

Exclusions Policy

1. Introduction

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. Often young people are placed in our colleges having experienced multiple exclusions.

The decision to exclude, whether for a suspension 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 their absence, a member of the college senior leadership team, acting with the authority of the Head of College, can exclude a learner.

A learner at risk of suspension or exclusion is enabled and encouraged to participate at all stages of their education, including suspension or exclusion, considering their age and level of understanding.

2. Applicable Law and Guidance underpinning this Policy

This policy takes account of the statutory guidance and legal duties under the following:

- The [Statutory Guidance from the Department for Education: Suspension and Permanent Exclusion from maintained Colleges, academies and learner referral units in England, including learner movement 2023](#)
- [DfE Guidance on Behaviour in Colleges \(Sept 2022\)](#)
- [Keeping Children Safe in Education \(2022\)](#)
- [Working Together to Safeguarding Children \(2018\)](#)
- the Education and Inspections Act 2006
- The Education Act 2011
- the Equality Act 2010
- the Children and Families Act 2014

3. Links with other Policies and Procedures

This policy should be read alongside the following organisational policies:

- Behaviour Policy
- Child Protection and Safeguarding Policy and Procedures
- Adult at Risk Safeguarding and Protection Policy and Procedures
- Equity, Diversity and Inclusion Policy
- Anti-bullying Policy

4. Understanding Exclusions and Suspensions

An exclusion or suspension (formerly known as a fixed term exclusion) is a disciplinary sanction where the learner is not allowed on the College premises. There are two types of exclusion:

- a suspension (previously known as a fixed term exclusion) where the learner is not allowed on the College premises for a fixed period of time.
- Permanent exclusion where a decision has been made that the learner is not permitted to attend the College.

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4.1 Suspension

A decision to suspend a learner will only be taken as a last resort (see Section 5). Where the Head of College issues a suspension:

- The College must inform the parents/carers explaining the reason for the suspension and the period of the suspension (see Section 7);
- For the first five days of the suspension the College should provide resources/activities for the learner;
- If a suspension is longer than five days the College will ensure arrangements are made for alternative education from the sixth day. Alternative education in this policy refers to suitable education that is arranged for a learner during a suspension;
- Prior to returning to College there will be a reintegration meeting planned (see Section 8).

4.2 Permanent Exclusion

A decision to permanently exclude a learner will only be taken exceptionally and as a last resort. Where the Head of College permanently excludes a learner:

- The College must notify the learner's parent/carer of permanent exclusion and the reasons for the decision (see Section 7 below);
- The College may consider offering to provide resources or activities for the first five days;
- It is the duty of the Local Authority to provide an appropriate education for the learner to begin no later than the sixth day after the exclusion;
- The responsible Local Authority will amend an EHC plan to change the placement in Section I. The Authority is also required to identify an appropriate educational placement. Parents retain the right to express their preference for a College or college in line with the Children and Families Act 2014.

5. The Decision to Suspend or Exclude

A decision to suspend or exclude a learner permanently will only be taken as a last resort:

- In response to serious or persistent breaches of the College's behaviour policy; and/or
- Where allowing the learner to remain in College would seriously harm the education or welfare of the learners/learners or others in the College including staff;

Serious breaches are those that have a significant impact on others in the learning environment. Examples include:

- Physical assault against a learner;
- Physical assault against any else in the college community;
- Verbal abuse or threatening behaviour against a learner;
- Verbal abuse or threatening behaviour against an adult;
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by the College;
- Extreme bullying;
- Racist, sexual or other abuse;
- Damage to property;
- Persistent absconding
- Smoking, illegal drugs (possession and/or use) or alcohol (consumption or possession)

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Only the Head of College or, in their absence, a member of the college senior leadership team, acting with the authority of the Head of College, can exclude a learner. Before deciding whether to suspend or exclude a learner the Head will:

- Consider all the relevant facts and evidence relevant to the incident and events leading up to it;
- Allow the learner to give their version of events and provide the necessary support to help them do so as necessary;
- Consider the nature of the learner's SEND and specifically their competence and level of understanding in relation to their own conduct.

When establishing the facts and making any decision, the Head of College must apply the standard of proof in civil legal cases which is on 'a balance of probabilities' i.e. it is more likely to be true than not.

A suspension cannot be changed to a permanent exclusion unless, exceptionally, new relevant information comes to light.

6. Values Approach

Aligned with the College's values to provide a high-quality education for autistic young people, is the commitment to support them remain in education. Learners/learners are never excluded on the basis their special educational needs cannot be met.

Where a College has concerns about a learner's behaviour it will work quickly to identify whether there are any causal factors and will intervene using a range of measures to provide appropriate support. The College will ensure early intervention is in place to address any underlying causes of disruptive behaviour to seek to reduce the risk of exclusion or suspension. Parents/carers will be proactively involved in this process and kept informed of progress. Typical intervention and support involves:

- Discussions with parents/carers and local authority;
- Implementation of targeted support and monitoring ;
- More intensive work within the learner's trans-disciplinary team to provide more targeted support, interventions, programmes and monitoring;
- Increased review and reporting of progress;
- Working in partnership with external professionals;
- Holding an early annual review of the learner's EHC plan to consider whether the needs, provision and support levels are appropriate or need amending.

However, there are rare circumstances where an exclusion may be necessary. The Head of College and Governing Body is aware that 'informal' or 'unofficial' exclusions such as sending a learner home to 'cool off' or reducing the length of a young person's day in College are unlawful whether they occur with the agreement of the parents or carers. Any exclusion of a learner, even for short periods of time, must be formally recorded.

The College is aware of its duties under the Equality Act 2010 to prevent discrimination and to ensure reasonable adjustments are made for disabled learners/learners. The Heads of College and Governing Body also ensure College policies and practices do not discriminate against learners/learners by unfairly increasing their risk of exclusion.

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7. Roles and Procedures

7.1 *Informing parents/carers*

If the Head of College makes a decision to exclude, they must inform the learner's parents/carers without delay by telephone or in person. This must be followed up in writing. The following information must be provided in writing. This information can be sent electronically where permission has been given for this form of communication, or sent to the usual or last known address:

- The reason for the suspension or permanent exclusion;
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- The parent/carer's¹ right to make representations about the suspension or permanent exclusion to the Governing Body, and who these should be sent to and how;
- The right of parents/carers to request the meeting be online;
- The arrangements for the learner to continue his/her education during the suspension;
- Any arrangements in respect of national curriculum tests or public exams;
- Confirmation that the responsible Local Authority has been notified of the suspension/exclusion.

The Head of College will be mindful in all communication with parents/carers that they fully understand the reasons why the decision has been made. In ensuring clear communication, the Head of College will consider any additional needs of parents/carers with whom they are discussing the suspension or exclusion.

7.2 *Informing the learner's social worker*

Where the learner has a social worker and is at risk of suspension or exclusion, the Head of College will contact the social worker. Where a decision is made to suspend or exclude a learner with a social worker they will be notified of the following:

- The decision to suspend or exclude
- The reason for the decision
- The length of the suspension or the fact that the exclusion is permanent
- Where the suspension or exclusion affects the learner's ability to sit a national curriculum test or public exam, the fact this will occur.

7.3 *The Governors*

The Head of College will without delay notify the Governing Body of any permanent exclusion and report termly on any suspensions.

7.4 *The Local Authority*

The Head of College will ensure the relevant Local Authority responsible for maintaining the EHC plan is advised immediately about a learner's suspension or exclusion.

In the case of a learner who is permanently excluded, the Local Authority is responsible for arranging a suitable full-time education to begin no later than the sixth day of the exclusion.

¹ In this policy the term parents/carers can also be taken to mean a learner/learner who is 18 or over with mental capacity.

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8. Reintegration Following Suspension

A programme of reintegration will be put in place following a suspension to successfully support the learner back into College full-time and reduce the risk of further suspension. The details of the programme will be discussed with learner /parents/carers at or prior to the reintegration meeting.

The reintegration meeting will be held with College staff, parents, the learner and any internal or relevant external professionals to discuss how to support the learner on their return to College. This will include considering what measures can be introduced to prevent further suspension or exclusion. The meeting will be conducted by a member of the Senior Leadership Team on or before the learner returns to College.

Following the meeting, a programme of reintegration will be developed and agreed to support the learner's return to College. Reintegration programmes are likely to include input from a number of College professionals and may comprise:

- A phased transition back into 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 amended, individualised timetable. This will be regularly reviewed on a weekly basis.

9. Representations

If a parent/carer/learner wishes to appeal the suspension or exclusion then they must do so in writing to the Head of College within one week of the letting notifying them of the decision. The College will establish an appeals panel to review the decision.

The Appeals Panel will normally convene within three weeks of receipt of the letter requesting the appeal. The date shall be arranged by mutual agreement of the panel and parent/carer. The panel will consist of three members of the Governing Body or, if not available, members of the Governing Body from another of the Schools or Colleges within Ambitious About Autism or the Ambitious About Autism Schools Trust.

The parent/care/learner may bring an advocate or a friend to the meeting. The Head of College will ensure that any evidence supporting their decision is made available to the parents/carers in reasonable time before the hearing. The parent/carer or their advocate or friend may ask questions of the Head of College or may raise any relevant matter for the Panel to consider.

The decision of the panel will be provided to the parents/carer and College as soon as is practicable. The panel may recommend:

- The suspension or exclusion is confirmed
- The suspension or exclusion is withdrawn

If the suspension or exclusion is withdrawn the learner will return to college. A reintegration meeting and programme will be completed if required. If the suspension has already ended, the effect of it being withdrawn is that a record of the suspension is removed from the learner's College records.

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10. **Monitoring Arrangements**

This policy shall be reviewed by the Director of Education and approved by the Education and Care Committee every year.

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