

Exclusions Policy

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

1. Introduction

At Ambitious About Autism (AaA) / Ambitious About Autism Schools Trust (AaAST) we believe that children best learn, thrive and achieve in a positive, ambitious yet nurturing environment where all members of our school community – be they adults or children - feel safe and supported in their day to day participation in school life.

Our designation as a special school for children with Autism means that decisions by the Local Authority to place a child or young person at Ambitious schools may occur following a breakdown in the child's previous setting and sometimes as a result of exclusion e.g. the Local Authority has exhausted all within-borough education provision for the child or young person and seeks to secure specialist, out-of-borough placement. As such some children and their families have experience of exclusions before they reach the Rise School.

The Department for Education guidance explains that pupils with special educational needs (SEN) and looked after children are especially vulnerable to the impacts of exclusions. It advised that Head of schools should, as far as possible, avoid permanently excluding these pupils.

It is therefore all the more important that children and young people and their families are aware that although the Head of school 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 and in normal circumstances will only be used as a last resort when a range of other strategies has been exhausted. Only the Head of school or, in his/her absence, a member of the school senior leadership team acting with the authority of the Head of school can exclude a pupil.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

2. Policy summary

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

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

- Serious and repeated incidents have taken place;
- Allowing the pupil to remain in school 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 is required in order to reorganise rooms, repair and make safe property damage, adjust teaching arrangements or to prepare new materials.

A decision to exclude a pupil permanently would only be considered in very rare and

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exceptional circumstances and only when all alternatives to exclusion have been implemented and exhausted.

These might be:

- In response to serious or persistent breaches of the school's behaviour policy;
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

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

3. Guidance on exclusions

The Department for Education (DfE) withdrew the January 2015 version of the statutory exclusions' guidance. Until updated guidance is published, the 2012 guidance 'Exclusion from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' applies and is referenced throughout this policy. The 2012 guidance replaced 'Improving behaviour and attendance: guidance on exclusion for schools and Pupil Referral Units (September 2008) for schools in England.'

The principle legislation to which the Department for Education 2012 guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

Other information and guidance regarding consultation regarding revised guidance can be found on the DfE website: Non-statutory advice for head of schools of maintained schools on the place of multi-agency assessments within a school's behaviour policy is provided by, 'Behaviour and Discipline in Schools – A Guide for Head of schools and School Staff (2012).

4. The Three Stage Approach

To avoid the need for exclusion the school 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 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 pupil or others in the school.

5. Stage One:

Staff working with the pupil 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) by the class team to the Leadership Team members of the school using Incident/Accident software and communicating in person. A follow up email should be sent. It should be noted that email alone is not considered enough 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. Reviews software to identify trends or patterns to the incidents. This may include reasonable adjustments such as changes to the behaviour plan, additional staff training, a review of the pupil's curriculum and programmes or adaptations to the environment;
- Parents/carers are informed of the actual incident(s) via the home-school book or their preferred method of receiving information from school;
- 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 Behaviour Team to develop alternative behaviour support strategies;

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- Key staff ensures the Assistant Head is informed and involved in planning support for the pupil;
- Support offered to both monitor and develop strategies to overcome the issues. The pupil's Behaviour Support Plan is revised if appropriate.

Parents/carers are notified by the appropriate 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 school is implementing alternative to exclusion.

6. Stage Two:

Reporting and responding to Stage Two concerns:

- An internal discussion involving the School 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 pupil receiving individual teaching in a separate space);
- Parents/carers are contacted in person and subsequently in a letter written by the Head of School 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 school to discuss the matter.

7. Stage Three:

- Staff working with the pupil 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 School. The Case Conference should involve the parents/carers, staff working with the pupil as appropriate and the Head of school. 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.

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

8. Unlawful exclusions

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

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

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

'Informal' or 'unofficial' exclusions such as sending a pupil home to 'cool off' or reducing the length of a child's day in school are unlawful whether they occur with the agreement of the parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded

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(Paragraph 12, DfE guidance 2012)

9. Fixed term exclusion

A decision to exclude a pupil for a fixed term will only be considered in exceptional circumstances.

These might be where:

- Serious and repeated incidents have taken place;
- Allowing the pupil to remain in school would seriously harm the education or welfare of other pupils and there is a real risk of injury to staff;
- A 'cooling off' period is considered to be essential for a pupil or pupils and/or time is needed to reorganise the classroom, teaching arrangements or prepare new materials, in the context of adapting the school environment in order to continue to meet the pupil'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 School will consider all the relevant facts in the context of the school'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 school day. Usually the parent/carer will be informed by telephone on the day of the exclusion by the Head of School. The parent/carer has a right to make representations to the school's governing body, and the letter should set out how to do this and who to contact in order to do this.

The maximum amount of time for which a child can be excluded is 45 days in any single school year. It is also possible to exclude a child for lunch times only. Each day of lunchtime exclusion counts as a half day exclusion.

The school will take reasonable steps to set and mark work for a pupil during the first five school days of an exclusion, during which time parents/carers can be expected to provide supervision for their child. However there are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

For a fixed-period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This must begin no later than the sixth day of the exclusion.

10. Permanent exclusion

A decision to permanently exclude a pupil 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 school's behaviour policy;
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school (Paragraph 15, DfE 2012).

Before any decision to permanently exclude is reached, the Head of School 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 pupil has suffered a bereavement, has been subject to bullying or where their needs beyond school have been identified as not being met.

Behaviour that challenges can be an indication of unmet needs. Where the school has concerns about a pupil's behaviour it will try to identify whether there are any causal factors and intervene

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early in order to reduce the need for a subsequent exclusion. In this situation the school will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

The Head of School will consider all the relevant facts in the context of the school's policies for behaviour, child 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 child's parents/carers and LA. The decision to permanently exclude is an acknowledgement by the school that it has exhausted all available strategies for supporting a pupil.

For permanent exclusions, the LA must arrange suitable full-time education for the pupil. This must begin no later than the sixth day of the exclusion.

Where a permanently excluded pupil has an EHC Plan, the LA 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 school should they wish their child to attend, or may make representations for a placement in any other school. The DfE guidance clarifies that the placement does not have to be full-time if the pupil's EHC plan indicates that the maximum number of hours' education per week should be less (paragraph 42 and 43 of DfE guidance, 2012).

11. Management of a permanent or fixed period exclusion

(a) Notification

Except in very rare circumstances a permanent exclusion will be planned. Parent/carer 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 School must inform the pupil'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 pupil is excluded.

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil 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 pupil 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 parents'/carers' right to make representations about the exclusion to the governing body and to see any reports describing events leading up to the exclusion;
- The person the parent/carer should make contact with if they wish to make representations about the exclusion (this will normally be a trustee or member of the governing body who will become the chair of the committee established to consider the representation);
- The arrangements for the pupil to continue his/her education during the first five school days of the exclusion;
- The name and telephone number of an LA officer the parent/carer may contact for further advice;
- Within one school day the Head of School must inform the chair of the governing body, the LA and notify at least one other governing body member/trustee (who will then become the chair of the committee established to consider any representation that may be made about the exclusion) of:

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- Permanent exclusions;
- Exclusions which would result in the pupil being excluded for more than five days (or more than 10 lunchtimes) in any one term;
- Exclusions which would result in the pupil missing a public examination.

(b) Representations

If the parent/carer or LA wish to make representation about a pupil exclusion they will inform the governing body member selected to be the chair of the committee set up to review the pupil's exclusion.

The Head of School will provide an exclusion report for the committee chair. This will include:

- The pupil's name, age, gender and ethnicity;
- The length of the exclusion;
- The reason for the exclusion and any associated reports;
- Whether or not the pupil is in public care;
- For fixed period exclusions of pupils of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

The committee chair will make contact with at least two other governing body members (including at least one trustee) to form a committee to consider the parents'/carers'/LA's representation at a meeting within four weeks of receipt of the representation(s).

The committee chair will determine the date the committee will meet and ask the parent/carer/LA to provide any written statements one week in advance of the meeting. Parents/carers will be informed that they may be accompanied by a friend or advocate if they wish.

The committee chair will circulate the head of School's report and any written statements prior to the meeting.

(c) Meeting to consider a LA or parent/carer representation about an exclusion

The meeting will be convened by the chair within the agreed time limits or as soon as possible thereafter by mutual agreement. Where reinstatement is a practical option, the committee will consider the information presented and decide whether the Head of School should be directed to reinstate the pupil or not. This decision will be given to all involved within twenty four hours. If the decision is for reinstatement the Head of School will be required to make the necessary reintegration arrangements.

Further information for chairs is available at:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076521/independent-appeal-panels>

If the decision of the committee is to uphold the exclusion then the parents/carer/LA will be told of their right to appeal to an independent panel and be given the name of the chair of this panel. In such circumstances DfE guidance will be followed with regard to establishment of such an appeal committee and future action.

Where reinstatement is not a practical option (e.g. the pupil has already been reinstated or the parents/carer wish for an alternative placement) the committee will consider the information presented and decide whether or not a note of the committee meeting and the views presented should be placed on the pupil's file.

Where parents/carer (or excluded pupil, if aged 18 or over) dispute the decision of the governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents/carers can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of

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discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

(d) Length of fixed period exclusion

There is no legal requirement for the Head of School to inform the governing body or trustees of short fixed period exclusions (i.e. those of up to and including 5 school days in total in any one term). The law requires the Head of School to report short fixed period exclusions once a term to the governing body. However AAA and AAAsT views it as good practice to inform the chair of the governing body and the Executive Principal immediately of any intention to exclude.

(e) Education of excluded pupils

The school recognises that in the event of an exclusion of any pupil an interruption in the education of that pupil will occur. In the event of an exclusion taking place, the school will work with the parents/carers and the LA to support a continuity of education. The continuation of one to one support away from the school is not always practicable. In those circumstances, the school will seek to advise both parents/carers and the LA on appropriate strategies that might be employed in other settings.

In some circumstances a managed move might be considered to another school, which must be able to meet the need of the pupil. The school would consult with the local authority (LA) before moving the pupil. Where a pupil has a statement of Special Educational Need or an Education Health and Care Plan, is looked after by the LA, or where there is other support from, for example, health or care services, those services must be actively involved in review/planning meetings prior to the managed move protocol.

(f) Preparation for reintegration to school

A plan will be drawn up to support a child's reintegration to school following any period of exclusion. All members of staff working with the pupil need to be informed of this by the Head of School.

A programme of reintegration will be put in place following a fixed-term exclusion. This will be discussed with parents/carers at or prior to the reintegration meeting, which will be conducted by a member of the Senior Leadership Team on or before the pupil returns to school. Other key members of staff may be involved in this discussion. Reintegration programmes will be based on a functional analysis of the pupil's behaviour that challenges and may involve:

- Returning to school initially on a reduced timetable and gradually building up the time spent in school;
- Teaching being delivered off-site by members of staff for a fixed period of time, reviewed at regular intervals agreed with the pupils and parents/carers;
- Having one-to-one provision made on-site with gradual reintegration into class. This will usually be reviewed on a weekly basis;
- Placing the pupil on an individualised timetable. This will usually be reviewed on a weekly basis.

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

(g) Training for Governors

A minimum of three Governors must be trained in order to allow them to be part of an exclusions committee. This will be arranged by the school.

12. Alternatives to exclusion

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If the school feels that it can no longer manage the behaviour of a particular pupil, the school may ask the LA to identify another school 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 pupil concerned. Parents/carers should never be pressured into removing their child from the school under the threat of a permanent exclusion.

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