



# Exclusion Policy 2021

## BASE Academy Trust

Policy Reviewed:	September 2021
Next Review:	September 2022
Signature of Chair of Trust Board: Craig Graham	Signature of Executive Headteacher: Lisa Whittaker

## **BASE Academy Trust Exclusion Policy**

It is the policy of BASE Academy Trust to ensure that all schools within the Trust try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. Details of these strategies can be found in the behaviour policy of each school.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education and the government supports Headteachers in using exclusion as a sanction where warranted.<sup>1</sup>

### **Purpose of this policy**

This policy is designed to briefly outline the school's approach to exclusions within the statutory guidance on exclusion outlined by the Department of Education. This guidance provides greater detail and as such should be considered in conjunction with this policy. At BASE Academy we acknowledge that disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

### **Types of Exclusion**

There are two types of exclusion: Fixed Term and Permanent.

- *Fixed Term exclusion:* These exclusions are for a limited period and may include lunchtime exclusions. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days per academic year). The pupil returns after the exclusion period has expired. In exceptional circumstances, usually where further evidence has come to light, a fixed term exclusion may be extended or converted to a permanent exclusion.
- *Permanent exclusion:* These exclusions involve the pupil being removed from the school roll. If a pupil is permanently excluded from any school, the Local Authority (LA) has the duty to provide other suitable education. This may be a place in another school, a place in the local Pupil Referral or in out of borough provision.

### **Principles**

1) The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline.

2) Exclusion is a sanction used by the school in cases of breaches of the School Behaviour Policy such as, but not exclusively:

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other pupils' learning;
- Damage to school property
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

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<sup>1</sup> DFE (2012) *Exclusion from maintained schools, Academies and pupil referral units in England*.

- Pupil behaviour outside of school can also be considered as grounds for exclusion.

A decision to permanently exclude a pupil will only be taken:

- in response to a serious breach, or persistent breaches of the school behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

3) A Fixed Term Exclusion from the school can only be authorised by the Executive Headteacher or the Head of School. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

4) In the case of a Permanent Exclusion this can only be authorised by the Executive Headteacher

5) The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### **The Decision and Power to Exclude**

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

When establishing the facts in relation to an exclusion decision the civil standard of proof i.e. '*on the balance of probabilities*' will be applied requiring proof that it is more likely than not that a fact is true as opposed to the criminal standard of '*beyond reasonable doubt*'

**Fixed Term Exclusion** - The decision to exclude a pupil on a fixed term basis is the responsibility of the Executive Headteacher or Head of School. Fixed Term exclusions may not exceed 45 days in any one year.

**Permanent Exclusion** - The Executive Headteacher holds responsibility for taking the decision to permanently exclude a pupil. However in the absence of the Executive Headteacher the Head of School may exclude a pupil for a fixed period.

### **Notification of an Exclusion**

1) Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion bearing in mind that incidents requiring exclusion will require significant investigation and therefore notification may be some time after the original incident although without unnecessary delay. Notification will be given on the day of exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day.

2) In the case of a Permanent Exclusion parents will be notified by the Executive Headteacher or Head of School in a face-to-face meeting.

3) A pupil who has been excluded will have the reason for his/her exclusion explained to them so that they understand the nature of their misbehaviour.

5) For a fixed term exclusion, a copy of the exclusion letter sent to parents is kept in school and the exclusion is recorded on to SIMS where this is then accessed by the Behaviour Support Service.

6) The Local Governing Board and Trust Board are informed termly about the number of fixed term and permanent exclusions.

### ***Permanent Exclusions***

A school will only permanently exclude a pupil as a last resort, after trying to improve the pupil's behaviour through other means. However, there are exceptional circumstances in which the Executive Headteacher may decide to permanently exclude a pupil because of ongoing issues or in the case of an extremely serious 'one-off' incident.

If a pupil has been permanently excluded:

- As with fixed term exclusions, parents will be informed in writing of the decision to exclude and their right of representation and appeal at a disciplinary committee meeting, to be arranged within 15 school days.
- Work will be sent home and marked when returned for the first 5 days.
- From day 6 the local authority are responsible for providing full time alternative educational provision
- If the Trust Board confirms the exclusion, parents can appeal to an independent appeal panel organised by the Trust Board

### **Pupils Returning from a Fixed Term Exclusion**

All pupils returning from a Fixed Term Exclusion are invited to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school. The school will also work to support the pupil on his/her return. This will include input from staff at the school, parents and any other appropriate bodies e.g. Behaviour Support Service, Attendance Officer or the School Counsellor. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

### **Appeals<sup>2</sup>**

The Local Governing Board has a duty to consider parents' representations about an exclusion but the requirements of this depend upon a number of factors as illustrated in Annex A.

The Local Governing Board must consider the reinstatement of an excluded pupil within 15 days of receiving notice of exclusion if:

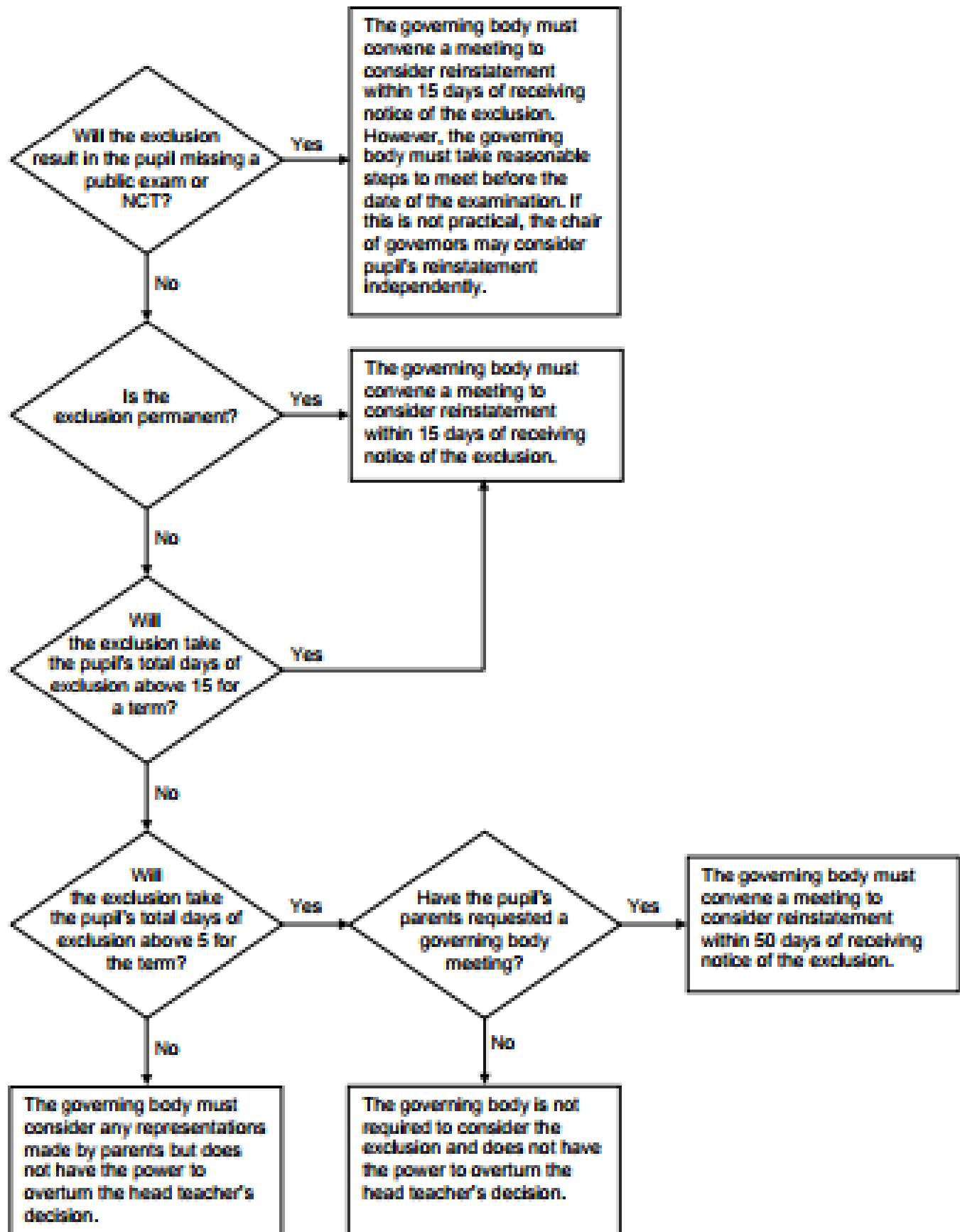
- the exclusion is permanent;
- it is a fixed term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- where it would result in a pupil missing a public examination or national curriculum test

In the case of a fixed term exclusion which does not bring the pupil's total number of days exclusion to more than five in a term, the Local Governing Board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

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<sup>2</sup> DFE (2012) *Exclusion from maintained schools, Academies and pupil referral units in England* p 13

## Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

Where the Local Governing Board is legally required to consider an exclusion they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The Local Governing Board must also consider any representations made by:

- parents;
- the Head of School or Executive Headteacher

In the light of their consideration, the Local Governing Board can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Local Governing Board must, in any event, consider whether the decision to exclude the child was justified based on the evidence.

Where legally required to consider an exclusion, the Local Governing Board must notify parents, the Executive Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.

### **Independent Review**

If applied for by parents within the legal time frame, the Academy Trust must, at their own expense, arrange for an independent review panel hearing to review the decision 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 exclusion<sup>24</sup>

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

### **Relationship to other school policies and guidance**

The Exclusion Policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly those related to Special Educational Needs, Equality and Physical Intervention. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy. Further detail as to statutory aspects such as arranging an independent review panel can be found in the DFE statutory guidance *Exclusion from maintained schools, Academies and pupil referral units in England*.

## **Roles/Responsibilities**

### **Executive Headteacher:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to exclude either fixed term or permanently having checked all evidence.
- Send details of the exclusion to the Chair of the Trust and the LA.
- Monitor the implementation of the policy and regularly report to the Trust Board.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and by letter.

### **Head of School:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to exclude on a fixed term basis having checked all evidence.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and by letter.
- Send details of the exclusion to the Executive Headteacher
- Report fixed term exclusions termly to the Trust and the Local Governing Board
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to the Local Governing Board and Trust Board.

### **Classteacher:**

- Keep appropriate records of incidents that may lead to the decision to exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Use the time of the exclusion to review provision eg: seating arrangements, differentiation, behaviour support.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

### **Trustees:**

- Review the policy in the light of monitoring.
- Attend Exclusion hearings as legally required.
- Arrange independent review panel as legally required

## **Equality**

All children will be treated equally and fairly throughout the implementation of this policy. The Head of School in conjunction with the Behaviour Lead will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed to the behaviours of those children eg: if more boys/SEND/minority ethnic group are represented in the records.

## **Training**

Whole staff and individual training needs will be identified through the Academy's self-evaluation process and staff appraisal.

### **Monitoring and Review**

- 1) The impact of this policy will be reviewed by the Local Governing Board and Academy Trust Board
- 2) Each school will report termly on the number of fixed term exclusions to the Local Governing Board and the Trust Board
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders