

## Exclusion Policy

**Ambitious about Autism does not use exclusion as a punishment. We recognise that most of our learners are not able to comprehend that the exclusion is a consequence of their actions. We only use permanent exclusion as a last resort.**

### 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, which has resulted in exclusion. Some of our young people and their families have experience of multiple exclusions before they reach us.

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 suspension and permanent 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.

Learners at risk of exclusions should be enabled and encouraged to participate at all stages of the exclusion process, considering their age and level of understanding.

### 2. Links to legislation and guidance

This policy takes account of the [DfE Guidance on Suspension and Permanent Exclusion \(Sept 2022\)](#), the [DfE Guidance on Behaviour in Schools \(Sept 2022\)](#), [Keeping Children Safe in Education \(2022\)](#), [Working Together to Safeguarding Children \(2018\)](#), our duties under the Education and Inspections Act 2006, 2011 and our duties under the Equality Act 2010 and the Children and Families Act 2014.

### 3. Links with other College policies and practices

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. Policy summary:

All children and young people have a right to education. A decision to exclude a learner, on a suspension 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.

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

Policy Owner	Director of Education	Review Date:	June 2024
Policy No.	122a	Version No.	4.0

When a decision is made to suspend or permanently exclude parents/carers must be informed without delay. If a learner has a social worker, or if they are looked after, social workers will also be informed.

When a decision is made to suspend or permanently exclude the placing Local Authority must also be informed.

A decision to impose a suspension, previously referred to as a fixed term exclusion, 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 learners..
- A 'cooling off' period is considered essential for the learner 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.

### 5. The 3 Stage Approach:

To avoid the need for exclusion the College initiates three stages of support and recording, prior to any suspension or permanent exclusion. The only exception being when the impact of one incident is so severe that an immediate decision to suspend is required, 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 and can evidence that there may be an escalation of behaviour that, without further targeted intervention, might lead to circumstances where a suspension or permanent exclusion may be the only action available.

Reporting and responding to Stage One concerns:

- Internal reporting of the incident(s) to the Head of College or Head of Campus 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 BehaviourWatch to report what management action is taken in response to the incident.
- Parents/carers are informed of the actual incident(s), by telephone, by a senior or middle leader. The conversation will include information on 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.
- 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. This process is undertaken by the transdisciplinary team.
- The learner's Behaviour Support Plan (BSP) is revised if appropriate.

#### 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 an intervention of an increased staff ratio, or a suspension 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 of distress 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.

Policy Owner	Director of Education	Review Date:	June 2024
Policy No.	122a	Version No.	4.0

### Stage Three:

- Staff working with the learner observe 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 suspension 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 suspension would be appropriate.
- This meeting would also trigger an Emergency Annual Review to be scheduled.

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

### 6. 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 suspension.
- The actions of the child's parents/carers.

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.

'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.

### 7. Suspensions

A decision to suspend 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 suspension 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 suspension 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.

Policy Owner	Director of Education	Review Date:	June 2024
Policy No.	122a	Version No.	4.0

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

The Head of the College will inform the Chair of the Governing Body of any suspensions/exclusions. The Head of College will also inform the placing Local Authority, the named social worker and in the case of a child looked after, the VSH.<sup>1</sup>

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

## 8. Permanent exclusion

A decision to permanently exclude a learner should 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 (Paragraph 11, DfE 2022).

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 of distress 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.

Behaviours of distress 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 placing 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 have to be suitable to the learner's EHC Plan (SEN Code 10.47-52).

## 9. Management of a permanent exclusions or suspensions

### Notification

In the very rare circumstance when a permanent exclusion occurs, 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 exclusion or suspension 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

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<sup>1</sup> VSH are the lead responsible officer in the LA for ensuring that arrangements are in place to improve the educational experiences and outcomes of the authority's looked-after children, including those placed out-of-authority.

Policy Owner	Director of Education	Review Date:	June 2024
Policy No.	122a	Version No.	4.0

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 suspension, 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 suspension);
- 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
  - suspensions
  - 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.

#### Length of suspension

The Head of College will report short suspensions, when they happen, to the Chair of the Governing Body immediately 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 suspension. This will be discussed with learners/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 behaviours of distress 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.

### **10. 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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