



Exclusion Policy and Procedures

This policy deals with the policy and practice which informs the School's use of exclusion. It should be read together with the statutory guidance Exclusion from maintained schools, Academies and pupil referral units in England (September 2017), referred to in this policy as the Guidance.

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 (PRUs) in England.

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil 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 pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- 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

This policy complies with our funding agreement and articles of association and is underpinned by the shared commitment of all members of the School community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the School community and to maintain an appropriate educational environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:-

- (a) In response to a serious or persistent breaches of the School's Pupil Behaviour Policy;
- (b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

Exclusion is an extreme sanction and is only administered by the Executive Principal (or, in the absence of the Principal, the Head of School, who is acting in that role). Exclusion must be on disciplinary grounds.

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Exclusion, whether fixed term or permanent, may be used in the following examples, all of which constitute examples of unacceptable conduct, and are infringements of the School's Pupil Behaviour Policy. This list is not exhaustive and there may be other serious or persistent breaches that would lead to exclusion

- Actions which put the pupil or others in danger.
- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the student's behaviour.

Other persistent breaches of the Academy's Behaviour Policy.

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

Exclusion Procedure

- In this Academy most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfE regulations state that exclusion can either be a fixed term exclusion including a set number of days that are not continuous, or a permanent exclusion. Fixed term exclusions cannot exceed 45 school days in any one academic year. Lunchtime exclusions may be imposed and are counted as half a school day. The limit of 45 days applies to the pupil and not the school.
- The Governing Body have established arrangements to review promptly (within 15 days) all permanent exclusions from the Academy and all fixed term exclusions that would lead to a

pupil being excluded for over 15 days in a school term or missing a public examination. Fixed term exclusions for more than 5 days but not than 15 (in total for the term) will be considered by the Governing Body within 50 school days where requested by the parents. If the exclusion is for less than 5 days (total for the term) the governing Body must consider any representations made by parents but cannot overturn the Principals decision to exclude. Where the pupil may be sitting an examination or test the Governing Body will consider the exclusion before the test (by the Chair alone if necessary).

Fixed period exclusions are split, procedurally, into:

Fixed period exclusions of 5 days and under;

It is the responsibility of the school to set and mark work for exclusions of five days or under. The work should be accessible and achievable by pupils outside of school. It is the responsibility of the parent/carer to ensure work sent home is completed and returned to school. The parent has particular responsibility to ensure that the student is not present in a public place during school hours without justification, and may be prosecuted or given a fixed penalty notice if they fail to do so.

Fixed period exclusions more than 5 days

When a school imposes a fixed term exclusion of over six days it is the responsibility of the school to ensure that the appropriate full time provision is made off site for the excluded student and to set and mark work for the days prior to the 6th day. While this provision must be made from day six onwards statutory guidance stresses the obvious benefit in starting it as soon as possible. In particular, in the case of a Looked After Child, schools and Local authorities should work together to arrange alternative provision from the first day following the exclusion.

Permanent Exclusions

When a student is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onward it is the responsibility of the local authority to make a full time provision. Where a pupil has a statement of SEN, an appropriate full time placement should be identified in consultation between the local authority and the parents, who retain their rights to express a preference for a school they wish their child to attend, or make representations for a placement in any other school.

A pupil cannot be excluded for an indefinite period (e.g. until a meeting can be arranged) as no legal authority exists for this.

Parents should also not be asked to keep their child at home voluntarily.

- Following exclusion parents are contacted immediately where possible.
- Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing body should consider whether it would be

appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

- It is School practice to place the pupil on report usually for one week to monitor behaviour and work. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the School, student and parents.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion Procedure

The decision to exclude a pupil permanently is a serious one. Decisions to permanently exclude will be taken following the provisions of the Guidance (particularly paragraphs 1 to 24). There are two main types of situation in which permanent exclusion may be considered. Neither type is exclusive and in all cases the history and background to the behaviour will be taken into account.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).
2. The second is where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include but is not exclusive of:
 - Serious actual or threatened violence against another pupil or a member of staff.
 - Sexual abuse or assault.
 - Supply or possession of an illegal drug.
 - Carrying an offensive weapon including a pen knife *.
 - Arson or criminal damage to the school's fabric and resources.
 - The Academy will consider police involvement for any of the above offences.

** Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the Academy.

General factors the Academy considers before making a decision to exclude:

The Principal broadly considers the following procedure.

- 1) First warning – inform parents/caregivers.
- 2) Second warning – call parents/caregivers to a meeting.

- 3) Third warning – contact parents – impose 1 to 5 day fixed exclusion.
- 4) Fourth warning – contact parents - meeting with parents, 4 day exclusion.
- 5) Fifth warning – contact parents - meeting with parents and management meeting to discuss exclusion.
- 6) Exclude

Depending on the severity of the offence, the procedure will begin at the appropriate point.

- Whilst an exclusion may still be an appropriate sanction, the Principal will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Head teachers should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems
- Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Principals should consider whether exclusion is providing an effective sanction. .
- There are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with statements of special educational needs (SEND), Pupil Premium and looked after children. The Principal should, as far as possible, avoid excluding permanently any pupil with an Educational Healthcare Plan (EHCP) or a looked after child.
- Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. 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 a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHCP 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 a statement of SEN, schools should consider requesting an early annual review or interim/emergency review.
- Allow the student to give her/his version of events.

If the Principal is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done and has considered the above factors, exclusion will be the outcome.

Roles and responsibilities

The Executive Principal

Informing parents

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

- 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 governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, 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 Executive Principal will also notify parents by the end of the afternoon session on the day their child is 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 alternative provision is being arranged, the following information will be included when notifying parents 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
- Any information required by the pupil 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' consent.

Informing the governing board and local authority

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

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



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

For all other exclusions, the Executive Principal will notify the governing board and LA once a term.

The Governing Body

Responsibilities regarding exclusions is delegated to the Pupil Discipline Committee.

The Pupil Discipline Committee has a duty to consider the reinstatement of an excluded pupil (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 fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Exercise of discretion

In reaching a decision on temporary or permanent exclusion, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

Alternatives to Exclusion

Alternative strategies to exclusion are always used if possible however, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Principal's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

Behaviour Outside School

Pupils' behaviour outside School on school business, for example, school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the Student Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside School but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If pupils' behaviour in the immediate vicinity of the



School or on a journey to and from school is poor and meets the School criteria for exclusion within this policy then the Principal may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Principal will seek advice from the LA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion may be more appropriate than permanent exclusion.

Considering the reinstatement of a pupil

The Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, the Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil 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 pupil missing a public examination, the Pupil Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Pupil Discipline Committee will consider the exclusion and decide whether or not to reinstate the pupil.

Pupil Discipline Committee can either:

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

In reaching a decision, Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 pupil's educational record.

Pupil Discipline Committee will notify, in writing, the Executive Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, Pupil Discipline 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 pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Academy Trust to appoint an 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 must make clear if they wish for an SEN 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

An Independent Review

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

Applications for an independent review must be made within 15 school days of notice being given to the parents by Pupil Discipline Committee of its decision to not reinstate a pupil.

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 headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the academy trust, or governing board of the excluding school
- Are the Executive Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Academy Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)

- Have, or at any time have had, any connection with the Academy Trust, school, governing board, parents or pupil, 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.

School Registers

A pupil'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 pupil 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 pupil's name from the register.

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

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

Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- *Agreeing a behaviour contract*
- *Putting a pupil 'on report'*
- *Internal isolation*



Monitoring arrangements

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

Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

The Governing Body approved this policy on date: **29th March 2019**

Signed:

Chair of Governors

Signed:

Executive Principal