

Ebor Gardens and Victoria Primary Academies



Exclusions Policy

Policy updated:	Nov 2019
Adopted:	Nov 2019
Review date:	Nov 2021

Ebor Gardens and Victoria Primary Academies are committed to providing a broad, balanced and effective education for all the children who attend our schools.

It is the policy of our schools to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. (See Positive Behaviour Policy).

Exclusion is a sanction used by the academies only in cases deemed as serious breaches of the academy Behaviour Policy. If the Head of School / Executive Principal is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and the pupil is being removed from the school site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents / carers.

What are the types of exclusion?

There are three forms of exclusion available to the headteacher:

- 1) Lunch time exclusion (equal to one half day fixed term);
- 2) Fixed term (up to 45 school days in an academic year);
- 3) Permanent (will result in the pupil being removed from the school roll after statutory procedures completed).

Lunch Time Exclusions

A pupil may be at risk of Lunch Time Exclusion where their conduct a play/lunchtimes persistently falls below academy expectations. An exclusion that takes place over a lunchtime would be counted as half a school day.

Fixed Term Exclusions

A pupil may be at risk of Fixed Term Exclusion from school for:

- Verbal or physical assault of a student or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Unsafe behaviours which jeopardise the safety of the child, school adults and other pupils;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

The length of a Fixed Term Exclusion is at the discretion of the Head of School / Executive Principal and may increase, over time, but will not ordinarily exceed 5 days for any one incident. At any time, however, no child will receive greater than 45 days' exclusion in any one academic year without being permanently excluded for persistent disruption. Please note that the Executive Principal also retains the right to permanently exclude a child for persistent disruption even if they have not reached 45 days.

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

The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being met.

Permanent Exclusions

A pupil would only be permanently excluded as a last resort, after trying to improve the child's behaviour through every other means. However, we recognise that there are exceptional circumstances in which the Executive Principal may decide to permanently exclude a pupil because of a persistent serious breach of socially acceptable behaviour.

1. Aims

Our academies aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school 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

A Lunch Time or Fixed Term Exclusion from the school can only be authorised by the Head of School or the Executive Principal. If neither are available to authorise the exclusion, a decision will be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Executive Principal and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Executive Principal.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head of School / Executive 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 educational needs (SEN)

4. Roles and responsibilities

Where the decision to exclude has been taken by the Head of School, the period of exclusion and the reasons for it will be communicated to the Executive Principal.

4.1 The Head of School Informing parents

The Head of School will immediately 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 body
- Where there is a legal requirement for the governing body 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 Head of School will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, 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.

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.

Informing the governing body and local authority

The Head of School will immediately notify Wellspring Academy Trust, the governing body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) 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 Head of School 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 Head of School will notify Wellspring Academy Trust, the governing body and the LA as soon as possible following the exclusion, but in every instance within the term.

4.2 The governing body

Under DfE Guidance 'Exclusion from maintained schools, academies and pupil referral units in England', the governing body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. Some or all of this function can be delegated to a panel of at least three governors called the Pupil Discipline Committee.

A meeting of the Pupil Discipline Committee will be convened by the governing body when:

- recommendation of permanent exclusion is made by the Executive Principal
- a child has received over 15 days' exclusion in one term;
- the parent has requested a meeting and their child has been excluded for more than five but not more than fifteen school days in a term

For exclusions of between one and five days, a parent may make written representations only to the Chair of Governors in his role as Chair of the Pupil Discipline Committee. Whilst the governing body has no

power to direct reinstatement, they must consider any representations you make, respond to your written representation in writing and place their view on your child's record.

The Pupil Discipline Committee will comprise of 3 members of the Governing Body who can hear the case impartially. The Pupil Discipline Committee will follow procedures and guidance issued by the Local Authority.

What resolutions can be arrived at?

Permanent Exclusions

The pupil be reinstated.

The pupil not be reinstated.

Fixed Term Exclusions (if the pupil is still out of school)

The pupil be reinstated.

The pupil not be reinstated.

Fixed Term Exclusions (if the pupil has returned to school)

The decision to exclude be upheld.

The decision to exclude not be upheld.

The Clerk to the Pupil Discipline Committee will write to parents within one working day informing them of the decision.

4.3 Independent Appeal Panel

There is no right of an independent review against fixed term exclusions of any duration. However, parents may request an independent review against a permanent exclusion using the Notice of Independent Review form sent following the Pupil Discipline Committee meeting. The role of the panel is to review the governing body decision not to reinstate a permanently excluded pupil and they can reach one of three resolutions:

- 1) To uphold the exclusion decision**
- 2) To recommend that the Governing Body reconsiders their decision**
- 3) To quash the decision and direct that the governing body reconsiders the exclusion again.**

The clerk must let all parties know the appeal panel's decision by the end of the second school day after the hearing.

4.4 The Local Authority (LA)

The Local Authority are notified of all permanent or fixed term exclusions which total more than fifteen school days in a term and are notified of any meeting of the Pupil Discipline Committee. The LA may submit their view of the appropriateness of the exclusion.

For exclusions of more than 15 days an LA representative will attend if it is a particularly difficult case or evidence provided to the LA prior to the meeting raises cause for concern.

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. The LA also convene the meeting of the Independent Appeal Panel when required to do so.

5. 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 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 governing body 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 offsite) 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.

6. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

It is imperative that parents and school staff articulate their joint expectations for the child, on their return to school.

7. Monitoring arrangements

The Executive Principal monitors the number of exclusions every term and reports back to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by The Executive Principal every year. At every review, the policy will be shared with the governing body.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1

National Standard List of Reasons for Exclusions

This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for exclusions and the "other" category should be used sparingly. The further detail suggesting what the descriptors cover should be used as a guide and this list is not intended to be used as a tick list for exclusions. In reaching a decision on whether to exclude head teachers need to refer to the Department's guidance revised in September 2007, entitled "Improving Behaviour and Attendance: Guidance on Exclusion from School and Pupil Referral Units".

Physical assault against pupil Includes:

- Fighting
- violent behaviour
- Wounding
- obstruction and jostling

Physical assault against adult Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

Verbal abuse / threatening behaviour against pupil Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse / threatening behaviour against adult Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Bullying Includes:

- Verbal
- Physical
- Homophobic bullying
- Racist bullying

Racist abuse

Includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying Racist graffiti

Sexual misconduct Includes:

- Sexual abuse

- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying Sexual graffiti

Drug or alcohol related Includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

Damage

Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson
- Graffiti

Theft Includes:

- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

Persistent disruptive behaviour Includes:

- Challenging behaviour
- Disobedience
- Persistent violation of school rules

Other

Includes incidents which are not covered by the categories above but this category should be used sparingly.

FIXED TERM EXCLUSION PROCESS

Was the incident a serious breach of the school discipline policy?

Would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others in the school?

If the parent can be contacted, the pupil can be excluded with immediate effect. If not, the pupil should be excluded at the end of the day.



Who should be informed?

The parent/carer
Chair of the Pupil Discipline Committee
(if more than 5 days or missing public exam)



When and how should the parties be informed?

The parent should be contacted immediately by phone, and all parties should be informed in writing within one school day.



Responsibility for school work

During the first five days, work should be set, and marked on its return. Parents should also be informed of their duty to ensure that their child is not found unsupervised during the first five days of exclusion without reasonable justification otherwise the Local Authority may issue a fixed penalty fine.

School is responsible for providing suitable full time education from the sixth day of exclusion.



When should the Pupil Discipline Committee meeting take place?

Exclusions 6 – 15 school days: meeting to take place between 6 and 15 school days following the first day of exclusion if parents request a meeting.
Exclusion 16 – 45 days: meeting to take place between 6 and 15 days following the first day of exclusion.

The meeting should, as far as possible, be at a time convenient to all parties, and follow the LA model procedures and guidance

Who should be invited?

The parent/carer

The governors responsible for reviewing exclusions

The outcome of the meeting

Pupil reinstated

Pupil returns to school on Pupil returns to school date
specified on exclusion papers

Exclusion upheld

If the pupil has returned to school before the meeting,
place copies of the decision with the school record.



Clerk writes to the parents and the LEA within one
school day informing them of the decision, with the
school record.

After the meeting