

The Lincolnshire
Ladder of
Behavioural Intervention
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The Lincolnshire Ladder of Behavioural Intervention

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Foreword

The Lincolnshire Ladder of Behavioural Intervention ('the Ladder') is underpinned by current statutory guidance on permanent exclusion to which schools must adhere.

A decision to exclude a pupil permanently should only be taken:

- *in response to a serious breach or persistent breaches of the school's behaviour policy;*
- and**
- *where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.*

(Exclusion from maintained schools, academies and pupil referral units in England, September 2017. p10)

DfE guidance also states that the underlying causes of persistent disruptive behaviour must be investigated and support provided such that permanent exclusion is only ever a "last resort."

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 multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems. (DfE, September, 2017)

Part One of the Ladder translates this advice into a clear protocol for Lincolnshire schools. It is designed to promote an evidence-based approach to early intervention and to signpost the resources now available within Lincolnshire to enable the inclusion of vulnerable and disadvantaged pupils.

The guidance on one-off serious breaches of behaviour policy (Part Three) is informed by DfE and ACPO guidance on drug-related incidents and underpinned by Lincolnshire Safeguarding Children Board (LSCB) model policies. Referenced within the text, these are designed to guide head teachers in pursuing inclusive alternatives to permanent exclusion when pupils make serious, but one-off, mistakes.

Finally, the Local Authority now funds transport for pupils who are **manage moved** between schools when arrangements are made in agreement with the Pupil Reintegration Team (PRT). The managed move protocol can be downloaded from the Inclusive Lincolnshire microsite. Collaborative Headteacher Inclusion Panels (CHIPs) are also being introduced to strengthen this collaboration between settings. For further information, contact PRT@lincolnshire.gov.uk

Part One - Persistent Misconduct

Step One – School-led

Current Statutory Guidance	School Actions
<p>"The head teacher should take account of any contributing factors." (p10)</p> <p>"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." (p10)</p>	<p>For all pupils at risk, undertake screening for underlying special needs. (At least, reading age and communication skills – see Communication Trust's <i>Progression Tools</i>)</p> <p>When SEND is identified, implement a SEN Support Assess-Plan-Do-Review cycle.</p> <p>For complex needs or advice, consult the Local Offer and engage specialist support.</p>
<p>"The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour."</p>	<p>For all pupils at risk, explore environmental factors through consultation with parent/carer and pupil. Where unmet needs become evident, complete an Early Help assessment and engage services as appropriate – single agency or through TAC.</p>
<p>"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." (p9)</p>	<p>For all pupils who remain at risk, implement either LCC's Pastoral Support Programme or school's preferred tool for planning social and emotional learning. Engage parents/carers in the initial plan and its review. Consider escalation to step two – BOSS support – if this seems necessary.</p>

Step Two – BOSS Involvement

Current Statutory Guidance	School Actions
<p>"the head teacher should consider what extra support might be needed to identify and address the needs of pupils .. in order to reduce their risk of exclusion." (p11)</p>	<p>Refer any pupil who has not responded to Step One intervention to BOSS for targeted support. (BOSS Referral form available at Inclusive Lincolnshire microsite)</p>

Either

Step Three, KS1-3 (Intervention Placement)

Statutory Guidance	School Actions
<p>"Where a school has concerns ... it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement</p>	<p>Refer for intervention placement in alternative provision (AP), noting that referrals must be received by PRT@lincolnshire.gov.uk on the Friday before the fortnightly panel meetings. (Intervention place referral form available on Inclusive Lincolnshire microsite) *For pupils with EHCPs, see Part Two</p>

may be required. (p11)

Upon successful referral of a pupil, attend admission meeting at the AP so that the intervention can be planned with roles and responsibilities of all stakeholders confirmed.

Attend review meetings and work with the provider, BOSS and the PRT to ensure successful reintegration into school following intervention.

Or

Step Three, KS4 (Alternative Pathway)

Statutory Guidance	School Actions
<p>For a list of approved vocational qualifications, see the DfE's Technical Awards Guidance.</p> <p>In relation to Progress and Attainment 8, note that the third element now contains 'technical awards' from the DfE approved list as well as GCSEs.</p>	<p>Dual Registration placement in AP If the pupil has not had the opportunity to access vocational learning and steps one and two of the Ladder have been followed, then referral to panel should be made for placement within a vocational centre. This cannot be full-time if the provider is not a registered school. On admission to the centre, the full-time package will be agreed between school, PRT and provider. For example, the pupil might spend one day a week in school, following an academic/basic skills curriculum, and four within the AP.</p> <p>Single Registration within an AP If the pupil has accessed at least one half term's AP placement, then this should be evidenced within the Alternative Pathway referral documentation. If the earlier steps of the Ladder have been followed and this is also documented, then the pupil will transfer onto the roll of the AP* – which will be a registered school – to become a full-time AP Pathway learner.</p> <p>*Written parental consent must first be secured to comply with admissions regulations.</p>

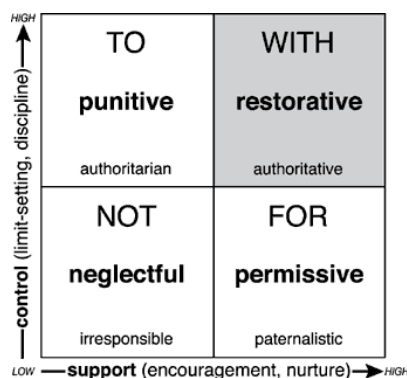
Part Two – SEND and the Ladder

When a Headteacher wishes to access an intervention place for a pupil with an EHCP, an emergency annual review must be convened and SEND caseworker invited.

If all steps have been followed, the setting will complete the referral for an intervention placement, paperwork (PSP, Intervention Place Referral Form and EHCP) must be sent to the SEND caseworker. The caseworker will then forward this to the provider for consideration of the request. If the provider can meet needs, work will be undertaken alongside the BOSS team and current setting to support a successful transition back to school at the end of the placement. The SEND team will be updated of any developments.

Part Three – The 'One-Off' breach

The Local Authority endorses a restorative approach to behaviour whereby, if a pupil has damaged a relationship or broken a rule, they should be given the opportunity to repair harm, to renew their commitment to school ethos and to learn from the mistake. Schools operating in this way could be described, in relation to the 'Social Justice' window below, as 'authoritative'.



The 'authoritative' approach also enables schools to comply with statutory guidance, that pupils should not be permanently excluded for a serious breach, or even breaches, if the incident can be managed such that other pupils are not harmed.

Schools are required within current EXC3 paperwork to indicate what has prevented all of the following inclusive measures from either enabling the pupil to remain in school or from undertaking a managed move.

Inclusive Measure	Statutory Guidance
Provide opportunity for the pupil to repair harm, learn from the mistake and embark on period of close monitoring with risk assessment in place.	"Where practical, head teachers should give pupils an opportunity to present their case before taking the decision to exclude." (p10)
Adhere to 2012 DfE guidance on drugs misuse to avoid permanent exclusion for possession.	"Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases." (p6, DfE and ACPO Drugs Guidance)
For more serious incidents, consult the LCSB Model Drugs Policy (Inclusive Lincolnshire microsite)	"Drug use can be a symptom of other problems and schools should be ready to involve or refer pupils to other services when needed." (p6)
Follow guidance in LCSB Model Banned Items Policy – Inclusive Lincolnshire Microsite) which factors in 'intent'	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. (p8)
Consider mitigating circumstance, e.g. bereavement or bullying.	"Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, when it comes to light that a pupil has suffered a bereavement, has mental health issues or has been subject to bullying." (p10)
If none of the above are sufficient to allow pupil to remain within the school then placement elsewhere should be arranged.	"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."

Part Four – Special Cases

The 'Final Straw' Scenario

If the breach of behaviour policy justifies a permanent exclusion only because of previous violations, then it must be coded as 'persistent misconduct' to accurately reflect this context for the decision. The pupil will therefore have been supported through the steps outlined in Part One of the Ladder.

Looked After Children and Pupils subject to ECHPs and Statements

"Headteachers should, as far as possible, avoid excluding permanently any pupil with a statement of SEN of a looked after child." (p7)

- Pupils who are Looked After must not be permanently excluded without reference to the Virtual School and the Director of Children's Services.
- Pupils with ECH plans or Statements must not be permanently excluded without an emergency review having first been convened.

Part Five - Transport Costs

Managed Moves

LCC will fund 100% of transport costs for managed moves when these have been supported by the PRT in accordance with the managed move protocol (see Inclusive Lincolnshire microsite) or locality Collaborative Headteacher Panels (CHIPS).

Intervention Places, KS1-3 Standard Transport Charge

KS1-2:	£1,278
KS3:	£1,741

Alternative Pathway, KS4 Standard Transport Charge

Equivalent to pro-rata removal of AWPU, SEND funding and pupil premium.

Maintained school cost recovery will be through a recharge, which will be actioned by the Schools Finance Team. Academies recovery will be through high needs payments.