



# Exclusion Policy

## Document Control

This document is issued, controlled and impact assessed by the Leadership Team.

The latest version of the procedure will be maintained on the School Website.

## Scope

The Trust is committed to ensuring that the Endeavour Academy is fully accessible, inclusive, welcoming and respecting of the diversity of children and young people, staff, local communities and visitors.

This policy is underpinned by the commitment of The Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

All staff work hard to ensure that the ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort, and we strive to reduce the need for exclusion as far as it is possible.

This policy outlines The Trust's policy in relation to exclusions and is supported by the school's Promoting Positive Behaviour Policy.

## Confidentiality

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

## Aims

The aims of exclusion are to:

- Prevent disruption to classes.
- Protect the educational, emotional and physical welfare of students and staff.
- Reinforce the discipline of the school.
- Provide, when necessary, a 'cooling off' period for the student.
- Involve parents / carers and students in discussing the student's future behaviour.
- In the event of lengthy fixed term exclusions, establish targets for improvement in identified areas.

## Power to Exclude

The Head of School is the only member of staff within the school who can exclude a student, either permanently or for a fixed-term. In the absence of the Head of School, the Deputy Head of School can make the decision.

## Making the Decision to Exclude

Exclusion of any sort, for any period of time, is taken very seriously by the Trust, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour as outlined in each school's Promoting Positive Behaviour Policy will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety.

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

## Reasons for Exclusion

There are two main reasons for exclusion: a serious breach of the school's Promoting Positive Behaviour Policy, or a situation where it is feared that the safety and wellbeing, or education, of other students is at risk.

In line with the school's Promoting Positive Behaviour Policy, the following actions constitute unacceptable behaviour and may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to students
- physical abuse to/attack on staff
- physical abuse to/attack on students
- indecent behaviour
- damage to property
- misuse of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another student 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 school sanctions and other interventions have not been successful in modifying the student's behaviour.

## Types of Exclusion

### *a. Permanent Exclusion*

Permanent exclusion is an extremely serious sanction, and a step taken by the Head of School in accordance with the Exclusion Policy as agreed by the Trust and the school's Promoting Positive Behaviour Policy only as an absolute 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 for a first offence is the only option. These include:

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

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by The Trust's Student Discipline Committee to ensure that they are justified and fair and have been dealt with in accordance with the policies and procedures agreed by The Trust. The Head of School can withdraw an exclusion that has not yet been reviewed by the Student Discipline Committee.

## ***b. Fixed-Term Exclusion***

The length of a fixed-term exclusion will be set out by the Head of School at the start of the exclusion period. If a student is excluded for more than 45 days in an academic year they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the school's Promoting Positive Behaviour Policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than detention, but does not warrant permanent exclusion.

A fixed-term exclusion can be changed into a permanent exclusion by the Head of School if the circumstances warrant it. In this case, parents / carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of the parent / carer.

An excluded student has no automatic right to take a public examination or National Curriculum tests on the school's premises.

## **Exclusion of Students from Specific Groups**

The Trust recognises that exclusion rates for certain groups of students are consistently higher than average and includes the following groups of students:

- Special Educational Needs (SEN)
- Free School Meals
- Looked After Children
- Certain Ethnic Groups

The school will ensure that any additional support needed to identify and address the needs of students in these groups to reduce exclusion is implemented.

The Trust also recognises there are certain groups of students with additional needs who are particularly vulnerable to the impacts of exclusion namely SEN and looked after children.

The Head of School will, as far as possible, avoid permanently excluding any student with an Education, Health and Care (EHC) Plan or a looked after child.

The school will engage proactively with parents / carers in supporting behaviour of students with additional needs. In relation to looked after children, the school will co-operate proactively with foster carers, social workers and the Local Authority (LA) that looks after the child.

Where the school has concern about the behaviour, or risk of exclusion, of a student with additional needs, an EHC plan or looked after child it will in partnership with others to consider whether additional support or an alternative placement may be required. This will involve assessing the suitability of provision for a student's SEN. Where a student has an EHC plan consideration should be given to requesting an early review or interim / emergency review.

## Investigating an Incident

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made, unless there is a threat to the safety of students or others at the school.

Before the decision to exclude is made, the Head of School will:

- ensure that a thorough investigation has been undertaken
- consider all the evidence available when looking to support the allegations
- encourage the student to give his or her version of events
- take into account the school's Promoting Positive Behaviour Policy and Equality and Diversity Policy, and relevant equalities legislation
- 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
- 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.

The Head of School may decide in the first instance to issue a fixed term exclusion in response to an incident to allow a thorough investigation to be conducted. Following the conclusion of the investigation the Head of School may decide to convert the fixed term exclusion too permanent.

Parents / carers should be informed of the Head of School's right to alter the decision should be referenced in the fixed term exclusion letter.

## Recording and Notifying of the Decision to Exclude

The Head of School must inform the Chair of The Trust and the Local Authority (LA) within one day of:

- all permanent exclusions
- exclusions which result in the student being excluded for more than 5 school days in one term
- exclusions which result in a student missing a public examination or national curriculum test

For all other exclusions the Head of School must notify The Trust and the LA once a term.

Notifications must include the reasons for the exclusion and the duration of any fixed term exclusion.

The Head of School must, without delay, notify parents of the duration of the exclusion and the reasons for it.

The Head of School must also, without delay, provide parents / carers with the following information in writing:

- The reasons for exclusion;
- The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents / carers' right to make representation about the exclusion to The Trust and how the student may be involved in this;
- How any representations may be made;
- Where there is a legal requirement for The Trust to consider the exclusion that parents / carers have the right to attend a meeting, be represented at the meeting (at their own expense) and to bring a friend.

## During an Exclusion

Whilst the Head of School has made the decision to exclude a student, The Trust maintain responsibility for the education of that child and will do everything possible to minimise the disruption to their education.

For the first five days of any type of exclusion, the school will set and mark work that the student should complete at home under the supervision of the parent / carer.

From the sixth day onwards, if the exclusion is fixed-term, The Trust 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:

- a shared joint facility
- a student referral unit
- a private provider
- a local FE college.

If the child has an EHC plan, the alternative provision will meet those needs.

## **Review of an Exclusion by the Student Discipline Committee of the Trust**

The Student Discipline Committee of The Trust will review fixed-term exclusions of any length on request of parents / carers who feel that the sanction is unjustified. For fixed term exclusions of less than 15 days' parents / carers who wish to request an appeal should do so, in writing, to the Clerk to The Trustees, Endeavour Academy. Parents / carers will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents / carers can provide written statements or evidence that they might have relating to the exclusion however, any documentation must be received by the Chair of The Trust in advance of the meeting. The Clerk to The Trust will ensure copies of any additional documentation is shared with the Committee and the Head of School. There will be an opportunity during the meeting for parents / carers to ask questions of the other parties.

They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a student being excluded for more than 15 days in one term or missing a public exam. The Committee will look at the evidence and the records leading up to the exclusion and decide whether the Head of School has made a fair decision and if exclusion is the appropriate sanction in accordance with the school's Promoting Positive Behaviour Policy and The Trust's Exclusion Policy.

The Student Discipline Committee will meet within 15 school days of the notification to exclude and will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school.

The Student Discipline Committee must also consider representations made by parents / carers and the Head of School. A parent / carer may invite a representative of the LA to attend a meeting of the Committee as an observer; the representative can only make representations with the consent of the Local Academy Council.

When establishing the facts in relation to an exclusion decision, the Committee must apply the civil standard of proof, in other words, 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the Committee 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 student has already returned to school following the expiry of a fixed term exclusion or the parents make clear they do not want their child reinstating, the Committee must consider whether the Head of School's decision to exclude was justified based on the evidence.

The Committee must also note the outcome of their consideration on the student's educational record, along with copies of the relevant papers for future reference.

In cases where the Committee consider parents / carers representations but does not have the power to direct a student's reinstatement, they should consider whether it would be appropriate to request the Head of School place a copy of the findings on the student's educational record.

The student concerned is encouraged to attend if they are able to fully understand the proceedings. The Trust believes that students 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.

The members of the Student Discipline Committee will have appropriate training to fulfil the role, and notes will be taken of any review proceedings.

Parents / carers will be notified within one school day of the outcome of the meeting.

The decision of the Student Discipline Committee in relation to a fixed term exclusion is final and there is no further right of appeal.

## **Right to an Independent Review of a Permanent Exclusion**

In respect of permanent exclusion, the outcome letter will confirm to parents / carers their right to request a review by an independent panel if they are unhappy with the decision of the Student Discipline Committee.

Parents / carers must request an independent review within 15 school days of being notified of the Student Discipline Committee's decision. The Trust will not consider any requests for a review received outside of the legal time frame. The review will be arranged within 15 days of receiving the request from parents / carers and the cost will be borne by The Trust.

The independent review panel can make one of the following decisions:

- Uphold the exclusion
- Recommend that The Trust reconsiders their decision
- Quash the decision and direct The Trust to consider the exclusion again



The decision of the independent review panel is binding on the student, parents, The Trust, Head of School and the Local Authority.

## **The Head of School's Duty to Remove a Permanently Excluded Student from the School's Roll**

Students who have been excluded will remain on the roll of the school until the 'effective date' of the permanent exclusion (i.e. the 16<sup>th</sup> day after the Student Discipline Committee's decision or when the parent / carer notifies the Independent Review Panel provider of their decision not to pursue an independent review). After this date the Head of School must remove a student's name from the school admissions register. The LA is legally obliged to provide full time education from the 6<sup>th</sup> day, following notice of permanent exclusion.

Where an application for an independent review has been submitted within 15 school days, the Head of School must wait until the review outcome has been determined or the review abandoned before removing the student's name from the school's roll.

Whilst an excluded student's name remains on the school's admission register the student 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 student attends it, an appropriate attendance code should be used. Where a student is not attending alternative provision they should also be marked with the appropriate code.

## **Documents and Records**

**Promoting Positive Behaviour Policy**  
**Equality and Diversity Policy**