

EXCLUSION POLICY

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CONTENTS

1. SUMMARY	1
2. LEGISLATION AND STATUTORY GUIDANCE.....	2
3. DEFINITIONS.....	3
4. RESPONSIBILITIES	3
5. PRINCIPLES.....	3
6. PERMANENT EXCLUSION	4
7. PROCEDURES.....	4
8. INFORMING PARENTS.....	5
9. RETURNING FROM A FIXED-TERM EXCLUSION	6
10. THE ROLE OF GOVERNORS	6
11. SCHOOL REGISTER CODING	8
12. INDEPENDENT REVIEW PANEL	8
13. MONITORING ARRANGEMENTS	10

1. SUMMARY

- 1.1 The Academy requires everyone to show respect, tolerance and understanding towards others. We believe that many disciplinary issues will be avoided through **students'** self-discipline and consideration and if they behave in a sensitive and civilised fashion.
- 1.2 Disciplinary procedures identify the appropriate action to be taken when a student's behaviour fails to meet the requirements of the Academy's Behaviour Management policies and our 'Routines for Learning' (disciplinary code).

- 1.3 The decision to exclude a student rests with the Principal. The decision to exclude will only be taken if there has been a serious breach to the Academy's 'Routines for Learning' including bullying, and usually only after a range of alternative strategies have been tried and proven to have failed.
- 1.4 A student disciplinary sub-committee of three Governors is delegated by the Governing Body to consider exclusion decisions when they are required by this policy.
- 1.5 The Academy may advise the police, youth offending teams or social workers of any criminal activity; this includes racist incidents that are categorised as crimes.

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 \(PRUs\) 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](#)

3. DEFINITIONS

- 3.1 This applies to all Academy students. The term 'Academy' is used to refer to any school within the Federation.
- 3.2 The term 'Principal' is used to refer to the most senior member of staff within the Academy, delegated by the Executive Principal of the Federation to have responsibility for its day-to-day running; currently the head of school at Catmose Primary and Harington School.
- 3.3 An academic term in respect of DfE guidance is equivalent to two Academy terms (approximately 12 weeks). Within this policy the use of the word term is equivalent to two Academy terms.

4. RESPONSIBILITIES

- 4.1 The implementation of this policy will be monitored by the Governors of the Academy and remain under constant review by the Principal.

5. PRINCIPLES

- 5.1 The Academy is committed to treating its students fairly and with the same respect and consideration as adult members of the Academy.
- 5.2 The Academy will at all times adhere to the statutory guidance issued by the DfE in respect to exclusions from Academies.
- 5.3 The Academy will adopt a series of high expectations of behaviour, based on individual responsibility and mutual respect in order to generate an environment where positive relationships between students and staff are encouraged to flourish.
- 5.4 The Academy will seek to put in place a range of intervention strategies which minimise the need for fixed-period exclusions or permanent exclusions. Please read our Behaviour Management Policy for more details regarding our approach but strategies may include being placed on report, allocation of a key worker, restorative justice, mediation, working in Client Services or a senior managers office, moving tutor groups, curriculum alternatives (at Key Stage 4), the use of pastoral support plans, temporary placement at another provision, the involvement of appropriate external agencies, following the Rutland County Council (RCC) Early Help referral process as required, or a managed move.
- 5.5 Decisions to exclude a student for a fixed-term period will only be taken on the balance of probabilities in response to breaches in the Academy's **Behaviour Management** Policy, including persistent and disruptive behaviour, bullying or sexual harassment or assault.

6. PERMANENT EXCLUSION

6.1 A decision to exclude a student permanently should only be taken:

- in response to a serious breach, or persistent breaches, of the Academy's Behaviour Management Policy, and
- when allowing the student to remain in Academy would seriously harm the education or welfare of the student or others in the Academy.

A decision to exclude a student permanently is recognised by the Academy as a serious one and will usually only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success.

There will, however, be exceptional circumstances which in the Principal's judgement may result in permanent exclusion as a result of a first or 'one-off' offence. The following list is not exhaustive but are indicative of the severity of offences that may lead to permanent exclusion:

- supplying an illegal drug;
- serious actual or threatened violence against another student or member of staff;
- carrying an offensive weapon;
- bullying, including that which is racially motivated;
- sexual harassment or assault.

7. PROCEDURES

7.1 Students could be required to leave the Academy site under the following circumstances where:

- there is sufficient evidence that a student has committed a disciplinary offence which, by allowing the student to stay on site, may seriously harm the education or welfare of others;
- a student is accused of a criminal offence;
- **for medical reasons the student's presence on site represents a risk to the health and safety of others (this does not constitute an exclusion);**
- where a student is in breach of the Academy's **policy on uniform and appearance** which could be easily corrected at home (this does not constitute an exclusion).

7.2 Only the Principal or acting Principal may take the decision to exclude a student.

7.3 In taking the decision to exclude a student, the Principal will take into consideration mitigating and aggravating factors:

- **Mitigating factors may include provocation as a result of bullying, the student's emotional and/or medical condition, special needs or disability, potential coercion by other students, the nature of the offence and whether it is a first offence, previous behaviour, an apology, an admission, willingness to cooperate with the investigation and a willingness to make restitution towards the victim.**
- Aggravating factors may include failing to heed warnings about the risk of exclusion, premeditation of the offence, use of a weapon, previous history of similar incidents,

witness intimidation, the victim(s) sustaining injury, the victim being a younger or vulnerable student, significant support provided by the Academy to modify behaviour, lack of contrition or willingness to accept responsibility for his/her action and not cooperating with the investigation or seeking to frustrate it.

8. INFORMING PARENTS

8.1 When the decision to exclude a student has been made, the parent will be notified immediately by telephone and this will be confirmed in writing.

8.2 Written confirmation of the exclusion will include the following details:

- for a fixed-term exclusion, the precise period of the exclusion;
- for a permanent exclusion, the fact that it is a permanent exclusion and the date from which the exclusion takes effect;
- the reasons for the exclusion including any relevant previous history;
- the days and dates on which the parent is required to ensure that the student is not present in a public place during school hours;
- free and impartial information including:
 - a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>)
 - a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service
 - where considered relevant by the Principal, links to local services, such as Traveller Education Services or the Information Advice & Support Services Network.
- **the parent's right to make representations** regarding the exclusion to the Governing Body and how the student may be involved in this;
- how any representation should be made;
- that where there is a legal requirement for the Governing Body to consider the exclusion, that parents have the right to attend a meeting, be represented (at their expense) and to bring a friend;
- the latest date when the Governing Body must meet to consider the circumstances of the exclusion;
- the arrangements that will be put in place to ensure that the student is able to continue their education during the first five days of the exclusion, including the setting and marking of work (it is the parent's responsibility to ensure that this is completed and returned to the Academy);
- the Academy days on which a student may be provided with alternative full-time education or may be required to attend an alternative provision. This information may be given by separate notification but will be at least 48 hours before the education is to be provided;
- if alternative provision is being arranged, parents must be informed of the details of this at the earliest opportunity possible.

9. 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.

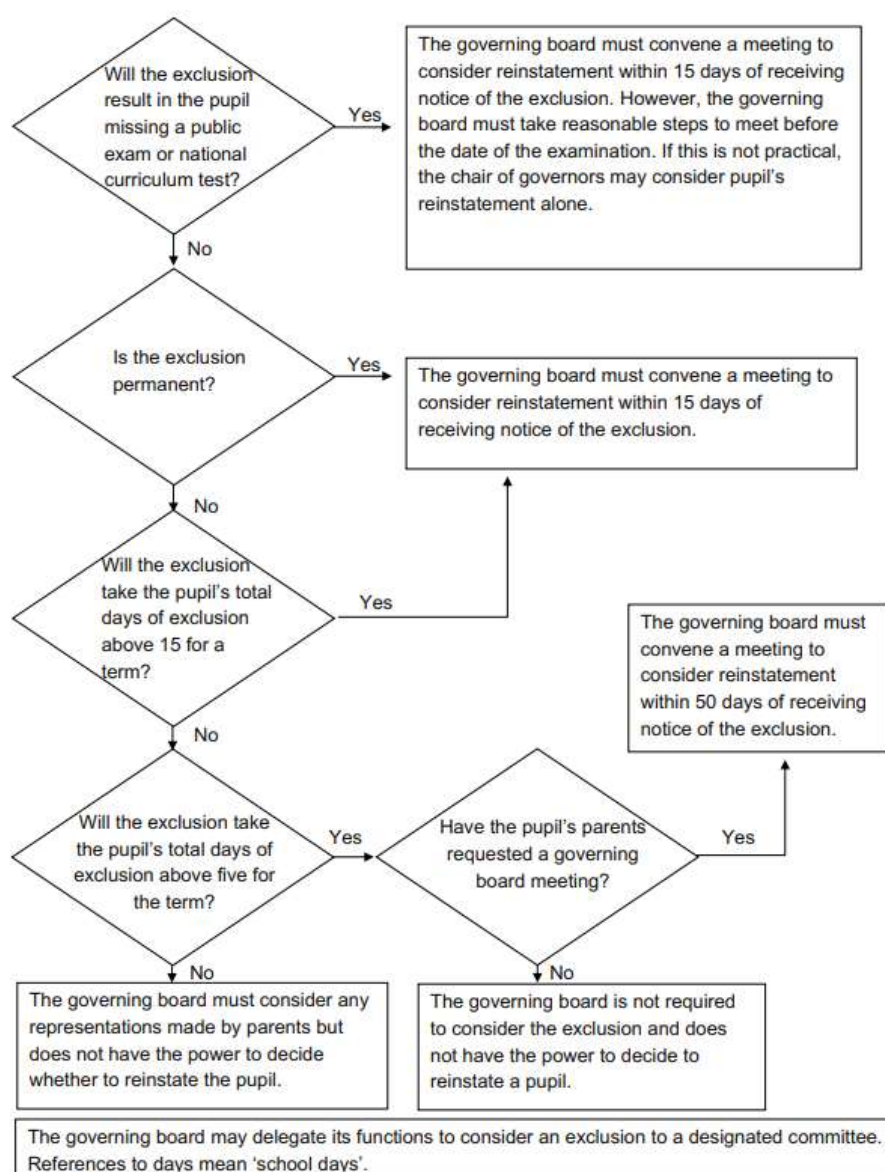
The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing Pastoral Support Plan (PSP);
- Allocation of a key worker;
- Any further support to avoid a further exclusion.

10. THE ROLE OF GOVERNORS

10.1 The Governing Body will be informed of all short fixed-term exclusions once per term.

10.2 The requirement to review an exclusion depends on a number of factors which are summarised in the diagram below:



- 10.3 The Principal will inform the Governing Body and make a return to the local authority without delay of all permanent exclusions or fixed-term exclusions which would result in a student being excluded for five days' within one term or would result in a student missing a public exam. For all other exclusions the Principal must notify the Governing Body once a term. This notification will include the following:
- the length of the exclusion;
 - the reason for the exclusion.
- 10.4 The Governing Body may consider more than one exclusion at a meeting and will seek to meet to ensure that any exclusion does not result in a student missing a public examination.
- 10.5 On receiving notification from the Principal the Governing Body will:
- Consider the reinstatement of an excluded student within 15 days' if:
 - the exclusion is permanent;
 - it is a fixed-period exclusion that would bring the student's **total number of** days to more than 15 in a term (two Academy terms);
 - it would result in a student missing a public examination or national curriculum test.
 - For fixed-term exclusions of more than **five but not more than 15 days'**, where a parent has requested consideration by the governors, convene a meeting within 50 Academy days after receiving notification of the exclusion;
 - For exclusions less than 5 days', Governing Bodies must consider representation but cannot direct reinstatement and are not required to meet with parents.
- 10.6 The following parties will be invited to a meeting of the Governing Body and are allowed to make representations:
- the parents;
 - the Principal;
 - the parent may invite a representative of the Local Authority to attend the meeting as an observer but they would only be able to make representation at the Governing Body's consent.
- 10.7 The Governing Body will request written statements and will circulate these at least five academy days' in advance of the meeting.
- 10.8 When establishing the facts in relation to exclusions, Governing Bodies should apply the civil standard of proof – '**on the balance of probability.**'
- 10.9 The outcome of the review will be added to the student record in the Academy.

11. SCHOOL REGISTER CODING

11.1 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.

11.2 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.

11.3 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.

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

12. INDEPENDENT REVIEW PANEL

12.1 The role of the independent panel is to review the Governing Body's **decision not to** reinstate a permanently excluded student. In reviewing the decision, the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the Academy.

12.2 Where a permanent exclusion is upheld by the Governing Body, the parents must be notified in writing. This notification must include the following:

- the reasons for the decision;
- the fact that the exclusion is permanent;
- notice of the **parents' right to ask for the decision to be reviewed by an independent** review panel and the following information:
 - the date by which an application for a review must be made (i.e. 15 school days' from the date on which notice in writing of the Governing Body's decision was given to parents;
 - the name and address to whom an application for a review (and any written evidence) should be submitted;
 - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the **student's** special educational needs are considered to be relevant to the exclusion;
 - that, regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Academy 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 a SEN expert to be appointed in any application for a review; and
 - that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
 - That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the student was excluded.
- 12.3 A review panel will meet to consider the review no later than the 15th Academy day after the day on which the appeal is lodged. Any application made outside of the legal time frame must be rejected.
- 12.4 The panel may agree to adjourn the hearing if, after having regard to the particular circumstances, it considers it would not be appropriate for it to proceed to determine the outcome. This may arise from circumstances where further information is required or the parent requests a hearing after the 15th Academy day following the lodging of the review.
- 12.5 The appeal panel will inform all parties of the outcome by the end of the second working day after the hearing, outlining the reasons for the decision, with clear information about the behaviour and offences.
- 12.6 Where the panel directs the Governing Body to reconsider their decision, the Governing Body must reconvene within 10 Academy days of being given the notice.
- 12.7 In the case of either a recommendation or direct reconsideration, the Governing Body must notify the parents, Principal, the Local Authority and, **where relevant, the 'home authority'** of their reconsidered decision and their reasons. The Governing Body should do the following:
- look afresh at the question of reinstating the pupil, in light of the findings of the independent review panel. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. The governing board is not prevented from taking into account other matters that it considers relevant. It should, however, take care to ensure that any additional information does not make the decision unlawful. This could be the case, for example, where new evidence is presented or information is considered that is irrelevant to the decision at hand.

- ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.
- ask any parties in attendance to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.
- note the **outcome of its consideration on the pupil's** educational record, along with copies of any papers for future reference.
- base its reconsideration on the presumption that a pupil will return to the school if reinstated, regardless of any stated intentions by the parents or pupil. Any decision of a governing board to offer reinstatement which is subsequently turned down by **the parents should be recorded on the pupil's educational** record. The governing **board's decision should demonstrate how they have addressed** the concerns raised by the independent review panel; this should be communicated in standard English for all parties to understand.

13. MONITORING ARRANGEMENTS

- 13.1 A Vice Principal monitors the number of exclusions every term and reports a summary back to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.
- 13.2 This policy will be reviewed by a senior leader every year. At every review, the policy will be shared with the governing board for approval.