensuring the process remains positive and progressive? |  |
| Make an action plan in partnership with the pupil and their wider team? Does the action plan give clear expectations and responsibilities to maximise engagement? |  |

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| **6. Seeking additional support** |  |
| Essex SEN local offer | <http://www.essexlocaloffer.org.uk/category/education/> |
| Essex Early Help | <https://www.essex.gov.uk/report-a-concern-about-a-child> |
| Inclusion Partner and Educational Psychologist linked to your school  Trauma Informed Practice – discuss with your link EP/IP |  |
| SEND Operations (SEND Ops) | <http://www.essexlocaloffer.org.uk/listing/send-operations-service/> |
| Alternative Provision  Essex Alternative Provision Directory  When necessary, consider off-site or alternative provisions that can cater to the pupil’s specific needs without resorting to exclusion. Ensure that these provisions are designed to reintegrate the pupil into the mainstream school environment. | <https://schools.essex.gov.uk/pupils/Education_Access/Pages/Alternative-Provision-Directory-.aspx> |
| **For Secondary Aged Pupils –** Complete a Request for Support  **(Students with an EHC or going through the assessment process should be discussed with Inclusion Partner, Educational Psychologist and SEND Operations and not presented at panel)** | [Education Access - Request for Support (Previously Positive Referrals) (essex.gov.uk)](https://schools.essex.gov.uk/pupils/Education_Access/Pages/Exclusion-and-Positive-Referral.aspx) |
| **For Essex Looked After Children (LAC)**  Please contact Essex Virtual School | [Essex Virtual School - Essex Virtual School home page](https://schools.essex.gov.uk/pupils/Essex_Virtual_School/Pages/default.aspx) |
| For support with traveller families  Contact the Essex Countywide Traveller Unit (ECTU)  Telephone: 03330 321 110 (choose option 3, 'all other enquiries')  Email: [ectu@essex.gov.uk](mailto:ectu@essex.gov.uk) | <https://www.essex.gov.uk/planning-land-and-recycling/gypsies-and-travellers/get-support-access-education> |

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| **7. After each significant incident** |  |
| Ensure that all paperwork is complete and added to the pupil’s file. Ensure incidents are recorded factually. Emotional/ judgemental language should be avoided. Bullet pointed comment can support brevity and factual accuracy  If identifiable, record potential triggers, behaviours demonstrated and school’s response (in line with school’s behaviour policy) |  |
| Ensure that all involved parties record the incident accurately and impartially and that this information is shared in line with the school’s policy. |  |
| Ensure the pupil is provided with opportunities to provide their view on the incident, ensure the pupil has time to reflect and learn from what happened using appropriate tools when they are calm, ready and able to do so |  |
| Ensure the young person has opportunities to mend relationships and ‘put right’ the situation when they are calm, ready and able to do so – this may require high level of support from key adults |  |
| Ensure staff who were involved with the incident have time to follow up with the young person to move on from the incident when the time is appropriate |  |

**Appendix 2: Environmental Checklists for pupils with additional Social Emotional and Mental Health (SEMH) needs**

The following checklists should be used in conjunction with the ‘environmental checklist’ within the ‘High Quality Teaching’ section of the Provision Guidance Extension Materials. Consider the needs of a specific pupil before exploring the school environment with them in mind.

**The questions are designed to be prompts to inform One Planning.**

The individual checklists complement each other, but separate different school environments in order to consider a child’s presentation in different contexts thus drawing attention to differences and similarities. Some questions are therefore repeated.

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| **Safety** | **Y/N n/a** | **What needs to be done** |
| If deemed appropriate, has a risk assessment been completed to assess and manage risks involved in the provision for the pupil? |  |  |
| Have actions been taken to address identified risks? |  |  |
| Have staff received appropriate training as part of addressing identified risks? |  |  |
| Have parents/carers been involved in the assessment and planning to support the safety of their child in school? |  |  |
| Have parents/carers been informed of any incidents where safety of their child has been of concern? |  |  |
| Is the child/young person feeling secure in their relationships with adults and peers?  (see Social Interaction section) |  |  |

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| **The SEND Environment** | **Y/N n/a** | **What needs to be done** |
| Has a One Page Profile been completed for this child/young person? |  |  |
| Are procedures in place to share the One Page Profile with familiar adults and those unfamiliar with the child/young person e.g. supply teachers? |  |  |
| Is One Planning in place for this child/young person? |  |  |
| Is there a current Adult Response Plan in place for the child/young person? |  |  |
| Are major/repetitive incidents or communicating behaviours which cause concern analysed so changes can be planned for? (using ABC/STAR analysis tools) |  |  |
| Has the school/setting communicated appropriately and effectively with the child/young person’s parents/carers? |  |  |
| Does the child/young person separate appropriately from parents/carers at the start of the day and return happily to them at the end of the day? |  |  |
| Are parents/carers requesting parenting support at home and have they been appropriately signposted? |  |  |
| Are there any outside agencies already involved in the support for the child/young person? |  |  |
| If outside agencies are involved, have their recommendations been followed effectively? |  |  |
| Have interventions provided by outside agencies been delivered? |  |  |

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| **The Learning Environment** | **Y/N n/a** | **What needs to be done** |
| Have the child/young person’s views about their learning been sought? |  |  |
| Is the child/young person able to access support quickly in the classroom when necessary? |  |  |
| Is a Learning Support Assistant directed to support the pupil? |  |  |
| Does the Learning Support Assistant have a good understanding of the child/young person’s needs? |  |  |
| In line with best practice, does the Learning Support Assistant offer hover support? |  |  |
| Are there procedures in place to regulate and monitor the use of personalised provision if necessary? |  |  |
| Is there safe place that the child/young person can access within the classroom when necessary? |  |  |
| Is the child/young person seated in a place that supports their needs e.g. away from distractions or close to the exit? |  |  |
| Is the child/young person able to attend to and engage with whole class learning? |  |  |
| Is the child/young person seated with good role models and away from others who may prove distracting? |  |  |
| Is the child/young person able to work effectively with peers in a group? |  |  |
| Is the child/young person able to focus and complete independent work for an appropriate period of time? |  |  |
| Are adults using positive language around and to the child/young person? |  |  |
| Are adults using the language of Growth Mindset to support the child/young person? |  |  |
| Are the child/young person’s feelings and emotions acknowledged? |  |  |
| Do staff react consistently to communicating behaviours? |  |  |
| Are rewards and consequences given fairly and consistently? |  |  |
| Is the child/young person given access to sensory, movement or brain breaks when necessary? |  |  |
| Have the child/young person’s sensory needs been explored? If so, has provision been made for them? |  |  |
| Does the child/young person have good relationships with the adults in the classroom? |  |  |
| Does the child/young person enjoy being given responsibility? |  |  |
| Are there times when the child/young person can focus on work for longer periods of time? |  |  |
| Are there specific subjects that the child/young person finds more difficult to engage with, such as Literacy or PE? |  |  |
| Is the child/young person able to work outside of the classroom when appropriate? |  |  |
| Is the child/young person supervised adequately when out of the classroom? |  |  |
| Do all staff know how to react to the child/young person and his/her communicating behaviour when encountering them in the school? |  |  |
| Is the child/young person able to follow normal school rules and routines without additional supervision e.g. using the toilets appropriately, sitting with peers in assembly? |  |  |
| Is the child/young person able to line up with their peers? |  |  |
| Does the child/young person have any other significant relationships with staff or children around the school? |  |  |

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| **Social interaction**  (Less structured environments) | **Y/N n/a** | **What needs to be done** |
| Have the child/young person’s views about friendships and relationships with adults and peers been sought? |  |  |
| Does the child/young person have friends they can play with? |  |  |
| Is the child/young person able to interact appropriately with other children beyond their friendship group? |  |  |
| Is the child/young person able to play safely and independently? |  |  |
| Are there systems in place that allow the child/young person to access play opportunities e.g. play leaders, quipment? |  |  |
| Are there alternative, more structured environments available within the school available to support the child/young person e.g. lunch clubs? |  |  |
| Does the child/young person know how to access adult support in less structured environments? |  |  |
| Do the adults supervising have a clear understanding of the child/young person’s needs? |  |  |
| Do staff react consistently to communicating behaviours? |  |  |
| Are rewards and consequences given fairly and consistently? |  |  |

**Appendix 3: STAR Analyisis and Inclusion support plan -** Guidance webinar: <https://www.youtube.com/watch?v=1BQ1ZnHafFE>

**STAR Analysis**

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| What happened at the time? | What could we do differently to promote positive communicating behaviour in the future? |
| **Setting:** |  |
| **Trigger:** |  |
| **Action:**    . |  |
| **Result:** |  |

**Inclusion Support Plan (ISP)**

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| --- | --- | --- | --- | --- | --- |
| **Name** | **Year and Class** | **Gender** | **SEN Code** | **Date** | **Review Date** |
| **Student Need** | **FSM** | **PP** | **LAC** | **SA Date** | **RA Date** |

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| **Area of Concern** | **Main Targets** |
|  |  |
| **Strengths** | **Areas for Development** |
|  |  |
| **Teaching Strategies** | **Interventions** |
|  |  |
| **Key Staff** | **Other Relevant Information** |
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**Adult Response / Distress Management Plan Template**

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| **Window of Tolerance**  **What the child is like when regulated, calm and engaged?** | **How best to support and maintain this and support regulation** |
| **Dysregulated**  **What are the first signs that things are becoming too stressful?** | **Strategies to support and to co-regulate** |
| **Where does this stress behaviour lead to next? What are we trying to avoid?** | |
| **Hyperarousal**  Fight, Flight or Freeze Stress Response | **Interventions necessary to support, co-regulate and keep everyone safe** |
| **Hypoarousal**  **Flop Stress Response** | **Interventions necessary to support, co-regulate and keep everyone safe** |