



# Exclusions Policy

**Approved by:** SLT

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# Exclusions Policy

## Policy Statement

The Academy requires everyone to show respect, tolerance and understanding towards others. We expect all of our school community to work hard and be kind. Disciplinary procedures identify the appropriate action to be taken when a student's behaviour fails to meet the requirements of the Academy's policy of Culture for Learning. The decision to exclude a student lies with the Headteacher.

The Academy will advise the police of any criminal activity; this includes racist incidents that are categorised as crimes.

## Types of Exclusion

There are three types of exclusion – Internal, Fixed term external and Permanent. It is essential that there is ample written evidence to support any exclusions but especially permanent exclusions and for parents/carers to be kept informed.

### Internal

This is often the most appropriate first step and is used to provide time to gather evidence, establish the facts and decide whether or not to lead to a further period of internal exclusion or a fixed term external exclusion. Internal exclusions may also be used for students who do not attend detentions, with no acceptable reason. This is for a period of reflection regarding the behaviour that led to the internal exclusion.

### Fixed term external

This is for up to 45 days in a school year and the school has an obligation to ensure that the students' education continues. There is a strong recommendation that exclusions over 5 days should be used rarely and from day six, the local authority is responsible for providing the student with a full-time education. This might take place at a pupil referral unit or another alternative setting. If the child has an EHCP then the provision must meet the child's needs as set out in the plan. During this time an assessment of the child's long-term needs will take place and the local authority will be working towards preparing the child for their return to a local school.

### Permanent

Only the Headteacher can permanently exclude a student and this should be as a last resort taken only after all available preventative strategies have been exhausted. The triggers are usually persistent serious misbehaviour or as a response to an exceptionally serious incident. It is a strong policy on the part of the Government to reduce the number of exclusions.

## Who does this policy apply to?

This applies to all Academy students.

## Who is responsible for carrying out this policy?

The implementation of this policy will be monitored by the governors of the Academy and remain under constant review by the Deputy Headteacher

## **What are the principles behind this policy?**

The Academy is committed to treating its students fairly and with the same respect and consideration as adult members of the Academy.

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 and students are encouraged to flourish.

The Academy will seek to put in place a range of intervention strategies which minimise the need for fixed period exclusions or permanent exclusions. These may include being placed on report, internal exclusion, managed moves and the involvement of appropriate external agencies.

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 policy on Culture for Learning, including persistent and disruptive behaviour.

Decisions to permanently exclude are usually for persistent serious misbehaviour or as a response to an exceptionally serious incident.

## **Procedure**

Students may 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 if by allowing the student to stay on site may seriously harm the education or welfare of others.
- a student is accused of a serious criminal offence
- for medical reasons the student's presence on site represents a serious 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 (This does not constitute an exclusion)

Only the Headteacher or a Deputy Headteacher deputising in the absence of the Headteacher may take the decision to exclude a student. In taking the decision to exclude a student the Headteacher will take into consideration mitigating factors and aggravating factors.

Mitigating factors may include provocation as a result of bullying, the student's emotional and/or medical condition, potential coercion by other students, and 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.

## **Notifying parents**

- when the decision to exclude a student has been made the parent or carer will be notified immediately by telephone
- written confirmation of the exclusion will follow and 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
- the parent's right to make representations regarding the exclusion to the governing body and how the student may be involved in this
- the person in the Academy who the parent should contact if they wish to make representations
- 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 school 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.
- for fixed term exclusion the arrangements for reintegrating the student into the Academy will be provided including the date and time the student should return to the Academy and this may also require the parent to attend an interview with the Headteacher prior to reintegration.

## **Notifying Local Authority**

The Headteacher will inform the Local Authority of all short-fixed term exclusions at the time of exclusion.

## **Notifying governors**

The Headteacher will inform the governing body of all short-fixed term exclusions once per term. The Headteacher will inform the chair of the governing body within one school day of all permanent exclusions or fixed term exclusion which would result in a student being excluded for more than five school days in a term. This notification will include the following:

- the students name
- the length of the exclusion
- the reason for the exclusion
- the student's age, gender and ethnicity
- if the student has a Statement of Special Educational needs
- if the student is looked after
- for fixed term exclusions of more than five days what alternative provision has been put in place

The governing body will review all fixed term and permanent exclusions and consider any representations made to them by parents. 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.

On receiving notification from the Headteacher the governing body will:

- 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 between the 6<sup>th</sup> and the 50<sup>th</sup> school day after receiving notification of the exclusion
- for permanent exclusions or a fixed period exclusion of more than 15 days convene a meeting between the 6<sup>th</sup> and 15th school day after the date of receipt of the notice to consider the exclusion

The governing body will invite the parents to attend the meeting. The governing body will request written statements and will circulate these at least five days in advance of the meeting. The governing body may uphold the exclusion or direct the student's reinstatement. The outcome of the review will be added to the student record in the Academy.

### **Attendance Registers**

Where a student has been excluded for a fixed term of up to five days and no alternative provision is made, attendance registers should be marked using Code E. Where alternative provision has been made Code B (education off site) or Code D (dual registration) should be used.

Where a student has been permanently excluded they should not be deleted from the register until after the appeal process has been completed.

### **Appeals**

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 last day on which an appeal may be lodged
- an explanation that appeals may only be received in writing

Where an appeal is received, the Academy will convene an independent appeals panel which will comprise of three to five members of the following categories:

- a lay person who will be the Chair of the panel
- one or two must be or have been a governor of a maintained secondary school and have served in this capacity in the last twelve months. They must not be or have been a Headteacher or teacher in the last five years
- one or two must be or have been in the last five years a Headteacher of a maintained secondary school

An appeal panel will meet to consider the appeal no later than the 15th school day after the day on which the appeal is lodged.

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 school day following the lodging of the appeal.

During the appeal panel each party will be given the opportunity to put forward their case. The governing body may wish to call witnesses who were directly involved in the incident which led to the exclusion.

The appeal panel may:

- uphold the decision to exclude
- direct immediate reinstatement with a specified date for return and potentially add conditions to the return
- conclude that permanent exclusion should not have taken place but reinstatement to the original

school is not practicable. The reasons for not directing reinstatement must be made in writing

The appeal panel is independent and the decision is binding on the parent, the governing body and the Headteacher.

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, clear information about the behaviour and offences. Where a panel overturns the exclusion but does not direct reinstatement clear reasons must be given.

Where the appeal panel recommends reinstatement, the panel must immediately inform the Headteacher specifying the date by which the student must be readmitted.