

STEP ONE: ASSESS

Statutory guidance:

"When establishing the facts in relation to an exclusion/suspension decision the head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen."

"...where practical, the head teacher should give the pupil an opportunity to present their case before taking the decision to exclude."

"Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The head teacher should also consider the use of a multiagency assessment for a pupil who demonstrates persistent disruptive behaviour."

Recommended intervention:

- 1 Meet with the child to review current attendance, behaviour, attainment and progress. Adopting a restorative approach aids the development of a trusting relationship and allows for a shared understanding of mitigating circumstances and consideration of unmet need. In such cases, complete an Early Help Assessment ([Resource E](#)) and MARF referral ([Resource E](#)).
- 2 Where there is a concern with regards to SEMH an assessment of underlying need is conducted - this includes a screen of communication ability, a reading assessment and an SEMH screening tool ([Resource F](#)). With regards to SEND, the screening and assessment should be led by the SENCO or suitable nominated person. For complex needs or further advice, contact the NCC Statutory Assessment Team.
- 3 Identify an appropriate link worker within the school and make known to the Inclusion Champion and initiate 1:1 support. In the instance of a cared for child, the Designated Teacher should be informed as soon as there are early indications of behaviour that could later lead to an exclusion.
- 4 Utilising voice of the child methodology, explore the child's wishes and feelings, and consult with the family for a holistic overview and to establish a link and agree a suitable date and time to formally meet ([Resource G](#)).
- 5 Consult with relevant support internal and external agencies, including NCC Early Help and/or the Virtual School for advice. [The Local Offer website](#) also has a range of advice and services available that may support.
- 6 Undertake observations of classroom and out-of-classroom behaviours, liaising with colleagues for input as required, taking account of any recommended curriculum and/or school amendments after assessing the whole learning environment.
- 7 Agree any necessary adjustments to the curriculum with relevant staff, taking into account the impact of the environment as well as the feedback from the child/young person and their family.
- 8 Audit relevant staff for CPD requirements and relevant policy amendments.

STEP THREE: DO

Statutory guidance:

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to cared for children, schools should cooperate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head.

Recommended intervention:

- 1 Implement in school support and targeted intervention as identified through the assessment.
 - 2 Request the involvement of additional services identified as required in steps 1 and 2 and implement any intervention advised.
- Ensure appropriate levels of CPD to colleagues supporting and teaching the child is put into place and relevant policy amendments are made.

STEP FIVE: AMEND THE PLAN

Statutory guidance:

"Support should then be revised in light of the pupil's progress and development, deciding on any changes to the support and outcomes in consultation with the parent and the pupil."

Recommended intervention:

- 1 Record any recommended amendments to the action plan.
- 2 Agree on revised monitoring points.
- 3 Ensure any new referrals for inter or external support are implemented.

STEP SEVEN: EXCLUSION

Statutory guidance:

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate - <https://tinyurl.com/Human-Rights-and-Equality-Act>

Under the Equality Act 2010 (the Equality Act - <https://tinyurl.com/Equality-Act-2020>), schools must not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices and the provision of auxiliary aids.

It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teachers' academic instructions could, be subject to exclusion.

Recommended intervention:

- 1 If the outcome is to move to exclude, schools should follow the protocol as detailed in the statutory guidance.
- 2 Schools remain responsible for learning within the first 6 days of the exclusion.
- 3 Schools should support the transition of relevant information with regards to the child to the alternative provider/PRU setting to ensure the safety and wellbeing of the child. This includes any initial safety and wellbeing planning for a child who is vulnerable following school exclusion.

LADDER OF SUPPORT

Steps explained



STEP TWO: PLAN

Statutory guidance:

"The head teacher may withdraw an exclusion that has not been reviewed by the governing board.

"Under the Equality Act 2010 (the Equality Act), schools must not discriminate. For disabled children, this includes a duty to make reasonable adjustments to policies and practices."

In addition to the approaches on early intervention set out above, the head teacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.

Recommended intervention:

- 1 Meet as planned with the child and family, or for cared for children the carer and care team to agree on an action plan with identified monitoring points to review progress including specifically ([Resource H](#)).
- 2 Discussion should include feedback from Step 1, 1 – 7.
- 3 Where unmet needs become evident, but there are no identified SEND needs complete an Early Help assessment and engage services as appropriate. Where SEN is identified complete an SEN Support plan. For cared for children the statutory Personal Education Plan (PEP) and annual Strengths and Difficulties Questionnaire (SDQ) should be used.
- 4 Discuss consultation and advice from inter and external agencies, and possible strands of additional support for referral and agree as appropriate. Families or care teams will have to consent to other services including the Early Help team becoming involved ([Resource E](#)).
- 5 Agree plan with relevant staff re: CPD requirements and relevant policy amendments.

STEP FOUR: REVIEW

Statutory guidance:

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher should consider whether exclusion is providing an effective sanction.

"The head teacher should take account of any contributing factors."

"Schools should review the effectiveness of the support and interventions and their impact on the pupil's progress should be reviewed in line with the agreed date."

"The impact and quality of the support and interventions should be evaluated along with the views of the pupil and their parents. This should feed back into the analysis of the pupil's needs."

Recommended intervention:

- 1 Using the monitoring review points, meet with the child, the family and involved internal and external agencies to monitor the effectiveness of the plan and record both positive progress and ongoing and any new support. For cared for children, this will be coordinated by the Virtual School.
- 2 As part of this, evaluate the effectiveness of the actions taken in step 1- 3 and agree any amendments.
- 3 Celebrate positive aspects of progress, and consider any need for re-assessment.
- 4 Consider referrals to any further inter and external agencies for additional Support.

STEP SIX: ALTERNATIVE OPTIONS

Statutory guidance:

"Where a school has concerns ... it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. (p11)

"Maintained schools have the power to direct a pupil off-site for education to improve their behaviour. A pupil at any type of school can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion must never be used to influence parents to remove their child from the school."

"Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher should consider whether exclusion is providing an effective sanction."

Recommended intervention:

- 1 If it is the best interest of the child, a managed move may be considered if this is in the best interest of the child. Please refer to the NCC Managed Move Protocol ([Resource J](#)).
- 2 Consider alternative curriculum pathways either within the school or through external providers or through a bespoke package that incorporates both. These can be longer term or as a short term approach with a planned reintegration to the school's curriculum pathway.
- 3 Ensure that all relevant parties are in agreement and NCC Admissions processes are informed and that the action plan is updated and transferred to appropriate staff accordingly with CPD needs of staff identified and met.
- 4 Attend review meetings and work with the child, family and inter and external agencies to support a successful reintegration into school following intervention.
- 5 Following re-integration, begin the Ladder of Support at step 1.