

# Exclusion Policy

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## **1. Introduction**

The North East Learning Trust (NELT) is committed to ensuring that all Academies within the multi-academy trust are fully accessible, inclusive, welcoming and respecting of the diversity of children and young people, staff, local communities and visitors.

This policy is underpinned by the commitment of the Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

All staff work hard in our Academies to ensure that the ethos and environment supports pupil and student learning and success. Exclusion is a sanction used only as a last resort, and we strive to reduce the need for exclusion as far as it is possible.

This policy outlines the Trust's policy in relation to exclusions and applies to all Academies within the Trust and is supported by the individual Academy's Behaviour Policy.

For the purposes of this policy Executive Principal may also be read as Principal, Headteacher, Head of School.

## **2. Confidentiality**

The North East Learning Trust, Local Academy Council and all staff will deal with cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and any breach of this may result in disciplinary action.

### **Aims**

The aims of exclusion are to:

- Prevent disruption to classes.
- Protect the educational, emotional and physical welfare of pupils/students and staff.
- Reinforce the discipline of the Academy.
- Provide, when necessary, a 'cooling off' period for the pupil/student.
- Involve parents/carers and pupils/students in discussing the pupil/student's future behaviour.
- In the event of lengthy fixed term exclusions, establish targets for improvement in identified areas.

## **3. Power to exclude**

The Executive Principal is the only member of staff within the Academy who can exclude a pupil/student, either permanently or for a fixed-term.

## **4. Making the decision to exclude**

Exclusion of any sort, for any period of time, is taken very seriously by the North East Learning Trust. Various alternative strategies to manage behaviour as outlined in each Academy's Behaviour Policy will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety in any of the Academies within the North East Learning Trust.

If it is decided that exclusion is necessary, the parents/carers of the pupil/student will be notified, and the circumstances surrounding the exclusion will be formally recorded.

## **5. Reasons for exclusion**

There are two main reasons for exclusion: a serious breach of the Academy's Behaviour Policy, or a situation where it is feared that the safety and wellbeing, or education, of other pupils/students is at risk.

In line with the Academy's Behaviour Policy, the following actions constitute unacceptable behaviour and may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to pupils/students
- physical abuse to/attack on staff
- physical abuse to/attack on pupils/students
- indecent behaviour
- damage to property
- use of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which Academy sanctions and other interventions have not been successful in modifying the pupils/student's behaviour.

## **6. Types of exclusion**

### **a. Permanent exclusion**

Permanent exclusion is an extremely serious sanction, and a step taken by the Executive Principal in accordance with the Exclusion Policy as agreed by the North East Learning Trust and the Academy's Behaviour Policy only as an absolute last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion for a first offence is the only option. These include:

- serious, actual or threatened violence against another pupil/student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

It may be necessary for the Academy to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Local Academy Council to ensure that they are justified and fair and have been dealt with in accordance with the policies and procedures agreed by the Trust and the Local Academy Council. The Executive Principal can withdraw an exclusion that has not yet been reviewed by the Local Academy Council.

### **b. Fixed-term exclusion**

The length of a fixed-term exclusion will be set out by the Executive Principal at the start of the exclusion period. If a pupil/student is excluded for more than 45 days in an academic year they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the Academy's Behaviour Policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than detention, but does not warrant permanent exclusion.

An excluded pupil/student has no automatic right to take a public examination or National Curriculum tests on the Academy's premises. The Trust can decide whether or not to allow the pupil/student to sit the tests in another Academy within the Trust, however, this will depend on the seriousness of the reason for exclusion.

## **7. Exclusion of pupils/students from specific groups**

The Trust recognises that exclusion rates for certain groups of pupils/students are consistently higher than average. These include the following groups of pupils/students:

- Special Educational Needs (SEN)
- Free School Meals
- Looked After Children
- Certain Ethnic Groups

All Academies within the Trust will ensure that any additional support needed to identify and address the needs of pupils/students in these groups to reduce exclusion is implemented.

The Trust also recognises there are certain groups of pupils/students with additional needs who are particularly vulnerable to the impacts of exclusion namely SEN and looked after children.

The Executive Principal of Academies with the Trust will, as far as possible, avoid permanently excluding any pupil/student with an Education, Health and Care (EHC) Plan or a looked after child.

The Academies within the Trust will engage proactively with parents/carers in supporting behaviour of pupils/students with additional needs. In relation to looked after children, the Academy will co-operate proactively with foster carers, social workers and the Local Authority (LA) that looks after the child.

Where an Academy has concerns about the behaviour, or risk of exclusion, of a pupil/student with additional needs, an EHC plan or looked after child, it will in partnership with others consider whether additional support or an alternative placement may be required. This will involve

assessing the suitability of provision for a pupil/student's SEN. Where a pupil/student has an EHC plan, consideration should be given to requesting an early review or interim/emergency review.

## **8. Investigating an Incident**

Disruptive behaviour or actions that may warrant disciplinary action will always be investigated before the decision to exclude is made, unless there is a threat to the safety of students or others.

Before the decision to exclude is made, the Executive Principal will:

- ensure that a thorough investigation has been undertaken
- consider all the evidence available when looking to support the allegations
- encourage the student to give his or her version of events
- take into account the Academy's behaviour policy, equal opportunities policy and relevant equalities legislation
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Local Academy Council who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

## **9. Recording and Notifying of the Decision to Exclude**

The Executive Principal must inform the Chair of the Trust's Board of Directors, the Chair of the Local Academy Council and the Local Authority (LA) within one day of:

- all permanent exclusions
- exclusions which result in the pupil/student being excluded for more than 5 school days in one term
- exclusions which result in a pupil/student missing a public examination or national curriculum test

For all other exclusions the Executive Principal must notify the Trust's Board of Directors, the Local Academy Council and the LA once a term.

Notifications must include the reasons for the exclusion and the duration of any fixed term exclusion.

The Executive Principal must also, without delay, provide parents/carers with the following information in writing:

- The reasons for exclusion;
- The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents/carers' right to make representation about the exclusion to the Local Academy Council and how the pupil/student may be involved in this;
- How any representations may be made;

- Where there is a legal requirement for the Local Academy Council to consider the exclusion, that parents/carers have the right to attend a meeting, be represented at the meeting (at their own expense) and to bring a friend.

## **10. During an exclusion**

While the Executive Principal makes the decision to exclude a pupil/student, the Trust will maintain responsibility for the education of that child and will do everything possible to minimise the disruption to their education.

For the first five days of any type of exclusion, the Academy will set and mark work that the pupil/student should complete at home under the supervision of the parent/carer.

From the sixth day onwards, if the exclusion is fixed-term, the North East Learning Trust will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs.

Alternative provision may be arranged at:

- another Academy within the Trust
- a shared joint facility
- a student referral unit
- a private provider
- a local FE college.

If the child has an EHC plan, the alternative provision will meet those needs.

## **11. Review of an exclusion by the Local Academy Council**

The Pupil Discipline Committee of the Local Academy Council will review fixed-term exclusions of any length on request of parents/carers who feel that the sanction is unjustified. For fixed term exclusions of less than 15 days' parents/carers who wish to request an appeal should do so, in writing, to the Governance Manager, North East Learning Trust. Parents/carers will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents/carers can provide written statements or evidence that they might have relating to the exclusion however, any documentation must be received by the Governance Manager in advance of the meeting. The Governance Manager will ensure copies of any additional documentation is shared with the Committee and the Executive Principal. There will be an opportunity during the meeting for parents/carers to ask questions of the other parties.

They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil/student being excluded for more than 15 days in one term or missing a public exam. The Committee will look at the evidence and the records leading up to the exclusion and decide whether the Executive Principal has made a fair decision and if exclusion is the appropriate sanction in accordance with the Academy's Behaviour Policy and The Trust's Exclusion Policy.

The Pupil Discipline Committee will meet within 15 school days of the notification to exclude and will consider the interests and circumstances of the excluded pupil/student, including the circumstances in which the pupil/student was excluded, and have regard to the interests of other pupils/students and people working at the Academy.

The Pupil Discipline Committee must also consider representations made by parents/carers and the Executive Principal. A parent/carer may invite a representative of the LA to attend a meeting of the Committee as an observer; the representative can only make representations with the consent of the Local Academy Council.

When establishing the facts in relation to an exclusion decision, the Committee must apply the civil standard of proof, in other words, 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the Committee can either:

- Uphold an exclusion: or
- Direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil/student has already returned to school following the expiry of a fixed term exclusion or the parents make clear they do not want their child reinstating, the Committee must consider whether the Executive Principal's decision to exclude was justified based on the evidence.

The Committee must also note the outcome of their consideration on the pupil/student's educational record, along with copies of the relevant papers for future reference.

In cases where the Committee consider parents/carers representations but does not have the power to direct a pupil/student's reinstatement, they should consider whether it would be appropriate to request that the Executive Principal place a copy of the findings on the pupil/student's educational record.

The pupil/student concerned is encouraged to attend if they are able to fully understand the proceedings. The North East Learning Trust believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The members of the Pupil Discipline Committee will have appropriate training to fulfil the role, and notes will be taken of any review proceedings.

Parents/carers will be notified within one school day of the outcome of the meeting.

The decision of the Pupil Discipline Committee in relation to a fixed term exclusion is final and there is no further right of appeal.



## **12. Right to an independent review of a permanent exclusion**

In respect of permanent exclusion, the outcome letter will confirm to parents/carers their right to request a review by an independent panel if they are unhappy with the decision of the Pupil Discipline Committee.

Parents/carers must request an independent review within 15 school days of being notified of the Pupil Discipline Committee's decision. The Trust will not consider any requests for a review received outside of the legal time frame. The review will be arranged within 15 days of receiving the request from parents/carers and the cost will be borne by the trust.

The independent review panel can make one of the following decisions:

- Uphold the exclusion
- Recommend that the Local Academy Council reconsiders their decision
- Quash the decision and direct the Local Academy Council to consider the exclusion again

The decision of the independent review panel is binding on the pupil, parents, Local Academy Council, Executive Principal, Local Authority and the Trust.

## **13. The Executive Principal's duty to remove a permanently excluded pupil/student from the academy's role**

Pupils/students who have been excluded will remain on the roll of the Academy until the 'effective date' of the permanent exclusion (i.e. the 16<sup>th</sup> day after the Pupil Discipline Committee's decision or when the parent/carer notifies the Independent Review Panel provider of their decision not to pursue an independent review). After this date the Executive Principal must remove a pupil/student's name from the Academy admissions register. The LA is legally obliged to provide full time education from the 6<sup>th</sup> day, following notice of permanent exclusion.

Where an application for an independent review has been submitted within 15 school days, the Executive Principal must wait until the review outcome has been determined or the review abandoned before removing the pupil/student's name from the Academy's roll.

Whilst an excluded pupil/student's name remains on the Academy's admission register the pupil/student should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil/student attends it, an appropriate attendance code should be used. Where a pupil/student is not attending alternative provision, they should also be marked with the appropriate code.