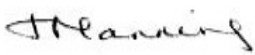






Exclusion Policy

Policy Ref: TMP82v2

This policy will not discriminate either directly or indirectly against any individual on grounds of sex, race, ethnicity or national origin, gender, sexual orientation, marital status, religion or belief, age, disability, socioeconomic status, offending background or any other personal characteristic.

	Name	Title	Signature	Date
Prepared by	Jackie Manning	Principal		Jul 2024
	Colin Foster	Assistant Principal		Jul 2024
Approved by	Martin Heaton	CEO		Jul 2024

Does this Policy require publishing on the College Website? **Yes**

Does this Policy require approval by Board of Governors? **Yes**

Exclusion Policy

Policy Ref: TMP82v2

Record of Changes

Version	Issue Date	Changes	Initials
v1	Apr 2024	Initial issue	JM/CF
v2	July 2024	Annual review, references checked and updated	JM/CF

Date of Next Policy Review: July 2025

Definition

Throughout this policy document **TMP Studios CIC** is referred to as 'TMP College'.

Scope

This policy applies to all staff at TMP College.

Aim

TMP College aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and learners
- Learners in college are safe and happy
- Learners do not become NEET/CME or any other undesired designation for a child at college age (Not in Education, Employment or Training/ Children Missing Education)

The decision to exclude

Only the Principal, or acting Principal, can exclude a learner from college. A permanent exclusion will be taken as a last resort.

A decision to exclude a learner will be taken only:

- In response to serious or persistent breaches of the college's behaviour policy, and
- If allowing the learner to remain in college would seriously harm the education or welfare of others

Before deciding whether to exclude a learner, either permanently or for a fixed period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the learner to give their version of events
- Consider the external, family and societal factors surrounding a learner and whether an exclusion would be in the learner's best interest
- Consider any contextual safeguarding factors
- Consider the current professional designation of a child (for example CLA, AP)
- Consider if the learner has special educational needs (SEN)

Definition

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

Roles and Responsibilities

The Principal

Informing parents

The Principal will immediately provide the following information, in writing, to the parents of an excluded learner:

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

Informing the Board and Local Authority (SEND Team)

The Principal will immediately notify the Board and, where required, the local authority of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the learner being excluded for more than 5 college days in a term
- Exclusions which would result in the learner missing a public examination

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

The Board

The Board has a duty to consider the reinstatement of an excluded learner within 14 days of receipt of a request. If requested to do so by parents, the Board will consider the reinstatement of an excluded learner within 15 college days of receiving notice of the exclusion.

The Board can either:

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

The outcome will also be recorded on the learner's educational record.

The Board 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 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 (or if the learner is 18 or over their right), 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 learner's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the
- Local Authority to appoint a SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents (or the learner if 18 or over) must make clear if they wish for a SEN expert to be appointed in any application for a review
- That parents (or the learner if 18 or over) 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 (or the learner if 18 or over) 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

An Independent Review

If parents (or the learner if 18 or over) apply for an independent review, the Board will arrange for an independent panel to review the decision not to reinstate a permanently excluded learner. Applications for an independent review must be made within 15 college days of notice being given to the parents by of the decision to not reinstate a learner.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below:

- A lay member to chair the panel who has not worked in any college in a paid capacity, disregarding any experience as a college governor or volunteer
- College Board members who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been tutors 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 Director of the School or Board of the excluding college
- Are the Principal of the excluding college, or have held this position in the last 5 years

- Are an employee of the Local Authority or School or the Board, of the excluding college (unless they are employed as a Principal at another college)
- Have, or at any time have had, any connection with the Local Authority, college, Board, parents or learner, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Board's decision
- Recommend that the Board reconsiders reinstatement

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

School registers

A learner's name will be removed from the college admissions register if:

- 15 college days have passed since the parents were notified of the exclusion panel's decision to not reinstate the learner 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 Board will wait until that review has concluded before removing a learner's name from the register. Where alternative provision has been made for an excluded learner and they attend it, the relevant codes will be used on the attendance register. Where excluded learners are not attending alternative provision, then absent will be used.

Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the learner, parents, a member of senior staff and other staff, where appropriate/possible. The following measures may be implemented when a learner returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a learner 'on report'

Monitoring arrangements

The Principal monitors the number of exclusions every term and reports back to the Board. They also liaise with the local authority to ensure suitable alternatives are pursued for excluded learners.

This policy will be reviewed by the Principal annually. At every review, the policy will be shared with the Board.

Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and student referral units (PRUs) in England. It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998 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 students
 - Section 579 of the Education Act 1996, which defines 'school day'
 - The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014

Relevant Legislation

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