

Exclusion Policy and Procedure

Commitment

ACT Schools is committed to encouraging good attendance and providing engaging, meaningful activities for learners. The decision to exclude any learner, whether fixed-term or permanently is not taken lightly and only after presentation of the facts surrounding the concerns and/or behaviour warranting the exclusion.

Purpose

ACT Schools believes that working consistently towards such behavioural goals will limit the number of fixed-term and permanent exclusions considered by the organisation during the academic year, where we work to:

- Encourage and acknowledge good behaviour and discipline.
- Provide an engaging curriculum designed to stimulate and challenge learners.
- Promote self-esteem by encouraging learners to value and respect themselves, their peers, Academy Staff and the wider community.
- Provide a safe learning environment free from disruption, violence, bullying and any form of harassment.
- Promote early intervention.
- Ensure a consistent response to both positive and negative behaviour.
- Encourage a positive relationship with parents and carers, developing a shared approach, involving them in the implementation of the policy and procedure.
- Encourage learners to take responsibility for their behaviour.
- Monitor and track positive and negative behaviours via the SIMS system, reviewing such patterns periodically throughout the academic year with learners.
- Explain unacceptable behaviour and the consequences for such.
- Display and reinforce learner and staff standards every day.

The Governing Body and Schools Management Team must have regard to the guidance issued by the Secretary of State with regard to the activation of exclusion proceedings against any learner, as below:

Exclusion from schools and Pupil Referral Units- Guidance document no: 255/2019 (November 2019)

Inclusion and Pupil Support- Guidance document no: 203/2016 (March 2016)

This policy is created in line with the guidance above.

Scope

Information detailed within this policy applies to all staff directly and/or indirectly involved with the teaching and learning and support for learners attending ACT Schools Provision.

Responsibilities

The Head of 11-16 Education and Delivery Director have overall responsibility for this policy and its implementation.

The Head of 11-16 Education will be responsible for:

- The review of this documentation prior to submission to the ACT Schools Governance Board
- The implementation and day-to-day management of the policy and procedures
- Taking the decision to exclude a learner from ACT Schools

Centre Managers are responsible for:

- In the absence of the Head of 11-16 Education, acting as the delegate and taking the decision to exclude a learner from ACT Schools

The Delivery Director will take responsibility for:

- The decision to exclude any learner, whether fixed-term or permanently in the absence of the Head of 11-16 Education and Centre Managers.

All delivery staff will be responsible for:

- Ensuring that the procedures detailed within the School Behaviour Policy are followed and consistently and fairly applied.

Communication and Storage

This Policy will be communicated through governance, quality, centre and curriculum meetings. It is stored on IRIS HR under company information.

Decision(s) regarding exclusion of learners

The decision to exclude a learner from ACT schools will be taken only:

- In response to serious breaches of the ACT Schools Behaviour Policy and Procedure
- Allowing the learner to remain in school would seriously harm the education and/or welfare of other learners in the school

Only the Head of 11-16 Education may take the decision to exclude a learner from ACT Schools. In the absence of the Head of 11-16 Education, the decision may be delegated to the Centre Manager. In the absence of the Head of 11-16 Education and/or the Centre Manager the decision to exclude will be referred to the Delivery Director.

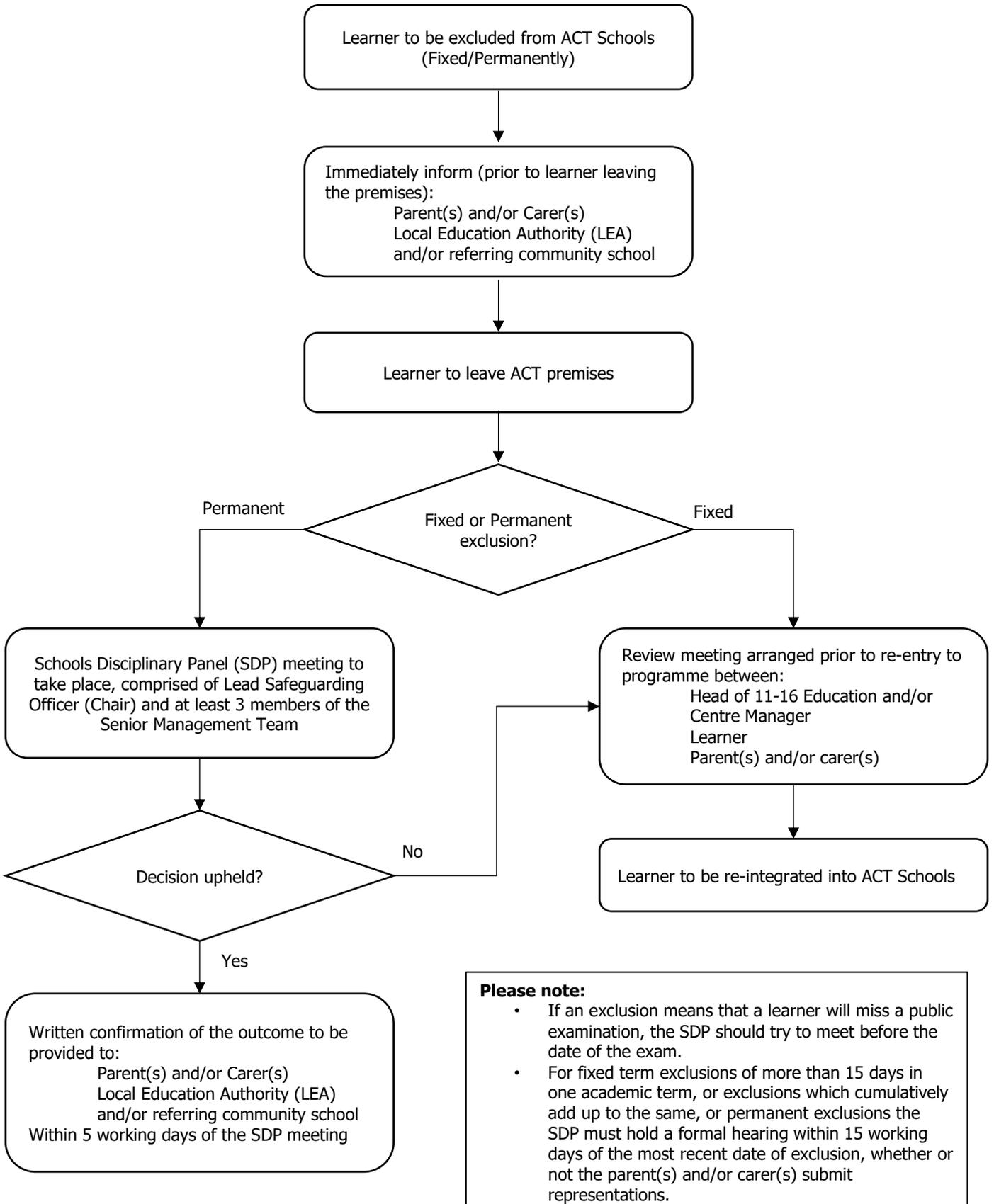
ACT considers the decision to exclude a learner permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success (see annex 1 for a breakdown of these strategies). It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the learner and should normally be used as a last resort.

Any decision (fixed or permanent) which result in a learner missing a public examination must be reported immediately to the Schools Advisory Group and a review meeting convened.

Any decision that would result in a learner being excluded for more than 15 days, either singly or cumulatively, in any term must be reported to the Schools Advisory Group and a review meeting convened.

All other incidents of learner exclusion must be recorded in a timely manner and reported in the Head of 11-16 Education Governance Report.

Procedure (please see Annex 2 for detailed process)



Schools Disciplinary Panel

The Schools Disciplinary Panel (SDP) must review, irrespective of a parent/carer's wish, the decision of the Head of 11-16 Education in the case of all permanent exclusions and fixed-term exclusions amounting to over 15 days in any one academic term, and this may be cumulative as well as single, fixed term exclusions.

The panel will be comprised of:

- Lead Safeguarding Officer - Chair
- Head of 11-16 Education and/or Centre Manager – to present the case for exclusion, detailing history and support provided by ACT Schools
- Three members of the ACT Senior Management Team

All review meetings should convene within 15 working days of the most recent date of exclusion, with at least two members of the ACT Senior Management Team present.

If an exclusion means that a learner will miss a public examination, the SDP should try to meet before the date of the examination.

For fixed term exclusions (between 6 and 15 school days) the SDP should meet if representatives from the parent(s) and/or carer(s) are appealing the decision made by ACT Schools to exclude.

Notifying parent(s) and/or carer(s) and learners of any decision to exclude

When the decision to exclude is made and/or upheld (where appropriate) by the SDP, an outcome letter will be sent to the parent(s) and/or carer(s) within 15 working days, that:

- States the reason(s) for the decision
- Outlines the date(s) for lodging an appeal
- States that any grounds for appeal should be set out in writing, and made to the Delivery Director

Parent(s) and/or carer(s) have the right to an independent appeal into any decision made to exclude a learner.

Please see Annex 3 for further information regarding appeals.

Document / Policy Change Request

Any requests for change to this policy must be submitted in writing to the Head of 11-16 Education.

Document / Policy Reviewing and Approving

This policy will be reviewed annually by a member of the ACT Schools Management Team and submitted to the Schools Advisory Board for ratification.

References

ACT Schools Behaviour Policy and Procedure

[Welsh Government Guidance in relation to Exclusion from schools and pupil referral units](#)

Glossary

- **Fixed term exclusion** – A fixed period exclusion is where a learner is temporarily removed from school. They can only be removed for up to 45 school days in one school year, even if they've changed school. If a learner has been excluded for a fixed period, schools will set and mark work for the first 5 school days.
- **Permanent exclusion** - A decision to exclude a learner permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. In these cases, staff in ACT Schools have exhausted all available strategies for dealing with the learner and this is typically a last resort.
- **Schools Disciplinary Panel (SDP)** – ACT Schools Disciplinary Committee
- **Head of 11-16 Education** – the Headteacher of ACT Schools

Annex 1 – Strategies alternative to exclusion

Exclusion should not be used if alternative solutions are available or have not already been tried.

Examples include, but are not limited to the following:

- Pastoral Support Programmes (PSPs) for learners who are not responding to schools' general actions to combat disengagement and disaffection and are in need of longer-term intervention. PSPs are plans for learners to better manage their behaviour and should be drawn up using a multi-agency approach (including the learner and parents/carers) and reviewed on a regular basis.
- Timetable amendments which may include changes to curriculum offer, blended learning approaches or reduced timetables to support reintegration and engagement.
- Restorative justice, which gives offending learners the opportunity to redress the harm that has been done to a victim, and enables all parties with a stake in the outcome to participate fully in the process. All professionals need to be involved in the process and all parties must consent to participate.
- Internal exclusion (also known as internal seclusion), which can be used to diffuse situations that occur in school that require a learner to be removed from class but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods.
- Managed move: if a school feels that it can no longer manage the behaviour of a particular learner, the school may arrange, normally through the LA, for another school to take over the learner's education. This should only be done with the full knowledge and cooperation of all parties involved, including the learner, parents/carers and the 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 school under threat of a permanent exclusion, nor should learners be deleted from the school roll to encourage them to find another school place. Regulation 8 of the Education (Pupil Registration) (Wales) Regulations 2010 details the only lawful grounds for deleting a learner's name from the school roll.

Annex 2 – Detailed exclusion process

- Only the Head of 11-16 Education may take the decision to exclude a learner from ACT Schools. In the absence of the Head of 11-16 Education, the decision may be delegated to the Centre Manager. In the absence of the Head of 11-16 Education and/or the Centre Manager the decision to exclude will be referred to the Delivery Director.
- The parent(s) and/or carer(s) will be informed immediately of the decision to exclude as will the local education authority and/or referring community school.
- Parent(s) and/or carer(s) will be invited to attend a review meeting with the Head of 11-16 Education and/or Centre Manager prior to the learner being permitted re-entry to the academy.
- Parent(s) and/or carer(s) have the right to appeal any decision to exclude, in writing, to the Schools Advisory Board.
- The duty of care placed on schools to ensure the welfare of learners suggests the importance of advising parent(s) and/or carer(s) by direct communication that a learner has been excluded prior to the learner leaving the premises of ACT Ltd.
- Exclusion will only be activated in evidence of a breach of ACT Schools Behaviour Policy and care must be taken by the Schools Management Team to ensure illegal and/or unofficial exclusions i.e. sending learners off-site for a “cooling down” period are avoided.
- Permanent exclusion is a last resort action where all strategies to change behaviour have failed. It must be demonstrated that to exclude a learner is also in the interests of the welfare of the excluded learner and others attending the academy. Permanent exclusion may be considered for consistent breaches of the ACT Schools Behaviour Policy and/or a single, serious breach of the aforementioned policy.
- Where an excluded learner has a Statement of Special Educational Needs or is placed on the SEN Register, it must be demonstrated that ACT Schools has provided extensive support to help the learner evidenced via individual positive handling plans and/or academic learning plans.
- Where a learner has assaulted a staff member and has been excluded as a result of the incident, the staff member involved will be informed directly of the action to be taken prior to other staff members being informed. If the staff member is off work through sickness at this time, they should be contacted and offered the opportunity to either come in for a meeting or have a home visit in order to be informed about the decision and the rationale behind it.

PRINCIPLES OF NATURAL JUSTICE

All decisions to exclude are based on a balance of probabilities – both by the Centre Manager or his/her designate, and at any subsequent review meeting. In making the decision to exclude, Head of 11-16 Educations and/or their designate must ensure their decisions are fair and based on the facts of the incident and do not include any elements of discrimination.

Members of the SDP should be impartial, unprejudiced and have no previous involvement or personal interest in the case.

Parent(s) and/or carer(s) should be informed of the details of the case surrounding the decision to exclude and have an opportunity to challenge the decision. Cases for and against the decision to exclude should be presented without unreasonable interruption and parent(s) and/or carer(s) should be permitted to attend any hearing or meeting, in the company of a friend or adviser.

Annex 3 – Parent(s) and/or carer(s) appeal

A request for appeal will be acknowledged within 3 working days of receipt of the written appeal

An appeal panel must be convened no later than 15 working days of receipt of the written appeal.

Appeal panels will be comprised of:

- Delivery Director (Chair)
- Plus at two other members of the ACT Senior Management Team, who have not been involved in any prior discussions in regards to the incident of exclusion

Members of the ACT Schools team may be called by the appeal panel to discuss the appeal, for example, the Headteacher, and/or Centre Manager.

However, if necessary, the panel may then decide to adjourn the hearing if, having regard to the particular circumstances of the case, they consider that it would not be appropriate for them to proceed to determine the appeal. This might include circumstances where more information is awaited. The panel may adjourn on more than one occasion if necessary.

Appeal Hearings

We will ensure that:

- Reasonable steps will be taken to ensure that parent(s) and/or carer(s) are able to attend the hearing and that learner(s) involved are also able to attend
- A suitable venue will be arranged for the appeal hearing, considering neutrality, suitable access and provision of additional facilities as required
- Sufficient time is made for each party (such as those listed below) are able to present their case.

The following are entitled to attend appeal hearings, and present their case (either in writing, or verbally):

- The Learner
- Parent(s) and/or Carer(s)
- The Head of 11-16 Education
- Centre Manager
- A representative from the Local Authority

Reaching a decision

- Having considered all evidence, and reviewed the decision made by the Headteacher (or his/her designate) the panel will consider whether to uphold the exclusion decision
- In doing so, the panel must balance the interests of the excluded learner against the interests and safety/wellbeing of all other members of the ACT School community
- The appeal panel's decision shall be based on a majority agreement, and may:
 - uphold the decision to exclude
 - overturn the decision to exclude and direct reinstatement
 - decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement, but that it would otherwise have been appropriate to give such a direction.
- If the panel directs reinstatement, the date specified must be reasonable in the circumstances. Unless there is a compelling reason, the date of reinstatement should be no more than five working days from the decision date. The panel may not attach conditions to the reinstatement of a learner to support with re-integration to the school.
- There may also be exceptional cases where the panel considers that the permanent exclusion should not have taken place, but that reinstatement in the school is not a practical way forward in the best interests of all concerned. This could include situations where there has been an irretrievable breakdown in relations between learner and teachers; between the parents/carers and the school; or between the learner and other learners involved in the exclusion or appeal process.

In such situations and before deciding that exceptional circumstances exist, the panel should try to establish what efforts have been made to address the breakdown in relations. Balancing the interests of the learner and the whole school community may suggest that reinstatement would not be the most sensible outcome in such cases. In considering whether exceptional circumstances exist the panel should consider representations from the governors, the headteacher, the parent/carer and the learner.

In any case where the panel decide that reinstatement would have been justified but is not practical, they should indicate this in their decision letter and give details of the circumstances that made them decide not to direct reinstatement. Such a letter should be added to the learner's school record for future reference.

The panel must let all parties know its decision by the end of the second working day after the hearing.