



Exclusion Policy

September 2018

## Contents

1. Legislation
2. Definitions used in the Policy
3. Context
4. Principles
5. The Power to Exclude
6. Informing parties about an exclusion
7. The Local Governing Body's duty to consider an exclusion
8. The Trust's duty to arrange an independent review panel
9. Appeal

## 1. Legislation

This policy is compliant with the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The Academy Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

## 2. Definitions used in the Policy

Use of term 'parent' within this policy.

In addition to the pupil's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the pupil) and any person (for example, a foster carer) with whom the pupil lives.

Use of the word 'term' within this policy

Where the academy year consists of 3 terms or fewer, a reference to a 'term' in this policy means one of those terms. Where the Academy's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December

### 3. Context

The Enquire Learning Trust (hereafter referred to as the Trust) recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty five academy days in any one academic year, or, in some circumstances, permanently.

Such exclusions will only be resorted to when the academy can demonstrate with adequate evidence that all reasonable steps have been taken (including education off site) and/ or that the presence of the learner is likely to be severely detrimental to his/herself, other learners or employees. There may also be occasions when a short-term exclusion is appropriate because of unacceptable behaviour.

Good discipline in academies is essential to ensure that all pupils can benefit from the opportunities provided by education. The Trust supports its Academies in using exclusion as a sanction where it is warranted. However, permanent exclusions should only be used as a last resort, in response to a serious breach, or persistent breaches, of the Academy's Behaviour Policy; and where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

## 4. Principles

The academy will not discriminate against pupils on the basis of protected characteristics, such as disability or race and will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour the first steps will be to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. The Academy will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

All pupils who return to the academy following a fixed period exclusion will be subject to a re-integration process that will include a meeting with the parent and pupil prior to their return to their class. This meeting will include an agreement with the pupil on managing their future behaviour.

The academy will take reasonable steps to set and mark work for pupils during the first five Academy days of exclusion and will arrange alternative provision from the sixth day.

Where parents dispute the decision of the Academy Improvement Committee / Trust not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel to be arranged by Trust. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make an appeal through the Trust's Complaints Policy.

All parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion;

## 5. The Power to Exclude

Only the Principal of the academy can exclude a pupil and this must be on disciplinary grounds.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 Academy days in a single academic year), or permanently.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the academy premises for the duration of the lunchtime period. This constitutes a half day exclusion.

The behaviour of pupils outside academy can be considered as grounds for exclusion.

The Principal may withdraw an exclusion that has not been reviewed by the Trust.

The academy will take account of their legal duty of care when sending a pupil home following an exclusion.

The academy will use the civil standard of proof, i.e. 'on the balance of probabilities' when making judgments in relation to exclusions.

The academy will not make use of 'informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off'. Any exclusion of a pupil, even for short periods of time, will be formally recorded. A decision to exclude a pupil permanently will only be taken:

In response to a serious breach, or persistent breaches, of the academy's behaviour policy; and

Where allowing the pupil to remain in academy would seriously harm the education or welfare of the pupil or others in the Academy. The academy will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement has mental health issues or has been subject to bullying.

All exclusions must be recorded on SIMS and with the trust administrator.

## 6. Informing parties about an exclusion

Whenever a pupil is excluded, the academy will notify parents of the period of the exclusion and the reasons for it as soon as is immediately practical. In addition, the academy will provide parents with the following information in writing:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the Academy Improvement Committee and Trust and how the pupil may be involved in this;
- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion; In addition, the Academy will draw attention to relevant sources of free and impartial information including:
  - a link to DfE statutory guidance on exclusions: exclusions guidance (Exclusion from maintained Schools, Academies and pupil referral units in England from September 2012)
- a link to the Coram Children's Legal Centre: [www.pupilrenslegalcentre.com](http://www.pupilrenslegalcentre.com) 08088 020 008;
- The Principal will, without delay, notify the Academy Improvement Committee, Trust and the Local Authority of:
- a permanent exclusion (including where a fixed period exclusion is made permanent);
  - exclusions which would result in the pupil being excluded for more than five Academy days (or more than ten lunchtimes) in a term; and
  - exclusions which would result in the pupil missing a public examination or national curriculum test. For all other exclusions the Principal will notify the local authority, Academy Improvement Committee and the Trust once a term.
  - For a permanent exclusion, if the pupil lives outside the local authority in which the Academy is located, the academy will also advise the pupil's 'home authority' of the exclusion without delay.



## 7. The Academy Improvement Committee duty to consider an exclusion

The Academy Improvement Committee, under delegated powers from the Trust, will consider parents' representations about an exclusion. Those invited to this meeting will include:

- parents;
- the Principal
- 3 members of the Academy Improvement Committee

The Academy Improvement Committee will make every effort to arrange this meeting for a date and time convenient to all parties.

Where there is a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Academy Improvement Committee must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

In reaching a decision on whether or not to reinstate a pupil, the Academy Improvement Committee will consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the legal duties of the Academy Leadership.

## 8. The Trust's duty to arrange an independent review panel

If applied for by parents within the legal time frame, the Trust will arrange for an independent review panel hearing to review the decision of the Academy Improvement Committee not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- Within 15 Academy days of notice being given to the parents by the Academy Improvement Committee of their decision to uphold a permanent exclusion or
- Where an application has not been made within this time frame, within 15 Academy days of the final determination of a claim of discrimination under the Equality Act 2010, in relation to the exclusion
- Any application made outside of the legal time frame will be rejected by the Trust

## 9. Appeal

Parents should put in writing to the Clerk to the Academy Improvement Committee if they wish to appeal against the Academy Improvement Committees decision. Details can be obtained from the individual academies.