



A learning and caring community
where individuals are valued

1B Exclusion Policy

Reviewed: SMT, Nov 2020 (as required but at least every 2 years)

Full Review date: Nov 2022

Ratified by Trustees: Jan 2021

EDI Assessment: SSET does not currently identify any EDI impact of this policy; should new information come to light, this will be considered at the next review

Introduction

The Sheiling Ringwood (the Sheiling) is committed to providing high quality care and education for all our students. We endeavour to equip students with the skills, knowledge and attitudes necessary to fulfil their potential. Our aim is to provide a happy and safe environment where students can learn free from disruption.

This Exclusion Policy applies to all students in the Sheiling and complies with the National Schools and Colleges Contract. The aim of this policy is to support the Sheiling's Behaviour Policy and to set out a fair procedure to follow when a student is required to leave the Sheiling.

Principal's power to exclude

In normal circumstances, the decision as to when a student leaves the Sheiling will be agreed upon through the annual review process at least one term before the scheduled date of leaving. The Sheiling will inform the placing authority at an early stage of any situation likely to lead to an exclusion in order to give the placing authority the opportunity to seek to resolve matters. If a student's placement suddenly breaks down we will, where possible, arrange an emergency review to determine the best way forward for the student. The placing authority will be notified and will be expected to send a representative. It may, however, be necessary to make decisions in the absence of a representative if they cannot attend.

In certain circumstances, the Principal may exclude a student from the Sheiling on disciplinary grounds for one or more fixed periods (of up to 45 term time days in an academic year) or permanently.

Exclusion may be used in a number of circumstances including for:

- Harm to others;
- Sexual abuse;
- Actual or threatened violence;
- Disruptive and/or unmanageable behaviour;
- Damage to property;
- Unsafe behaviours that compromise safeguarding of others;
- Behaviours of concern that through their frequency, type or severity cannot be safely managed through the Sheiling's positive behaviour support approaches

These are non-exhaustive examples and the Principal will consider the appropriate action following each incident. The behaviour of a student outside of the Sheiling can be considered grounds for exclusion.

Exclusion Procedure

A permanent exclusion should only be used as a last resort where there has been a serious breach or persistent breaches of the Sheiling's Behaviour Policy and where allowing the student to remain in the Sheiling would harm the education or welfare of the student or others in the Sheiling.

Any decision to exclude a student must be lawful, reasonable, fair and in accordance with the principles of natural justice. The Principal must carry out a sufficient investigation of the facts to justify the decision whether or not to exclude. The Principal will apply the civil standard of proof "on the balance of probabilities" when establishing the facts in relation to an exclusion decision. A student and their parent/guardian should be told the nature of the allegation that is being made against them. The Principal will, where practical, give the student and their parent/guardian an opportunity to present their case before making a decision to exclude. If the Principal decides to exclude a student, this must be a proportionate decision taking into account the seriousness of the conduct.

For proposed permanent exclusions, the Principal must notify the placing authority by telephone immediately and provide written confirmation within 3 working days. The Principal must give the parents and the placing authority an opportunity to attend a meeting to discuss the matter within 15 working days. The Principal may take a further 5 working days to consider any representations and to determine whether to implement a permanent exclusion.

The Sheiling will not discriminate against students on the grounds of sex, race, disability, religion or belief, sexual orientation, or gender reassignment. The Principal recognises that all students at the Sheiling have a Statement of SEN or an Education Health and Care Plan (EHCP). Where there are concerns about a student's behaviour, the Sheiling will try to intervene early to reduce the need for exclusion and will make any reasonable adjustments to manage behaviour related to their disability. The Principal will also take into account any contributing factors, for example, where a student has been subject to bullying.

When the Principal excludes a student for a fixed period they will, without delay, notify parents and the placing authority of the period of exclusion and the reasons for it. The Sheiling will specifically provide notification to the placing authority by telephone at the earliest opportunity and confirm this in writing within 24 hours.

The Principal may, if appropriate, withdraw an exclusion that has not been reviewed by the Board of Trustees. If the student's behaviour could be construed as criminal, the Principal may contact the police without giving notice to the parents.

Withdrawal

If a student is withdrawn by parents or the placing authority, one term's notice is required in writing, or one term's fees are expected to be paid in lieu of notice. The Sheiling reserves the right to charge interest at 5% per month on accounts overdue for more than two months.

Duties following exclusion

For a fixed period exclusion, where the student has a residential placement, the student shall be returned home or to the placing authority. The Sheiling must ensure that work is either provided for the student to undertake and/or guidance is given with regard to activities during the exclusion period. The Sheiling will convene a meeting at the earliest opportunity and in all cases within 5 working days with the placing authority to agree a strategy plan for the student's return. If the student is a 'looked after child', then the Sheiling must convene an urgent review meeting to agree the next steps.

For permanent exclusions, the local authority must arrange suitable full-time education for the student.

Board of Trustees review panel

If requested by the student's parents, the Board of Trustees will establish a review panel to review the decision of the Principal not to reinstate an excluded student. The time frame for an application by the parents is within 15 working days of notice being given by the Principal of their decision. A review must then take place within 20 working days of the day on which the parents' application for a review was made.

The review panel will comprise 3 trustees. No member of the review panel should have had prior involvement with the matter being reviewed and a member must not sit on the panel if there is any conflict.

All evidence relied on by the Principal to support the decision preferred must be disclosed to the parents in advance of the hearing. Parents attending the hearing will have a right to bring a friend or family member but legal representation is not considered necessary at the hearing. Everyone is expected to show courtesy, restraint and good manners. The Chair or the review panel may terminate the meeting at their discretion. In these circumstances, the original decision to exclude will stand.

The role of the review panel is to review the Principal's decision not to reinstate the excluded student. The panel can decide to:

- Uphold the Principal's decision; or
- Quash the decision and direct that the Principal reconsiders reinstatement.

The panel may only quash a Principal's decision if it considers that it was flawed when considered in light of the principles applicable on an application for judicial review.

The panel should apply the following tests:

- Illegality – did the Principal act outside the scope of their powers?
- Irrationality – was the decision so unreasonable that no reasonable Principal could make it?
- Procedural impropriety – was the Principal's decision so procedurally flawed that justice was not done?

The review panel must issue notification to the Principal, parents and placing authority of its decision without delay.

Duty to reconsider reinstatement

Where the review panel directs that the Principal reconsiders reinstatement, they must conscientiously reconsider reinstatement looking afresh at the question in light of the panel's findings within 10 working days of notice of this decision. The Principal may still reach the same decision but, if they refuse to reinstate the student, they will need to show clear justification.

Discrimination

If the parents believe that there has been unlawful discrimination in relation to the exclusion, they may make a claim to the First Tier Special Educational Needs and Disability Tribunal in the case of disability discrimination or, for other forms of discrimination, to the County Court.