

## Exclusions Policy NASAT003

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### **EQUALITY STATEMENT**

We will regularly review our policies to ensure that we are

- promoting equality of opportunity
- eliminating discrimination and harassment
- valuing diversity and promoting positive relationships
- providing an inclusive education which enables all pupils to develop their full potential
- meeting the requirements of the Equality Act 2010 and the protected characteristics therein.

### **QUALITY OF LIFE FRAMEWORK**

All NAS schools and Children's services follow our Quality of life (QoL) Framework. In implementing this framework, we listen to pupils, parents and the child's keyworker to understand what is important to them in relation to their quality of life. We then work as a transdisciplinary team to ensure we plan each child's education carefully and cohesively, shaping each pupil's provision around their EHCP and agreed developmental goals in order to develop pupils' knowledge and skills now and for the future.

## 1. Purpose of this document

To outline the NAS Education Directorate's policy for NASAT schools' approach to Exclusions.

We understand that good behaviour and discipline is essential for promoting a high-quality education and recognise that exclusion of pupils may be necessary in some circumstances. In all cases, excluding pupils should only be used as a last resort.

The trust has created this policy to clearly define the legal responsibilities when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place. Furthermore, it aims to support staff in their work with pupils to ensure that teaching and learning can continue unhindered.

## 2. Scope

This policy applies to all NASAT schools.

## 3. Approach

The NAS Academies Trust (NASAT) recognises that good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports the Principal in using exclusion as a sanction where it is warranted. Pupils attending NASAT schools are particularly vulnerable to the impacts of exclusion. Accordingly, fixed term exclusion should only be used where it is deemed to be a highly effective sanction and other options have been explored. Permanent exclusion should only be used as a very last resort, in response to a serious breach, or persistent serious breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Disruptive behaviour can be an indication of unmet needs and this is particularly true for the pupils in our schools. Where a NASAT school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early with all possible stakeholders in order to reduce the need for a subsequent exclusion. In this situation schools should consider a multi-agency assessment that goes beyond the pupil's educational needs.

## 4. Objectives

Our schools seek to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 5. Operational delivery

### 5.1 Grounds for exclusion

The school will only exclude a pupil where it is absolutely necessary, and where all other possible alternatives have failed to be successful. It is the principal's responsibility to make the decision to exclude (or in their absence, the deputy with delegated responsibility). The principal must decide whether the causal issue(s) leading to the notion to exclude amount to unacceptable risk to other pupils and staff, while providing an effective route to resolving the issue(s).

The following examples of behaviour may lead to the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incident which breaches the law such as drug / alcohol related behaviours, sexual misconduct, theft.
- Persistent and severe bullying
- Verbal and physical abuse towards pupils or staff
- Persistent disruptive behaviour that goes beyond factors linked to the pupil's identified special educational needs
- A single, serious and major incident, e.g. serious assault on another individual leading to injury to others, property damage

Pupils can be excluded on a fixed-period basis, i.e. up to 45 school days within a year (max. 15 days per term), or permanently. Similarly, pupils can be permanently excluded following a fixed term exclusion, where further significant additional evidence is presented.

### 5.2 The Principal's power to exclude

In all cases, the Principal will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

Only the Principal has the power to exclude a pupil from the school, and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.

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The National Autistic Society is here to transform lives, change attitudes and create a society that works for autistic people.

The Principal is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.

The Principal is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the school's Behaviour Policy.

Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the Education, Health and Care plan (EHCP).

All exclusions will be formally recorded on the management information system.

The Principal may withdraw/rescind any exclusion that has not already been reviewed by the Local Governing body (LGB).

At all times, the Principal will consider their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, (particularly the protected characteristics), and will not increase the severity of a pupil's exclusion on these grounds.

The Principal will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents have agreed to this. Such acts constitute illegal exclusions.

The Principal will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

The law does not allow for 'converting' a fixed-term exclusion into a permanent exclusion. The Principal may issue a fixed-term exclusion pending investigation and, where further evidence has come to light, issue a further fixed-term exclusion to begin immediately after the first exclusion ends; or a permanent exclusion to begin immediately after the end of the fixed-term exclusion.

Where a pupil receives consecutive fixed-term exclusions, these are regarded as a cumulative period of exclusion.

### **5.3 Factors to consider when excluding a pupil**

When considering the exclusion of a pupil, the Principal will:

- Allow the pupil the opportunity to present their case. The pupil's voice must be heard through this process wherever possible.

- The Principal will consider all relevant facts and consider the Behaviour Policy, the Safeguarding Children's policy and the Equal Opportunities and Diversity policy before taking the decision to exclude a pupil
- Consider any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised so for example if they have been subjected to bullying or suffered a bereavement.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.
- The Principal will consider what extra support may be available for additionally vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including LAC, Pupils eligible for FSM, Certain ethnic groups
- The Principal will consider what extra support has already been given, including multi agency assessments, adaptations to curriculum, environment, review of Positive Behaviour support plan. A decision taken to exclude in accordance with the Equality Act 2010 should only occur where a graduated response has already been followed. Actions taken should be recorded for tracking purposes.
- The School should engage proactively with parents in supporting pupils' behaviour. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.
- Where the School has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an Educational, Health and Care plan (EHCP) and/or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHCP, the Principal should consider requesting an early annual review or interim / emergency review to review whether the needs as described on the EHCP are accurate and whether they are being met. And in some cases, it may be appropriate to consider with the local authority the appropriateness of a managed move to a different educational placement. In such cases the

school should work closely with the school to support transition and monitor effectiveness of the move to an alternative destination.

- Pupils will never be sent home unaccompanied and if necessary the school will provide supervision of the pupil away from other pupils until it is practically possible for the pupil to be collected or to return home safely. The Principal will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms

## 5.4 Principal's Decision

The Principal will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true. The Principal may need to appoint a senior member of staff to carry out an Investigation and take written accounts from all relevant witnesses (usually staff and pupils). NASAT recognises that the nature of some pupils' autism may make it difficult to obtain their account of events and this should be taken into consideration and known strategies for supporting communication should be deployed.

The decision to exclude a pupil permanently should only be taken if the following "twin test" is satisfied:

- in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Principal should use the NASAT Exclusion Decision making record to record thinking and decision making. (Appendix 1) This document must be signed off by the Principal with input from appropriate members of their team and in consultation with NASAT Directorate members and the Chair of the LGB.

## 5.5 Informing the LGB, NASAT and the Local Authority

The Principal will discuss the decision to exclude with the Chair of the LGB and the NASAT Director of Education where practically possible before excluding the pupil.

The Principal must immediately inform the Chair of the LGB, the NASAT Managing Director of Education and the Local Authority of all permanent exclusions. Where a pupil resides outside the Local Authority in which the school is located, the Principal will also notify the pupil's "home authority" of the exclusion without delay.

## 5.6 Notifying Parents/Carers

Following the Principal's decision to exclude a pupil, they will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this.

The Principal will inform the parents in writing (electronically if written permission has been received from the parents for notices to be sent this way) of the following:

- The reason(s) for the exclusion
- The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations about the exclusion to the LGB, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the LGB to consider the exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

The Principal may use the exclusion letter templates of the Local Authority in which the school is physically located. The Principal will ensure that parents are informed of their right to appeal and will draw their attention to relevant sources of free and impartial information.

Where the pupil is of compulsory school age, the Principal will inform the parents by the end of the afternoon session that:

For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Principal has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

In such cases the Principal must satisfy themselves of quality and safety of this provision, where necessary undertaking risk assessments and undertaking checks.

Where the Principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.

If the alternative provision is due to begin before the sixth day of the exclusion, the Principal is able to give less than 48 hours of notice, with parental consent.

If the Principal has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

## 5.7 Arranging education for excluded pupils

For any fixed-period exclusions of more than five school days, the school / LGB will arrange through the school suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.

Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of the first exclusion.

For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion. It is the 'home' local authority's responsibility to provide education under these circumstances.

The Principal/ LGB will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The Principal / LGB are aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion. The LGB will always attempt to arrange alternative provision before the sixth day of exclusion.

Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil.

The Principal / LGB will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

## 5.8 Meeting of Governors to consider a decision

The LGB has a duty to consider parents' representations in regard to an exclusion and it may delegate this function to a designated sub-committee consisting of at least three governors.



Parents and, where requested, a friend or representative, the Principal, and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Written evidence supporting the Principal's decision will be circulated to all parties at least five working days in advance of the meeting.

The LGB, consisting of three Governors not employed by the Academy or known to the pupil, should normally satisfy itself that for a one-off serious breach of behaviour the offence took place on the balance of probabilities or for persistent bad behaviour, all reasonable strategies to improve a pupil's behaviour were tried without success.

The LGB will consider the exclusion and decide whether to uphold the Principal's decision to exclude or whether the pupil should be reinstated immediately or on a particular date. Such consideration will take account of the pupil's disciplinary record and the likely impact of their continued attendance. The LGB may not attach conditions to the re-instatement of a pupil.

In reaching their decision the LGB will ask all parties to withdraw before making their decision and will consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair. They will also take into account the Principal's legal duties.

If the LGB upholds the Principal's decision to exclude a pupil permanently, the clerk will write on behalf of the LGB to the parent/carer using the template letters used by the Local Authority in which the school is located.

The LGB will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent.
- The exclusion is fixed-period, and would bring the pupil's total number of excluded school days to more than 15 in any given term.
- The exclusion would result in the pupil missing a public examination.

In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than 5 but less than 15 school days within a term, if requested by the parents, the LGB will consider exclusions within 50 school days of receiving notification.

In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the LGB is not required to meet and cannot direct the reinstatement of the pupil.

Where exclusion would result in a pupil missing a public examination, the LGB will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the exclusion and decide whether or not to reinstate the pupil.

In light of the above, the LGB will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the reinstatement of an excluded pupil, the LGB will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

## 5.9 Reaching a decision

After considering exclusions, the LGB will either:

- Decline to reinstate the pupil.
- Direct the reinstatement of the pupil immediately, or on a specified date.

If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the LGB will still consider whether the pupil should be officially reinstated, and whether the Principal's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The LGB will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the LGB will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the Principal's legal duties and any evidence that was presented to the LGB in relation to the decision to exclude.

## 5.10 Notification of considered exclusions

The LGB will notify the parents of the excluded pupil, the Principal and the LA of their decision following the consideration of an exclusion, in writing and without delay.

In the case of a permanent exclusion, where the LGB decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the LGB to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The LGB will also notify parents that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the LGB will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

## 5.11 Removing permanently excluded pupils from the school register

The Principal will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the LGB's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, and until the LGB has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

Code B: Education off-site

Code D: Dual registration

Code E: Absent and not attending alternative provision

## 5.12 Independent review panel

The academy trust will review the LGB's decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.

The academy trust will organise an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.

- A current or former school governor who has served for at least 12 consecutive months in the last 5 years.
- A Principal or individual who has been a Principal within the last 5 years.

Parents are required to submit their applications within:

- 15 school days of the LGB's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

The Academy trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017. This will include the legal duties of the panel, training arrangements, appointment of a clerk, and when requested by parents an SEN expert.

### **5.13 Retaining records**

Any exclusion of a pupil, even for short periods of time, must be formally recorded. The school should ensure that clear minutes are taken of exclusion meetings as a record of the evidence that was considered by LGB. These minutes should be made available to all parties on request.

Schools should retain records and evidence relating to an exclusion for at least six months.

### **5.14 Criminal investigations**

The Principal will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

The Principal will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the LGB is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available

## **6. Roles and responsibilities**

### **6.1 NASAT Directors' responsibilities**

NASAT Directors are responsible for:

- a) ratifying and regularly reviewing this policy to ensure it conforms to relevant law and guidance
- b) the content of this policy while Local Governing Bodies ("LGBs") will monitor its implementation in their respective NASAT school.
- c) providing the support services that enable the Principals and Governors of NASAT schools to work together to provide the highest standard of autism specific education
- d) arranging Independent review panels

## 6.2 The LGB responsibilities

- Ensuring that it acts in accordance with the all relevant statutory guidance.
- Ensuring effective implementation of this policy
- Monitoring the effectiveness of the policy and advising NASAT of any necessary amendments
- Appointing a governor who will review the effectiveness of implementation and report back to the LGB on a regular basis
- Ensuring that any issue that may be perceived as a potential reputational risk to the trading name of the NASAT is referred to NASAT.
- Providing information to the Secretary of State and LA about any exclusions within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis.
- Considering parents' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Principal and LA of its decision and the reasons for it, without delay.

- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.

### **The clerk to the exclusions review panel is responsible for:**

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
- Make written representations to the panel.
- Attend the hearing and make oral representations to the panel.
- Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

### **6.3 The Principal's responsibilities**

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the SEND and Inclusion policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.

- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the LGB, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the LGB and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the LGB once per term of any exclusions not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged
- Ensuring all relevant staff are aware of this policy, receive appropriate professional development and local procedures are followed
- Ensuring that he/she acts in accordance with the all relevant statutory guidance.
- providing professional leadership, vision and direction to the school so that the staff work together to provide the highest standard of autism education enabling all staff, pupils and families work towards the prevention of fixed term or permanent exclusion.
- Informing the Chair of LGB of any intention to issue a fixed term exclusion.
- Following the Exclusion Procedure detailed in Section 5 of this policy.

#### 6.4 Responsibilities of School Staff

- Valuing every young person even if their behaviour needs a high level of support
- Implement strategies and programmes as detailed in pupil documentation.
- Monitoring and reporting any escalation of behaviour that they find challenging to support and that may lead to circumstances where exclusion may be considered.



- Working with the positive behaviour support team to reviewing pupil documentation
- Requesting, through Senior Leadership Team (SLT) a meeting on a pupil at risk of exclusion to discuss strategies and interventions. Including requesting interventions and advice from outside agencies if appropriate
- Working as part of a Transdisciplinary team, implementing advice from professionals in school and beyond, including, but not limited to the Occupational Therapist, Psychologist and Speech and Language therapist.
- Enabling and supporting pupils to recognise a range of feelings, both positive and negative and to develop their skills of emotional self-regulation

## 6.5 Expectation of Parents and Carers

NASAT expects parents and carers to be responsible for:

- Keeping the school informed about concerns, problems and family circumstances which may affect their child's behaviour or well-being
- Working with school staff to plan and implement individual programmes.
- Attending meetings called by the school to discuss concerns about their child and/or meetings to discuss fixed term or permanent exclusion
- Informing the Chair of Governors if they want to make representation against a decision made by the Principal of the school.

## 6.6 Expectation of Local Authority

The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

## 7. Evaluation of Policy

This policy will be monitored for its effectiveness by the Managing Director, Education and Children's services, NASAT board, LGB and the Principal. The policy will be updated at least every 3 years and when required.

## 8. The legal framework

This policy has due regard to the related statutory legislation including, but not limited to, the following:

**Education Act 2002**

**The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012**

**Education and Inspections Act 2006**

**Education Act 1996**

**The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007**

**The European Convention on Human Rights (ECHR)**

**Equality Act 2010**

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

**DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'**

**DfE (2016) 'Behaviour and discipline in schools'**

**DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'**

**DfE (2018) 'Mental health and behaviour in schools'**

## 9. Equality Impact Assessment

The decision to exclude a pupil must be lawful, reasonable and fair. All NASAT schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. NASAT schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Under the Equality Act 2010 schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. Part 6, chapter 1 of the Equality act states:

"The responsible body of such a school must not victimise a pupil—

- (a) in the way it provides education for the pupil;
- (b) in the way it affords the pupil access to a benefit, facility or service;
- (c) by not providing education for the pupil;
- (d) by not affording the pupil access to a benefit, facility or service;
- (e) by excluding the pupil from the school"

For disabled children, the Equality Act 2010 includes a duty to make reasonable adjustments to practices.

In application of this policy we seek to ensure that pupils are not excluded without ensuring all practical alternatives to exclusion have been made.

## 10. Related Policies

Safeguarding Children's (Child Protection) Policy  
Anti-bullying Policy  
Behaviour and Restrictive physical Intervention Policy  
Accessibility plan  
Equal Opportunities and Diversity Policy  
SEND and Inclusion policy

## 11. Definitions

**NASAT** - Academy Trust free schools.

**EHCP** - Education Health and Care plan

**LAC** – Looked after children

**LGB** – Local Governing Body

**LA** - Local authority

**MD** – Managing Director, Education and Children's Services (NAS) & NAS Academies Trust

**Exclusion** – this is where a pupil will be required to stay at home and will be unable to return to school for either a fixed period of time or in some cases permanently.

**Fixed Term Exclusion** – this is for a set number of days (at most 45 days in any one school year). The pupil will be given a date when they will be able to return to school and will not be allowed to return to school until that date.

**Permanent Exclusion** – this is a final step used to permanently remove a pupil from the school.

**Managed Move** – this is where the school, pupil or parents feel that the school can no longer meet the needs of a pupil, the local authority (LA) may be asked to identify another school to take over the education. This will only be done with the full knowledge and co-operation of all parties involved and the school will fully support the pupil and the family through this transition.

## Appendix 1

### NASAT Exclusion decision making record.

This record outlines the decision making and influencing factors leading to a pupil receiving a sanction that falls into NAS [Academies Trust's] Exclusions Policy. This document must be signed off by the principal with input from appropriate members of their team and in consultation with NAS (AT) Directorate members. All of our pupils have SEND and an EHCP. All decisions to exclude (or not) will be taken with pupils' SEND needs, known behaviours and social care needs in mind.

<b>Pupil Name:</b>	<b>Pupil URN:</b>	<b>How does this information affect your decision making?</b>
<b>Date:</b>	<b>CPOMs reference:</b>	
<b>Step 1: The incident / series of incidents</b>	Describe:	
<b>Step 2: Investigation</b> (must include a detailed chronology of events before the incident)	Conducted by: Checked by: Outcome:	
<b>Step 3a:</b>	Voice of the child – what is the pupil's view?	
<b>Step 3b: Consultation</b>	Who else has been consulted in this process and what did they say?	
<b>Step 4: Reasonable adjustments (EA 2010)</b>	Describe and explain impact of reasonable adjustments to date:	
<b>Other contextual information</b>		
<b>Step 5: Deciding whether to exclude</b>	Based on the detail in the grey boxes above, do the facts of the matter support a decision to exclude the pupil? <ul style="list-style-type: none"> <li>- Are there underlying factors that led to the incident/series of incidents?</li> <li>- Is this incident one in a series of similar incidents? What makes this situation different?</li> <li>- Does the incident threaten other school members' safety and/or ability to work and learn in school?</li> <li>- Is there an alternative to exclusion that has not already been attempted in support of the pupils' needs?</li> <li>- Does the issue meet the following definition: "'on the balance of probabilities' it is more likely than not that the pupil in question carried out a serious breach or persistent breaches of the School's Behaviour Policy"?</li> </ul>	

<p><b>Step 6: Exclusion type</b> (only complete if decision is to implement any type of exclusion)</p>	<p><i>The decision to exclude a pupil permanently should only be taken:</i></p> <ul style="list-style-type: none"> <li><i>• in response to a serious breach, or persistent breaches, of the school's behaviour policy; and</i></li> <li><i>• where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.</i></li> </ul> <p>Based on the information in steps 1-4, does this incident meet the criteria in italics above? Yes/No If Yes, a panel must be formed.</p> <p>Reasoning:</p>
<p><b>Step 7: Outcome</b></p>	<p>If the decision is not to exclude, follow steps to successfully reintegrate the pupil into their structure and routine. Adjustments must be made to the pupils' provision (including PBS plan, provision assessment etc). The pupil and their family/carers must be consulted beforehand.</p> <p>If the decision is to exclude, then the principal must follow the steps described in the Exclusion Policy and refer to the Government's guidance if in doubt. The principal or their delegate must liaise with the local authority when excluding from school for any duration to ensure that the pupils' wider needs are accommodated. In all cases, the pupil's next steps (reintegration, transition) must be fully supported by the school team and in collaboration with suitable stakeholders.</p> <p>Decision: Not to exclude / internal / fixed term / permanent</p> <p>Signed (Principal): Signed (LGB Chair):</p>