

Sense College - Operational Strategy

Exclusion

Information and Process



Outcomes

The exclusion strategy is considered when all possible actions identified to support the learner's conduct have been exhausted or the serious nature of the behaviour(s) being addressed require investigation without possible interference or are likely to impact upon the safety of the individual or others at college. Formal exclusion is the only means by which a learner may be formally asked to leave Sense College.

In order to ensure an effective process of exclusion and withdrawal, the purpose and aims within college need to be clear:

- To work to the principles of the SEND Code of Practice (2014);
- To work to the principles of the Mental Capacity Act (2005);
- To work to the principles of the Equality Act (2010);
- To develop learners through high quality teaching, learning and mentoring;
- To develop the informed decision-making skills of learners;
- To ensure that learners are involved in decision-making;
- To ensure that staff have the skills required to seek and respond effectively to the views of all learners;
- To ensure that when learners' voice opinions, they are responded to;
- To provide information about how learners may be excluded from education provision;
- To ensure the views of learners inform quality improvement;
- To monitor effectiveness of the exclusion process.

For the college exclusion strategy to be effective, it is important that staff are clear about its purposes and understand the processes, protocols and outcomes; and above all, perceive it as an effective and supportive mechanism for raising standards and learner experiences. Staff will monitor the effectiveness of the strategy and contribute to its development through team meetings and the college's quality assurance systems.



Who is this strategy for?

This strategy is for learners funded by the ESFA (Education and Skills Funding Agency), in addition to:

- All College Staff and Volunteers, including Executive Principal, Head of College and College Senior Management Team
- Parents
- Governors
- Stakeholders

What is this strategy about?

Sense College regards the process of exclusion and withdrawal as the last resort of action within the learning journey at college, taking into account:

- The perspectives and feedback from learners;
- Respecting what everyone has to say;
- The strategies and support implemented to date;
- The barriers that are preventing learning;
- Engaging and working together in partnership.



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Principles

Underpinning Philosophy:

Sense College is committed to providing high quality education for all our learners. We endeavour to equip learners with the skills, knowledge and attitudes necessary to fulfil their potential. Our aim is to provide a happy and safe environment where learners can learn free from disruption.

This Exclusion Strategy applies to all learners in the College who are funded through the Education and Skills Funding Agency (ESFA) and complies with the National Schools and Colleges Contract. The aim of this strategy is to support the Sense College behaviour code and to set out a fair procedure to follow when a learner is required to leave.

This strategy aims to ensure that any decisions that could lead to fixed term or permanent exclusion of the learner placement have followed a clear and transparent process, enabling college leaders to make decisions based on evidence. Examples of where this strategy may be applied are listed below, however this is not an exhaustive list.

- Sense College not being provided with current information at the time of admission, which would have an impact on the college decision making process, that that information been readily available;
- Deteriorating behaviour/conduct or needs changed beyond assessment parameters.

College leaders and staff will always strive to support learners effectively throughout their programme using numerous multi-disciplinary resources, techniques and expertise.

College leaders recognise that there are times when the support given to some learners and their families, which becomes ineffective in resolving behavioural concerns. This may result in **short fixed term** exclusion as new strategies and methods of dealing with changing behaviours are explored, support plans and risk assessments are amended and staff are trained or briefed prior to a learner placement continuing.



Permanent exclusion of a learner's placement for behavioural reasons and/or abusive behaviour from parents/families towards staff will always be the last resort.

Principles:

Our strategy and processes are based on the following guiding principles:

- Everyone is assumed to have capacity unless it is proved otherwise;
- Staff must give all appropriate help, in accordance with Sense Mental Capacity and Decision Making Procedure, before concluding that a learner cannot make their own decisions;
- Staff must accept that people have the right to make what might be seen as unwise decisions;
- Any actions taken on behalf of a person who is deemed to lack capacity must always act in that person's best interest;
- Any decisions taken should be the least restrictive of the person's basic rights and freedom;
- The college's decision making process is driven by assessing the impact on the learner;
- Mutual politeness and respect exists between staff, learners and their parents/advocates;
- Professional understanding and attitude is demonstrated by all parties, at all times.

Any decision to exclude a learner must be lawful, reasonable, fair and in accordance with the principles of natural justice. The Head of College must ensure the process has been carried out and a sufficient investigation of the facts has been completed, to justify the decision whether or not to exclude.



Practice

Part One: Parental Information and Responsibilities

Whenever there is a possibility of permanently excluding a learner, the parent must be notified immediately by the Head of College on behalf of the Executive Principal, ideally by telephone, followed up by a letter (an email letter is also acceptable).

The letter must state:

- The parent's right to attend and provide information to a review meeting if requested and how the learner may be involved in this;
- The person whom the parent should contact if they wish to make such representations;
- The reasons for the decision;
- The latest date by which the meeting must be held to consider the circumstances in which the learner may be permanently excluded;
- In the event of the decision being upheld after a review meeting, information on the appeal process.

It is the parents responsibility to liaise with the college in a respectful manner at all times and to work with staff to either find a solution to move forwards, or takes full responsibility for the learner in the result of exclusion.

If a parent sends an excluded learner (fixed term or permanent) to the college or refuses to collect them, guidance suggests that the college's duty of care remains, as the college must have due regard for the learner's safety and ensure that the learner has safe and adequate means to get home. However, if a learner attends college against advice with the intention of disrupting college's normal working practices or threaten others, the Head of College and/or Executive Principal may decide to seek police help to remove the learner from college premises.



Part Two: Types of Exclusion and Circumstances

In normal circumstances, the decision as to when a learner leaves Sense College will be agreed through the annual review process at least one term before the scheduled leave date.

The College will not discriminate against learners on the grounds of sex, race, disability, religion or belief, sexual orientation, or gender reassignment. Where there are concerns about a learner's behaviour, the College 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 Head of College will also take into account any contributing factors, for example, where a learner has been subject to bullying.

The College 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 learner's placement suddenly breaks down we will, where possible, arrange an emergency review to determine the best way forward for the learner. 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.

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 College's positive behaviour support approaches.

These are non-exhaustive examples and the Head of College and Executive Principal will consider the appropriate action following each incident.



Short Fixed term exclusion – this decision can only be taken by the Head of College.

Permanent exclusion – this decision can only be taken by the Head of College, who will do so in consultation with the Executive Principal.

Exclusion should only be used as a last resort where there has been a serious breach or persistent breaches of the College's behaviour policy during college activities whether this be on college premises or out in the community. Exclusion can also apply where there has been a serious breach of behaviour by a learner outside of college related activity. This decision would be made on the grounds that allowing the learner to remain in the College would harm the education or welfare of the learner or others in the College and may be applied when:

- The college processes and any related support strategies have been used and exhausted without any demonstration of improvement to the learner's behaviour;
- The behaviour being addressed puts the learner's or others' safety at risk;
- Learners are found to be in possession of drugs or drugs related equipment;
- Serious damage to the college property has been caused.

Permanent exclusion is the final step in the process for dealing with learner disciplinary offences when a wide range of other strategies have been tried and failed. It is used in the following circumstances:

- serious cases of violence, including threatened violence;
- Persistent and/or malicious disruptive behaviour from the learner including refusal to agree with college policies and strategies which prevents other learners from learning or presents a health and safety risk to themselves or others;
- Selling/supplying drugs on premises.

Part Three: Exclusion process

The college has designated staff to monitor and lead safeguarding, behaviour support planning, staff training and managing interventions. This strategy is not intended to apply to agitated behaviour which should be manageable on a day-to-day basis. If a learner displays



persistent agitated behaviour it might affect their educational progress, but that would be dealt with through the normal review of progress.

In each exclusion case, the following key steps must be taken:

- A concern is raised by an Education Coordinator (EC) or staff member to the centre Education Services Manager (ESM);
- The ESM notifies the Head of College and liaises with the Vice Principal Safeguarding, Behaviour and Learner Wellbeing and the Positive Behaviour Team;
- The Positive Behaviour Team reviews concerns and provides strategies to help the staff support the learner;
- Close monitoring and regular review on the impact of strategies is undertaken by the EC and ESM;
- If required, due to no improvement being seen, the Behaviour Support Team undertakes a learning observation or a desktop review (if already excluded due to gross misconduct) to create a timeline of events;
- The Behaviour Support Team, in conjunction with the Vice Principal Safeguarding, Behaviour and Learner Wellbeing, commences a case review and may complete an evaluation report for the Head of College to review and from which to base their decision on whether to exclude the learner;
- Successive stages must be followed and at point of recommending exclusion, the Head of College, before making the final decision, must liaise with the Executive Principal.

Following the above steps (which is summarised in **Appendix 1 – Exclusion Process Flow Chart**) , will enable the Executive Principal to evaluate a learner’s placement with a clear evidence base and effective communication, and to make an informed decision before excluding a learner from their placement. The Head of College must ensure that all reasonable strategies to address behaviour have been considered and applied, including interventions from:

- Vice Principal Safeguarding, Behaviour and Learner Wellbeing
- Education Service Manager



- Education Programme Manager
- Sense Head of Safeguarding
- Sense Behavioural Support Team
- External agencies

A record will be kept of any interviews/conduct meetings and learners will be supported to enable them to input to the process as much as possible as well as their parent/carer. The content of any witness statements and their sources used to form the evidence to decision making will be shared with the learner and/or parent where applicable.

However, if the college has a concern for the health and safety or emotions of a witness, the Head of College and/or Executive Principal may allow any statements to remain anonymous, even if the circumstances lead to a permanent exclusion of a learner.

When a permanent exclusion is recommended, all the following mitigating factors will be considered, as appropriate to our learner cohort:

- Examples of possible mitigating factors, such as:
 - Provocation e.g. as a result of persistent bullying or racial abuse
 - The learners general medical and emotional condition
 - New to the college (possible unawareness of the behaviour expected)
 - Coercion or being encouraged by others
 - A relatively minor role in an incident compared to others
 - An impulsive act or one committed in the heat of the moment
 - A first offence
 - Previous behaviour and character of the learner suggesting that repetition is unlikely
 - An apology for the behaviour
 - Showing repentance and willingness to assume responsibility
 - Voluntary cooperation with an investigation
 - Admission of the offence
 - Readiness to make amends towards the victim(s)



- Examples of possible aggravating factors are:
 - Failing to heed warnings about similar behaviour in the past
 - Previous warnings about the risk of exclusion
 - Premeditated offence
 - Use of a weapon
 - A history of similar incidents
 - Witness intimidation
 - The victim(s) sustaining physical injury requiring medical attention
 - The victim being particularly vulnerable
 - Ignoring significant previous support from the college to modify behaviour
 - Encouraging others to behave inappropriately in relation to the offence
 - Showing no regret or willingness to accept responsibility
 - Not cooperating with an investigation, or worse, actively seeking to frustrate it

It is important to note that these are examples and are not an 'excuse' or exhaustive list. The final decision to permanently exclude will be made by the Head of College.

Part Four: Head of College's power to exclude

The Head of College has the power, in certain circumstances, to exclude a learner from the College on disciplinary grounds for one or more fixed periods or permanently.

For proposed permanent exclusions, the College must notify the placing authority by telephone immediately and provide written confirmation within three working days. The College must give the parents/carers and the placing authority an opportunity to attend a meeting to discuss the matter within 15 working days. The Head of College may take a further five working days to consider any representations and to determine whether to implement a permanent exclusion. It is recognised there may be times when it is not possible to adhere to the above times, however these are our stated intent wherever possible.



When the Head of College excludes a learner for a fixed period they will, on behalf of the Executive Principal, notify parents and the placing authority of the period of exclusion and the reasons for it in writing without delay.

Part Five: Right to Appeal

In the event of the college excluding a learner, the learner and/or their parents/carers can appeal against the decision on one or both of the following grounds:

- The college has not followed this process correctly;
- The college failed to consider or apply reasonable strategies suggested by competent stakeholders during the process.

The appeal should be made in writing to the Executive Principal within 15 working days of the decision to exclude the learner. The Executive Principal will review the documentation and has discretion whether or not to uphold the appeal. The decision will be confirmed in writing to the person making the appeal.

If the Executive Principal decides not to uphold the appeal, the learner will remain excluded and the College Senior Management Team and Governing Body will be informed.

In the event of the Executive Principal upholding the appeal from parents/carers, then the following process will be followed.

An appeal will take place within 20 working days of the day on which the parents' application for an appeal was made. The appeal panel will comprise of three governors. No member of the appeal 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 Executive Principal to support the decision preferred must be disclosed to the parents/carers in advance of an appeal 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 appeal panel may terminate the meeting at their discretion. In these circumstances, the original decision to exclude will stand.

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

- Uphold the Executive Principal's decision; or
- Quash the decision and direct that the Executive Principal reconsiders re-instatement of the learner.

The circumstances in which the panel considers in whether or not to uphold the Executive Principal's decision are:

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

The review panel must issue notification to the Executive Principal, parents/carers and placing authority of its decision without delay. The appeal process does not preclude the learner and their parents/carers seeking other forms of remedy.

The appeal decision will be made available in writing within 7 working days from the end of the appeal hearing and the decision is final.



Quality Assurance

The Exclusion Strategy and processes follow various elements of quality assurance to ensure consistency, fairness, accuracy, sharing of good practice and overall development to ensure learner voice is embedded and overall college improvement.

This strategy will be reviewed:

- As the need arises;
- Following feedback on the documentation;
- Annually.

Conclusion

Sense College believes that a fair and robust system of behaviour management and exclusion can reduce the impact on all learners of inappropriate conduct and in turn enhance the quality of provision by raising standards, increasing learner confidence and awareness, as well as supporting staff to develop and improve their practice.

For Quality Assurance Use only:

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