



EXCLUSION POLICY

PHASE	JUNIOR & SECONDARY
POLICY LEAD	REBECCA HIBBERD (PRINCIPAL SWINTON ACADEMY)
DATE OF APPROVAL BY TRUSTEES	8TH MARCH 2021
DATE OF RECEIPT BY LOCAL GOVERNING BODY	MARCH 2021
FREQUENCY DATE	ANNUALLY
NEXT REVIEW DATE	MARCH 2022

Contents

1. Introduction	Page 2
2. Aims of the policy	Page 3
3. Procedures	Page 4
4. Exercise of Discretion	Page 5
5. Notifying Governors	Page 6
6. Appeals	Page 6
7. ADDENDUM: Changes to the academy exclusion process during the coronavirus (COVID 19) outbreak	Page 7

ACET Mission Statement

ACET is committed to providing quality learning and teaching enabling everyone to reach their full potential, whatever their age, ability, gender or ethnicity.

Every person in our community is unique. We work together in an environment of mutual respect, and consideration, valuing everyone's contribution.

Through our partnership with the local and wider community, we aim to support our young people in successfully taking their place in society.

This policy should be used in conjunction with the academy behaviour policy and by referring to the DFE publication: - “Exclusion from maintained schools, academies and pupil referral units in England” September 2017.

Principals should use the Exclusion Policy for serious breaches of the behaviour policy and where allowing a pupil/student to remain in the academy would seriously harm the education and/or welfare of pupils/students or others. It may also be appropriate where a criminal act has been committed.

1. Introduction

“Good discipline in schools is essential to ensure that all pupils/students can benefit from the opportunities provided by education. The Government supports Headteachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to serious or persistent breaches of the school’s behaviour policy; and when allowing the pupil/student to remain in school would seriously harm the education or welfare of the pupil/student or others in the school.” (Department for Education Guidance for Exclusions from maintained schools, Academies and PRUs in England 2017).

The decision to exclude a child is a very serious one and not one that a Principal should take lightly. The academy ‘Behaviour Policy’ should be widely publicised so that pupils/students, staff, governors, parents/carers are aware of our expected standards of behaviour. ACET academies will apply the behaviour policy in a consistent, rigorous and non-discrimatory way and all areas of its application will be monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

The ACET ‘Exclusion Policy’ is an extension of the academy ‘Behaviour Policy’. The steps outlined in that policy are those to be taken under ‘normal circumstances’. However, when there are either continuous contraventions of the ‘Behaviour Policy’, persistent disruptions to teaching and learning or where there are extreme and exceptional behaviours, the Principal may make the decision to exclude for a fixed number of days (fixed term exclusion) or recommend permanent exclusion.

All ACET Academies will strictly adhere to the DFE “Guidance for Exclusions from maintained schools, Academies and PRUs in England”. This document is available to parents/carers via the DFE website.

2. Aims of the policy

- The main aim of this policy is to inform the academy's use of exclusion as a sanction for serious breaches of the Behaviour Policy. These may include:-
 - Dangerous and/or disruptive behaviour
 - Issues relating to misuse of substances/weapons
 - Physical assault against pupils/students or staff
 - Racial abuse or other forms of bullying/discrimination
 - Threatening behaviour
 - Verbal abuse
 - Sexual abuse or assault
 - Theft
 - Persistent disruption to learning and teaching
 - Unacceptable behaviour which has previously been reported and where sanctions have been unsuccessful in modifying behaviour

(NB: The above is not an exhaustive list)

- Principals should be consistent when using exclusion as a sanction for serious breaches of the Behaviour Policy The process should be fair and consistent.
- Principals should ensure that all exclusions are lawful, reasonable and fair.
- Decisions should be well informed. Statements should be gathered from as many witnesses as possible. Principals, when establishing the facts, should make a decision by applying the civil standard of proof i.e. on the balance of probabilities it is more likely than not that a fact is true. They do not have to prove 'beyond reasonable doubt', as is the criminal standard.
- Pupils/students at risk of exclusion may have some 'unmet needs'. Staff should consider, prior to exclusion, any causal factors and intervene as early as possible, using for example, a SEND support plan / Graduated Response /EHCP to support the student in order to avoid, where possible, an exclusion.
- Only the Principal of an academy can exclude a pupil/student on disciplinary grounds (or a senior colleague designated in the absence of the Principal).
- A pupil/student may receive one or more fixed term exclusions up to 45 days in a single academic year. A pupil/student may be permanently excluded.
- A fixed term exclusion cannot be extended or converted to permanent exclusion. Further evidence that becomes known during a fixed term exclusion may, in exceptional circumstances, lead to a further fixed term exclusion being issued, starting immediately after the first period of exclusion ends or a permanent exclusion being issued.
- Principals should not use 'unofficial exclusions' such as sending a pupil/student home to 'cool off', even if parents/carers agree.
- Agreed absence over the period of a lunchtime should be seen as a half-day exclusion.
- Principals have the power to direct a pupil/student off site for education to help improve their behaviour.
- A Principal may also negotiate a 10-week 'managed move' to another school/academy to assist improved behaviour. This must only be used if all parties consent. The LA should be

informed about this agreement. This is the responsibility of the school where the pupil/student is on roll. The relevant paperwork should be completed.

- Principals can exclude pupils/students for behaviour outside the school grounds, for example, educational visits, sports fixtures, work experience.
- Permanent exclusion should only be used for:-
 - a) serious breaches/persistent breaches of the academy behaviour policy and,
 - b) Where allowing the pupil/student to remain in school would seriously harm the education or welfare of others in the academy.

3. Procedures

- Only the Principal of an academy can exclude a pupil/student on disciplinary grounds (or a senior colleague designated in the absence of the Principal).
- Most exclusions are of a fixed term nature and are of a short duration (usually between one and five days).
- Evidence should always be gathered to assist Principals when making decisions about fixed term or permanent exclusions. (This should include, wherever possible, a statement from the student himself or herself). Principals should also take into account their legal duty of care.
- Following exclusion parents/carers should be contacted immediately, by telephone, where possible. A letter should be sent outlining details, within 24 hours of the decision being taken.
- A copy of this letter should be sent to the LA, along with any other relevant paperwork.
- Work should be sent home to cover the period of the fixed term exclusion. This work should be returned and marked.
- Parents/carers have a right to make representations to the Governing Body and Children's Services Directorate, Social Inclusion Officer at the LA as directed in the letter.
- A reintegration/readmittance meeting should be held following the expiry of the fixed term exclusion and this will involve the pupil/student, parent/carer, a member of the Senior Leadership Team and other staff, where appropriate.
- It should be academy practice to monitor behaviour and work of the pupil/student very closely for the period following exclusion. This may mean the use of a report or close support by staff. At this stage, additional interventions should be considered in order to avoid further exclusions.
- During the course of a fixed term exclusion, where the pupil/student is to be at home, parents/carers are advised that the pupil/student is not allowed on the school premises and that daytime supervision is their responsibility during school hours.

4. Fixed term exclusion over five days

According to DCFS guidance, the academy is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer. It is the academy's responsibility to organise this. This may take place in another school or educational provider. Parents/carers should be notified of these arrangements.

5. Appeals against fixed term exclusions

When notifying parents/carers about the fixed term exclusion, the Principal should draw attention, within the letter, to free and impartial information.

Parents/carers have the right to make representation to the local governing body about the decision to fix term exclude. Whilst the local governing body has no power to reinstate, they must consider any representations made and may place a copy of their findings on the child's school record.

Parents/carers can also appeal to the Special Educational Needs and Disability Tribunal if they think the exclusion relates to a disability their child has and believes that discrimination occurred.

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil/student, they can ask for this decision to be reviewed by an independent review panel.

6. Permanent Exclusion

The decision to exclude a pupil/student permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary issues 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 a last resort.

The second is 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. **Each exceptional circumstance would be considered carefully by the Principal, and at their discretion, a student can be excluded for:**

- Bringing, supplying or consuming an illegal drug on the academy site
- Serious actual or threatened violence against another student or member of staff.
- Sexual abuse or assault.
- Carrying an offensive weapon*.
- Arson

This is not an exhaustive list

The Academy will consider police involvement for any of the above offences.

**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 them for such use by them.”*

When a pupil/student is permanently excluded, the governing body, made up of at least three governors, should meet within 15 school days of the decision being made to consider whether the excluded pupil/student should be reinstated. Governors, parents/carers and the LA should receive the relevant paperwork at least 5 days prior to the meeting. Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil/student, they can ask for this decision to be reviewed by an independent review panel.

** (Governors should also hold a similar meeting when a pupil/student has been excluded for more than 15 days in one term or if the pupil/student would miss a public examination).

7. Exercise of discretion

In reaching a decision, the Principal will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy and the effect that the pupil/student remaining in the academy would have on the education and welfare of other pupils/students and staff.

8. Notifying Governors

The local governing body will be informed about all fixed term and permanent exclusions at least termly.

The chair of the local governing body will be informed immediately of all exclusions that exceed 5 days, if the exclusion would result in a pupil/student missing a public examination or when the decision is made to permanently exclude a pupil/student.

Governors will challenge the academy about strategies put into place to avoid exclusion and to avoid any further exclusions. They will also monitor the reasons and frequency of both fixed term and permanent exclusions.

ADDENDUM:

Changes to the academy exclusion process during the coronavirus (COVID 19) outbreak – updated 04 March 2021

All expulsions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates) are subject to amended arrangements with regards to:

- the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels
- the deadline for applications for an independent review

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss an expulsion that occurred between 25 September 2020 and 24 September 2021 may be eligible for time extensions in some circumstances.

Meetings relating to expulsions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in the suspensions and expulsions from maintained schools, academies and pupil referral units in England statutory guidance.

Governing boards and arranging authorities for IRPs should take all reasonable steps to meet the normal deadlines for suspensions and expulsions occurring after 24 September 2020.

They should:

- consider the actions for schools during the coronavirus (COVID-19) outbreak
- facilitate remote access meetings where it is not reasonably practicable to meet in person

If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

An expulsion should be taken as having ‘occurred’ on the first day of the expulsion.

Any expulsions covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the expulsion have been exhausted.

Timescales for expulsions between 25 September 2020 and 24 September 2021

Expulsions between 25 September 2020 and 24 September 2021 (inclusive) should follow the deadlines in the suspensions and expulsions from maintained schools, academies and pupil referral units in England statutory guidance, other than the deadline for the application of an independent review.

If it is not reasonably practicable to meet by the usual deadline either in person because of coronavirus (COVID-19), or by remote access because of the conditions for a remote access meeting, the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

Timescales for expulsions between 1 June 2020 and 24 September 2020

Governing boards and IRPs who have a duty to meet to discuss an expulsion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions.

Meetings relating to expulsions occurring between 25 September 2020 and 24 September 2021 must take place within the normal timescales described in suspensions and expulsions from maintained schools, academies and pupil referral units in England. If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it is reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

Timescales for meetings of independent review panels to consider expulsions

The timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19) if:

- the expulsions occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

To minimise uncertainty for pupils and their families, the arranging authority should reassess at regular intervals whether it is reasonably practicable to meet. If it is, they should arrange this without delay.

Remote meetings

For expulsions occurring between 25 September 2020 and 24 September 2021 (inclusive of those dates), meetings of governing boards or IRPs should be held via remote access if:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus (COVID-19)
- the governing board, or arranging authority for IRPs, is satisfied that:
- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

The governing board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place. Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions.

When determining if it's practicable to meet in person, the governing board or arranging authority should assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants, as far as this is possible
- the latest public health guidance, including the actions for schools during the coronavirus (COVID-19) outbreak

Arranging a remote access meeting

The governing board or arranging authority should explain the technology they propose to use to make sure that the participants, particularly pupils and their families, know that they do not have to agree to a meeting to be held via remote access.

They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Governing boards, arranging authorities and panel members must:

- comply with relevant equalities legislation
- recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language

The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required.

If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

Fairness and transparency

The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.

If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and pupils to take account of their wishes.

In rare cases, a governing board or arranging authority may conclude that a remote meeting would not be fair and transparent, even if the participants have given their consent for a remote access meeting. In such cases, the governing board or arranging authority should explain to the parent and the pupil why they have taken this decision.

Running the meeting

If a meeting is held via remote access, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example:

- if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal
- parents may be joined by a friend or representative, as normal

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants:

- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact with any questions they may have beforehand
- ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any 'chat' functions should be used
 - whether there will be any breaks in proceedings
 - how participants can access advocacy services during the meeting

- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

Applications for an independent review

The deadline for applications for an independent review in relation to expulsions occurring between 25 September 2020 and 24 September 2021 will be 25 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of an expelled pupil from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

Meetings to consider expulsions and suspensions resulting in the pupil missing more than 15 school days in a term

If a pupil is expelled or suspended which results in them having been suspended for 16 or more school days in a term, the governing board should meet to discuss reinstatement within 15 school days.

The limit will be extended to 25 school days, or as long as reasonably necessary, if:

- the expulsion or suspension occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet in person within 15 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting

Meetings to consider suspensions resulting in the pupil missing between 6 and 15 school days in a term

If a pupil is suspended which results in them having been suspended for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil, if aged 18 or above) chooses to make representations about the suspension, the governing board should meet to discuss reinstatement within 50 school days.

The limit will be extended to 60 days, or as long as reasonably necessary, if:

- the suspension occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet in person within 50 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet via remote access for a reason relating to the conditions for a remote access meeting