

SAMWORTH
CHURCH
ACADEMY



DIOCESE OF SOUTHWELL
& NOTTINGHAM
MULTI ACADEMY TRUST

STUDENT EXCLUSION POLICY

Policy:	Student Exclusion Policy
Reviewers:	PASAG/Local Governing Body
Approved by:	Local Governing Body
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VERSION CONTROL		
DATE	AUTHOR	CHANGES
Sep 2020	David Broomhead	New Policy

STUDENT EXCLUSION POLICY

Our vision is to create a distinctively Christian and values driven environment that provides the best start to the 70 or more great years our students should enjoy when they leave our school. Our students should have the opportunity to live life in all its fullness and be good citizens wherever they may be.

1 Principles

- 1.1 The Samworth Church Academy is committed to helping our students to be the best that they can be. We believe in putting the needs of the students first in order to promote an environment that is conducive to learning, ensuring high achievement and personal development for all young people, irrespective of their differing needs.
- 1.2 Our student exclusion policy is underpinned and driven by our five Christian values; respect, positivity, vocation, service and forgiveness. Students are expected to make an overall positive contribution to Academy life, supported by a behaviour system which promotes positive behaviour and a no grudges culture. Any fixed-term or permanent exclusion in this context is a major decision and will be made within clear parameters. All decisions will be lawful, reasonable and fair.

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

2 Scope and Purpose

- 2.1 A student may be excluded for one or more fixed-term periods (up to a maximum of 45 school days in a single academic year) or permanently. Students can be excluded for full days or parts of a day or from the premises at lunchtime if behaviour at this time is disruptive. Usually the Principal will exclude for five days in the first instance to fully investigate any incident that may lead to permanent exclusion. The Academy has the duty to make an arrangement for education if a fixed-term exclusion goes beyond five days.

The purpose of this policy is to provide clarity for all stakeholders.

3 Roles and responsibilities

- 3.1 The Local Authority is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children.
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an Educational Health Care Plan and are excluded permanently, with a view to identifying a new placement.
- Arranging for an independent review panel hearing to review the decision of the governing board not to reinstate a permanently excluded student where required.
- Arranging the hearing without delay at a time, date and venue convenient for all parties.

3.2 The governing body is responsible for:

- Providing information to the Secretary of State and Local Authority about any exclusions within the last 12 months.
- Arranging suitable full-time education for any student of compulsory school age excluded on a fixed-term basis.
- Considering parents' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a student missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the excluded student, including the circumstances in which they were excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents, the Principal and Local Authority of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a student's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a student where directed to do so by the exclusions review panel.

3.3 The Principal is responsible for:

- Advising and making recommendations to the governing body in relation to its responsibility surrounding exclusions.
- Implementing good levels of discipline to ensure all students can benefit from the opportunities provided by education and to minimise potential exclusions.

- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to students with Special Educational Needs and Disabilities when administering the exclusion process.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a student has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a student has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly those with Special Educational Needs and Disabilities, eligible for Free School Meals, Looked After Children and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a student's parents without delay where the decision is taken to exclude the student, including the days on which the parents must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the governing board and Local Authority of their decision to exclude a student where appropriate, as well as the student's home authority if required.
- Notifying the governing board once per term of any exclusions not already notified.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

4 Grounds for Exclusion

- 4.1 The Academy will only exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Student Behaviour Policy, have failed to be successful.
- 4.2 The following examples of behaviour may underline the school's decision to exclude a student:
- Any incident which poses a risk to other students or members of staff, e.g. bringing a weapon onto the premises

- Any incident which breaches the law
 - Persistent and severe bullying
 - Verbal and physical abuse
 - Constant disruption
 - A single, serious and major incident, e.g. serious assault on another individual leading to injury
- 4.3 Students can be excluded on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, students can be permanently excluded following a fixed-period exclusion, where further evidence is presented.
- 4.4 In all cases, the Principal will decide which exclusion period a student will be subject to, depending on what the circumstances warrant.

5 The Principal's Power to Exclude

- 5.1 Only the Principal has the power to exclude a student from the school, and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.
- 5.2 The Principal is able to exclude students from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of a school day.
- 5.3 The Principal is able to consider a student's disruptive behaviour outside of the school premises as grounds for exclusion, in accordance with the school's Student Behaviour Policy.
- 5.4 Any decision made to exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the European Court of Human Rights.
- 5.5 All exclusions will be formally recorded on the student information system (ISAMS).
- 5.6 When sending a student home following any exclusion, the Principal will ensure that they exercise their duty of care at all times and will always inform the parents.
- 5.7 The Principal will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 5.8 The Principal may withdraw any exclusion that has not already been reviewed by the governing board.
- 5.9 At all times, the Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a student's exclusion on these grounds.
- 5.10 The Principal will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a student home to 'cool-off', regardless of whether or not the parents have agreed to this.

5.11 The Principal will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

6 Factors to Consider When Excluding a Student

6.1 The Principal will:

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the student's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the student has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess students who demonstrate consistently poor behaviour.
- The Principal will consider what extra support may be available for vulnerable student groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:
 - Looked After Children
 - Students eligible for Free School Meals
 - Students with Special Educational Needs and Disability (SEND)
 - Students with Social Emotional Mental Health (SEMH) needs
 - Certain ethnic groups

6.2 The Principal will consider avoiding permanently excluding Looked After Children, those with SEMH issues or students with an Education Health Care plan.

6.3 Where SEND or SEMH issues are identified, a graduated response outlined will be applied. If the student continues to endanger the physical or emotional wellbeing of other students or staff, despite exhausting the graduated response process, then exclusion may be considered.

6.4 In accordance with the Equality Act 2010, under no circumstances will a student with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

6.5 Where a student with SEND or SEMH issues is permanently excluded because of a SEND or SEMH related need that could not be met at the school, detailed records will be kept highlighting that these students are closely tracked and showing that the school has a close relationship with the student's next destination.

6.6 The Principal will work in conjunction with the parents of any student with additional needs to establish the most effective support mechanisms.

7 Prevention and Procedures

7.1 The Academy will make full use of the commitment as outlined in the home-school agreement. The Academy will not exclude a student unless it is absolutely necessary to do so and if there is felt to be no other viable alternative, such as in response to serious

or continuous breaches of the Academy Student Behaviour Policy or if allowing the student to stay would harm the education or welfare of other students or staff.

7.2 Other than in the case of serious one-off incidents, the permanent exclusion of students will be the final sanction at the end of a lengthy series of procedures, which may include:

- Verbal reprimands and restorative work
- Counselling from staff within the Academy
- Lunchtime or after-school detentions
- Report to a specific member of staff
- Supported individual study
- A review of the curriculum provision
- Removal from class / change to sets and / or classes
- Fixed-term exclusions
- Pastoral Support Plans
- Referral to Child and Adolescent Mental Health Service and SEND specialist providers
- Application of an Educational Health Care Plan
- Work with Families First or Children's Services
- In the case of looked-after children, liaising with the Virtual School Head teacher
- Managed moves

7.3 Additionally, for some students securing an alternative provision is an option. We work within local behavioural collaboratives (SEC-MATE) to allow us to support on-going difficulties. Parents will have been involved in meetings with learning manager and executive team, including the Principal or Director of Support.

7.4 Parents will be informed as regularly as possible and encouraged to support the Academy. If it is felt that the normal disciplinary actions of the Academy are having little effect, then the student will move on to the Pastoral Support Plan. This will be specifically designed to counteract those misdemeanours causing the most problems. The Plan will be led by the Director of Support

7.5 All stages of the procedure are documented, and parents are always informed of any action taken by the Academy. Continuous misbehaviour will bring the student to the point of exclusion. It should be noted that, in order to progress to this stage, the student must have seriously contravened Academy regulations, either by a one-off exceptional circumstance where either the law is broken or the student is 'beyond the control of the school' or by persistent defiant behaviour. In such cases, the Principal may take the decision to exclude the student for a number of days (a fixed-term exclusion). The governors will be informed after five days.

8 Reintegration

8.1 Following any fixed-term exclusion, the Academy will take reasonable steps to meet with parents and students to ensure there is clarity around the reasons for the action and also to discuss the student's reintegration. This meeting will be attended by a member of the executive team. At the meeting, the strategy for reintegration and managing the student's behaviour will be discussed. Targets will also be set.

9.0 The Decision to Permanently Exclude

9.1 There will be exceptional circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a child for a first or 'one-off' offence. Please see the Student Behavior Policy for more details but such offences might include:

- a) serious actual or threatened violence against another student or a member of staff;
- b) sexual abuse or assault;
- c) persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying);
- d) making a malicious serious false allegation against a member of staff;
- e) supplying an illegal drug;
- f) carrying an offensive weapon;
- g) repeated possession and/or use of an illegal drug or drug paraphernalia on school premises.

10 The Governing Body

10.1 In the case of a permanent exclusion, the Academy's Student Disciplinary Committee (at least 3 governors, must arrange a hearing within 15 days of receiving the notification. The Governing Body must ensure the student's name is removed from the school roll once 15 days have passed since the parents have been notified. In the case of an application to an independent review panel, the Academy should wait to remove the student from the school roll. The Governing Body does not have the right to overturn a Principal's decision to fixed-term exclusion for less than five days. In the case of exclusions bringing the total days of a student's exclusion to more than 15, or in the case of a fixed-term exclusion of more than five days, the committee must consider within 50 school days of receiving the notification from the parent. The committee will set out its decision in writing to the parents.

11 Monitoring and review

11.1 This policy will be reviewed annually by the Principal in conjunction with the governing body.

11.2 All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Reviewing the Principal's Exclusion Decision

