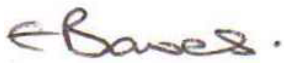




Exclusions Policy

Version:	V3
Effective until:	31 August 2022
Next review:	June 2022 or when there is a change in circumstances, in work practices or the introduction of new legislation.
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Ratified:	

Ethos

Raise Education and Wellbeing School have a caring and committed team of highly qualified, trained, and experienced emotionally available adults to provide a safe and nurturing environment for children, young people, and staff to feel safe, be safe, and develop and thrive as British citizens. Our school is committed to the principles, policies, and practices outlined in all Children and Young people's legislation and always ensure that we understand, keep fully updated, and implement best practices and procedures according to 'Keeping Children Safe in Education' (Department for Education). Raise Education & Well-being School implement policies, procedures, and practices that promote, provide, and enable effective safeguarding that prevents, protects, and promotes the social, emotional and physical well-being of children, young people and staff. Raise Education and Well-being School is committed to supporting the delivery of effective early help and early intervention by using the Multi-Agency Levels of Need and Response Framework and working in partnership with parents/carers, and collaboration with statutory agencies and organisations.

Children and young people experience a broad range curriculum that includes psychosocial education, social emotional literacy, and health and well-being support to promote their welfare and enable them to acquire the skills, knowledge and values to be able to be safe and promote and enhance their personal, social, physical, emotional development, and support and enhance well-being. Our Curriculum and personal development support prepare young people for adult life, with particular regards to developing their knowledge and skills for independent living, citizenship, personal and professional relationships, and family life. Our teaching, care, and support promote young people's well-being and enable them to participate and contribute as British citizens to the wider aspects of keeping people and communities' safe and contributing to a healthy, cohesive, and prosperous society.

1. Aims

Raise Education and Wellbeing school is a restorative and therapeutic school. We understand that children and young people make mistakes and sometimes make poor, ill-informed decisions. Our School is built on the ethos of learning from mistakes, repairing harm, undertaking reflection to facilitate personal change and encouraging positive behaviours and choices.

We understand that it is our legal, but also ethical, duty to teach children and young people social, emotional and moral development. Our young people need to learn the rules of our School, the community and society, to help them develop as people and to support them in the complex transition from childhood to adolescence to then becoming adult British citizens.

We know that negative behaviours represent a significant barrier to learning, personal development, educational outcomes and overall wellbeing. We also recognise that many of our children and young people have Special Educational Needs (SEN) and additional needs that must be considered, including adherence to the SEND Code of Practice (2015), and often have poor experiences of previous schools and educational settings and a negative perception of authority, rules and boundaries.

Many of our children and young people are also looked after children (or care experienced) and have complex and challenging needs that require understanding, patience and a multi-disciplinary approach to meeting these.

As an Independent Special School, we focus on inclusion, rather than exclusion, therefore we use all measures possible to avoid issuing fixed term exclusions. The governing body is fully committed to ensuring permanent exclusions will only be considered in very exceptional circumstances.

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions are a last resort
- The exclusions process is understood by governors, staff, parents/carers and pupils
- All other options have been exhausted before pupils are excluded
- Exclusions are for the shortest time possible from, usually for between ½ day-3 days
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

Section 52 of the Education Act 2002, as amended by the Education Act 2011

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

Section 579 of the [Education Act 1996](#), which defines 'school day'

The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

2. School Procedures

As a special school, we fully understand that exclusions of any kind can have a negative impact of children and young people, in terms of their learning, behaviour and attitude and personal development. No child or young person will be excluded for behaviours that result from their special educational needs. It is acknowledged that distinguishing these behaviours from choice behaviours and ensuring that there are appropriate consequences for behaviours is complex and requires detailed consideration and high levels of professional judgment. For this reason, exclusion decisions will be made by a panel of a minimum of 3 senior members of the school. This must not include any member of staff who may be considered a potential 'victim' of any incident that is the subject of the potential exclusion.

The Deputy Principal, has overall responsibility for convening, briefing and chairing the panel and ensuring that all decisions are recorded and fully documented. The Deputy Principal, has the responsibility for justifying any exclusion to the governing body or other relevant parties.

It is an ethos of the school that fixed term exclusion are used in a limited way when other interventions are deemed inappropriate. It is the aim of the school that there are no permanent exclusion and that they will only occur as an absolute last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are totally committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

In response to serious or persistent breaches of the school's behaviour policy, **and**

If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Deputy Principal and the panel will:

Consider all the relevant facts and evidence, including whether the incident(s) leading to the possible exclusion were provoked

Allow the pupil to give their version of events

Consider if the pupil has SEN and if so the relevance of those SEN to the incident/s

Consider all other possible responses, including restorative justice, targeted sessions, discussions parents/carers or additional PSHE advice and guidance.

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, In Service Training (INSET) or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The Deputy Principal

Convene the exclusion panel with a minimum of 3 members (in person or virtually).

Provide all relevant information, evidence and data for discussion

Ensure that the discussion and decision are adequately recorded

Inform parents

The Deputy Principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

The reason(s) for the exclusion

The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent

Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this

Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Deputy Principal, will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

Inform the governing board and local authority

The Deputy Principal will immediately notify the proprietor where a permanent exclusion is being considered. This includes where:

Any potential permanent exclusion, including when a fixed-period exclusion may be made permanent

Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

Exclusions which would result in the pupil missing a public examination

The final decision to permanently exclude a pupil can only be made by the Proprietor, having received the recommendation from the Deputy Principal.

Where the decision to permanently exclude is made, the Deputy Principal must formally notify the governing body and Local Authority (LA). If the pupil lives outside the LA in which the school is located, the Deputy Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Deputy Principal will report the numbers and reasons at each governors' meeting and at least once a term.

5.2 The governing board

The governing board will:

Receive information on fixed term exclusions from the Deputy Principal, at each governors' meeting.

Receive information on alternative methods used to avoid exclusions, at each governors' meeting

Consider the reinstatement of an excluded pupil (see section 6)

For a fixed-period exclusion of more than 5 school days, the Deputy Principal will confirm that suitable full-time education has been arranged for the pupil. This provision will begin no later than the sixth day of the exclusion.

Be advised of any permanent exclusions

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the governing body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the governing body will consider the exclusion and decide whether or not to reinstate the pupil.

The governing board/name of committee of the governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the governing body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Deputy Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing body will notify, in writing, the Deputy Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, governing body's decision will also include the following:

The fact that it is permanent

Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:

That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. Appealing permanent exclusions

Parents will be given the opportunity to appeal exclusion decisions. Such a request must be made within 15 school days of notice being given to the parents by of its decision to not reinstate a pupil.

A panel of a minimum of 3 people, selected from members of the school, governing body or independent advisor to the school and who have not been involved in the decision to exclude will be constituted.

- A clerk will be appointed to the panel.
- The independent panel will decide one of the following:
 - Uphold the governing board's decision
 - Recommend that the governing board reconsiders reinstatement
 - Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
- The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A pupil's name will be removed from the school admissions register if:

15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or

The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, the Deputy Principal will ensure that a re-integration meeting is held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Restorative conversations
- Targeted interventions
- Temporary time-bound attendance in the school's REACH provision.

10. Monitoring arrangements

The Deputy Principal monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Deputy Principal every year. At every review, the policy will be ratified by the governing board.

11. Links with other policies

This exclusions policy is linked to the

- Behaviour policy
- Restorative justice policy
- SEN policy and information report