

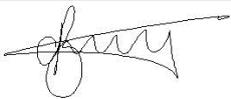
Exclusions Policy



**THE LADDER
SCHOOL**

Redefining alternative provision



Date of Creation (first edition)	June 2020
Date for Review	July 2023
Date posted on website	July 2022
Policy updates and amendments	June 2022
Member of staff responsible for the policy	R Williams
Date adopted by the Local Governing Body	June 2021
Signed by Principal	
Signed by Chair of Governing Body	



**THE LADDER
SCHOOL**
Redefining alternative provision

MERCIAN

Version Control

Version	Author	Date	Changes Made
1.0	R Williams	July 20	First Edition
1.1	R Williams	June 21	Format updated
1.2	R Williams	July 22	Review and change of suspension language

Mission Statement

The Ladder School is a safe, well ordered and caring environment for learning. It delivers high quality education to all its students and supports them to develop their individual potential for growth, self-worth and self-control.

High quality outstanding teaching, and clear and consistent guidance and support, facilitates students in succeeding in education. Our broad and balanced academic and vocational curriculum will provide students with access to a broad range of accredited qualifications as well as educational and social experiences, which will address their learning and emotional needs. Our purpose is to support every student to develop their true potential, make positive contributions to their families and find fulfilment in employment.

Values

1. Alternative Provision doesn't mean a dumping ground...it's mainstream with the reasonable adjustments to succeed
2. High standards and high expectations are incredibly important and are the corner stones to a successful school
3. The Ladder School should become the go-to place for educators from across the country to see best practice
4. Good simply isn't good enough
5. Learning is about a journey and there is more than one way to get to the destination
6. Qualifications, manners, respect and opportunity should be the foundations for students that need a second chance.

School Ethos



High Standards



Daring to Dream



Traditional Values



Success



Personalised Support

High standards – students are pushed to achieve beyond their potential, and staff work to ensure everything that we do is better than people expect.



Daring to Dream – students at The Ladder School may have been in an educational setting where they lacked aspiration to be successful, at The Ladder School we challenge students to reach their potential and go on to further education and employment.

Traditional Values – some things often get forgotten in education, at The Ladder School we pride ourselves on mutual respect, good manners, making a positive contribution, supporting one another and an orderly, litter free environment.

Success – can come in many virtues, at The Ladder School we celebrate the small steps every day and tell students when they are doing well. We ensure that students can have a successful future.

Personalised Support - all students at The Ladder School have a Learning Coach who guides them, sets them bespoke targets and supports them in making social and academic progress.

Introductory statement

The Ladder School is an alternative provision free school providing an effective academic and vocational education for students for whom mainstream schooling has been challenging and ineffective. The school takes its name from the royal-led ‘Ladder apprenticeship campaign’; a partnership between media organisations, employers and the third sector which has so far created over 2,000 apprenticeship jobs throughout London and the West Midlands.

The aim of The Ladder School is to re-engage its students into education and progression to employment, training or further education through the excellent teaching of high quality qualifications and the very best personal coaching in a safe and valued environment free from ‘stigma’ and prejudice. Admission will be through the referral process outlined in this policy. Referrals may be made at any time throughout the year.

Contents

1. Aims.....	3
2. Legislation and statutory guidance	3
3. The decision to exclude	4
4. Definition.....	4
5. Roles and responsibilities	5
6. Cancelling an exclusion.....	7
7. Considering the reinstatement of a student	7
8. An independent review	8



9. School registers.....	9
10. Returning from a suspension.....	10
11. Monitoring arrangements.....	10
12. Links with other policies.....	10
Appendix 1: independent review panel training	11

1. Aims

Our school aims to ensure that:

- School is a calm, safe and supportive environment in which students can learn and thrive
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

Suspensions and permanent exclusions are sometimes a necessary part of a functioning system, where it is accepted that not all student behaviour can be amended or remedied by pastoral processes, or consequences within the school.

Where a student has a social worker eg: because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Principal will inform their social worker, the DSL and the student's parents to involve them all as early as possible in relevant conversations.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units (PRUs) in England, including pupil movement, July 2022 and Keeping Children Safe in Education 2022.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Education and Inspections Act 2006,
- Education Act 1996,
- 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



At The Ladder School we promote, among students, self-discipline, and proper regard for authority. We encourage good behaviour and respect for others and in particular preventing all forms of bullying among students. We aim to secure that the standard of behaviour of students is acceptable.

This policy complies with our funding agreement and articles of association.

3. The decision to exclude or suspend

Only the Principal, or Vice Principal, can exclude or suspend a student from school. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of the Principal /Vice Principal including suspension or permanent exclusion, will be made in line with the principles of administrative law, reasonable, fair and proportionate. A permanent exclusion will be taken as a last resort and in exceptional circumstances.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every student receives an education in a safe and caring environment.

A decision to permanently exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others or cause damage to the school building

Before deciding whether to exclude a student, permanently or to suspend a student, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has additional needs including special educational needs (SEND), is Pupil Premium (PP) and or has a social worker
- Support the student's home school to ensure appropriate action was taken to either reintegrate the student in their home school or support a permanent exclusion.

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.



5. Roles and responsibilities

5.1 The Principal

Informing parents

The Principal, or nominated person, will immediately provide the following information, via a telephone call and then in writing, to the parents/carers of a suspended or excluded student:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or exclusion to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal, or nominated person, will also notify parents by the end of the afternoon session on the day their child is suspended or excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If the student has a social worker, or if the student is looked-after, the principal will, without delay after the decision has been made, notify the social worker and/or VSH, as applicable.

As The Ladder School is an alternative provision, any other alternative provision is not used.

When notifying parents about a suspension or permanent exclusion, the Principal will draw attention to relevant sources of free and impartial information. This will include:

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk>
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.



Informing the governing board and local authority

The Principal will immediately notify the governing board and the local authority (LA) of:

- A suspension
- A permanent exclusion, including when a suspension is made permanent
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Principal will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Principal will notify the governing board at each meeting.

Informing social workers and Virtual School Heads

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. The Ladder School is proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Keeping children safe in education and Working Together to Safeguard Children (2018) are documents that we follow closely

If the Principal suspends or permanently excludes a student they will, without delay, after their decision, also notify the social worker, if a student has one, and the VSH, if the student is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it.

Both the social worker and/or VSH will be informed when the LGB meeting is taking place, in order to share information.

5.2 The governing board

Responsibilities regarding exclusions is delegated to the Local Governing Body (LGB)

The Ladder School reports half termly to the LGB all data on suspensions and exclusions. The LGB challenges and evaluates the school data. They carefully consider the levels of suspensions and permanent exclusions and the characteristics of these students to ensure the sanction is only used when necessary as a last resort.

The LGB will form an adhoc committee with 3 members which would include chair/vice chair and 2 others. This group has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion. Where required The Ladder School would acquire a tutor or an agency member of staff to provide tuition for the student.



Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Cancelling (otherwise known as withdrawing / rescinding) an exclusion.

The Principal may cancel an exclusion that has not been reviewed by the LGB. If this occurs, parents, the LGB and the Local Authority will be notified and, if relevant, the social worker and VSH. Parents will be offered the opportunity to meet with the Principal to discuss the circumstances that led to the suspension/exclusion being cancelled. The student will be allowed back to school.

7. Considering the reinstatement of a student

The LGB will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the LGB sub committee will consider the reinstatement of the student before the date of the examination. If this is not practical, the LGB sub committee will consider the exclusion and decide whether or not to reinstate the student.

The LGB sub committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the LGB sub committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.



Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The LGB sub committee will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the LGB sub committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the Mercian Trust to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
 - That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

8. An independent review

If parents apply for an independent review, the Mercian Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the LGB sub-committee clerk of its decision to not reinstate a student.



A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the Principal category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Principals during this time
- Principals or individuals who have been a Principal within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of the Mercian Trust, or governing board of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Mercian Trust, or the governing board, of the excluding school (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the Mercian Trust, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

- The independent panel will decide one of the following:
 - Uphold the governing board's decision
 - Recommend that the governing board reconsiders reinstatement
 - Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.



Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

10. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate to allow the student to reintegrate successfully into school life and full-time education with a fresh start. The reintegration process helps the student understand the impact of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community and builds engagement with learning.

The following measures may be implemented when a student returns from a suspension:

- Back to school meeting and agreeing behaviour expectations
- Keyworking session
- Mental Health Nurse referral
- Additional reparation measures
- Putting a student 'on report'
- Internal reflection
- Working with external agencies where appropriate

11. Monitoring arrangements

Vice Principal monitors the number of exclusions every term and reports back to the Principal. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Vice Principal, Ruth Williams every year. At every review, the policy will be shared with the governing board.

12. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEND policy and information report



Appendix 1: Independent review panel training

The Mercian Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Principals, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

