



Exclusions Policy

Nominated Lead Member of Staff:	David Bell
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Status & Review Cycle:	Annual
Next Review Date:	September 2020

Introduction

We firmly believe in good discipline as we feel it is essential to ensure that all pupils can benefit from the educational and social opportunities that the Altius Trust offers. The exclusion of a pupil will only be 'used as a last resort in response to a serious breach or persistent breaches of the Trust's behaviour policy'.

We treat all pupils fairly and all decisions to exclude will be lawful, reasonable and fair. We will not discriminate against pupils on the basis of protected characteristics. All pupils who are vulnerable to exclusion will be treated fairly.

We believe this policy should be a working document that is fit for purpose, represents the Trust ethos, enables consistency and quality across the Trust and is related to the following legislation:

- Education Act 2002
- Anti-social Behaviour Act 2003
- Education Act 2005
- Education and Inspections Act 2006
- Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (England) Regulations 2006
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Education Act 2011
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

The following documentation is also related to this policy:

- Exclusion from Maintained Schools, Academies and pupil Referral Units in England (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)

The Governing Body and staff accept the Trust's Behaviour for Learning policy and seek to create an environment across the Trust that encourages and reinforces good behaviour. It is acknowledged in the behaviour policy that exclusion, in appropriate circumstances, is a sanction that can be used in the Trust.

The Governing Body has taken account of the DfE advice contained in 'Exclusion from maintained academies, academies and pupil referral units in England' (September, 2017).

The Principal and members of the Trust's Exclusion Committee are expected to acquaint themselves fully of their duties under the policy, and the relevant DfE guidance.

Aims:

The Governing Body will:

- give appropriate support to the Principal in exclusion issues;
- use its best endeavours to ensure that the Trust does not interfere with the continuous education of a student beyond what is necessary to modify behaviour;
- ensure that exclusion is used appropriately within the framework of the Trust's behaviour for learning policy; and
- discharge appropriately its statutory duties concerning the consideration of reinstatement of excluded students.

Guidance for Exclusions:

Parental Involvement: At all stages of the exclusion process, the Principal is expected to seek parental co-operation.

Equal opportunities: In making decisions about exclusion the Principal and Exclusion Committee will take into account any Special Educational Needs, disabilities, gender, and cultural differences that may be relevant to the case.

Types of exclusion: Exclusions can either be for a Fixed Term or Permanent. Indefinite exclusions are not permissible by law. The Principal can exclude a disruptive student for the duration of a lunch break which will count as half a Trust day. In certain circumstances at the discretion of the Principal, the Trust will treat poor behaviour off-site as though it occurred on the premises.

Alternatives to Exclusion: Exclusion is a severe sanction and the Trust will try to provide alternatives to exclusion where possible. Alternatives may include:

- A restorative justice process – whereby the harm caused to the 'victim' can be redressed;
- A mediation process;
- Internal exclusion, for example using the Trust's Defeat Defiance room(s)
- Respite or a managed move to another academy or school.

The threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another academy or school.

The Decision to Exclude:

Appendix 1 provides a checklist for the Principal when making a decision to exclude. Students should only be excluded in cases of a serious breach, or persistent breaches, of the Trust's Behaviour for Learning / Anti-Bullying Policy or if the continued presence of the student in the school would seriously damage the education or the welfare of the student or others in the school.

Only the Principal (or the Senior Vice-Principal in charge on the day, if the Principal is absent from school) can exclude a student.

Before deciding to exclude a student the Principal will:

- Ensure that an appropriate investigation has been conducted;
- Ensure that all the relevant evidence has been considered;
- Give the student an opportunity to be heard; and
- Consult other relevant people if necessary.

Having considered these matters the Principal will make a decision based normally on the balance of probability, having regard to any current guidance from the Department of Education. If the balance of probabilities has been established, the student may be excluded.

The Principal is permitted to exclude a student for one or more fixed term periods not exceeding 45 school days in any one school year.

A decision to exclude a student permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail, or if an exceptional 'one-off' offence has been committed e.g.:

- Serious violence, actual or threatened, against a student or member of staff;
- Sexual abuse or assault;
- Supplying an illegal drug;
- Carrying an offensive weapon; or
- Any other one-off offence considered by the Principal to be an exceptionally serious one.

Education for excluded students

If a student is excluded, the school will continue to set and mark work for them during the first five days of exclusion, and provide alternative education from the sixth day. (In the event of a permanent exclusion the Local Authority will be responsible for the provision of alternative education from the sixth day.)

The Principal, in consultation with the relevant members of staff will consider the following:

- How the student's education will continue;
- How his/her problems might be addressed in the interim; and
- Reintegration post-exclusion.

Procedure for Exclusion

Appendix 5 outlines the procedure following an exclusion decision by the Principal.

Informing Parents: Parents should be informed without delay (by telephone, with a follow-up letter within one school day) and should be given the following information;

- In cases of fixed term exclusions, the length of the exclusion;
- In cases of permanent exclusion, that it is a permanent exclusion;
- The reasons for the exclusion;
- Their right to make representations to the Governing Body and how any representations should be made.

Written notification of this information can be provided by delivering it directly to parents, leaving it at their last known address or by posting it to this address.

The letter to parents should also state:

- the latest date by which the Exclusion Committee must meet to consider the case (if necessary);
- the parent's right of access to the student's school record;
- the date and time when the student should return to school (with a fixed term exclusion) or the number of lunch-times for which the student is excluded (with lunch-time exclusions);
- with a permanent exclusion, its immediate effect and any relevant previous history;
- arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school);
- where considered relevant by the Principal, links to local services, such as Traveller Education Services or the local parent partnership www.parentpartnership.org.uk

Where the parents' first language is not English, consideration will be given, where practical, to translating the letter or taking additional steps to ensure the exclusion and parents' right to make representation to the governing body have been understood.

Informing the Governing Body and Local Authority

The Principal will inform, without delay, the Governing Body and the Local Authority of:

- Permanent exclusions;
- Exclusions totalling more than 5 school days or 10 lunch-times per term;
- Exclusions necessitating a student missing a public examination.

If the student lives outside the Local Authority in which the school is located, the students "home authority" must be informed without delay.

For all other exclusions the Principal must notify the Local Authority and Governing Body once a term. Notifications must include the reasons for the exclusion and the duration of any Fixed Term Exclusion. In addition, within 14 days of a request, the Governing Body must provide the Secretary of State information about any exclusion within the last 12 months.

Responsibilities of the Governing Body

Delegation of functions: The Governing Body may delegate their functions to the consideration of exclusion to a designated Exclusion (Discipline) Committee consisting of at least three governors. Prospective panel members must declare any conflict of interest at the earliest opportunity. The committee has a duty to consider parents' representations about exclusion. The requirements to consider exclusion depend on a number of factors.

The requirements on a Governing Body to consider an exclusion:

The designated Exclusion (Discipline) Committee will review the exclusion and consider any representations from parents. The governors have decided that for exclusions under 6 days only written representations will be accepted.

On being informed of an exclusion by the Principal, the exclusion committee must:

- With Fixed Term Exclusions totalling fewer than 6 school days in one term, convene a meeting of the Exclusion Committee to consider representations from the parents, if these are made
- With Fixed Term Exclusions that would result in a student missing a public examination, arrange a meeting to review the exclusion within 15 days.
- In the case of Fixed Term Exclusions totalling more than 5, but not more than 15 school days, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations between the 6th and the 50th school day after being notified of the exclusion;
- In cases of permanent exclusion or where one or more fixed term exclusions add up to more than 15 days in any one term, arrange a meeting to review the exclusion between the 6th and the 15th school day after being notified of the exclusion.

The process for considering the reinstatement of an excluded student

When the Governing Body is legally required to consider the reinstatement of a student the following parties must be invited to a meeting of the Exclusion Committee and allowed to make representations:

- the parent (and where requested, a representative or friend)
- the Principal; and
- a representative of the local authority

The excluded student would usually be allowed to attend and to speak if the parent requests this.

The Exclusion Committee should:

- Take reasonable steps to arrange the meeting for a date and time that is convenient to all parties and make reasonable adjustments for people to use the school;
- Not discuss the exclusion with any party outside the meeting;
- Request written statements before the meeting; and
- Circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties;
- Allow parents and students to be accompanied by a friend or representative;
- Identify the steps it will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (with parents consent)
- Ensure clear minutes are taken and made available to all parties on request
- Ask all parties to withdraw before making a decision

Appendix 3 outlines a suggested procedure for the meeting whilst Appendix 4 shows a model agenda. The Exclusion Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance.

Notifying people of the Governing Body's decision

Where legally required to consider an exclusion, the Governing Body must notify parents (giving it directly to parents; leaving it at their last known address; or by posting it to this address), the Principal and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the student resides in a different Local Authority from the one where the school is located, the Governing Body must also inform the student's 'home authority'.

In the case of a permanent exclusion the Governing Body's notification must also include the fact that it is permanent and notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Governing Body's decision was given to parents);
- The name and address to whom an application for a review (and any written evidence) should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student's special educational needs are considered to be relevant to the exclusion;
- That, regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Local Authority / Trust to appoint an SEN expert to attend the review;

- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
- That parents may, at their own expense, appoint someone to make written and / oral representations to the panel and that parents may also bring a friend to the review.

Statutory guidance to schools on marking attendance registers following exclusion

Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E.

Monitoring of Exclusions:

The Vice Principal with responsibility for Character and Culture and / or the Vice Principal for Health, Well-Being and Safeguarding will report to the Governing Body half termly on exclusions.

Appeals

Where the governing body decides to uphold an exclusion they should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision to uphold an exclusion.

Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. 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 a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

The Trust's duty to arrange an independent review panel

Arranging a date and venue

If applied for by parents within the legal time frame the Trust must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 74); or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion²⁴

Any application made outside of the legal time frame must be rejected by the local authority / Trust.

The Trust must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court²⁵

Parents may request an independent review panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion. .

The Trust must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the Trust received the parent's application for a review (panels have the power to adjourn a hearing if required).

The Trust must arrange a venue for hearing the review, which must be in private unless the panel directs otherwise.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

The governing body's duty to reconsider an exclusion decision following a review

Where the panel directs or recommends that the governing body reconsiders their decision, the governing body must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

If, following a direction to reconsider, the governing body does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision, an adjustment may be made to the schools budget in the sum of £4,000. In the case of a Trust, the school would be required to make an equivalent payment directly to the local authority in which the school is located. This payment will be in addition to any funding that would normally follow an excluded pupil.

If the governing body offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget. The governing body must comply with any direction of the panel to place a note on the pupil's educational record. This includes noting that, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community or voluntary controlled school, the governing body may appeal against the decision of the local authority as the admission authority to admit the child.

In the case of either a recommended or directed reconsideration, the governing body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the Principal;
- the local authority and, where relevant, the 'home authority'.

Appendix 1: Principal's checklist for a decision to exclude

The following are not all statutory requirements, however they are all essential to ensure best practice and to minimise the possibility of a decision to exclude being overturned or reversed at a later date.

“The decision to exclude a pupil must be lawful, reasonable and fair” (DfE, Guidance on Exclusions).

AVOIDING ‘HEAT OF THE MOMENT’ UNLESS IMMEDIATE DECISION NECESSARY

‘Exclusion in the moment’ should not be imposed, unless there is an immediate threat to the safety of others in the school or the pupil concerned’ (DfE 2008. Part 2, para 12).

REQUIREMENTS FOR EXCLUSION

Only the Principal can exclude (or in their absence, the person with that delegated responsibility)

Decision to exclude (permanent or fixed-term) should be taken only:

In response to serious breaches of the school’s behaviour policy; AND

If allowing the pupil to remain would seriously harm the education/welfare of pupil or others in the school.

For exclusion on basis of persistent disruptive behaviour:

Is this the last resort following a wide range of strategies that have been unsuccessful?

Do you have evidence of the persistent disruptive behaviour, and the range of strategies used and their impact?

For serious first offence or one-off incident:

Is this a serious incident? (e.g. serious actual or threatened violence; sexual abuse or assault; supplying illegal drug; carrying an offensive weapon?)

Is there no other alternative which would be appropriate?

INVESTIGATION CONDUCTED

Ensure a thorough investigation is carried out;

Record actions taken to investigate

Keep records of interviews

Interview records and statements must be dated and should be signed

Allow/encourage the pupil concerned to give their version of events and record this

Check whether incident may have been provoked (to get full picture of the situation)

SPECIAL CONSIDERATIONS FOR SPECIFIC GROUPS (DfE, Guidance on Exclusions):

Special Educational Needs:

Have the pupil's special educational needs been identified and addressed?

For pupil with a statement, has the situation been discussed with the LA/early review been considered?

For pupil with a statement, is exclusion undertaken only in exceptional circumstances?

Pupil with Disability:

They should not be excluded for behaviour relating to their disability.

Have reasonable adjustments been made to ensure the pupil can fully participate and to ensure they are not placed at a disadvantage because of their disability?

Looked After Children:

Have social workers (and other agencies) been involved from an early stage to avoid exclusion?

Is exclusion the 'absolute last resort'?

Have options other than exclusion been considered with the Local Authority?

If Pupil is EAL:

Has consideration been given to indirect or unintended discrimination? (Equality Act 2010).

CONSIDER, CONSULT AND DECIDE:

Have alternatives to exclusion been considered (e.g. internal exclusion, managed move etc)?

If attendance at a public examination or national curriculum test would be jeopardised by an exclusion, schools must inform the governing body and LA immediately.

If it is a drug incident, refer to school's drug policy and consult with designated staff member

Consider the evidence of behaviour in the light of the school's behaviour policy and the impact on the education/welfare of others – the standard of proof is the balance of probabilities.

Consult with others; but not those that may be involved in reviewing the HT's decision, for example, the Governing Body as they need to be independent.

Consider child protection issues, bearing in mind the child's age and vulnerability, e.g. child not left to wander street, or enter an unsafe situation. (Ultimately, this may lead to LA/police involvement)

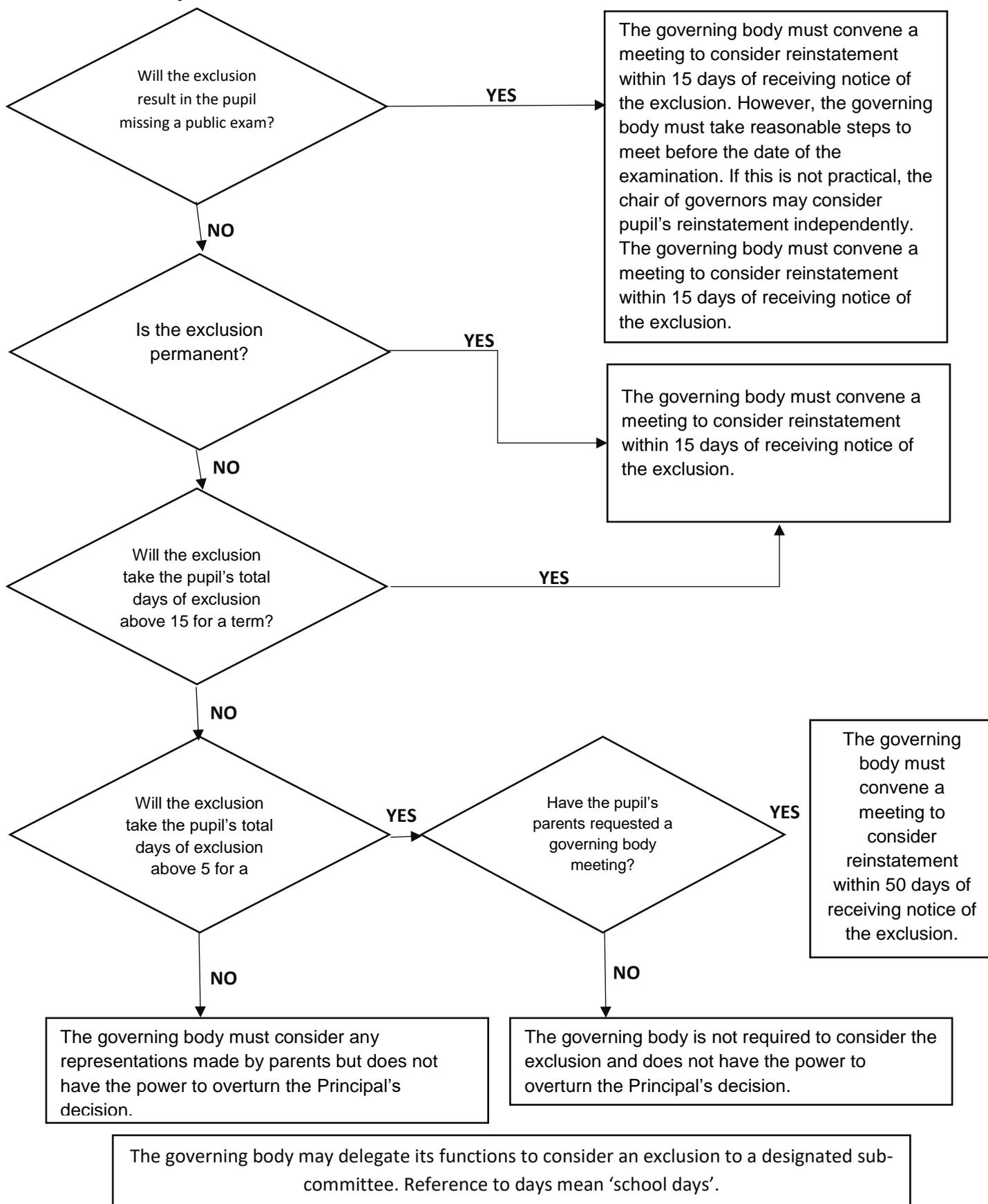
Make a decision

If the Governing Body Exclusion Committee will need to meet to consider the decision to exclude, you will need to have evidence of the following to support the case: recent dated behaviour reports

and other documentation/ EHCP reviews as appropriate to each case. These must evidence, in a chronology, targets, strategies offered and taken up / internal and external advice and support/ interventions, engagement with parents and pupils over time.

Record your consideration of the relevant issues above and of decision.

Appendix 2: The Governing Body's duties to review the Principal's exclusion decision



Appendix 3: Exclusion Committee Suggested Procedure

1	The governors gather on their own, supported by the Clerk. The Principal, student, parents (and their representative/friend if any) and LA representative (if present) then enter together, as equals.
2	The Chair of the Committee: introduces all those present and their role; explains the purpose of meeting (to review the Principal's exclusion); explains the order of the meeting.
3	The Principal outlines the case for exclusion, referring to the Principal's report.
4	Governors, parents and their representative, student and LA representative have the opportunity to question the Principal.
5	Parents (& their representative) present their case. If parents are not present, the Clerk should read out their written submission if sent. If the student is present, the Chair should ask for their views.
6	Principal, governors and LA representative have the opportunity to question parents and student.
7	For permanent exclusions - LA representative gives view. (If LA has made written representations then these should be read out.)
8	For permanent exclusions - All present have the opportunity to question the LA representative.
9	Principal sums up the case for exclusion.
10	Parents sum up their view.
11	All leave, except the Clerk who remains to advise the governors on the decision. The clerk may stay with the Committee to help it by making reference to the notes and with the wording of the decision letter.

No party to the review should be alone with the governors at any point before, during or after the meeting. Governors should not discuss the exclusion with any party outside of the meeting.

Appendix 4: Model Exclusion Committee Agenda

GOVERNORS' MEETING: Exclusion Review

Venue:; Date:; Time:

AGENDA

Purpose of Meeting: to review the fixed-term/permanent exclusion of [name of pupil] from [name of school] for the period of... days the exclusion began on [date]. (Delete as appropriate.)

Invitees:

- [list invitees]

Schedule of Meeting

1. Clerk/ other invites attendees into the meeting, and makes introductions
2. Chair explains the purpose of the meeting, and the sequence of the meeting
3. Principal's representations, referring to Principal Report
4. Questions for Principal from attendees
5. Parents' representations and pupil views
6. Questions for parent (and pupil) representations from attendees
7. (For permanent exclusions) Local Authority representations (by letter or in person)
8. (As appropriate) Questions for LA representative from attendees
9. Principal sums up the case for exclusion
10. Parents sum up their view
11. All withdraw except Governors and Clerk/ Minute secretary
12. Governors consider the exclusion with the Clerk/ Minute Secretary present, and come to decision
13. Governors consider a draft wording of the letter to parents

Attendees will be informed of the decision by letter. (GM may also inform attendees by telephone the same day, as appropriate)

Appendix 5: Summary of Procedures following an Exclusion

School day of exclusion	Permanent Exclusions	Fixed-Term Exclusions cummul. days in a term		
		16+ days in total in a term	6-15 days (in total) in a term	Up to 5 days (in total) in a term
Same day	<ul style="list-style-type: none"> • School notifies parent of exclusion without delay by the end of the afternoon session of the period and reason (by telephone, email, text or letter home with the pupil [check delivery]). • School sends parent letter to be delivered directly to the parents, leaving it at their last known address: or by posting it to this address. • Inform the governing body without delay for permanent exclusions, exclusions of more than 5 days, where the exclusion will take the pupils total above 15 days for a term, or where the pupil will miss a public exam or national curriculum test. 			
School Day 1	Exclusion letter received by parent		Parents may request a meeting with governors. If so, follow procedure shown to left – to meet between 6th and 50 th school day. If parents are to make a request for a governors’ meeting, they should do this ‘as soon as possible’	Parents may wish to make representations to governing body – governors must consider this but do not have to meet with parents nor have the power to overturn an exclusion
	Governors (particularly Chair) – to consider immediate plans if exam/NCT in jeopardy.	Perm Ex Reporting Form emailed to LA: exclusions@manchester.gov.uk		
As soon as practicable - info. sent to clerk before Governors’ Meeting	Principal’s Report prepared and sent to Clerk of Governors/ other person. Report should include: <ul style="list-style-type: none"> • Reasons for exclusion • Account of investigation • Corroborative evidence • History of behaviour and strategies used Included with Principal’s report: witness statements (anonymised) and any IEP/PSP			
	Parental representations prepared by parent and sent to Clerk of Governors/ other person			
School Day 6	From 6th day, <u>Local Authority</u> responsible for providing fulltime education	From 6th day, <u>school</u> responsible for providing full-time education	From 6th school day, school is responsible for providing full-time education	
By at least 5 school days before the Governors’ Meeting	Preparation for Governors’ Meeting (GM). Governors’ Clerk/ other person will: <ul style="list-style-type: none"> • Determine who will attend GM (HT, parent (with rep/friend?), pupil? LA rep. for perm. exc.) • Determine date, time, place for GM which is acceptable for all parties • Send letter of invitation with list of attendees • Circulate <u>all</u> papers for GM to <u>all</u> of Principal, parent (and LA for permanent exclusions only), including whole Principal Report and parent representations 			
By school Day 15	Governors’ Meeting			
1 School Day after GM	Letter of GM decision to parents, HT & LA			
Upto 3 working days after GM	LA also writes to parent explaining independent appeal/review process			
Up to 15 school days after GM letter received	Parent can lodge appeal with the Independent Review Panel		No appeal to Independent Review Panel can consider fixed-term exclusions.	
16 School Days after GM letter	If no review requested, pupil taken off roll			
Within 15 School Days of request for IRP	Independent Review Panel (IRP) meets <u>only if requested</u>			