

Exclusion Policy

Ambitious about Autism does not use exclusion as a punishment, as we recognise that most of our learners are not able to comprehend that the exclusion is a consequence of their actions.

1. Introduction:

At Ambitious College we believe that our learners best learn, thrive, and achieve, in a positive, ambitious, nurturing environment where all members of our college community feel safe and supported in their day-to-day participation in College life.

Often young people are placed in our College, following a breakdown in their previous setting, sometimes as a result of exclusion. Therefore, some of our young people and their families have experience of exclusions before they reach us.

The Department for Education guidance explains that young people with special educational needs (SEN) and looked after children are especially vulnerable to the impacts of exclusions. The advice to leaders is that, as far as possible, they should avoid permanent exclusions.

It is therefore all the more important that learners and their families are aware that, though the Head of College retains the power to authorise fixed-term and permanent exclusions, the decision to exclude, whether for a fixed term period or permanent, is a very serious consideration which, in normal circumstances, will only be used as a last resort when a range of other strategies has been exhausted. Only the Head of College or, in his/her absence, a member of the college senior leadership team, acting with the authority of the Head of College, can exclude a learner.

Excluded learners should be enabled and encouraged to participate at all stages of the exclusion process, considering their age and understanding.

2. Policy summary:

All children have a right to education. A decision to exclude a learner, on a fixed term or permanent basis, will only be considered in exceptional circumstances and then only when all alternatives to exclusion have been implemented and exhausted.

A decision to exclude a learner permanently would only be considered in very rare and exceptional circumstances and only when all alternatives to exclusion have been implemented and exhausted.

These might be:

- Where allowing the learner to remain in College would seriously harm the education or welfare of the learner or others in the College.

The decision to permanently exclude is an acknowledgement by the College that it has exhausted all available strategies for supporting the learner.

A decision to exclude a learner for a fixed term might be considered as the last resort when:

- Serious and repeated incidents have taken place
- Allowing the learner to remain in college would seriously harm the education or welfare of other pupils
- A 'cooling off' period is considered essential for the pupil and/or time over and above what can reasonably be expected within the normal responsibilities of teaching or facilities staff are required in order to reorganise rooms, repair and make safe property damage, adjust teaching arrangements or to prepare new materials.

3. The 3 Stage Approach:

To avoid the need for exclusion the College initiates three stages of support and recording, prior to any fixed-term or permanent exclusion. The only exception being when the impact of one incident

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is so severe that an immediate decision to exclude on a fixed-term basis is required, in order to avoid serious harm to the education and welfare of the learners or others in the College.

Stage One:

Staff working with the learner observe (or feel) that there may be an escalation of behaviour that, without further targeted intervention, might lead to circumstances where a fixed term or permanent exclusion may be the only action available.

Reporting and responding to Stage One concerns:

- Internal reporting of the incident(s) to the Leadership Team using BehaviourWatch. It should be noted that email alone is not considered sufficient communication with the Leadership Team when a Stage One concern is being raised.
- Staff use the Incident/Accident software to report what management action is taken in response to the incident. Data is analysed to identify trends or patterns of the incidents. Action may be taken, which may include: reasonable adjustments such as changes to the behaviour plan; additional staff training; a review of the individualised curriculum or programmes; or adaptations to the environment.
- Parents/carers are informed of the actual incident(s) via the home-college book or their preferred method of receiving information from College.
- Key staff (Teachers, Senior Behaviour Analyst) alert Senior Leadership Team (specifically a member of Senior Leadership), that a Stage One concern has been raised. Advice is sought from the Head of College around alternative behaviour support strategies.
- Key staff ensure the Assistant Head (PWDB) is informed and involved in planning support for the learner.
- Support is offered to both monitor the concerns and develop strategies to overcome the issues. The learner's BSP is revised if appropriate.

Parents/carers are notified by a Senior Leader of the actions being taken and the timeframe within which improvements are expected to be observed. Parents/carers are advised that these are being implemented as an alternative to exclusion. Where there is concern as a result of persistent or repeated incidents of a similar nature, it should not be a surprise to parents/carers that the College is implementing alternative to exclusion.

Stage Two:

Reporting and responding to Stage Two concerns:

- An internal discussion involving the College Senior Leadership Team is held to explore further strategies (e.g. whether to agree a fixed-term intervention of an increased staff ratio, or a fixed-term intervention of a learner receiving individual teaching in a separate space).
- Parents/carers are contacted in person and subsequently in a letter written by the Head of College informing them that the behaviours that challenge are continuing and that the strategies being implemented are not having the desired effect. Parents/carers are advised that should further strategies fail to have a positive effect, a 'Case Conference' will be held in College to discuss the matter.

Stage Three:

- Staff working with the learner observe (or feel) that the escalation of behaviour support and internal strategies implemented thus far have failed to positively affect the behaviour within the time period agreed at Stage Two and that without further targeted intervention, might lead to circumstances where a fixed term or permanent exclusion may be the only action available.
- A 'Case Conference' is called by the Head of College. The Case Conference should involve the parents/carers, staff working with the learner as appropriate and the Head of College. A letter is sent to the Local Authority (LA) informing them of the Case Conference and the details of the issue and inviting them to attend should they wish to.
- The key objective of the Case Conference is to determine whether it might be possible to change the behaviour of concern or whether a fixed-term exclusion would be appropriate.
- This meeting would also trigger an Emergency Annual Review to be scheduled.

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A permanent exclusion may not be given at Stage Three whilst waiting for a Case Conference to be organised.

4. Unlawful exclusions:

It is unlawful to exclude a learner or increase the severity of an exclusion for non-disciplinary reasons such as:

- The learner having additional needs or a disability that the College feels unable to meet
- Academic ability or attainment
- The learner failing to meet specific conditions before he or she is reinstated following a fixed-term exclusion
- The actions of the child's parents/carers (Paragraph 12, DfE guidance 2012)

When deciding whether to exclude a learner the Head of College must consider responsibilities under the Equality Act 2010. Colleges must not discriminate against, harass or victimise learners because of their sex, race, disability, religion or belief or sexual orientation; because of pregnancy/maternity; or because of gender reassignment. The Head of College must ensure that all College policies and practices do not discriminate against learners by unfairly increasing their risk of exclusion.

'Informal' or 'unofficial' exclusions such as sending a learner home to 'cool off' or reducing the length of a learner's day in College should be only as a last resort. Any exclusion of a learner, even for short periods of time, must be formally recorded.

5. Fixed term exclusion

A decision to exclude a learner for a fixed term will only be considered in exceptional circumstances. These might be where:

- serious and repeated incidents have taken place.
- allowing the learner to remain in college would seriously harm the education or welfare of other learners.
- a 'cooling off' period is essential for a learner or learners and/or time is needed to reorganise the classroom, teaching arrangements or prepare new materials, in the context of adapting the college environment in order to continue to meet the learner's needs and where the necessary time to do this is over and above what can be carried out within the normal expectation on teaching staff.

Before any decision to exclude for a fixed term is reached, the Head of College will consider all the relevant facts in the context of the college's policies for behaviour, safeguarding and child protection of children and vulnerable adults and equal opportunities and consult with colleagues. A fixed-term exclusion will not take place without prior discussion with parents/carers about the issues that have led to considering the exclusion and the implementation of the 3 Stage process outlined above.

The length of the exclusion must be fixed for a precise period, and reasons for the exclusion given in a letter within one College day. Usually the parent/carer will be informed by telephone on the day of the exclusion by the Head of College.

The maximum amount of time for which a learner can be excluded is 45 days in any single College year.

6. Permanent exclusion

A decision to permanently exclude a learner would only be considered in very rare and exceptional circumstances and only when the three-stage process has been completed and exhausted. These might be

- in response to serious breach, or persistent breaches of the College behaviour policy **and**;
- where allowing the learner to remain in college would seriously harm the education or welfare of the learner or others in the college

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Before any decision to permanently exclude is reached, the Head of College will take account of any contributing factors that are identified after a serious incident of behaviour that challenges has occurred. These might include where a learner has suffered a bereavement, has been subject to bullying or where their needs beyond college have been identified as not being met.

Behaviour that challenges can be an indication of unmet needs. Where the college has concerns about a learner's behaviour it will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation the college will consider a multi-agency assessment that goes beyond the learner's educational needs.

The Head of College will consider all the relevant facts in the context of the college's policies for behaviour, child and vulnerable adult protection and equal opportunities and consult with colleagues. It is highly unlikely that any permanent exclusion will take place without a history of discussion with the learner's parents/carers and LA. The decision to permanently exclude is an acknowledgement by the college that it has exhausted all available strategies for supporting a learner.

Where a permanently excluded learner has an EHC Plan, the responsible Local Authority must ensure that an appropriate full-time placement is identified, in consultation with parents/carers. Parents/carers retain their right to express a preference for a college should they wish their child to attend or may make representations for a placement in any other college. The DfE guidance clarifies that the placement does not have to be full-time if the learner's EHC Plan indicates that the maximum number of hours' education per week should be less (paragraph 42 and 43 of DfE guidance, 2012).

7. Management of a permanent or fixed period exclusion

Notification

Except in very rare circumstances a permanent exclusion will be planned. Parent/carers and LA representatives will be informed well in advance, through their involvement in meetings to discuss prior steps and any on-going management issues. Any exclusion must be treated in the strictest confidence.

If permanent or fixed term exclusion is considered necessary the Head of College must inform the learner's parents/carers and the LA immediately, ideally by telephone, followed up by a letter explaining the circumstances. When the parent/carer must be notified in writing depends on when the learner is excluded.

- Where the learner is excluded at the end of the afternoon session and the exclusion takes effect from the next college day, notice must be given before the start of that day;
- Where the learner is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon;
- Where the learner is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

Notices must be in writing and must state:

- for a fixed period exclusion, the precise period of the exclusion;
- for a permanent exclusion, the fact that it is a permanent exclusion;
- the reasons for the exclusion;
- the date of the commencement and ending (if fixed term);
- the person the parent/carer should make contact with if they wish to make representations about the exclusion;
- The Head of College must inform the chair of the governing body about:
 - permanent exclusions
 - Fixed term exclusions
 - exclusions which would result in the learner missing a public examination.

All exclusions are reported on to the Quality Committee, the Governing Body and the Education Committee.

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Length of fixed period exclusion

The Head of College will report short term fixed period exclusions, when they happen, to the Chair of the Governing Body and once a term to the Governing Body.

Preparation for reintegration to college

A plan will be drawn up to support reintegration to college following any period of exclusion. All members of staff working with the learner need to be informed of this by the Head of College.

A programme of reintegration will be put in place following a fixed-term exclusion. This will be discussed with parents/carers before the learner returns to college. Other key members of staff may be involved in this discussion. Reintegration programmes will be based on a functional analysis of the learner's behaviour that challenges and may involve:

- Returning to college initially on a reduced timetable and gradually building up the time spent in college.
- Having one-to-one provision made on-site with gradual reintegration into class. This will usually be reviewed on a weekly basis.
- Placing the learner on an individualised timetable. This will usually be reviewed on a weekly basis.

The aim is always to successfully reintegrate the learner back into class full-time, as far as possible.

8. Alternatives to exclusion

If the college feels that it can no longer manage the behaviour of a particular learner, the college may ask the LA to identify another college to take over his or her education. This should only be done with the full knowledge and co-operation of all parties involved, including the parents/carers and LA, and in circumstances where it is in the best interests of the learner concerned. Parents/carers should never be pressured into removing their child from the college under the threat of a permanent exclusion.

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