

Lancashire Virtual School Guidance on Suspension and Permanent Exclusion

The Virtual School at Lancashire County Council adheres to the statutory DfE guidance on Suspension and Permanent Exclusion which was published in January 2022. [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) At Lancashire Virtual School, we acknowledge and support this important piece of statutory guidance and will work with our school leaders to ensure that it is enacted in its entirety. Any time that a child who is looked after is asked to leave school, or not allowed to attend school is a suspension or permanent exclusion. This must always be done in accordance with the School Discipline Regulations (2012). This includes all occasions when schools 'suggest' that a pupil goes home to 'cool off'.

It is the responsibility of the Virtual School and the Virtual School Headteacher to have an oversight and significant interest in the education of children who are in the care of the Local Authority. Where a looked-after child (CLA) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the Local Authority's Virtual School as soon as possible by communicating with the Education Consultant linked to the child. The Virtual School, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. This may include referral to a panel at the LA for children who are at risk of PEx. This panel will consider the best next steps for the school and child.

Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers. This engagement includes timely (within 3 days) information about each suspension or exclusion in the form of a formal letter (as is sent to parent/Social Worker). This should be sent to the child's Education Consultant so that they are immediately aware of the incident and can offer support to the school as well as to Social Care colleagues. This swift communication, which is in line with the statutory guidance, ensures that there is no drift in obtaining support for the child and care-givers.

In line with the guidance and in order to ensure that continuation of education occurs, we expect headteachers to take steps to ensure that work is set and marked for pupils during the first five school days of suspension. We also expect schools to consider the individual needs of the pupil when considering a suspension or permanent

exclusion. These measures should be a last resort, especially for our cohort of children, who are often significantly affected by trauma-related behaviours and therefore struggle to regulate their own behaviour as well as struggling to develop and sustain relationships with peers and school staff. Schools should consider whether the pupil would be covered by the Equality Act (2010) and therefore whether the sanction will be overturned on appeal. Where children are not in school, they miss the protection and opportunities it can provide and become more vulnerable to harm. However, headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should attempt to devise strategies that take both of these aspects into account.

The guidance states that permanent exclusion of a CLA is to be avoided if at all possible. It is for this reason that schools should make early contact with the Virtual School if a child's behaviour and engagement put them at risk of exclusion and should also record it on the termly PEP. Schools should also exhaust all other elements of support available to them through the LA and should complete paperwork to inform the relevant panel that the CLA is at risk of PEx. Schools need to be open to working with the Virtual School to find alternatives to permanent exclusion while keeping the child on roll. Please also see the accompanying guidance on Direction Off-Site and Managed Moves.

We do not expect schools to suspend or permanently exclude a child as a result of their additional needs. If the child is on the school's SEN register, we would expect to see that the notional SEND funding used to provide additional support and appropriate provision to mitigate the behaviours being displayed. If a child has an EHCP, we expect a school to review the provision in place for the child and call an interim annual review in order to discuss their needs with a range of professionals and formulate a plan to provide further support. If needed, a placement review may be sought but schools should do all that they can to avoid suspension or PEx during this period.

If a child who is in the care of the Local Authority is suspended or permanently excluded, you can expect an appropriate level of challenge from your Education Consultant and, when appropriate, the Virtual School Headteacher. Below is a list of questions we might ask that we will expect school staff to be able to answer.

Checklist

<u>Checklist</u>		
Have termly PEPs been completed for the last 3 terms?		
- Were the targets set for the pupil SMART targets?	Yes	No
- Was the child supported to achieve the targets?		

Did you highlight behaviour concerns to your Education Consultant when they first became apparent, and have you kept them informed of ongoing concerns? *		Yes	No
Has advice been sought from the LA's behaviour team and this advice enacted for the child?		Yes	No
Is there evidence that analysis of behavioural triggers has taken place over a period of time and has informed interactions with this child? *		Yes	No
Is there evidence that, despite implementation of strategies, concerns still prevail?		Yes	No
If the SDQ on the PEP is 16+ can it be demonstrated that action has been taken to address this?		Yes	No
Can it be demonstrated that the PPG+ funding has been used effectively in the last 12 months, targeted to improve academic engagement or pastoral support? *		Yes	No
Is there evidence that discussion with the SENCO has taken place and has informed consequent strategies, targets and outcomes?		Yes	No
SEN children only	Do we need to escalate support for this child?	Yes	No
	Can we demonstrate that the nominal SEN funding has been spent meeting this child's needs? *	Yes	No
	Is there any additional funding available to support this child's needs?	Yes	No
	Is there robust evidence of implemented & reviewed cycles of APDR? *	Yes	No
Has an Assistant EP (paid for by the VS) been arranged and recommendations implemented?		Yes	No
Has this child been raised with the EP through conversation, group consultation or individual consultation? *		Yes	No
Has a personalised behaviour support plan been put into place for the child with realistic targets and regular (fortnightly) opportunities for review with caregivers, pupil and staff?		Yes	No
Has the person with PR been informed of any concerns and given the opportunity to share their views and wishes? *		Yes	No
Has the child been given opportunity to share their views and had those views taken into account? *		Yes	No
Is this child working at expected level for their age?		Yes	No

Has this child made sufficient progress since the last progress point?	Yes	No
Are there any safeguarding concerns?	Yes	No
Are there any CCE/CSE concerns?	Yes	No
Are there any attendance concerns?	Yes	No
Is the attendance team involved?	Yes	No
Have the school undertaken specific trauma-informed training? - Is the implementation of this tracked and monitored?	Yes	No
<u>If you have answered 'no' to any of the * questions, please use this space to add additional contextual information</u>		

If a child has a social worker because they are Child in Need or Child Protection or if a child is in Kinship Care or previously looked after, advice about supporting their behaviour should be sought by contacting the Virtual School at virtuelschool@lancashire.gov.uk .

In the case of Permanent Exclusion, the school can expect a senior member of the Virtual School to attend the meeting and to act on behalf of the pupil in the meeting. We will expect to see that all elements of pre-emptive and proactive support have been enacted by the school over a period of time. If this is not the case or if there are procedural mistakes, we reserve the right to request an IRP for the exclusion.