

# Policy and Procedure on Exclusion of Individuals in our Care

Grateley House School

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Policy Level	Schools with Residential Provision

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## 1. Monitoring and Review

- 1.1.** The Proprietor will undertake a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than three years from the date of approval shown above, or

earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

- 1.2.** The local content of this document will be subject to continuous monitoring, refinement and audit by the Headteacher.

Signed:



Eva Pereira  
Interim Principal  
January 2023



Andrew Sutherland  
Managing Director, Education Services, CareTech Group  
January 2023

## 2. Terminology

- 2.1.** Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:

<b>'Establishment' or 'Location'</b>	this is a generic term which means the Children's Home/school/college. Grateley House School is a school.
<b>Individual</b>	means any child or young person under the age of 18 or young adult between the ages of 18 and 25. At Grateley House School we have 64 students attending and/or residing between the ages of 11 to 19.
<b>Service Head / Headteacher</b>	This is the senior person with overall responsibility for the Location. At Grateley House School this is the Head Teacher. At Stratford Lodge this is the Registered Care Manager.
<b>Key Worker</b>	Members of staff that have special responsibility for Individuals residing at or attending the Establishment.
<b>Parent, Carer, Guardian</b>	means parent or person with Parental Responsibility
<b>Regulatory Authority</b>	Regulatory Authority is the generic term used in this policy to describe the independent regulatory body responsible for inspecting and regulating services. At Grateley House School this is Ofsted.
<b>Social Worker</b>	This means the worker allocated to the child/family. If there is no allocated worker, the Duty Social Worker or Team Manager is responsible.
<b>Placing Authority</b>	Placing Authority means the local authority/agency responsible for placing the child or commissioning the service
<b>Staff</b>	Means full or part-time employees of Cambian, agency workers, bank workers, contract workers and volunteers.

### 3. Purpose

- 3.1.** This policy deals with the exclusion of individuals in our care at a Cambian locations that are registered with the DfE as schools. It affects all staff. Make sure that you are familiar with the detail and what is expected of you under the policy.
- 3.2.** The purpose of the policy is:
- To ensure that Grateley House School complies with all the relevant current legislation and other National Standards which govern this area of our work.
  - To have in place an Exclusion policy and procedures relating to Exclusion and Appeals against Exclusion which meet the tenets of natural justice.
  - To provide The Headteacher with a mechanism that allows them to take appropriate steps to deal with individuals in our care whose needs cannot be met at a particular time and whose continued presence would be detrimental to the safety or welfare of themselves or others.
  - To ensure the exclusions process is applied lawfully, fairly and consistently
  - To ensure the exclusions process and appeal process is understood by governors, staff, parents, pupils and other stakeholders
  - To ensure pupils in school are safe and happy
  - To ensure pupils do not become NEET (not in education, employment or training).

### 4. Policy

- 4.1.** Grateley House School is an independent school and therefore has a statutory duty to follow and adhere to the Independent School Standards. However, this policy is based on statutory guidance issued by Children Law Advice on Exclusions and from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).
- 4.2.** 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
- 4.3.** 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](#)
- 4.4.** Under the Equality Act 2010, Grateley House School will not discriminate against, harass or victimise pupils because of their; sex, race, disability, religion or belief, sexual orientation, because of pregnancy or maternity or gender

reassignment. For disabled pupils, Grateley House School will comply to our duty to make 'reasonable adjustments' to policies and practices, which should be considered before the decision is made to exclude.

- 4.5. A decision to exclude an individual is a serious one. Individuals in our care shall only be excluded in extreme circumstances and, generally, only where all other available strategies have proved unsuccessful.
- 4.6. Only a Headteacher (or in the absence of the Head, the Deputy Head) has the authority to exclude an individual in our care.
- 4.7. Individuals in our care shall only be excluded on either a permanent basis, or for a fixed term not exceeding 45 days in any one school year, in accordance with the guidelines and statutory requirements laid down by the DfE
- 4.8. This policy should be read alongside the following policies:
  - Positive Behaviour Policy
  - Anti-Bullying Policy
  - Attendance Policy
  - SEND Policy
  - Safeguarding Policy
  - Peer on Peer abuse Policy

## 5. Definitions

- 5.1. A fixed term exclusion, or fixed term suspension is for a specific period of time. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- 5.2. Pupils whose lunchtime behaviour is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases.
- 5.3. A permanent exclusion involves the child being removed from the school roll. However, the head teacher will not remove a pupil's name from the school Admissions Register until the outcome of the Independent Review Panel (if this route is followed by parents). In the event of a consideration of a permanent exclusion, the school will issue a fixed term exclusion during which time, an emergency review of the EHCP will be held to consider an alternative placement or the education placement ending.

## 6. Procedures

### Fixed Term Exclusion

- 6.1. In the event of a fixed term suspension / exclusion the following will take place:
  - The parent/guardian/carer will be notified immediately by phone, with a follow up letter within 24 hours of the incident.
  - The parent/guardian/carer will be notified of their right to appeal.
  - Ensure that arrangements are in place for work to be sent home.
  - Arrangements for returning to school are made clear, including a reintegration meeting.
- 6.2. Formally arranged part-time timetables, in agreement with the parents of the child and the local authority, may be necessary as a temporary measure in exceptional circumstances to meet a pupil's needs on returning to school, but must not be used as a disciplinary sanction or as a long term solution. Any such arrangement would be deemed a

reasonable adjustment on the grounds of disability under the 2010 Equalities Act. A decision to use this strategy would be deemed as a reasonable adjustment following a fixed term exclusion.

- 6.3.** There shall be no right of appeal against fixed term exclusions.
- 6.4.** The Headteacher must arrange a reintegration interview with parents during or following the expiry of any fixed term exclusion. If possible the interview should be held on the day the individual in our care returns to school. Where it is appropriate the individual in our care should normally attend all or part of the interview. The purpose of the reintegration interview is to assist the reintegration of the Individual and promote the improvement of his or her behaviour. It provides an opportunity to discuss how behaviour problems can be addressed, what measures can be put in place to support his/her continued education. It is good practice to combine the notice relating to a reintegration interview with the notice of informing the parent of the exclusion.

### Permanent Exclusion

- 6.5.** Permanent exclusions are very rare and the school will explore all reasonable adjustments that can be made prior to any permanent exclusion. As such, following an incident serious enough to warrant a potential permanent exclusion will be as follows:
- The parent/guardian/carer will be notified immediately by phone, with a follow up letter within 24 hours of the incident.
  - The student will be excluded for a fixed term of 5 days, pending an emergency annual review in which all reasonable adjustments will be considered, one of which may be permanent exclusion. The emergency annual review meeting will take place within the 5 days.
  - The local authority will be notified within 24 hours and invited to the emergency annual review meeting.
  - The parent/guardian/carer will be notified of their right to appeal and the appeals process.
  - The school will ensure that arrangements are in place for work to be sent home.
- 6.6.** Parents and placing authorities should be informed of The Behaviour Support Policy and this policy on Exclusion when individuals in our care are admitted.
- 6.7.** Where exclusions take place, a summary document shall be produced by the Headteacher giving details of the circumstances leading up to the exclusion. This should be forwarded to those parties referred to at para 6.5 above.
- 6.8.** Excluded individuals in our care shall only be handed over to a responsible and known adult.
- 6.9.** If the parent does not comply with the request of the Headteacher to receive the individual in our care at home, the school must have due regard for the individual's safety in deciding what action to take. If efforts to resolve the issue

with the parents are unsuccessful the Headteacher should seek advice from Social Services and consider whether to contact the Education Welfare Service.

- 6.10.** All exclusion cases should be treated in the strictest confidence. Only those who need to know the details of exclusion should be informed of them.
- 6.11.** Every effort will be made to avoid exclusions which result in an individual missing a Public examination.
- 6.12.** In operating the procedures in this policy, The Headteacher should take note of the general guidance issued by the DfE in the updated 2017 document “Exclusion from maintained schools, Academies and pupil referral units in England A guide for those with legal responsibilities in relation to exclusion”.

## 7. Exclusion Appeal Procedures

### General Principles

- 7.1.** If parent/guardian/carers wish to appeal the exclusion then they must do so in writing to the Proprietors within one week of the letter notifying the parents or guardians of the exclusion. The Proprietors will establish an Appeal Panel to consider the appeal.
- 7.2.** The Appeal Panel will normally convene within three weeks of the receipt of the letter requesting the appeal. The parents or guardian may bring a representative to the meeting. All letters and documents relied on by the Headteacher shall be made available to the parents or guardian prior to the hearing. The parents or guardian or their representative may ask questions of the Headteacher or may raise any relevant matter for the consideration of the Panel. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence either of the parents or guardian or their representative, or in the absence of the Headteacher, who is the Proprietor.

At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend:

- The exclusion is confirmed
- The exclusion is rescinded
- The exclusion be rescinded and replaced with an alternative sanction.

- 7.3.** There shall not be an Appeals Procedure in relation to fixed term exclusions, only in relation to permanent exclusions.
- 7.4.** The appeal shall be entered on behalf of the individual in our care and in his/her best interests and will, in effect, be an appeal for his/her reinstatement.
- 7.5.** The appeal shall be entered by the placing authority (as the party with whom the establishment has a contract) which shall undertake such prior consultations with parents/guardians as it thinks fit.
- 7.6.** Notwithstanding the above, Cambian Group retains the right of final decision which shall be binding on all parties.

#### **Appeals Procedure**

- 7.7.** If and when the decision to permanently exclude has been made, the placing authority (referred to below as 'the authority') and the parents/guardians will be informed in writing of the right to appeal and told of the procedure for doing so by letter in the form attached.
- 7.8.** The appeal by the authority must:
- be in writing;
  - be sent to the Head of the establishment within one calendar month of the date of the notification letter
  - specify in reasonable detail the grounds upon which the appeal is based.
- 7.9.** When a written appeal, in correct order, has been received, it shall be passed by the Headteacher to the Managing Director - Education for action. The Headteacher shall be responsible for ensuring that the appeal is in correct order and will liaise with the authority as necessary, in writing, with a view to establishing as clearly as possible the issues to be considered by the Appeals Committee.
- 7.10.** The Managing Director - Education shall, within two weeks of receiving the appeal, convene a meeting of an Appeals Committee consisting of two nominees of the Board (either or both of whom may be members of the Board and one of whom will chair the meeting) and an independent person of suitable stature. The nominees of the Board shall not be members of staff of the establishment concerned.
- 7.11.** The Managing Director - Education shall inform the authority of the proposed meeting and of its right to be present together with (at the authority's discretion) the individuals in our care parents/guardians and/or their representatives,

and/or to make representations, in writing, to the Appeals Committee (the names of the members of which will have been provided by the Managing Director – Education prior to the hearing).

- 7.12.** Within five working days after the date of the meeting of the Appeals Committee its decision shall be notified, in writing, by the Managing Director - Education to the authority and the Head of the establishment.
- 7.13.** There will be no further right of appeal against the decision of the Appeals Committee.
- 7.14.** During the period from the date of the decision to permanently exclude until the final determination of any appeal:
- the individual in our care shall remain excluded and must not be deleted from either the attendance register or the attendance register until the appeal process has been completed;
  - no fees will be payable.

#### General

- 7.15.** Details of the Appeals Procedure shall be available within every establishment.
- 7.16.** Details of the Appeals Procedure shall be available on request to parents, local authorities or authorised agencies
- 7.17.** This Appeals Procedure will only be followed when the appeal is against the decision to make a permanent exclusion and will be an appeal for reinstatement. If the authority or parent or other person wishes to complain about the manner



in which the exclusion was effected or the failure of the establishment to fulfil its duty of care (as opposed to the fact of the exclusion itself) the official Complaints Procedure should be followed.

## 8. Interim Review Meetings

- 8.1.** In the very rare circumstance when the school feels they can no longer meet the special educational needs of a child or if a child is becoming at risk of exclusion, the school may arrange an interim review meeting. This may also be called an emergency annual review meeting.
- 8.2.** The aims of an interim review will be to explore all reasonable adjustments that can be made to the placement provision to assess if adaptations can be made to continue to meet the needs of the child, in accordance to their EHC plan.
- 8.3.** One reasonable adjustment that will be considered during the meeting is to serve notice and/or end the child's placement, and commence a well-planned transition to a suitable provision.
- 8.4.** The parents and representatives from external agencies will be invited to this meeting.
- 8.5.** Circumstances where an interim review may be arranged may include, but not limited to the following situations:
  - Where aspects of a child's EHC plan need to be urgently amended, in timescales outside of their normal annual review process.
  - Where the school believes they cannot continue to meet the educational needs of the child, as stated in their EHC plan.
  - Where the school believes they can no longer keep a child safe, in relation to their EHC plan.
  - Where remaining at the school is not in the best interest of the child's welfare.
- 8.6.** Where possible, the school will aim to organise interim review meetings that enable a sufficient time period to support a successful transition.

## 9. Reasons for Exclusions & Other Considerations

- 9.1.** It is the aim of Grateley House School to ensure fixed term and permanent exclusions are very rare and always a last resort. An exclusion would only take place if one or more of the following situations occurred:
  - A serious breach or persistent breaches of the school's behaviour policy.
  - Where allowing the student to remain in school would seriously harm the education or welfare of other students or the student themselves.
- 9.2.** Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:
  - Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
  - Allow the pupil to give their version of events
  - Consider the pupil's special educational needs and disabilities (SEND)
  - Consider how far other behaviour management strategies have been exhausted, in accordance with the school's behaviour policy
  - Assess if the exclusion is lawful, reasonable and proportionate to the incident

## 10. Relevant Documents

- 10.1.** Anti-bullying
- 10.2.** Safeguarding and Child Protection Policy
- 10.3.** Positive Behaviour Policy