



# **Uffculme Academy Trust**

## **Exclusion Policy**

Approved: UAT Board, 25<sup>th</sup> September 2020

Next review date: September 2023

## Contents

Introduction .....	3
Legislation and Statutory Guidance .....	3
Decision to Exclude .....	3
Notification of an Exclusion.....	4
Permanent Exclusion.....	5
Alternative Provision .....	6
Students returning from a fixed-term exclusion .....	6
Requirements on a Local Governance Committee to consider an Exclusion .....	6
Independent Reviews .....	8
School registers.....	8
Monitoring Arrangement .....	9

## **Introduction**

Uffculme Academy Trust and each School within the Trust aims to ensure that:

- The Exclusion Process is applied fairly and consistently
- The Exclusion Process is understood by Governors / Directors, Staff, Parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

This document deals with the policy and practice that inform the use of exclusion in each of the Academies within the Trust. It is underpinned by the ethos of the Trust and a shared commitment of all who are associated with the Trust to achieve two important aims:

- to ensure the safety and well-being of all members of each school community and maintain an appropriate educational environment in which all can learn and succeed;
- to realise the aim of reducing the need to use exclusion as a sanction.

## **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](#)

## **Decision to Exclude**

Exclusion is a sanction used by the Trust and its Academies and the decision to exclude a student will be taken when a student has breached the School's Behaviour Policy to the extent that an exclusion from school is warranted

Exclusions, whether they are permanent or fixed-term, are only authorised by the Headteacher (or, in the absence of the Headteacher, a named Deputy who is acting in that role). If none are available, then the decision to exclude will be taken by the CEO or deferred until the opportunity for authorisation is available.

The Trust seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within each of our Academies.

Students may be excluded permanently or for one or more fixed periods up to a maximum of 45 days in one academic year.

It may sometimes in exceptional circumstances be appropriate to issue a further fixed-period exclusion following an initial fixed-period or to issue a permanent exclusion. These will be treated as fresh exclusion decisions and are subject to the same decision making and notification requirements as the original exclusion decision.

Academies within the Trust will follow the latest DfE statutory guidance regarding exclusions, in order to make sure that students are treated fairly and not discriminated against.

Prior to any decision on whether to exclude, the Headteacher in the individual School within the Trust will

- consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- allow students an opportunity to present their case, which will, where possible, be recorded in writing, before taking the decision to exclude
- whilst exclusion may still be an appropriate sanction, Headteachers will take account of any contributing factors that are identified after an incident of poor behaviour has occurred such as where a student has any SEND needs, suffered bereavement, has mental health issues or has been subject to bullying. How these contributing factors have been considered will be recorded as part of the exclusion report held on the student's file.

Exclusion, whether fixed-term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- a. Verbal abuse to members of staff and others.
- b. Verbal abuse to students
- c. Racist, sexist, homophobic or other discriminatory behaviour
- d. Physical abuse to/attack on members of staff and others.
- e. Physical abuse to/attack on students.
- f. Bullying including cyber bullying
- g. Indecent behaviour.
- h. Upskirting
- i. Damage to property.
- j. Misuse of substances.
- k. Theft.
- l. Serious actual or threatened violence against students, members of staff or others.
- m. Sexual abuse or assault.
- n. Possession, misuse and supplying of illegal drugs.
- o. Carrying an offensive weapon.
- p. Arson.
- q. Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the student's behaviour.
- r. Behaviour outside school likely to bring the School or the Trust into disrepute.

This is not an exhaustive list and there may be other situations where the School makes the judgement that exclusion is an appropriate sanction.

Where a student has received multiple exclusions, or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Headteachers will consider whether exclusion is providing an effective sanction.

### **Notification of an Exclusion**

The Headteacher will notify, without delay the Parents of the decision to exclude a student;

- the reason(s) for the exclusion
- the period of the exclusion, and where it is permanent the fact that it is permanent. This information will be provided in writing to the parents.
- the parents' right to make representations and how a student maybe involved in this
- where there is a legal requirement for the Local Governance Committee to consider the exclusion, and the parent's right to attend such a meeting, be represented as such a meeting (at their own expense) or to bring a friend to such a meeting.

A student who has been excluded will have the reason for his/her exclusion explained to him/her by a member of staff so that he/she understands the nature of the misbehaviour. The Headteacher will inform parents that they are legally required to ensure that their child is not present in a public place, during school hours, without good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent. (further information can be found in the section Alternative Provision)

The Headteacher will also, without delay, notify the Chair / Clerk of the Local Governance Committee, the CEO of the Trust and the Local Authority of:

- A Permanent Exclusion;
- Exclusions which would result in the student being excluded for more than 5 school days in a term; and
- Exclusions, which would result in the student missing a public examination.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the local governing committee and LA once a term.

The Local Governance Committee and the Trust will regularly monitor the number of exclusions, both fixed-term and permanent and will also make sure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one, and the decision to exclude a student permanently will be taken in the following circumstances:

- in response to a serious breach or persistent breaches of each School's Behaviour Policy and;
- where allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School

There are two main types of situation in which Permanent Exclusion may be considered:

- a. a final, formal step in a concerted process for dealing with disciplinary offences, following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as the last resort. Offences would include persistent and defiant misbehaviour including bullying (including racist or homophobic bullying) or repeated possession or use of an illegal drug on school premises.

- b. where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
- I. Serious actual or threatened violence against another student or a member of staff.
  - II. Sexual abuse or assault.
  - III. Supplying an illegal drug.
  - IV. Carrying an offensive weapon\*.
  - V. Arson.
  - VI. Serious misbehaviour which threatens the good order of the School and/or places students and staff at risk

*\*Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

The School will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the School and potentially the safety of students and staff of the School.

### **Alternative Provision**

Each School will take reasonable steps to set work for the student during the first five days of the exclusion.

Alternative provision will be arranged for exclusions of more than 5 days, arranged by the Local Governance Committee for fixed-period exclusions and arranged by the Local Authority for permanent exclusions.

### **Students returning from a fixed-term exclusion**

Following a fixed term exclusion, a reintegration meeting will be held involving the student, parents, a member of the school's senior staff and other staff, where appropriate. On occasion, a member of the Local Governance Committee may also attend, especially if the student concerned is at a high risk of permanent exclusion.

This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and School. Such measures may include;

- Agreeing a behaviour contract
- Putting a student "on report"
- Internal Isolation
- Timetable modifications
- Other actions in line with the school's published behaviour policy and graduated response

Notes of reintegration meetings will be made and kept on the student's file.

On rare occasions if a parent is unable to attend the reintegration meeting, it may take place over the telephone in which case, notes should also be made and placed on record.

### **Requirements on a Local Governance Committee to consider an Exclusion**

This requirement is delegated to the Local Governance Committee from the Trust Board.

A Governors Disciplinary Committee (GDC) will consider the reinstatement of an excluded student within 15 school days of receiving the notice of exclusion if:

- the Exclusion is permanent
- it is a fixed terms exclusion which would bring the students total number of school days of exclusion to more than 15 in a term

- it would result in a student missing a public examination

If requested to do so by parents, the GDC 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 student missing a public examination, the GDC will consider the reinstatement of the student before the date of the examination. If this is not practicable, the GDC will consider the exclusion and decide whether or not to reinstate the pupil.

The GDC can either:

- decline to reinstate a student, or
- direct reinstatement of the student, immediately, or on a particular date

The GDC panel will comprise a minimum of three members constituted from the membership of the Local Governance Committee or a Governor from another School within the Trust and should include a Trustee. No Staff governors or associate members will be involved. In an exceptional circumstance, an experience Governor from a Trust not associated with UAT or any of its schools may be used

The following will be invited to attend the meeting:

- The student's parents (and, if requested, a representative or friend)
- The Headteacher (and, if necessary, a colleague familiar with the case)
- The SENDCo if the child has SEND
- The LA if appropriate to the context of the exclusion
- Prior to the consideration meeting the School will provide written evidence that will be circulated to all parties at least 5 school days before the meeting.

In reaching a decision, the GDC will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher 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 student's educational record.

The GDC will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the GDC'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 School 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

If during meeting it is necessary to suspend proceedings, the panel Chair will arrange a resumption date without delay.

### **Independent Reviews**

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Governors Disciplinary Committee not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the GDC of its decision to not reinstate a student.

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 school governor's 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 Governor of the excluding school / Director of the Trust
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust or the local governing committee, 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 Trust, Local Governing Committee, School, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years

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.

### **School registers**

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the GDC's decision to not reinstate the pupil and no application 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 local governing committee 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 (education 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.

### **Monitoring Arrangement**

The Headteacher monitors the number of exclusions every term and reports back to the local governance committee. They also liaise with the local authority to ensure suitable full-time education for excluded students.

The CEO and the Trust will review this policy every three years. At every review, the policy and its review will be shared with the local governing committee.

**The Exclusion policy should be read in tandem with other School / Trust policies such as:**

- **Behaviour Policy**
- **Bullying Policy**
- **SEND Policy**