



David Ross Education Trust

Broadening Horizons

Exclusion Policy

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Exclusion Policy

Contents

- Introduction
- 1. Types of exclusion
- 2. Reintegration
- 3. Pupils at risk of permanent exclusion
- 4. Procedure
- 5. Principal's decision
- 6. Notification
- 7. Role of the governing body
- 8. Independent review panel procedure
- 9. Resources

Appendices

- 1. Exclusion authorisation form
- 2. Letter to parents
- 3. Reintegration form



Introduction

The Trust is committed to ensuring that the best practices are in place to prevent exclusion wherever possible.

This policy is linked to the Behaviour for Learning Policy, academy rules and related sanctions. The academy has high expectations in regards to behaviour to ensure that good order and behaviour for learning is maintained. It may be necessary to exclude pupils/pupils from the premises for a fixed term or permanently although exclusion will only be used as the ultimate sanction. It is the Principal's decision alone or in his/her absence, the designated teacher in charge to exclude any pupil/pupil.

1.Types of exclusion

The academy will only exclude a pupil if the following two criteria are met:

- A serious breach, or persistent breaches, of the academy's behaviour policy and
- If allowing that pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

- 1.2 Potential strategies before fixed term exclusions – parents should be involved in these strategies
- a. Pastoral support plan in accordance with local authority guidance where this exists. Academy leaders will include specific arrangements in the Academy safeguarding policy appendix.
 - b. Detention
 - c. Report cards
 - d. Internal seclusion or isolation – isolated within the academy with a member of staff.
 - e. Alternative provision may be offered if appropriate.
- 1.3 Staff issuing detentions outside school hours will consider the safety of the pupil in terms of the following points:
- a. Whether the detention is likely to put the pupil at risk
 - b. Whether the pupil has known caring responsibilities which mean that hey detention is unreasonable.
 - c. Whether the pupil can get home safely following the detention and whether suitable travel arrangements can be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent.



- 1.4 Academies will consider whether the behaviour under review gives cause to suspect the pupil is suffering, or is likely to suffer,
 - a. significant harm or is the consequence of abuse. Academies will be alert to the greater likelihood in pupils with SEN and vulnerable pupils. This will be considered before academy leaders consider whether disruptive behaviour might be the result of unmet educational needs. Decisions should be made in consultation with the relevant members of staff such as the SENDCo and the colleague responsible for looked after children.
- 1.5 Arrangements for implementing these strategies should be recorded in the academy's contextual safeguarding policy appendix and monitored by pastoral leaders to ensure consistent practice.
- 1.6 Fixed term exclusion: Fixed-term exclusion may be used for a single occurrence of serious misconduct or for persistent misbehaviour (please note that the list below is not an exhaustive list). Academy leaders should discuss all fixed term exclusions with their line manager.
 - a. Continued disruptive behaviour.
 - b. Serious bullying or 'hate' incidents.
 - c. Leaving the academy site without permission
 - d. Verbal abuse to pupils or staff
 - e. Non-compliance
 - f. Physical abuse to a pupil or member of staff
 - g. Theft
 - h. Indecent behaviour
 - i. Carrying an offensive weapon
 - j. Misuse of substances
 - k. Threatening Behaviour
- 1.7 For the first 5 days of an exclusion work that is accessible and achievable by the pupil outside the academy, must be set and marked.
- 1.8 If the pupil is excluded for more than five consecutive days, either as a result of one fixed term or more than one fixed term exclusion, the Principal will:
 - a. Plan full-time, offsite, educational provision from day 6 of the exclusion.
 - b. Ensure that work is set and sent home for completion.
 - c. Notify parents of their responsibility to ensure that their pupil is not found in a public place during the academy hours.
 - d. Inform the governing body of the details of the exclusion and the provision made for the individual.



- 1.9 The Principal may exclude a pupil for one or more fixed periods, for up to 45 days in any one school year. The law does not allow for extending a fixed term exclusion or converting a fixed term exclusion to a permanent exclusion. In exceptional cases when further evidence comes to light, a further fixed term exclusion may be issued to begin immediately after the first period ends. A permanent exclusion may be issued to begin immediately after the end of the fixed term.
- 1.10 Permanent exclusion: will normally be used as a last resort in response to serious or persistent breaches of the academy's behaviour policy. It may, however, be an appropriate sanction for a single incident of extreme misconduct. The Director of Education must be informed if the Principal is considering permanent exclusion. Any decision to exclude a pupil must be made in line with the principles of administrative law, i.e. it must be lawful, rational, reasonable, fair and proportionate.
- 1.11 Examples (not an exhaustive list as each incident will be considered on its merits):
- a. Serious actual or threatened violence,
 - b. Sexual abuse or assault,
 - c. Possession or supplying an illegal drug,
 - d. Carrying an offensive weapon.
 - e. Total non-compliance
 - f. Physical abuse to a pupil or a member of staff
- 1.12 The points above relate to time both in the academy and out of the academy, for example, travelling to and from academy; on academy trips, work experience placement etc.

2. Reintegration

- 2.1 Reintegration meetings should take place on the first day the pupil returns to the academy. This date should be set and included in the letter to parents/carers (see appendix)
- 2.2 During the reintegration meeting a Pastoral Support Plan should be completed with the parent/carer present and a review date set.



3. Pupils at risk of permanent exclusion

- 3.1 For a pupil who is at risk of being permanently excluded (a pupil who is persistently breaching the Trust behaviour for learning policy), the guidance insists that the pupil should be able to communicate their point of view and offer things to take into consideration with regards to their behaviour. The guidance also states that a permanent exclusion issued to a pupil that persistently breaks the academy's behaviour policy should be a last resort. Academies should be able to demonstrate that they have attempted to support in every other way by drawing up and implementing a pastoral support plan. Permanent exclusion is given after every other resource has been exhausted.
- 3.2 If a pupil is identified as being at risk of permanent exclusion, academies should complete the pastoral support plan by assessing the support given by the academy as a whole, the class teacher/pastoral manager as well as the pupil's point of view. In the event of a permanent exclusion, this documentation can supplement the evidence of support that governors would use to consider the exclusion.

4. Procedure

- 4.1 When investigating the details around the exclusion the investigating officer will ensure that witnesses are questioned and statements taken; the accused to be given the opportunity to have his/her say. When information is presented to Governors all records should be signed and dated, with the pupil's behaviour record and attendance certificate included.
- 4.2 Each case will be judged on the facts and the context.
- The degree of severity of the offence;
 - The likelihood of re-occurrence;
 - The pupil's previous record;
 - Contributory factors (e.g. recent bereavement, mental health issues, bullying, disability, harassment)
 - Support provided
 - Take into account the academy behaviour policy, special educational needs policy and any Equality Act policy



5. Principal's decision

- 5.1 The decision to exclude will be made after a review of the evidence available and will be on the balance of probabilities - i.e. is it more probable than not that the accused acted as alleged – and in response to serious or persistent breaches of the academy's behaviour policy and where allowing the pupil to remain in academy would seriously harm the education or welfare of the pupil or others in the academy.
- 5.2 The Principal can decide to exclude for a fixed term of 5 days whilst any investigations are carried out, a permanent exclusion may then follow.

6. Notification

- 6.1 Once a decision to exclude has been made, parents and carers to be contacted at the earliest possible opportunity, by telephone if possible. The exclusion to be confirmed (without delay) by a letter signed by the Principal, or designated teacher in charge.
- 6.2 The letter to parents must:
- Inform of the reasons for exclusion.
 - The period of the fixed period exclusion, or for a permanent exclusion, the fact that it is permanent.
 - Parent's right to make representations about the exclusion to the governing body (in line with the requirements set out in paragraphs 50-57 of the DFE exclusions guidance).
 - How any representations should be made
 - Where there is a legal right for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
 - That for the first 5 days of the exclusion the parents are legally required by law to ensure their pupil is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
- 6.3 All fixed term and permanent exclusions will be reported to:
- Chair of Governors
 - CEO
 - The line manager and the Director of Education
 - Completed exclusion form half termly to the Trust's Data Manager



7. Role of the local governing body

- 7.1 The Local Governing Body will, as part of the exclusion process:
- Fulfil their duty to consider the representations of the parents and carers and Principal;
 - Either uphold the exclusion or direct reinstatement (and if the latter is not practical still consider if the decision to exclude was justified)
 - Note that the decision of the local Governing Body will be given in writing and without delay and will give the reasons for the decision.
 - Governors must meet to review all exclusions of 15 days or more, permanent exclusions, exclusions that miss statutory exams and any exclusions for more than 5 days at the parents' request.
- 7.2 Additional Requirements for Permanent Exclusion, where the local Governing Body has upheld the decision of the Principal to exclude
- Set out the statutory timeframe for applying to an independent review panel
 - To whom an application must be sent, together with the grounds and evidence.
 - The right for parents and carers to request a special educational needs expert.
- 7.3 The right for parents and carers to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination)

8. Independent review panel procedure

- 8.1 The set up and process of the IRP from section 8 of the Department for Education guidance will be followed as set in terms of timeframes, constitution, and the powers of the IRP [It should be noted that an IRP cannot compel reinstatement of a pupil]



9. Resources

- 9.1 In applying this policy, the academy will adhere to current legislation, including:
- The Equality Act 2010.
 - Keeping children safe in education 2018
 - The Behaviour and discipline in schools, January 2016
 - Exclusion from maintained schools, academies and pupil referral units in England, September 2017
- 9.2 The Director of Education will review this policy at least every year and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.
- 9.3 9.4 This policy does not form part of any employee's contract of employment. The Trust may alter or adapt this policy, and any components of it, at any time provided it notifies the Chair of the Local Governing Bodies.



Appendices

Appendix 1: Fixed term exclusion form

Date:	Pupil Name:	Tutor Group:
Incident Details:		
<p>Statements collected and attached? Yes / No Incident logged on SIMS? Yes/ No</p>		
<u>Background information</u>		
Behaviour points (Termly):		
Stage 3 (Termly):		
Isolation:	Number of days:	(Academic Year)
FTE's:	Number of days:	(Academic Year)
Attendance: %	FSM: Yes/No	CLA: Yes/No
EAL: Yes/No	SEN Status:	(Where applicable SEN informed)
<u>Isolation</u>		
Amount of Days:		
Start date:	End date:	Mon Tue Wed Thur Fri
Parent Informed: Yes/ No		
<u>Fixed Term Exclusion</u>		
Amount of Days:		
Start date:	End date:	Mon Tue Wed Thur Fri
Reintegration date:	Time:	Staff Present:

Senior Leader Signature:

Principal's Signature:



Appendix 2: letter to parents

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[School/PRU] You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

[This paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary aged pupils if the head teacher chooses to hold a reintegration interview.]

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed **[not for parents of secondary aged pupils]**. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a

September 18



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charge for

photocopying.

You may also find it useful to contact the the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at www.childlawadvice.org.uk

You may also wish to contact **[Exclusions Officer Name]**, Exclusions Officer at **[Local Authority]** Council, on telephone **[Telephone Number]**.

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

Principal

[Academy
Logo]



Appendix 3: Reintegration form

RETURN FROM EXCLUSION INTERVIEW

DATE _____.

PUPIL NAME		
Year		
Form/House		
Reason for Exclusion		Repeated offence? Y / N
Date(s) of exclusion		Total FTE days to date:
Number Of Days		
Staff present		
Pupil		
Parent/Carer		

Positive Behaviours (E.g. academic performance, involvement in enrichment activities and relationships with pupils and staff)	Behaviour to be improved



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Main Points Discussed:

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Other support in place:

SA	Counselling	School Nurse	YPSS	Educational Psychologist	Other – specify
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Action Points

- ...
- ...
- ...
- ...
- ...

MONITORING REPORT - Type:

Monitoring

Staff.....

SIGNED (Academy)

DATE

SIGNED (Parent)

DATE



September 18

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SIGNED (Pupils)

.....

DATE

Appendix 4: