



Exclusions of Pupils Policy

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Associated documents:			
https://www.gov.uk/government/publications/school-exclusion		https://www.gov.uk/government/publications/send-code-of-practice-0-to-25	
Links to:			
http://dalp.org.uk/wp-content/uploads/2019/08/Behaviour.pdf		http://dalp.org.uk/wp-content/uploads/2018/08/Special-Educational-Needs-and-Disabilities.pdf	
http://dalp.org.uk/wp-content/uploads/2019/08/Anti-bullying.pdf		https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak	

Contents

1	Power to exclude	3
2	Grounds for exclusion	3
3	Types of exclusion	4
4	Making the decision to exclude	5
5	Investigating the circumstances	8
6	Reviewing an exclusion	9
7	Notification of the Local Academy Committee decision	9
8	During an exclusion	10
9	Covid –19 exclusion guidance	11

Diverse Academies has the highest concern for the safety and wellbeing of the children and staff in our community, and we work hard to ensure that our ethos and environment supports student learning and success.

Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible.

This policy outlines the Diverse Academies use of exclusions and is supported by, and should be used in conjunction with, our Trust Behaviour Policy.

1 Power to exclude

The Principal is the only member of staff within the academy who can exclude a pupil, either permanently or for a fixed term. In the absence of the Principal, the Senior Principal or Vice-Principal can make this decision.

The Local Academy Committee (LAC) can review the Principal's decision and consider representations from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves. For more information on the LAC's role in exclusions, see section 5.

In making decisions on exclusions, the Principal and LAC must have regard to the statutory guidance issued by the Department for Education on exclusions – linked documents to this policy.

2 Grounds for exclusion

Any exclusion, whether fixed term or permanent, will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the pupil to remain in the academy would seriously harm the education and/or welfare of the pupil or others in the academy community.

In line with the Trust behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to pupils
- physical abuse to/attack on staff
- physical abuse to/attack on pupils
- indecent behaviour

- damage to property
- misuse of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which academy sanctions and other interventions have not been successful in modifying the pupil's behaviour.

3 Types of exclusion

3.1 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the academy only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- serious, actual, or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the academy to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the LAC to ensure that the Principal's decision was lawful, reasonable, and fair. The Principal can withdraw an exclusion that has not yet been reviewed by the LAC.

3.2 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the academy at the start of the exclusion period. If a pupil is excluded for more than 45 days in one academic year, they will be permanently excluded.

A fixed-term exclusion may result from a serious breach or persistent breaches of the Trust behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the academy under the behaviour policy but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term exclusion by the Principal if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the academy's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the exclusion period.

An excluded pupil has no automatic right to take a public examination or National Curriculum tests on the academy's premises. The LAC can decide whether or not to allow the pupil to sit the tests, and this will depend on the seriousness of the reason for exclusion.

3.3 Lunchtime exclusion

This is a type of fixed-term exclusion and will not be used as a long-term solution to a behaviour problem. A lunchtime exclusion counts as half a day when calculating total number of days of exclusion.

The academy may decide to exclude a pupil from the academy premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils and breaches the behaviour policy. Arrangements will be made for parents or carers to collect the excluded pupil and supervise them if their age or vulnerability warrants it. The academy will not normally invoke a lunchtime exclusion for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour.

Pupils who are entitled to free academy meals will still be given this provision over their period of lunchtime exclusion.

4 Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the academy, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

If it is decided that exclusion is necessary, the parents or carers of the pupil will be notified, and the circumstances surrounding the exclusion will be formally recorded.

4.1 Alternative behaviour management strategies

Internal exclusion

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the academy. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the academy site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Mediation

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Managed move

It may be in the best interest of a pupil to have a chance of a fresh start by moving to another academy. This will only occur in consent with parents, the Local Authority, the Principal, and the LAC. The new academy will be asked by the Principal to accept the pupil.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the academy will do everything it can to ensure that the transition is as smooth as possible.

4.2 Looked-after children and young people

Diverse Academies understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional pressures they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in academy. Before any decision to exclude is made, the academy will (as appropriate):

- consult the LA about alternative options to support a looked-after pupil
- consult the LA about what alternative provision will be available if the pupil is excluded
- involve the child's social worker as early as possible to help the academy avoid exclusion
- work with the foster carer to improve the pupil's behaviour.

4.3 Pupils with special educational needs or a disability (SEND)

Pupils with SEN

Our Trust's full SEN provision and commitment to inclusion is outlined in our special educational needs policy and the SEN Information Report. Our academies work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. Our academies will try every practical alternative to exclusion - including the established 'graduated response' and 'inclusion' strategies - but there *may be some* cases where it cannot be avoided.

If a permanent exclusion is made, the Principal will use the time between the initial decision and the LAC's review to see whether a change of circumstances might enable the academy to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that their SEN statement/EHC Plan be changed to name a different academy, in which case the academy will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Pupils with a disability

If a pupil with a disability is under consideration for exclusion, the Principal will ensure that all other possible options have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the academy may be material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability. You can find more information on reasonable adjustments in our Trust accessibility plan and our Equality Policy.

4.4 Ethnicity

Diverse Academies does not discriminate against any person and our ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the academy, in the first instance, following the process outlined in our **complaint's procedure**. Where the issue arises in relation to an exclusion, the academy will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

5 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made.

Before the decision to formally exclude is made, the Principal will, when necessary:

- inform parents / carers that an investigation is taking place
- ensure that the academy has undertaken a thorough investigation
- consider all the evidence available
- reserve the right to internally isolate / remove the pupil from mainstream lessons until the evidence and investigation has been completed
- ensure that the pupil has access to learning whilst the investigation takes place
- encourage the pupil to give his or her version of events

and may, when appropriate:

- take into account the academy's behaviour protocols and all other relevant policies including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the LAC or management committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

5.1 Confidentiality

The academy will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

5.2 Recording and notifying the decision to exclude

All exclusions will be formally recorded and the Principal will contact the parents or carers of the pupil immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing. The Principal will notify the LAC and LA within one day of

the decision to exclude being made where the exclusion is permanent or is a fixed term exclusion which results in the pupil being excluded for a period of *more than 5 academy days* in a term or where the exclusion will result in the pupil missing a public examination or national curriculum test.

6 Reviewing an exclusion

The LAC will review fixed-term exclusions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil being excluded for *16 days or more* of an academy term or missing a public exam. The LAC will look at the evidence and the records leading up to the exclusion and decide whether, in light of the evidence and his/her legal duties, the Principal has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents who want a review of the exclusion can contact the Local Academy Committee (LAC). Subject to the type and length of the exclusion imposed by the Principal, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the LAC board with any written statements or evidence that they might have relating to the exclusion prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The pupil concerned is encouraged to attend if they are able to fully understand the proceedings. Diverse Academies believes that pupils should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

Contact details of individual academy LACs are available on the respective academy website and the local academy appendix to this policy.

7 Notification of the Local Academy Committee decision

Parents will be notified of the outcome of the LAC review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the LAC review. The outcome of the LAC meeting will be one of the following.

- Upholding the exclusion

If the LAC finds that the exclusion decision was lawful, reasonable, and fair, they will uphold the decision to

exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and the reasons for it should be given
- that the notice of appeal must set out the reasons for the request

- the right to an SEN expert to attend the independent review panel

- the right to have a representative at the independent review panel at the parents' own expense
- that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)

- that a claim to the county court can be made for other forms of discrimination.

Reinstating the pupil

If the LAC decides that the decision to exclude was not lawful, reasonable or fair in light of the evidence and the duties of the Principal, the LAC must reinstate the pupil immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil is easily reintegrated into the academy. *This will include a reintegration interview with the Principal and parent or carer on academy grounds, during which a pastoral support plan will be drawn up.*

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The LAC may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

8 During an exclusion

Although the Principal has made the decision to exclude a pupil, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion, the academy will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed term, the academy will arrange for alternative full-time educational provision.

If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs.

Alternative provision might be arranged at:

- another academy in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has a SEN statement/EHC Plan, the alternative provision will meet those needs.

9 Covid –19 exclusion guidance

All exclusion panels during the period September 1, 2020 to March 25, 2021, will adhere to the present requirement for safe social distancing. Diverse Academies follow the guidance as laid out in the DfE document:

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

Where possible and desirable, all panels will meet remotely via video conference. Parental preference will be taken into account, wherever practicable, when clerks arrange meetings.

This policy will be reviewed annually in September