

# LINTON VILLAGE COLLEGE

## SUSPENSION AND EXCLUSION POLICY

This policy was approved:	December 2023
Policy version:	2.1
This policy will be reviewed:	Autumn 2025
Member of staff with responsibility for review:	Tim Darby
This policy was consulted with:	FGB
This policy was distributed to:	

## Contents

1. Aims .....	3
2. Legislation and statutory guidance .....	3
3. Definitions .....	3
4. The decision to suspend or exclude .....	5
Special Educational Needs .....	6
5. Roles and responsibilities .....	6
Informing parents/carers.....	6
Informing the governing body and local authority.....	7
5.2 The Governing Body .....	7
5.3 The LA.....	7
6. Cancelling an Exclusion.....	8
7. Considering the reinstatement of a student .....	8
8. An independent review .....	9
8. School registers .....	10
9. Returning from a suspension .....	10
10. Monitoring arrangements.....	11
11. Links with other policies.....	11
1. The Agreement .....	9
2. Devolved Functions .....	9
3. Funding and Financial Management .....	12
4. Rectification Processes .....	13
5. Signatures .....	13

## 1. Aims

Our College aims to ensure that:

- the suspensions process is applied fairly, consistently and only as a last resort;
- the permanent exclusion process is applied fairly, consistently and only as a last resort;
- the suspensions and exclusions processes are understood by governors, staff, parents/carers and students;
- students in the College are safe and happy and
- students do not become NEET (not in education, employment or training).

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the [Department for Education: Exclusion from maintained schools, academies and pupil referral units \(PRU's\) in England, September 2023](#).

This policy complies with our funding agreement and articles of association and the exclusion guidance of the Anglian Learning Trust.

## 3. Definitions

Suspensions and exclusions are not the same as short-term isolation or removal from mainstream lessons. These are formally recognised sanctions and are noted on a student's 'record' and have to be reported on transfer to other schools. It can be for a fixed term or permanent (please see below).

Suspension is a serious sanction and can be given for a period of 1 – 5 school days depending on the seriousness of the incident. In exceptional circumstances, a student could be suspended for more than 5 days, but the College would make education provision from the 6<sup>th</sup> day of suspension. In the case of a Looked After Child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion. A student can be suspended for one or more fixed periods (up to a maximum of 45 school days in a single year). 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.

A suspension can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the College premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the Principal's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

Once a suspension has begun (that is, when a student is no longer attending school), the headteacher may not bring it to an end earlier than the end-date that was originally fixed.

The College will provide work for students for the first 5 days of a suspension. This can include utilising any online pathways such as Teams, Satchel One, Oak National Academy and a variety of other online platforms.

Following a suspension, parents/carers are invited to a reintegration meeting before a student is reinstated in mainstream lessons. However, where a parent/carer refuses to come

to a meeting, the College would not further punish the student for that parents'/carers' action.

A suspension may be used to provide a clear signal of that a student's current behaviour is putting them at risk of permanent exclusion. The Principal will use their professional judgement based on individual circumstances when considering whether to suspend a student. As a guide the below kinds of behaviour could result in a suspension:

- Bullying
- Damage
- Drug/Alcohol Related
- Misuse of Social Media
- Persistence Disruptive Behaviour
- Physical Assault (adult)
- Physical Assault (student)
- Racist Abuse
- Sexual Misconduct
- Theft
- Verbal Abuse (adult)
- Verbal Abuse (student)

A student's behaviour outside school can be considered grounds for a suspension in certain situations. This includes when students are wearing the College uniform and where student behaviour is particularly damaging to the reputation of the College. This could also be relevant as a result of negative behaviour on school trips or on the journey to and from school, including whilst travelling on the school bus.

Exclusion (from the mainstream setting at Linton Village College) means a decision has been made by the Principal to exclude a student permanently from the College. An exclusion can only be issued as a last resort following a significant and extreme one-off event or in response to a culmination of behaviours (for example dangerous, disruptive, and defiant behaviour described above in non-exhaustive lists) and when allowing the student to remain in the College would seriously undermine the learning and safety of members of the College community.

This may include, but is not limited to the following behaviours to be considered on a case by case basis:

- significant theft/environmental damage;
- repeated defiance towards members of staff and deliberate flouting of College expectations, despite sanctions and support;
- persistent/extreme disruption to students' learning and examinations;
- persistent/extreme verbally abusive/threatening behaviour towards a student/adult;
- malicious behaviour/damage intended to undermine the safety of the College community;
- persistent bullying behaviour, including racial, sexist, religious and homophobic abuse towards student(s)/staff, despite sanctions and support;
- carrying/using a weapon; possession/use of illegal substances on College premises;
- significant physical assault/injury against a student/adult;
- sexual misconduct towards a member of the College community; and
- criminal behaviours.

A student's behaviour outside school can be considered grounds for an exclusion in certain situations. This includes when students are wearing the College uniform and where student behaviour is particularly damaging to the reputation of the College. This could also be relevant as a result of negative behaviour on school trips or on the journey to and from school, including whilst travelling on the school bus.

Under the South Cambridgeshire Behaviour and Attendance Improvement Partnership (BAIP, see Appendix 1), this could mean that any of the following could result in:

- exclusion could be avoided because the College, the LA and parents/carers agree a managed move to another school using the Managed Move Protocol;
- the student's case could be referred to the South Cambridgeshire Inclusion Partnership panel to determine an education placement outside of the College;
- the College could provide an alternative education via an IAEP (Individual Alternative Education Plan) and support from the EIO (Education Inclusion Officer).
- This may be provided on or off site (the provision will be designed and reviewed in partnership with the EIO and will consider the educational needs of the student and what is practicable and possible to deliver);
- permanent exclusion from Linton Village College.

#### **4. The decision to suspend or exclude**

Only the Principal, or acting Principal, or, in their absence the Deputy Principal in charge of the College, can suspend or exclude a student from the College. A decision to suspend or exclude a student will be taken in response to serious or persistent breaches of the College's Behaviour and Discipline Policy. It may also be taken if allowing the student to remain in the College would seriously harm the education or welfare of others.

Before deciding whether to suspend or permanently exclude 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 special educational needs (SEN);
- review previous involvement of the College's Student and/or Learning Support Teams and if there has been an Early Help Assessment completed and strategies deployed; and
- consider who else might need to be consulted (for example SENCo, ESLAC teachers, social worker, designated safeguarding lead).

When establishing the facts in relation to a suspension or permanent exclusion decision the Principal must apply the civil standard of proof, i.e., '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 guidance is provided to schools within *Guidance for maintained schools, academies, and pupil referral units in England, 2022*.

During the decision-making process the College will consider whether any provision or practice in the College has discriminated against students by increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a student with a disability that can manifest itself in breaches of the College's behaviour expectations if needs are not met, a decision to suspend or permanently exclude may be discriminatory.

## **Special Educational Needs**

The College will always endeavour to put the appropriate special educational provision in place for students with SEN, which will include any support in relation to behaviour management that they need because of their SEN. This will in many cases include making due adjustments for students with SEN when deciding upon the sanctions issued. This also refers to a range of pro-active strategies that the College will put in place to minimise the chances of behavioural difficulties. The College will engage proactively with parents in supporting the behaviour of students with additional needs. Where the College has concerns about the behaviour, or risk of suspension and permanent exclusion of a student with SEN, a disability or an EHC plan it will, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEN or disability.

Where a student has an EHC plan, the College will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review.

## **5. Roles and responsibilities**

### **5.1 The Principal**

#### **Informing parents/carers**

A senior member of staff will contact parents/carers as soon as the decision to suspend or exclude has been made by the Principal. Notification should be in person or by telephone in the first instance as this gives parents an opportunity to ask any initial questions. When notifying parents about a suspension or permanent exclusion, the Principal, or appropriate member of SLT or Head of Year, should set out what arrangements have been made to enable the student to continue their education prior to the start of any alternative provision or the student's return to school.

The parents/carers will also be informed they are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

Within 48 hours, this will be followed up with a letter to the parents/carers of a suspended or excluded student in which the following information will be included:

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

Where a student has a social worker e.g. because they are subject of a Child in Need Plan or a Child Protection Plan, the College must inform the social worker, without delay, and the Designated Safeguarding Lead of all suspensions and when there is a risk of exclusion. When a looked after child

(LAC) is likely to be suspended or excluded, the Designated Teacher (DT) should contact the local authority's Virtual School Head (VSH) without delay.

The College will record all suspensions on My Concern, SIMS and Go4schools.

If alternative provision is being arranged, the following information will be included when notifying parents / carers of an exclusion:

- the start date for any provision of full-time education that has been arranged;
- the start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- the address at which the provision will take place; and
- any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

### **Informing the governing body and local authority**

The Principal will notify the LA of all suspensions and exclusions without delay.

For those students who live outside of Cambridgeshire, the Principal will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

The Deputy Principal with responsibility for Inclusion will notify the Governing Body of all suspensions once a term.

## **5.2 The Governing Body**

Responsibilities regarding exclusions is delegated to a Discipline Committee consisting of at least 3 governors.

The Discipline Committee has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the governing body will provide the Secretary of State with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing body will arrange suitable fulltime education for the student. This provision will begin no later than the sixth day of the exclusion.

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 College is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## 6. Cancelling an Exclusion

The Principal can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Discipline Committee has not yet met to consider whether the student should be reinstated. Where an exclusion is cancelled, then:

- Parents/carers, the governing body, the LA will be notified without delay and, if relevant, the student's social worker and VSH as applicable.
- Parents/carers will be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled.
- The student will be allowed to return to College.
- The student's record should be amended accordingly, with any days spent out of school as a result of any exclusion, prior to the cancellation counting towards the maximum of 45 school days permitted in any school year.

## 7. Considering the reinstatement of a student

The Discipline Committee 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 and
- it would result in a student missing a public examination.

The requirements are different for suspensions where a student would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended student should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the student.

In the case of a suspension which does not bring the student's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Taking into account, the student's age and understanding, the student or their parents should also be made aware of their right to attend and participate in governing board meetings and the student should be enabled to make a representation on their own behalf if they wish to do so.

Where a suspension would result in a student missing a public examination, the Discipline Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Discipline Committee will consider the exclusion and decide whether or not to reinstate the student.

The Discipline 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, a Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed his/her 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 Discipline Committee will notify, in writing, the Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, a Discipline Committee's decision will also include the following:

- the fact that it is permanent;
- notice of parents'/carers' 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 SEN are considered to be relevant to the exclusion;
  - that, regardless of whether the excluded student has recognised SEN, parents/carers have a right to require the Anglian Learning Trust 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/carers for this appointment;
  - that parents/carers must make clear if they wish for a SEN expert to be appointed in any application for a review;
  - that parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review;
- that if parents/carers 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/carers apply for an independent review, the Anglian Learning Trust will arrange for an independent panel to review the decision of the governing body 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/carers by the Discipline Committee 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 Anglian Learning Trust, or governing body 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 Anglian Learning 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 Anglian Learning 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 and
- have not had the required training within the last 2 years. A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the governing body's decision;
- recommend that the governing board reconsiders reinstatement or
- 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/carers 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/carers 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 body 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 reintegration meeting must be held involving the student, parents/carers, a senior member of staff and other staff.

Schools can consider a range of measures to enable the student's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the Student back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the student follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;

- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the student, parents and staff of potential external support.
- Instigating Alternative Provision through an IAEP (Individual Alternative Education Plan) in partnership with the Education Inclusion Officer (EIO).
- Instigating Alternative Provision through an IAEP (Individual Alternative Education Plan) in partnership with the Education Inclusion Officer (EIO).

## **10. Monitoring arrangements**

The Senior Leadership Team monitors the number of exclusions every term and reports to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded students.

## **11. Links with other policies**

This Exclusions Policy is linked to the following additional documentation:

- Behaviour and Discipline Policy;
- Special Educational Needs and disabilities policy
- Equalities Policy and
- the South Cambridgeshire Inclusion Partnership Agreement.

## **Appendix 1: South Cambridgeshire Inclusion Partnership Agreement**

### **Behaviour and Attendance Improvement Partnership (BAIP) Service Level Agreement (SLA) for school financial years 2018 – 2022.**

#### **1. The Agreement**

1.1 This agreement sets out the role and responsibilities between Children Family and Adults Services (CFA) and the schools who constitute Behaviour Attendance Improvement Partnerships (the BAIPs) for the funding of alternative education. This agreement will cover the period from September 2018 – August 2021. It is expected that this Agreement will be reviewed on an annual basis at the BAIP Leads' meeting each May and rolled forward between years. Any changes or modifications will be negotiated and agreed by this group. Should an individual BAIP wish to make any changes then these will need to be agreed and ratified by the BAIP Leads who may in turn seek to further consult with their own partnerships.

1.2 This agreement is based upon principles established in collaboration with the Head teachers and partnerships in Cambridgeshire. These are as follows

- i) To work for the benefit of all students who are usually resident in Cambridgeshire  
To be responsible to the community which schools serve
- ii) To make a choice for collaboration and working in partnership with peer Heads
- iii) To reduce permanent exclusion as far as practicable and to retain responsibility for permanently excluded students
- v) To maintain students on school rolls
- vi) To adhere to the principle of peer challenge as a means of governance and also in service of student outcomes.
- vii) To champion the needs of the vulnerable child

#### **2. Devolved Functions**

2.1 The devolvement of funds for alternative education from the High Needs Block to schools via BAIPS is to put Head teachers in control of the decision-making process by giving Heads direct financial control of the budget. Head teachers are best placed to make the decisions for their schools and students. Schools, working in partnership within the BAIP allows for Heads to plan, collaborate and to challenge each other as peers to ensure that the system remains coherent, fair and transparent. This requires trust and also investment in the partnership as an entity by Heads.

2.2 The devolution of funding does not change the current statutory responsibilities of the Local Authority and schools. However, the devolved arrangements clearly shift the responsibility and accountability of the provision of alternative education through devolved funding of the budget to schools and partnerships. It is by mutual consent that the Local Authority and the schools have agreed to work in partnership, to devolve the budget and therefore to pass the operational responsibility for decision making and placement for alternative education to the Head teachers. The Education White Paper 2016 follows this

direction of travel and statutory change is likely to result. It is likely that the SLA may need to be changed in anticipation of legislative changes which may follow.

2.3 It is an explicit condition of the devolvement of the budget that schools within each BAIP accept the responsibility for the education of all Cambridgeshire students. This includes Cambridgeshire resident students, previously Electively Home Educated students, Looked After Children placed by other Local Authorities as well as those Accommodated by Cambridgeshire and Cambridgeshire resident students whose catchment school is not in Cambridgeshire. Annex 1 sets out a flowchart for determining schools and BAIP responsibility for students. The devolved budget is for all students with behavioural and medical needs. It includes transport costs except when these are covered by the Authority's home to school/college travel assistance policy. It does not cover students with an Education Health Care Plan (EHCP) as these students are placed by the Statutory Assessment and Resources Team (START).

2.4 CFA will retain responsibility and central funding for the Pilgrim student Referral Unit (PRU) which supports in-patient medical needs students. This includes students who are placed in in-patient beds through NHS admission out of County. CFA will retain management responsibility for behaviour support functions offered to schools where these are not already offered on a traded basis, for example the Education Inclusion Officers who will contribute to the inclusion work of schools.

2.5 All students will remain on or be placed upon a school roll. The principle is for all students to belong to a school and for schools to have continuing responsibility for the students and for their results. The default position is that a student will be placed on the roll of the catchment school. The County will not open a County educational roll for students who are not placed on a school roll for the purpose of generating AWPU as previously existed several years ago. Students who are not on a school roll will be placed via the In Year Fair Access Panel if local agreement cannot be reached.

2.6 It is recognised that there are tensions for Heads who are leading their school and also working in an area-based partnership when they may also be part of a Multi-Academy Trust (MAT) which has a very different geographic reach. It is important that the Cambridgeshire arrangements are made clear to new MATs which are formed or expand to include schools in Cambridgeshire. The Local Authority will expect to negotiate and enter into agreements with MATs when necessary.

#### **Schools within each BAIP agree to:**

- Provide all secondary age students with appropriate educational provision in accordance with national regulations and guidance.
- Adhere with the provisions detailed in the quality assurance policy, including the use of appropriate forms and documentation and to work with the County Alternative Education Manager who is the owner of this policy.
- Provide alternative education to excluded students from the 6<sup>th</sup> day of their exclusion (permanent or fixed term) and from the first day if the student is LAC. Whilst this remains a statutory function for the Local Authority the funding for such provision has been devolved to the BAIP. Schools are also required to provide for any student for whom a school can no longer provide onsite provision, whether they are excluded or not.

- Only use devolved funding for services (including preventative work) for students who are, or who may be at risk of exclusion, or where there is medical evidence from a Consultant Medical Practitioner that they are not well enough to attend school in line with the Medical Needs Protocol.
- Maintain an up-to-date register of all students receiving alternative education as required by Ofsted and share with the County AP Manager on a termly basis so a central register can be maintained.) The local definition of a student who is receiving alternative education is where a student receives an education with a 20% or more variance from the mainstream curriculum offer. All such students should have their educational plans detailed in an Individual Alternative Education Plan. Schools should also have a CAF for these students.
- Maintain attendance data records with accurate coding to record the attendance of students attending alternative provision where this is provided off site.
- Send information about prior attainment to any alternative education provider as part of the planning process.
- Review the Individual Alternative Education Plan with the student and parents termly. The BAIP should take steps to ensure that the pastoral care and oversight of all students receiving alternative education is maintained by the responsible school. The IAEP form should be signed by the parent where possible.
- Meet as a partnership at least once a term. The internal organisation of the BAIP is a matter for the partnership. It is advised that the BAIP maintain a Partnership Agreement for the working of their BAIP, setting out the responsibilities of the individual schools that comprise the BAIP. The BAIP should make their partnership organisational structure and points of contact known to the Local Authority. The BAIP may wish to invite Local Authority Officers to attend their meetings in full or in part, as non-voting attendees.
- Comply with the Local Authority's policies. The devolvement of funds for alternative education is predicated upon the BAIP and their schools adhering to the Authority's policies and protocols for Managed Moves, Medical Needs, Mid-phase transfers and Approved transfers, Registration, In Year Fair Access and the statutory Admissions Code.
- Permanent Exclusions are rare in Cambridgeshire Secondary Schools; the possibility to arrange a Managed Move or refer to alternative education has largely removed the need to permanently exclude. Where, however, a Head does use this sanction, the excluding school will retain the responsibility for that student's education until such time as they can be placed in another school; if another mainstream setting is not considered appropriate then they will need to continue to educate the student. It should be noted that DfE requires schools to remove permanently excluded students from roll. Therefore, the AWPU will be lost so the excluding school will have reduced funding with which to provide alternative provision. Where a permanently excluded student is placed in another school and that placement also breaks down, there is an expectation for the BAIP to look to a solution which would not penalise the receiving school with liability remaining with the sending school for 15 weeks.

### **BAIP Chair responsibilities**

- The BAIP Chair is elected by the BAIP partnership and should be a Head teacher. The post is unremunerated but limited costs may be recouped from the BAIP subject to the partnership agreeing to this annually.
- The BAIP Chair agrees to attend the BAIP Leads meetings (since November 2015 now amalgamated with the CSH Inclusion Group). The BAIP Chair is the first point of contact for dispute resolution between Heads or between Heads and the Local Authority. The Chair may hold any contingency funds

retained centrally by the partnership for exceptional cases. The Chair may delegate functions for local collaborative or operational arrangements to a BAIP inclusion sub-group.

- The Chair may also act as a gatekeeper for the access to AP places if the partnership has commissioned places from the AP Academy. If places have been commissioned then the chair will be responsible for the negotiation with the AP provider (currently TBAP) regarding the number of places to be commissioned.
- The Chair agrees to convene the BAIP partnership and to induct new Heads into the area into the processes concerning alternative education in Cambridgeshire.

#### **The Local Authority agrees to**

- Provide funding from the High Needs Block and to manage the devolvement of funds and formula for budget allocation.
- Provide a dedicated County Manager for Alternative Education as a lead Officer who will be supported by the County Inclusion Manager, County Behaviour and Attendance Manager and the Education Inclusion Officers.
- Provide support and assistance to the BAIP partnerships by way of attendance at meetings.
- Maintain the integrity of the functioning of the policies and protocols in place through casework, challenge and enforcement where necessary.
- Keep schools and BAIPs informed of any changes to funding from the High Needs Block and to seek to maintain the funding commitment via an annual review.
- Act as an arbiter in disputes and to maintain the effective operational structures and process which underpin the devolvement of funding.

### **3. Funding and Financial Management**

The funding formula for the devolvement of the budget was reviewed in 2015 and agreed in anticipation of the budget being revised for September 2016. The final budget allocation will be agreed by Schools Forum until the national funding formula for schools is agreed and settled. The budget for alternative education is derived from the High Needs Block and this budget is subject to variation. The budget year will run from September to August in line with Academy budgets.

Payment will be made to schools directly or through a BAIP nominated banker school.

The financial management of the BAIP must accord with the systems, procedures and other protocols of the Local Authority. The partnership agreement of the BAIP should set out the delegated authority of any individual or group entitled to commit BAIP funds.

The Local Authority will expect to manage and deliver the provided services (where commissioned) according to the budget allocated to it as the employing authority. The Authority accepts the financial risk which this entails and retains responsibility for under or overspends except where such overspend may be due to additional placements in excess of agreed numbers or agreed additional work responsibilities.

#### **4. Rectification Processes**

Where a school in the BAIP does not meet the agreed quality standards then CFA and the school will meet to discuss improvement measures. In the first instance this will be the role of the County Alternative Education Manager. Subject to the outcomes of these discussions, CFA may request that the school prepares a written plan setting out the steps it proposes to take to address the issues raised. The matter will also be raised with the BAIP chair.

#### **5. Signatures**

This agreement is signed on behalf of the BAIP by:

Name:

Date