



The ClementJames Centre: School Exclusions Advocacy Information Session

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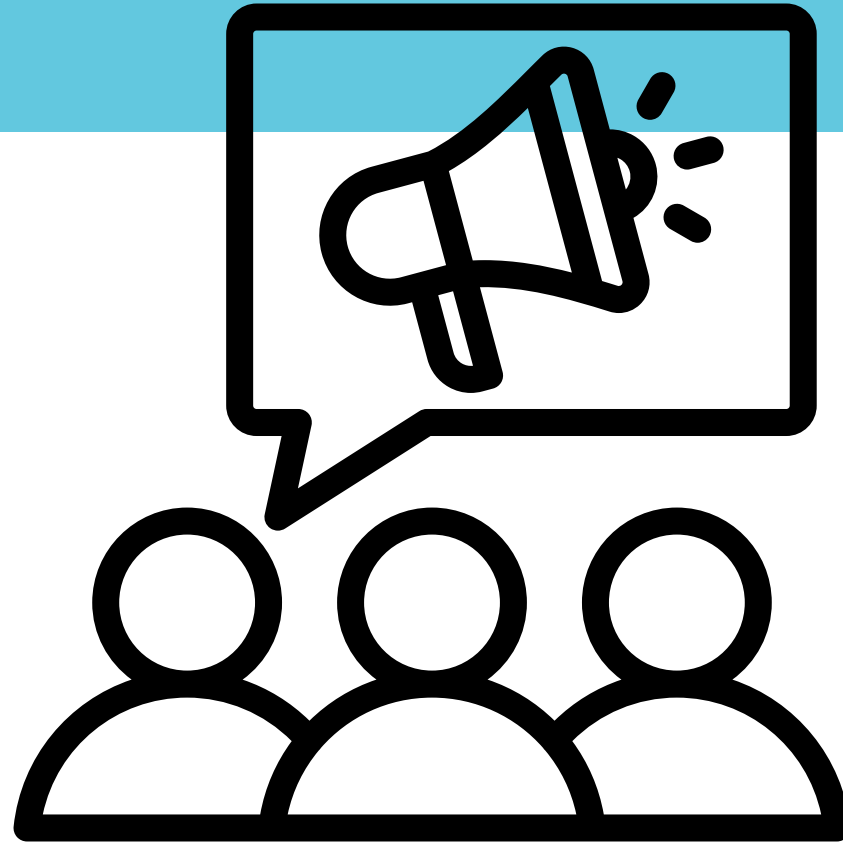
Disclaimer: This presentation is for informational purposes only, is based on the 2025 government guidelines and is subject to change.



Overview:

1. Introduction / The ClementJames Centre Early Intervention Advocacy Programme
2. Suspensions
3. Temporary Offsite Direction vs Managed Moves vs Learner Transfer
4. Suspension/PEX and SEN
5. Top Tips
6. Important links
7. Contact

INTRODUCTION



Introduction to The ClementJames Centre School Exclusions Advocacy Programme:

- The programme is providing specialist education-based advice and advocacy for children and families in North Kensington.
- This service is being delivered by ClementJames and previously Coram's Children Legal Centre.
- Created to provide an independent space where families and young people can feel supported, have a understanding of the process and their rights and within school exclusions.

Who is the advocacy service available to?

- Children/young people and their family
- Working with children in Key Stage 1 - Key Stage 4
- West London Boroughs
- There will be a priority given to the most urgent cases.

What is the criteria for support?

- Being permanently excluded or manage moved
- Experiencing suspensions/ fixed-term exclusions
- At a high risk of exclusion (for example, due to a high number of behaviour points or lots of internal exclusions)

SCHOOLS EXCLUSIONS

- Any kind of exclusion (whether a suspension or permanent exclusion) can only be made by the Headteacher but will be informed by other teachers (mainly HOY/DOLs).
- A child CAN be suspended or permanently excluded for incidents that occur outside of school, whether in person or online if it brings the schools reputation into disrepute and/or harms the welfare of other students.
- Any kind of exclusion is based on the principle of 'balance of probabilities' which essentially means - is it more likely than not that the student did what is alleged?
- Under the Equality Act 2010, schools must not discriminate against students based on their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment. These protected characteristics need to be taken into account before a HT makes the decision to suspend or permanently exclude a student.
- Every suspension and exclusion must be fully investigated before a decision is made and this decision must be reasonable, lawful and fair.

Suspension (previously known as 'fixed term exclusion')
- Temporary for a number of days (max 45 days)

Exclusion - Permanent (unless overturned or rescinded)

Suspensions

based on The Department of Education Suspension and exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England
August 2024

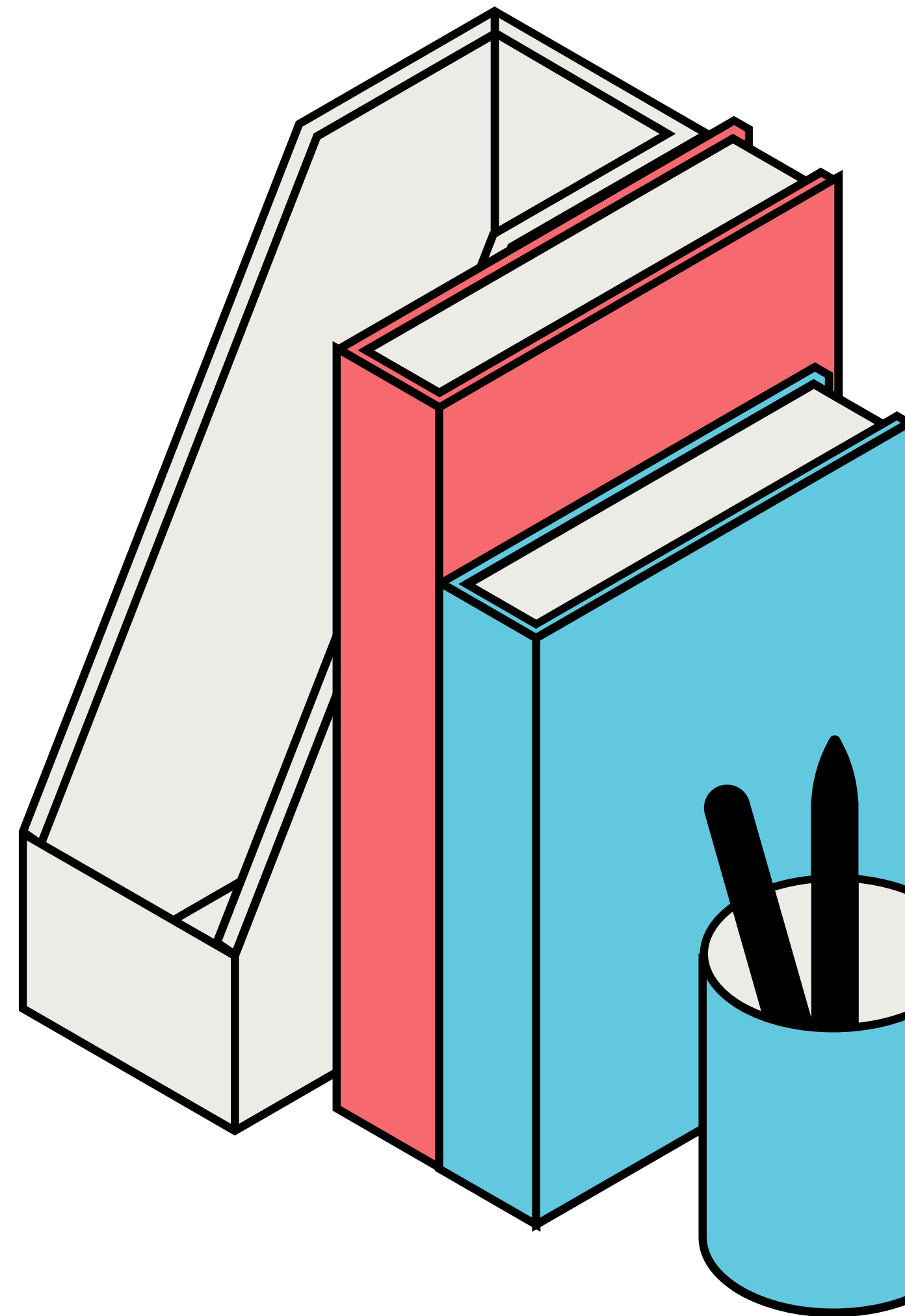
LEGAL GUIDELINES - SUSPENSION

- A suspension, previously known as a fixed-period exclusion, refers to temporary removal of a pupil from school for disciplinary reasons.
- A suspension can last from half a day to a maximum of 45 school days in a single academic year.
- Suspensions serve the purpose of being a disciplinary measure for serious but not necessarily severe breaches of school policy. It gives both the pupil and the school time to address the behaviour without permanently excluding the student.
- After a suspension, the pupil is expected to return to school. Schools are required to arrange a reintegration meeting upon the pupil's return, which usually involves the pupil, their parents or guardians, and school staff to discuss support and prevent future issues.
- If a suspension lasts more than five school days, schools must arrange alternative education, such as tuition or work that can be completed at home or off-site.
- Parents must be informed of the reasons for suspension and have the right to appeal. For suspensions of more than five days in a term, the school's governing board is required to review the suspension.
- A suspension **CANNOT** be converted to a permanent exclusion unless more evidence comes to light or an investigation is ongoing.

PARENTS RIGHTS AND RESPONSIBILITIES - SUSPENSIONS

You can make formal representations to the schools Governing Board to challenge a suspension. If your child has been excluded for more than 5 but not more than 15 school days in a term, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. Note that if your child's suspensions do not come up to more than 5 days in a term, there is no requirement to meet you or reinstate the child, but they must consider it.

A suspension or accumulation in suspensions should be a red flag that your child's needs may not be being met or they may need extra support. Early Intervention is key here - what other support is available at school e.g. mentoring, time out card, reasonable adjustments.



Temporary Offsite Directions vs. Learner Transfer vs. Managed Move

based on The Department of Education Suspension and exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England
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KEY RIGHTS, RESPONSIBILITIES, AND LEGAL CONSIDERATIONS

Temporary Offsite Direction refers to the headteachers power to temporarily place a pupil in an alternative educational setting to improve behavior, engagement, or well-being, often as part of an intervention plan to prevent exclusion. This can be used to support pupils struggling with mainstream education, providing targeted support and tailored learning environments.

- Currently within RBKC, schools will temporarily direct a student to KCEC or WEC for a maximum of a 5 week period. Some schools may also use a dual registration with Westside School.
- Temporary Offsite direction is usually mandatory under the schools direction. Although best practice is to work collaboratively with parents and gain parents trust and consent, ultimately it is a school led decision and they then can go ahead without parent consent due to the placement being temporary.
- The alternative setting must provide support tailored to the pupil's specific needs, including any Special Educational Needs (SEN). The school should work closely with the alternative provider to ensure that the placement meets the educational and social needs of the pupil.
- Schools are required to regularly monitor the pupil's progress while offsite. Regular reviews should involve the pupil, original school staff, and the alternative provision staff to assess readiness for reintegration.
- Before the pupil returns, schools should create a reintegration plan that outlines any continued support needed to maintain progress and prevent further behavior issues.

Learner Transfer/Managed Move to AP

Learner Transfer typically refers to the process of moving a pupil from one educational setting to another, typically to address behavioral, academic, or social needs that the current school may be unable to fully support. This process can be used as an alternative to exclusion to an alternative provision.

- RBKC and Westminster (Bi-Borough) currently have two designated APs that pupils will usually be transferred to. A student who resides in RBKC will typically transfer to Latimer Ormiston whilst a Westminster student would go Ormiston Beachcroft. However, this may not be the case based on different factors e.g. suitability, safeguarding, best options for the student to be successful.
- A learner transfer is permanent and the student will be removed from their current schools register and will now be an Ormiston Latimer/Beachcroft student.
- A learner transfer can only be done with the consent of the parent and the student.

Managed Move

A managed move typically refers to a voluntary, planned move between schools agreed upon by the current school, the receiving school, the pupil, and their parents. It typically took the structure of a 6-12 week trial before it is successful and the student is permanently on roll at the new school. However, there is now NO trial period. If the managed move fails, the student returns to their original school. A review should be happen at a mid-point.

- 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.

TEMPORARY OFFSITE DIRECTION/MANAGED INTERVENTION

Always short-term, lasting from a few days to several weeks.

The pupil is directed to an alternative provision but remains enrolled in the original school.

**Sometimes can be at another mainstream school
Does not require parent consent but for best practice is encouraged.**

MANAGED MOVE

Permanent

Can be a permanent move following a successful offsite direction.

Requires parental consent.

LEARNER TRANSFER

Permanent

The pupil is moved to a different educational institution (alternative provision).

Requires parental consent.

All things SEN related (Suspensions/Permanent Exclusions)

based on The Department of Education Suspension and exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England
August 2024

SEN AND SCHOOL EXCLUSIONS

- A child does not necessarily need to have an EHCP or have a diagnosis to access support/have a pupil profile
- Four areas of SEN need: Communication and Interaction, Cognition and Learning, Social/Emotional/Mental Health, Sensory and Physical
- All school staff should be informed of needs (a pupil profile will be circulated to all staff, whole team meetings/training etc)
- Open and direct communication with SENco
- Assess, plan, do and review model is key
- Request external specialist if current school based support is not meeting your child's needs e.g, Autism Outreach Specialist, Educational Psychology, Speech and Language Therapist, Art Therapy

Speak to your SENco about applying for an EHC needs assessment. If this is refused, you are able to apply for an EHC needs assessment on your accord via RBKC SEND local offer website.

LEGAL FRAMEWORK - PERMANENT EXCLUSIONS (SEN)

- **Early Intervention:** Schools must take all reasonable steps to address behavior issues for SEN students, which includes adapting teaching strategies, providing additional support, and considering any underlying factors contributing to behavior.
- **Consideration of SEN Needs:** Before excluding a student with SEN, headteachers must evaluate whether the school's support measures, including adjustments specified in the child's Education, Health and Care Plan (EHCP), are sufficient. Exclusion should only be considered if these supports have been exhausted or are deemed ineffective.
- **Duty to Avoid Discrimination:** Schools must comply with the Equality Act 2010, ensuring that exclusions do not discriminate based on a student's disability. Schools are advised to consider reasonable adjustments in disciplinary processes and explore alternatives to exclusion.
- **Involvement of Local Authorities:** If a child with an EHCP is at risk of permanent exclusion, schools must consult with the local authority SEN team. Alternative options, such as additional SEN support or placement in a specialist setting, should be considered before a final exclusion decision.
- **Post-Exclusion Support:** For excluded SEN students, the local authority is responsible for arranging suitable full-time education by the sixth day following exclusion. The goal is to minimize disruption to the child's education.

Fair Access Protocol and Elective Home Education

based on Fair Access Protocols Guidance for school leaders, admission authorities and local authorities

August 2021

Please note this guideline is non statutory and it is recommended to follow your local council's fair access panel protocol.

Case Study 1:

This young person is 15 years old and has been Permanently Excluded from secondary school due to a failed managed move. This young person went on a managed move due to a relationship breakdown with another student which led to a fight that happened outside of school. The fight was filmed and shared on Tiktok. Monica's mother would like to appeal this decision. The child does not have any SEN or additional needs. She has a history of low level disruptive behaviour and defiance and was suspended once due a fight in YR 8.

- **How could you approach this issue as a youth worker?**
- **What is something you could do to support this young person?**
- **How could you advocate for this young person?**

Case Study 2:

The student, identified as having Special Educational Needs (SEN) but without a confirmed diagnosis, was awaiting assessment through CAMHS for suspected ADHD. Despite some support strategies being introduced, the student continued to experience difficulties with impulsivity, rudeness, and risk-taking behaviours, leading to multiple suspensions throughout Year 7. Towards the end of Year 7, the student was offered an off-site direction with the intention of progressing to a permanent managed move.

At the end of the eight-week off-site placement, the move was not made permanent due to a behavioural incident that occurred towards the end of the placement. The student subsequently returned to their home school at the end of the summer term. Upon return, the student was warned that any further suspensions would result in a permanent exclusion (PEX). In an effort to avoid this, the parent sought an in-year transfer; however, no local schools were able to offer a place.

Over time, the student became increasingly disengaged and refused to attend school in the new academic year as they did not feel they belonged at school, fearing they would be permanently excluded if they returned as well as struggling with their overall mood. It appeared that there was a lack of early intervention and on-going support for the young person, as well as reluctance from the school to implement effective strategies and interventions without the student having a formal diagnosis for ADHD.

Consequently, the parent chose to off-roll the student and elect to home school, explaining that both the child's refusal to attend and the lack of support and interventions at school were the leading reasons.

- **How could you approach this issue as a youth worker?**
- **What is something you could do to support this young person?**
- **How could you advocate for this young person?**

Case Study 3:

This young person has been struggling in lessons, reacting to other students' behaviour. There is a group of peers that try to get a reaction from this young person. At the start of term, the young person tried speaking to their lesson teacher, advised them to be mature and not interact with the classroom silliness. As the weeks went on the behaviour of the other students in the classrooms caused the young person to feel overwhelmed and react with more extreme behaviour.

This lesson has caused the young person to have an increase in behaviour points and detentions. They receive a behaviour point for defiance, talking to peers, arguing with peers and other minor but disruptive behaviour, like spraying deodorant/perfume and eating. They haven't been suspended yet, however there is a risk of suspension due to the increase of behaviour points.

- **How could you approach this issue as a youth worker?**
- **What is something you could do to support this young person?**
- **How could you advocate for this young person?**

Case Study 4:

This young person has been struggling with behaviour. The school has labelled them as 'defiant' due to interactions with staff. The young person feels overwhelmed and very overstimulated in classrooms. They often stand up and walk about the room because they are feeling dysregulated during lessons. This causes them to receive behaviour points for disturbing the lesson and for 'defiance' if they don't follow instructions to sit back down.

The young person is constantly fidgeting and needing to walk about, which has led to many detentions and behaviour points. Teachers are calling home daily to inform parents of the behaviour in lessons, however the young person is the same at home. They can't sit still, are easily distracted, interrupt conversations and sometimes when overwhelmed they can be dismissive or combative when communicating.

Sanctions have been increasing and they have been suspended multiple times in one term due to disrespect to staff, defiant behaviour and disruption to lessons.

- **How could you approach this issue as a youth worker?**
- **What is something you could do to support this young person?**
- **How could you advocate for this young person?**

Top Tips

Working with multi-agency partnerships provides a network of specialised support (inside and outside school), ensuring your child receives tailored guidance and resources to help mitigate risk of exclusions.

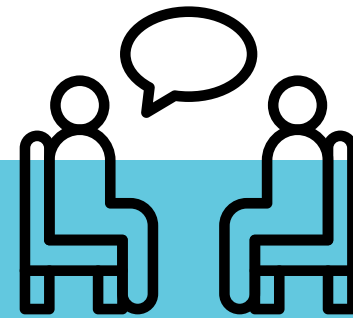
- 1 Recognise the early signs including increased detentions, behaviour points, suspensions, lack of engagement.
- 2 Keep an open and consistent dialogue with school teachers including any extenuating circumstances that may be affecting your child's behaviour.
- 3 Work collaboratively with the school to ensure your child is getting support.
- 4 Familiarise yourself with the schools behaviour policy, complaints process, support available. This is all accessible on every schools website.
- 5 Know your rights and responsibilities. Use the formal complaints and appeal processes when necessary.
- 6 Support your child's wellbeing through external means. Encourage them to attend local youth clubs, holiday provisions, to get involved in sports activities in the local area. Foster a holistic approach.
- 7 Be proactive rather than reactive. Act when the early signs of behavioural issues are there rather than when things escalate. It is easier to make a change at the early stages but harder to overturn a PEX!

Lastly, Important Links

On the handout, you will find links to different resources that will support you in becoming aware of all things school exclusion from Coram's School Exclusion Hub which has an array of resources from appeal preparation for supporting documents, summarised legal advice based on government guidelines, definitions of different school exclusions process as well as a number to their information and advice hotline. You will also find a link to the IPSEA website who provide exceptional resources specifically focused on SEN.



Early Intervention is key in identifying your child's needs and finding the right support for your child.



Communication and Documentation.

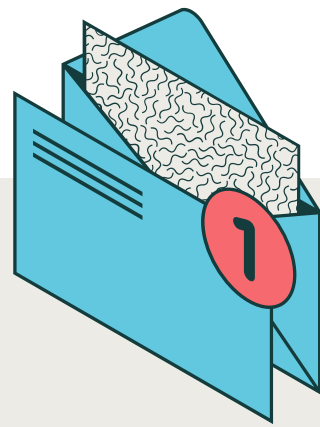


Seek Legal Advice via Coram or School Exclusions Advocacy advice via ClementJames.

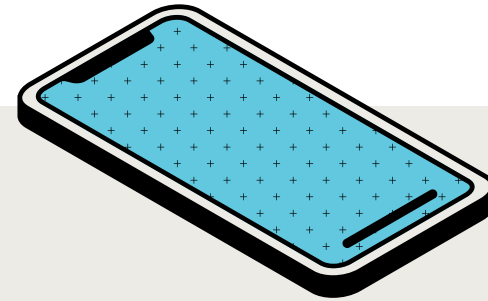
Questions?

This concludes our presentation on school exclusions advocacy.

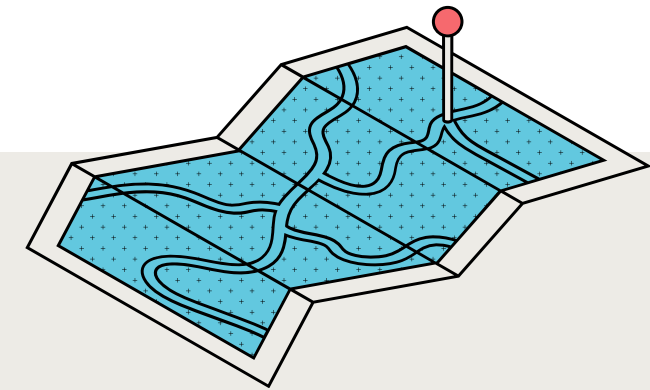
If you have any questions or need further clarification on anything we've covered, now is the perfect time to ask. We're here to help address any queries you may have about the process, policies, or how to support your child effectively.



Email us at
earlyintervention@clementjames.org



Call us at 020 7221 8810
Monday-Friday 9-5pm



Come down to the
ClementJames Centre
95 Sirdar Rd, London W11
4EQ

Thank you for listening. We hope you feel more empowered in making informed decisions relating to your child's education.

"Yesterday I felt so relaxed after talking to you , and I think it's important that we acknowledge as parent we can't do all things and we need proper advise and support. I felt so good that I don't have to speak with same people and I could move to another step .

I really appreciate your help and support . I thought I must write this to you , your help is so valuable for people like as me .

Even if I don't get the result I expected , I will be glad that I was able to face with this challenge and did my best for my son to represent him and I'm so thankful for you being with us at this hard time . "

Testimonial from a parent who received support through The ClementJames Centre Advocacy Programme: