



Helping Youth & Community from Start to Finish

Exclusion Policy – Removal from placement

Approved by: Adrian Woods

Date: 1/09/2023

**Next review due
by:** 31/08/2024

OnTrak recognises that students attend alternative provision for different reasons. We also recognise that each situation must be assessed on its own circumstances; each student's individual reactions and needs must be taken fully into account. We cannot have 'standard procedures' for all students that attend OnTrak. Where we have concerns about the behaviour, or risk of exclusion from the placement of a student, we will communicate these concerns to the SLT / SEND / Pastoral / staff / other to discuss the best course of action and to record behaviours and concerns. We will consider requesting an emergency annual review or interim/emergency review. There are circumstances, however, in which the only decision left to us (and sometimes the best course of action in the situation we face) is to make a decision to remove the student from their placement.

OnTrak is an independent, self-funded education provider and as such does not follow, but takes into consideration, the local authority rules. All decisions made by OnTrak based on the following criteria are final.

Possible Criteria for Considering Exclusion (Permanent and Fixed Term)

- A student who threatens the personal safety of other young people. Attacking other young people cannot be tolerated. Neither can any form of sexual abuse or drug abuse.
- A student who is constantly creating serious dangers for himself and/or for others (is constantly devising, organising and implementing dangerous, destructive and/or antisocial behaviours. The deliberate and persistent 'leader' for mischief).
- The child with a persistent and active compulsion towards arson.
- A student who is a genuine threat to staff.
- A student who engages in persistent and serious crime.
- Behaviour of a student outside school can be considered grounds for an exclusion.

The Operations Manager reserves the right to extend a fixed term exclusion and convert to a permanent exclusion, following opportunities to review the young person's behaviour record. A decision to permanently remove a student from OnTrak will only be taken:

- In response to a serious breach or persistent breaches of OnTrak's Behaviour Policy and Statement of Behaviour Principles and the Student Code of Conduct
- Where allowing the student to remain in OnTrak would seriously harm the education or welfare of the student, staff or others in OnTrak

These criteria are not the only factors which can contribute to decisions about exclusion. There may be deeper clinical and psychological considerations; periodic errors may occur in selection and assessment; there may be insuperable pressures from the family and home contact; unexpected deteriorations in a child's psychological condition can occur; and so on. Again, the important thing is to make careful and informed decisions which are in the best interest of the young person, OnTrak and other students. **These collective interests cannot always be reconciled, of course. We are well aware of this and we accept the fact that on some occasions the collective good will have to prevail over individual considerations.** Any decision is made in line

with administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair and proportionate.

The Operations Manager, or representative, has a duty to inform parties about an exclusion and Procedures for Exclusion (Permanent and Fixed Term). As an independent alternative provision, OnTrak has created the following procedures:

1. There must be full investigation of any precipitating circumstances and the young person's record of behaviour. This process will include senior staff, together with any other staff member involved and any other student involved. When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This means that the Operations Manager should accept something happened if it is more likely that it happened than it did not happen. In cases of alleged sexual/physical/substance abuse the Operations Manager will make the initial assessment and then communicate with appropriate outside agencies.
2. The Operations Manager must, without delay, notify the school / LA with regards to the removal of the student from the course who will in turn notify parents / guardians of the exclusion. Occasionally, the Operations Manager will inform parents directly should that be part of the relationship and working together. Initially this will be via telephone or email but then followed up with a formal letter if required complete with incident reports and other such paperwork.

Exclusion and / or removal from the course is always a last resort and must comply with our exclusion policy.