

Enfield Virtual School Preventing the Suspension of Children in Care and Previously Looked After Children Policy, Practice and Procedure 2022-2023

Enfield Council is committed to ensuring that every looked after child and previously looked after child has the very best opportunity to succeed in their learning. The responsibility in achieving this does not lie with one individual but is shared by all adults who are involved with the pupil – this is known as the Corporate Parenting responsibility. To achieve this, the Council expects schools to use fixed term suspension only as a last resort and expects them to avoid permanently excluding Looked After Children.

Context

Children in care or have experienced local authority care are some of the most vulnerable children in society. They have often experienced significant trauma in their lives which can impact on their ability to succeed in their learning.

Schools play a vital role in ensuring academic success and enabling our looked after children and previously looked after children to achieve their very best. Schools provide a safe and stable environment for vulnerable children who may have experienced huge changes and uncertainty in their lives.

The Exclusions Guidance (2017) acknowledges that there is a disproportionately high rate of exclusion of Looked After Children (LAC) and that they are particularly vulnerable to the negative impacts of exclusion. It states that headteachers should, as far as possible, avoid permanently excluding any vulnerable children (including children with a social worker or a LAC).

The Council expects Head Teachers to work proactively with the Virtual School and the local authority where they feel a pupil is at risk of a fixed term suspension and wherever possible, avoid permanently excluding a LAC.

Legal framework

The Exclusions Guidance 2022 requires schools to ensure that they pay particular attention to LAC and as far as possible avoid exclusions.

Where school has concerns about the emotional well-being of a looked after child, or previously looked after child, or about the risk of exclusion, it should, in partnership with the Virtual School (or carers/ guardians in the case of PLAC) consider what support or alternatives can be put in place.

Suspensions should only be necessary when strategies, practices and interventions set out within the Behaviour in Schools Guidance, have not been successful in improving a child's behaviour.

Schools are required to minimise disruption to a looked after or previously looked after child's learning. Whilst the statutory duty on governing bodies is to provide full-time education from the sixth day of any exclusion, the Local Authority would expect schools to provide this from day one for LAC and consider providing from day one in the case of a child with a Social Worker.

In line with guidance, the headteacher must notify the parents of the days on which their fixed-term suspension / permanent exclusion applies, and at least by the end of the afternoon session. Legislative changes mean that a pupil with a social worker, or if a pupil is LAC, the headteacher must now notify the social worker, and/or VSH as applicable, without delay after their decision.

When headteachers suspend or permanently exclude a pupil, they must also notify the LA, without delay. Legislative changes mean that this must be done regardless of the length of suspension.

Suspensions cannot be converted into permanent exclusions (PX).

The Virtual School will robustly track and monitor off-rolling or unlawful suspensions following the Ofsted framework guidance.

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties (see [guidance](#)).

Enfield Council expects that schools will work in partnership with the Virtual School to avoid suspending looked after and previously looked after children by:

- Identifying when pupils are at risk of suspension and/or exclusion and developing strategies to prevent behaviour escalating. This should include the implementation of individual behaviour and pastoral support plans in line with school's behaviour policies and processes. Schools are expected to identify and support all pupils with additional needs.
- Scrutinising exclusion and suspension data to identify patterns and trends, and put in place targeted support where appropriate.
- Assessing and screening pupils for Special Educational Needs to ensure an appropriate match of curriculum, provision and sanctions are in place and monitored for inconsistencies.
- Ensuring that if a child is looked after, the foster carer, social worker and virtual school head (on in the case of a PLAC carers/guardians and any associated supporting professionals) are aware of persistent poor behaviour or failures to respond to low level sanctions. Schools should record, and regularly review the effectiveness of, any support or sanctions.
- Considering the contributing factors, and whether the suspension is in line with the school behavioural policy. The Virtual School will regularly monitor the behaviour policies of schools to ensure they reflect reasonable adjustments for looked after children and trauma-informed approaches to behaviour management.
- Ensuring the reasons for the suspension are clearly recorded, including the impact on others.
- Recording evidence and retaining documents, including information about the support given.
- Seeking representation, in line with guidance, to the governing body when there have been several fixed period suspensions (more than 5 days in a term).
- Ensuring that the Designated Teacher for LAC & PLAC has access to appropriate training and resources to support them in their role. They should feel empowered to champion looked after and previously looked after children and share their expertise with school staff and governors.
- Contacting the Virtual School for advice and guidance to discuss support and alternatives, ***before*** considering a fixed-term suspension for a looked after child. This might include therapeutic mentoring support.
- Contacting Enfield's PLAC Officer (with parental consent) if a school considers a previously looked after child is at risk of suspension or permanent exclusion.
- Inviting the named Virtual School caseworker to reintegration meetings when it has been deemed appropriate to issue a fixed term suspension for a looked after child.
- Ensuring that DSLs are more directly involved in decisions related to all LAC / PLAC suspensions.
- Arranging emergency MAP (Multi Agency Professionals) Meetings (e.g. PEP, and if applicable, an emergency Education Health and Care Plan review) where a looked after child has received more than 1 fixed-term suspension.
- Contacting the Virtual School Head Teacher to discuss alternatives to permanent exclusion for any pupil whose continued presence could seriously harm their education / welfare or the education / welfare of others in the school.
- Recognising that suspension and/or exclusion will have a negative impact on educational outcomes, may reinforce feelings of rejection and low self-esteem, and in some cases lead to placement breakdown. Such serious long-term consequences are not proportional to breaches of a school behaviour code.

- Ensuring vital information is appropriately shared in order to safeguard children and promote their welfare, including educational welfare. Schools should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Keeping Children Safe in Education (2022) and Working Together to Safeguard Children (2018) set out in more detail the requirements for schools and colleges in respect of information sharing.
- Ensuring schools understand that it would be unlawful to exclude / suspend a pupil simply because they have SEN, or a disability need that the school feels it is unable to meet. It would be unlawful to exclude / suspend a pupil due to academic attainment / ability, or the failure of a pupil to meet specific conditions before they are reinstated, such as attending a reintegration meeting. If an unlawful exclusion is carried out and leads to the deletion of a pupil's name from the register, it is known as 'off-rolling'. An informal or unofficial suspension, such as sending a pupil home to 'cool off', is unlawful if it does not follow the formal suspension process, regardless of whether it occurs with the agreement of parents.
- Following guidance on specific behaviour issues, such as Child-on-child sexual violence and sexual harassment, behaviour incidents online, mobile phone use and suspected criminal behaviour (see [guidance](#)).
- Ensuring a broader strategy from schools is in place. This could include:
 - frequent and open engagement with parents / carers / social workers, including home visits if deemed necessary.
 - providing mentoring and coaching.
 - short-term behaviour report cards or longer-term behaviour plans.
 - pupil support units
 - engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills.

The Virtual School will support schools to avoid suspensions and/or exclusions by:

- Responding promptly to requests from schools for advice and support.
- Providing training to Designated Members of staff in schools on issues affecting the lives of children looked after, including attachment, trauma, ADHD and CAMHS.
- Ensuring all LAC pupils have a PEP as part of their care plan or placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, including how the pupil is being supported to improve their behaviour and reduce the likelihood of suspension / exclusion.
- Promoting understanding of LAC experiences from a trauma informed perspective. This can often strengthen the schools' understanding of the behaviour and inform them as to what strategies to put in place to best support their pupils and staff. The Virtual School provides training on wellbeing and mental health (including attachment, trauma and CAMHS) to social workers, foster carers and designated teachers.
- Using the Pupil Premium grant effectively to support those at risk of suspension and/or exclusion
- Supporting schools to consider and implement alternatives to permanent exclusion by sharing the guidance laid out in the Ofsted inspection framework.

Alternatives to Suspension

- Academic and pastoral support

Schools should ensure that they have fully considered what the pupil's behaviour is communicating and identify strategies to re-engage them with their learning. Support may include access to a key adult, mentoring, TA support or tuition. Where appropriate and reasonable, adjustments can be made to routines for pupils with additional needs to ensure all pupils can meet behavioural expectations. These adjustments may be temporary and should be proactive and by design where possible.

- Internal suspension

Where possible, schools are encouraged to avoid suspensions. However, if an intervention is required then schools are encouraged to consider internal short-term suspensions as an alternative to fixed-term suspensions and permanent exclusions.

The schools should acknowledge that a high proportion of children in care/care experienced children have experienced significant abuse and neglect which may have included forced isolation with limited human interaction. Thus, where schools are considering an internal suspension, they should consider the impact on the individual pupil, particularly where they are put in isolation.

- Restorative justice

A process schools can use to enable pupils to understand the impact of their behaviour on others and enable them to make amends. This can be undertaken with both teachers and peers.

- Preventative programmes

Short-term intervention programmes allowing pupils to access support that enables them to re-engage in their learning, using alternative provisions.

Enfield Virtual School are currently working in partnership with 'Precious Moments and Health Ltd' to offer therapeutic mentoring to looked after and previously looked after pupils who are at risk of exclusion / suspension or who have been recently excluded / suspension. The sessions are aimed at supporting the young person's positive engagement with education, as well as with peers and adults.

- Managed moves

There are occasions when a pupil would benefit from a different setting and where possible, this should be another mainstream school. Although managed moves for LAC are strongly discouraged, on occasion managed moves between schools can be used as an intervention

to reduce the risk of a child being permanently excluded.

Managed moves for Enfield looked after children are arranged by Enfield Virtual School. The Virtual School Head will need to be approached before any discussions are initiated with other schools. A formal agreement will be made between the two schools, the child and their parents/ carers and the VS. The current Headteacher will negotiate the move with the Headteacher from the receiving school. The managed move is usually arranged for a trial period and, if successful, may result in a formal transfer to the new school. If the move is unsuccessful, the child may return to their home school.

A managed move may not be appropriate for a child who has a history of persistent absence or for a child who is not on a school roll.

A managed move should not be used as an alternative to standard SEN processes, such as: trial of additional support, emergency annual review, consultation with the SEN Team.

Please follow the Local Authority's Fair Access Procedures when considering a managed move of a Previously Looked After Child.

Arrangements following a suspension

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 provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, for separate incidents, these are regarded as a single period of suspension for the purpose of this duty. This means that if a child has more than five consecutive school days of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several days in a row, this duty is applicable.

Where a Looked after child is suspended, the school should document the provision of immediate suitable education in the child's PEP. The VS can arrange tuition for the period of suspension.

In the case of a looked after child, or child with a social worker, the school and the LA should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.

Where it is not possible or not appropriate to arrange alternative provision during the first five school days of a suspension or permanent exclusion, the school should take reasonable steps to set and mark work for the pupil. Online pathways such as Google Classroom or Oak Academy can be used, and schools should ensure that the work set is accessible and achievable by the pupil accessing the work outside school. In addition, the VS will arrange 2 hours of tuition a day, starting with the first day of suspension, for anyone who is fix-term suspended (See the VS Enfield Tuition Policy 2022/2023).

Following a suspension, strategies should be considered to help all pupils to understand how to improve their behaviour and meet the behaviour expectations of the school. These might include:

- A phone call with the Virtual School Head.
- A targeted discussion with the pupil, including explaining what they did wrong, the impact of their actions, how they can do better in the future and what will happen if their behaviour fails to improve. This may also include guiding them to apologise to the relevant person, if appropriate.
- Enquiries into the pupil's conduct with staff involved in teaching, supporting or supervising the pupil in school.
- Enquiries into circumstances outside of school, including at home, conducted by the designated safeguarding lead or a deputy safeguarding lead.
- considering whether the support for behaviour management being provided remains appropriate.

Designated staff should be appropriately trained to deliver these interventions which are often part of a wider approach that addresses the wellbeing and mental health of the pupil.

If the suspension is cancelled, the child should be readmitted to school without delay.

Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction could be used to arrange time-limited placements at an AP or another mainstream school.

Where the child has an EHCP a review the plan or reassessment of the child's needs, in consultation with parents/ carers, SW and VS, might be needed, with a view to identifying a new placement.

Independent Review Panel

The duty of the Independent Review Panel (IRP) would be to assess whether a pupil's exclusion has been lawful, reasonable, and procedurally fair, and what further action might be needed. The panel must have regard to representations made by the social worker as to whether any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, and whether these are considered relevant to the pupil's permanent exclusion (see [guidance](#)).

All professionals should remember that for children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide and become more vulnerable to harm.

Referenced guidance:

- [Behaviour and discipline in schools: guide for governing bodies \(statutory guidance\)](#)
- [School suspensions and permanent exclusions \(statutory guidance\)](#)
- [Searching, screening and confiscation at school \(non-statutory guidance\)](#)
- [Mental health and behaviour in schools \(non-statutory guidance\)](#)
- [Further guidance and resources for supporting behaviour in schools \(further guidance & resources\)](#)

Suspensions & Permanent Exclusions Advice For Schools and Professionals **Working With Looked After Children**

Enfield Council is committed to ensuring that every looked after child has the very best opportunity to succeed in their learning. This is a brief guide to the support, provision and responsibilities around suspensions and permanent exclusions. It should be read in conjunction with the more extended 'Preventing the Suspension of Children in Care Policy, Practice and Procedure 2022-2023' document.

Virtual School Headteacher: Suzanne Rowson (Suzanne.rowson@enfield.gov.uk)

What the Virtual School require from schools and professionals working with LAC

- Working knowledge of the statutory guidance governing [suspensions and permanent exclusions](#).
- Timely information sharing about LACs at risk of suspension / permanent exclusion.
- Prompt (same day) notification of the intention to suspend or exclude.
- Copies of relevant documentation, including the pastoral support plan.
- Inclusion of VS colleagues in re-integration meetings.
- Accurate record of suspensions entered onto the online PEP document.
- Reasonable adjustments to be made to accommodate LAC with SEN needs.
- A 'trauma-informed' approach to managing the behaviour of LAC (see note on training and guidance below).
- To make use of the speech and language tool provided by the VS to screen all LAC.

What schools and professionals working with LAC can expect from the Virtual School

- Face-to-face tuition, VS funded through our tuition partners, for LAC during periods of absence due to suspension.
- Attendance at re-integration meetings to support school strategies and responses.
- Access to therapeutic mentoring provision (Precious Moments) for LAC who are suspended or at risk of suspension / permanent exclusion (see details below).
- School staff training on child-on-child abuse and Brooks Sexual Behaviours Traffic Light Tool.
- Access to 'trauma-informed practice' training for school staff (see note on training and guidance below).
- Informed guidance on the range of multi-agency support on offer to support schools (see below).
- Additional funding to support suspension / exclusion prevention strategies. This

Resources to Support Suspension and Permanent Exclusion Prevention

- Precious Moments: A course of 10 - 20 hours of one-to-one therapeutic mentoring to help young people understand their own behaviours and develop strategies to change these behaviours. Referral forms are provided by the Virtual School team.
- 'Trauma-Informed Practice' training for school staff
- Speech and Language Screening Tools for Primary and Secondary Years, to support staff in identifying young people who may be struggling to develop their speech, language and communication skills.
- Support and guidance from Enfield Behaviour Support Service
The Behaviour Support Service is a multi-disciplinary team working in partnership with schools and other services in Enfield supporting inclusion for children experiencing social, emotional and mental health (SEMH) difficulties.
- 'Ordinarily Available Provision' refers to the support that all Enfield schools, early years and post 16 settings should be able to provide for children/young people, including those with SEND, from within their own resources.
- Enfield's Local Offer provides help and support to children and young people with Special Educational Needs and Disabilities (SEND), and their families. They offer a wide range of services for parents and carers, as well as young people who want to live as independently as possible.
- The Child and Adolescent Mental Health Service (CAMHS within HEART) works to improve the mental health and well-being of children in care and, with their social workers and foster carers, to contribute to care planning, placement stability and the prevention of placement breakdown, particularly for children in transition (i.e., coming into care, in short-term placement, between fostering and permanency). We offer consultation to professionals and foster carers, assessments, and therapy (individual or family).
- Intervention directory offers a list of services that offer support to children/young people, schools, families, communities, and partners.