

Exclusions Policy

Reviewed and approved by	Endorsed by (if appropriate)	Date of next review
Standards Committee Autumn 2017	Governing Board Autumn 2017	Autumn 2019

Exclusions Policy

Academy Mission Statement

Faith

We keep Christian values at the centre of everything we do.

Ambition

We strive to achieve our best.

Multicultural

We strive to be accepting and supportive of all students and staff and value each and every individual.

Independence

To take responsibility for our own learning.

Lifelong Learners

Developing knowledge and skillset in preparation for life as a global citizen.

Your Future

Nurturing self-esteem to equip individuals with the skills and values for a successful future.

The Academy Mission Statement was created by Academy Student Leadership Representatives in November 2015.

This policy, and its associated procedures and protocols, is based on these key principles.

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1. Aims

Our Academy aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in the Academy are safe and happy
- Pupils 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 (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.

3. The decision to exclude

Only the Principal, or a person acting with the Principal's authority, can exclude a pupil from school. A permanent exclusion will be issued as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the Academy's behaviour policy, **and**
- If allowing the pupil to remain in the Academy would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the 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 education needs (SEN)

4. Definition

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.

5. Roles and responsibilities

5.1 The Principal

Informing parents

The Principal will 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 Principal will also notify parents that for the first 5 school days of an exclusion 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.

Informing the Governing Board and Local Authority

The Principal will immediately notify the Governing Board and the Local Authority (LA) of:

- A permanent exclusion
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunch times) 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 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 Principal will notify the Governing Board and LA once a term.

5.2 The Governing Board

Responsibilities regarding exclusions are delegated to the Pupil Disciplinary Committee of the Governing Board – this can be smaller than 3 governors.

The Pupil Disciplinary Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Provision does not have to be arranged for pupils 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 LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The Pupil Disciplinary Committee will consider the reinstatement of an excluded pupil with 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 Disciplinary 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 Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination, If this is not practicable, the Pupil Disciplinary Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Pupil Disciplinary 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, the Pupil Disciplinary Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 education record.

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

Where an exclusion is permanent, the Pupil Disciplinary Committee's 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.

7. 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. The Academy uses the services of the Local Authority if an independent panel has to be convened.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Disciplinary 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 Academy 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 headteacher 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, Academy, 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.

8. 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 applications 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 (educated 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.

9. Returning from a Fixed Term Exclusion

Following a fixed term exclusion, a re-integration meeting will be held involving the pupil, parents, the appropriate Year Director. A member of senior staff and other staff may also attend 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*

10. Links with other Policies

This exclusions policy is linked to our policies, as follows:

- Behaviour Policy
- Special Educational Needs & Disability Policy

11. Independent Review Panel

The Academy uses the services of the Local Authority in relation to the provision of independent review panels. All members of an independent review panel and clerks must have received training within the two years prior to the date of the review.

Training covers:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act