

Permanent Exclusion-Child in Care Transfer Protocol

Guidance for Head Teachers

What is the CIC Transfer Protocol?

For children in care in Gloucestershire, the CIC Transfer Protocol provides an alternative to permanent exclusion. It allows the headteacher to withdraw the permanent exclusion and decisions about the child's next steps in education to be made quickly.

* If a Gloucestershire child in care reaches 35 days suspension in an academic year, the headteacher should call a pre-emptive CIC Transfer Protocol meeting. This ensures proactive decisions can be made and actions agreed prior to the student reaching the 45-day suspension threshold.

**For children in care being educated out of county and for whom the protocol may be relevant, circumstances will be discussed and agreed with the Virtual School Head on an individual basis where possible.

How does the protocol work?

- The headteacher will follow Gloucestershire County Council Guidance for Permanent Exclusion including completion of the JADU portal (see link below for further guidance). They will also notify the Virtual School Inclusion Lead (details below).
- The Virtual School Head and/or inclusion lead will arrange to speak with the social worker and, where possible, the social work team manager to explain the protocol. The social worker **must** explain the protocol to the parents/carers (as appropriate) and confirm this has taken place prior to the CiC protocol meeting.
- The headteacher will convene the CiC protocol meeting within 5 days of the permanent exclusion, to discuss the pupil's needs and the support available.
- At this meeting, there should be the social worker, foster carer / parent and a governor, who can make a decision on behalf of the school governing body. The meeting will be chaired by the school governor with support from the Virtual School Head and/or the Inclusion Lead of the Virtual School. The school should make sure that they have someone to take notes of the meeting and the decisions made.

- The headteacher will present the case for the permanent exclusion, providing evidence that the decision was reasonable, fair, proportionate and lawful.
- The adults present will then have an opportunity to comment on the permanent exclusion and decide if the CIC Protocol should be evoked or if the matter should go to a full governors disciplinary hearing.
- The social worker must agree in order to use the CIC transfer protocol.

Next Steps

The headteacher will write to the parent/ carer and the **Social Worker**, to advise that the permanent exclusion has been rescinded. They will also notify the local authority of this decision, by emailing a written record to SchoolExclusions@gloucestershire.gov.uk

Further guidance to schools on when and how to notify is here: <https://www.gloucestershire.gov.uk/schoolsnet/your-pupils/exclusions/>

If appropriate, the school will write a letter to the young person (including any photos the school may have) which can be added to their PEP and Life Story book.

The pupil will be placed in the Alternative Provision School, and remain on the school register, coded D – dual registered.

As soon as possible, the holder of PR will begin to make applications to other mainstream schools.

Once a new educational setting is found the pupil will be removed from the school roll.

In the event of Y11 CIC transfers, this matter will be considered on an individual basis.

If the decision is NOT to evoke the CIC protocol.

The governors will hold a disciplinary hearing within the first 15 school days following the permanent exclusion. Governors have a duty to review exclusions, using government guidance.

The parent/carer and child will be invited and can bring a friend or representative.

The social worker will also be invited to attend or contribute in writing if they are unable to attend.

The governors will invite the head teacher to give the reasons for the exclusion.

They will ask the head teacher to explain the support that the school have offered in order to avoid exclusion.

They will also give an opportunity for the parent / carer and the social worker to give their views about the exclusion, and to ask questions.

Governors can decide to:

- decline to reinstate the pupil; or
- directly reinstate the pupil immediately or on a particular date.

If the headteacher's decision is upheld by the governors, parents will have a right to ask for an independent review panel to consider the decision again. You will be given details about this in the governors' letter informing you of their decision following the meeting.

What happens about the child's education now?

The Alternative Provision School will contact the child's primary carer during the first five days of the exclusion to offer a place. They will provide education for your child while the longer-term decisions are being made.

What do I need to know before the CiC Transfer Protocol Meeting?

It is important that everyone at the meeting understands the purpose of the meeting and the possible outcomes.

The first part of the meeting is to hear your reason for permanent exclusion and for the group to consider if the permanent exclusion was lawful, reasonable, rational, fair and proportionate.

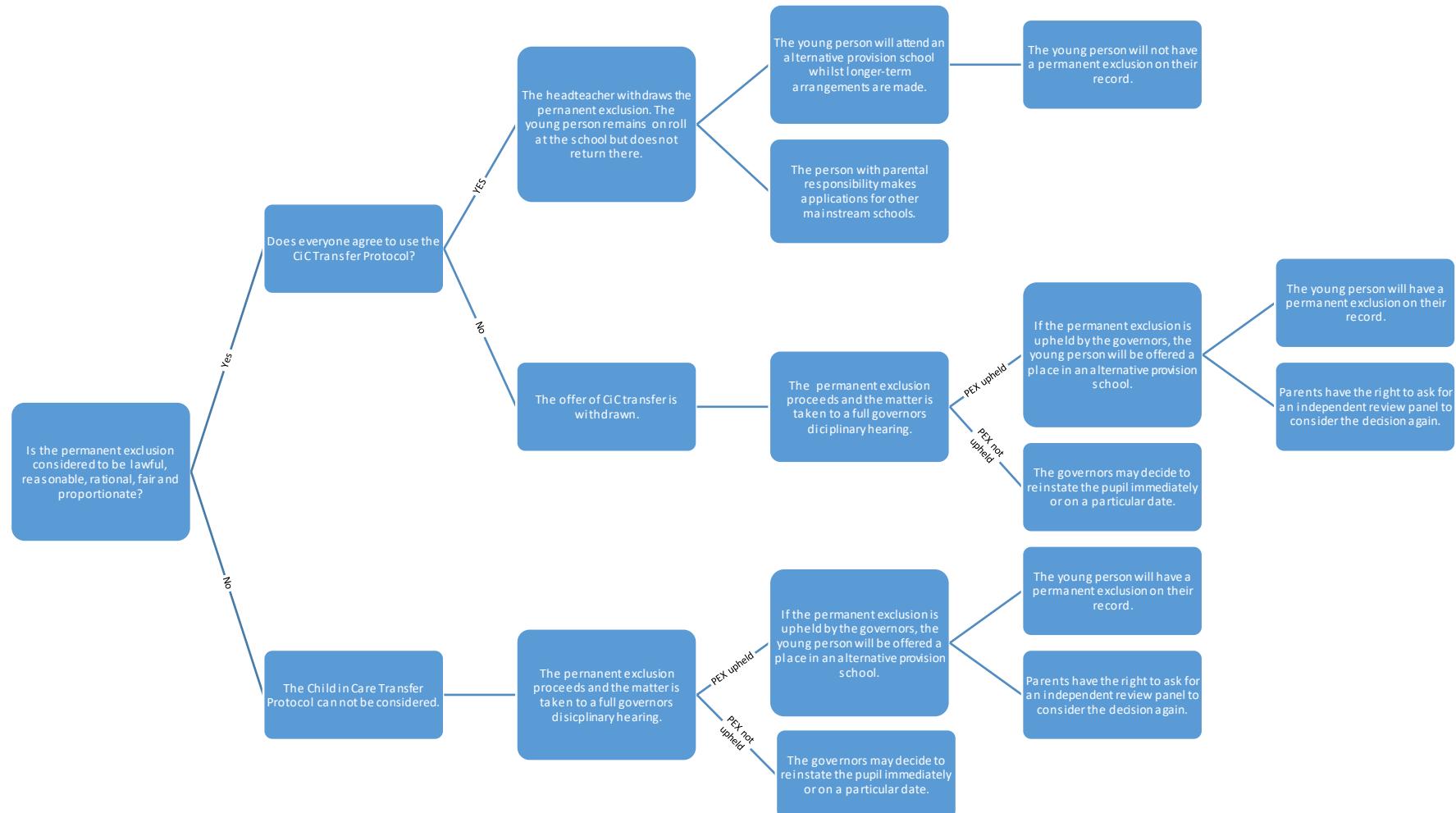
- If it is felt that the permanent exclusion is reasonable then everyone agrees to accept the permanent exclusion and give up the right to a governors' meeting to review the permanent exclusion. The next step is to consider using the CiC Transfer Protocol.
- If it is felt that the permanent exclusion is not reasonable then the people with parental responsibility can decide not to use the CiC Transfer Protocol and proceed with a governors' meeting to review the permanent exclusion. There will not be an opportunity to use the CiC Transfer Protocol at a later date and should the permanent exclusion be upheld by the governors then **the young person will have a permanent exclusion on their record**. In this instance, the young person will not be able to return to your school and they will be offered a place at an alternative provision school.

If the permanent exclusion is accepted, then the second part of the meeting is to consider using the CiC Transfer Protocol.

- If everyone agrees to use the protocol, then the headteacher will withdraw the permanent exclusion and agree to keep the young person dual registered until a new mainstream school is found. The young person will be offered a place at an alternative provision school whilst long-term arrangements are being made. **The young person will not have a permanent exclusion on their record.**
- If the group do not agree to use the protocol, then the permanent exclusion will proceed. There will not be an opportunity to use the CiC Transfer Protocol at a later date and should the permanent exclusion be upheld by the governors then **the young person will have a permanent exclusion on their record.** In this instance the young person will not be able to return to your school and they will be offered a place at an alternative provision school whilst longer-term arrangements are being made.

It is important that after the CiC Transfer Protocol meeting, **the person with parental responsibility** for the young person makes applications to other mainstream schools as soon as possible. This will ensure that the young person attends the alternative provision school for the shortest time possible.

The Child in Care Transfer Protocol Meeting



Where can I read more about exclusions?

Schools must follow the government exclusion guidance. *Exclusion from maintained schools/academies and pupil referral units in England*

www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

<http://www.glos.ac.uk/schoolsnet/exclusions>

Sources of help and information

The Virtual School are able to support the Children in Care Transfer process.

Please contact

Karla Broady

Assistant Head with responsibility for Inclusion

The Virtual School

Karla.Broady@glos.ac.uk

Coram Children's Legal Centre

Provide free legal advice and information to parents on education matters, including exclusions. They can be contacted on 0808 802 0008 or on

<http://www.childrenslegalcentre.com/>

The advice line is open from 8.00 am to 8.00 pm Monday to Friday

Child in Care Transfer Protocol

Meeting Agenda

1. Introductions
2. Purpose of meeting
3. Headteacher to present case for permanent exclusion
4. Use of Child in Care Protocol-Discussion
5. Use of Child in Care Protocol-Decision
- 6a. If Child in Care Protocol is to be used, Headteacher agrees to write letter to parents, carers and social worker to advise that the permanent exclusion has been rescinded.
- 6b. Headteacher also agrees to notify Local Authority of the decision to use the Child in Care Protocol to rescind the permanent exclusion by contacting: SchoolExclusions@gloucestershire.gov.uk
Further guidance to schools on when and how to notify is here:
<https://www.gloucestershire.gov.uk/schoolsnet/your-pupils/exclusions/>
- 6c. To note, the Local Authority will arrange Alternative Provision School placement at the earliest opportunity but by day 6 following decision to Permanently exclude. The child remains on the school register (coded D-Dual Registered).
7. If the Child in Care Protocol is not to be used, school governors will hold disciplinary hearing within first 15 days following the permanent exclusion.
8. Meeting summary, any additional questions and close.

Virtual School



Record of Meeting

Date: _____ Venue: _____

Virtual School Staff:

Type of meeting:

Pupil's name:	DOB:	School:	Year group:
Present at the meeting:			
Initials of who is speaking	Summary of discussion	Actions	

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Signed by the school representative.....