



## **Exclusion Policy**

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Consultation required:	Chief Executive 28 April 2021
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## **AIMS**

Our academy aims to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by Governors, staff, parents/carers and students.
- Students in the academy are safe and happy.
- Students do not become NEET (not in education or employment).

A decision to exclude a student, either for a fixed period or permanently is seen as a last resort by the academy, while always bearing in mind our duty of care to students and staff.

The academy is responsible for communicating to students, parents/carers and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

The academy will take account of any Special Educational Needs and Disabilities when considering whether or not to exclude a student. The Principal will ensure that reasonable steps have been taken by the academy to respond to a student's disability so the student is not treated less favourably for reasons related to the disability. Reasonable steps will include:

- Differentiation in the academy's Pastoral Care: Personal Development, Behaviour and Welfare Policy
- Developing strategies to aim to prevent the student's behaviour
- Requesting external help to support the student's needs
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a student's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified, if there is a material and substantial reason for it. A specific incident affecting order and discipline in the academy may be such a reason.

No exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation.

## **REASONS FOR EXCLUSION**

- Serious breach of the academy's rules or policies
- Risk of harm to the education or welfare of the student or others in the academy

Any exclusion will be at the recommendation of the Principal or Vice Principal in the absence of the Principal.

### **Fixed term exclusion**

A fixed term exclusion will be used for the shortest time necessary to address the problem, without adverse educational consequences.

Exclusion for a period of time from half a day to five days for persistent or cumulative problems would be imposed only when the academy had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the student
- Mentoring (adult support)
- Discussion with parents/carers
- Setting targets and agreeing a plan
- Checking on any possible provocation
- Mediation

- Counselling
- Internal exclusion
- Multi-agency support

Exclusion will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

If a student has a fixed term exclusion of more than five days, an alternative education provision must be found.

A student may be excluded for a maximum of 45 days per academic year.

### **Single incident**

Temporary exclusion may be used in response to a serious breach of academy rules and policies or a disciplinary offence. In such cases the Principal will investigate the incident thoroughly, usually via the relevant staff and will consider all evidence to support the allegation, taking account of the academy's policies. The student will be encouraged and if necessary, be supported, by familiar staff or parents/carers, to give his/her version of events. A member of the Leadership Team will check to find out whether the incident may have been provoked, for example by bullying or harassment.

### **Permanent exclusion**

A permanent exclusion is a very serious decision and the Principal will consult with the Chair of the Local Governing Body before enforcing it. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of academy rules and policies, such as:

- Serious actual or threatened violence against another student or a member of staff.
- Possession or use of an illegal substance on the academy premises.
- Carrying an offensive weapon.
- Persistent bullying.
- Racial harassment.
- Persistent disruptive behaviour.

### **The decision to exclude**

If the Principal decides that there is sufficient recorded evidence to exclude a student she will do the following, or delegate these to the Vice Principal responsible for exclusions:

- Collate the recorded evidence to support the decision.
- Explain the decision to the student.
- Contact the parents/carers, explain the decision and ask that the student be collected.
- Send a letter to the parents/carers confirming the reason for the exclusion, whether it is a permanent or fixed term exclusion, the length of the exclusion, expectations during the exclusion and arrangements for the student's return.
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked.
- Plan how to address the student's needs on his/her return.
- Collect information for the meeting with parents/carers and student on his/her return.

An exclusion will not be enforced if doing so may put the safety of the student at risk.

## **Behaviour outside the academy**

Students' behaviour outside the academy on academy visits and sporting events is subject to the academy's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in the academy.

## **Marking attendance registers following exclusion**

When a student is excluded temporarily, he/she will be marked as absent using Code E.

## **Removal from the academy for other reasons**

The Principal may send a student home, after consultation with the parents/carers and a health professional if appropriate, if the student poses an immediate and serious risk to the health and safety of other students and staff, e.g. because of a diagnosed illness such as a notifiable disease. This will not be classed as an exclusion and should be for the shortest possible time. Reasonable adjustments may also be made for students with SEND/additional needs to ensure our Equality Policy is followed. On rare occasions, by consultation with parents/carers, a student may spend part of a day or a whole day at home, where it is deemed he/she is emotionally not well enough to remain in the academy. An exclusion in these circumstances may be unfair and discriminatory. This must be regularly reported to Governors.

## **Procedure for appeal**

If parents/carers wish to appeal against the decision to exclude, the matter will be referred to an Independent Review Panel. An application must be made to the clerk to the Independent Review Panel setting out the reasons for wanting the review in your application and including any written evidence you wish to submit. This must be done within 15 working days otherwise you will lose the right to a review.

Records relating to the decision to exclude and the parents'/carers' complaint will be copied to all parties not later than two days prior to the hearing. However, in no circumstances will the academy or its staff be required to divulge to parents/carers or others any confidential information on or the identities of students or others who have given information which has led to the exclusion or which the Principal has acquired during an investigation.

The parents/carers may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parent Support Advisor. Legal representation will not normally be appropriate. If possible the Governors will resolve the parents'/carers' complaint without the need for further investigation. Where further investigation is required, Governors will decide how it should be carried out. After consideration of all the facts considered to be relevant, the Governors will reach a decision on whether to uphold or rescind the exclusion or make other recommendations. This decision will be made within ten days of the hearing.

Parents/carers are entitled to appeal against a the Local Governing Body's decision if it has upheld the Principal's decision to permanently exclude their child; even if they did not make a case to, or attend, the Governors' meeting.

## **LEGISLATION AND STATUTORY GUIDANCE**

This policy is based on statutory guidance from the DfE: Exclusion from maintained schools, academies and Pupil Referral Units (PRUs) in England.

It is based on the following legislation, which outlines schools/Academies' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2014
- The School Discipline (England Regulations 2012)

- Section 64-67 of the Schools 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
- The Education Regulations 2007, as amended by the Education Regulations 2014

This policy needs to be read in conjunction with:

- Behaviour Policy
- Child Protection/Safeguarding Policy
- Complaints Policy
- Equality Policy
- Pastoral Care Policy
- SEND Policy