



St Columb Minor ACE Academy

POLICY

EXCLUSION POLICY

Responsibility:

Headteacher & Assistant Headteacher with responsibility for Inclusion

Governor Committee:

Board of Governors

Date Adopted by Governors: October 2017

Date to be Reviewed: Summer 2020

Rationale

This policy informs the Academy's use of exclusion. It is underpinned by the shared commitment of all members of the academy community to achieve a very important aim; To ensure the safety and well-being of all members of the academy community, and to maintain an appropriate educational environment in which all can learn and succeed.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:

- In response to a serious breach of the school's behaviour policy
- If allowing the student to remain in school would seriously harm the education or welfare of the pupil or others in the school

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the member of the Senior Leadership Team who is acting in that role).

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the Behaviour Policy:

- 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
- Verbal or physical abuse of other pupils or academy staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm

- Indecent behaviour

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.

Exclusion Procedure

Most exclusions are of a fixed term nature and are of short duration.

The DFE regulations allow the Headteacher to exclude a pupil for one or more fixed periods, not exceeding 45 school days, in one academy year.

The governors have established arrangements to review promptly all permanent exclusions from the academy and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in an academy term or missing an exam/test.

The governors have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a academy term where a parent has expressed a wish to make representations.

Following exclusion, parents are **contacted immediately** where possible. In addition to an initial call, where the reasons for the exclusion and the duration have been explained. A letter will be sent by recorded delivery giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body as directed in the letter.

A Return to School meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate.

During the course of a fixed term exclusion where a pupil is to be at home, parents are advised that the pupil is not allowed on the Academy premises and that daytime supervision is their responsibility as parents/guardians.

Work will be provided by the class teacher.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. As the final, formal step in a process for dealing with disciplinary offences following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including all forms of bullying.
2. When a serious criminal act has been committed. The school will involve the police in any such offence.

General factors the Academy considers before making a decision to exclude

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the academy's policies
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

The Headteacher needs to inform the Governing Body and the Local Authority about an exclusion.

DFE Guidance confirms that the Headteacher must without delay, notify the Governing Body and Local Authority of:

- A permanent exclusion
- Exclusions which would result in a pupil being excluded for more than 5 school days
- Exclusions which would result in a pupil missing an exam/test

It remains the case that where a child has been excluded for a fixed period of more than 5 days, the Governing Body must arrange suitable full time education for a pupil no later than the 6th day of the exclusion and for permanent exclusions, the local authority must arrange suitable full-time education no later than the 6th day of the exclusion.

Reinstatement

The Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving a notice of the exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring a pupil's total number of school days of exclusion to more than 15 in a term; or
- It would result in a pupil missing an exam/test

The Independent Review Panel

Parents have the right for the decision to be reviewed by an independent review panel. The academy will need to have a group who can form this independent role. The independent review panel can:

- Uphold the decision of the governing body
- Recommend that the governing body reconsiders the matter
- If it considers that the decision of the governing body is flawed when considered in the light of the 'judicial review principles', it can quash the decision of the governing body and direct that the original governing body reconsiders the matter.

Appointing an SEND expert

If requested by parents, the Academy Trust must appoint an SEND expert to attend the panel and cover the associated costs of this appointment. The responsible body must also make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents have a right to request the attendance of an SEND expert at a review regardless of whether the school recognises that their child has SEND.

Examples of suitable individuals to be an SEND expert include:

- Educational psychologists
- Specialist SEND teachers
- SENDCo and behaviour support teachers