

## EXCLUSION POLICY

<b>Member of Staff Responsible</b>	Principal
<b>Board of Directors' Committee Responsible</b>	Chair of the Board of Directors
<b>Related policies</b>	Behaviour Anti-bullying Misuse of Drugs and Substances
<b>Implementation date</b>	8 May 2018
<b>Review date</b>	7 May 2021

The UTC's exclusion policy and procedures must comply with the law and guidance on exclusions as detailed in the DfE document: "Exclusion from maintained schools, Academies and pupil referral units in England; a guide for those with legal responsibilities in relation to exclusion."

The procedures set out below must be followed:

1. Exclusion, whether fixed term or permanent, should be seen as the most serious sanction a school can impose, and should be used sparingly for maximum impact and only after other strategies have been tried and failed; or in response to a very serious incident, e.g. physical/verbal assault on a student or member of staff.
2. It follows that if a student's behaviour in school is of such serious concern that exclusion is a possibility, and we have followed our own behaviour policy, there will already have been considerable intervention and a variety of strategies will have been used, including discussion with Special Educational Needs (SEN) staff and reference to outside agencies, where appropriate. The Deputy Principal will have been fully informed and involved. The Principal will also have been made aware of the situation, so that when exclusion is the next step, the Principal will have a good knowledge of previous history, strategies used, family background etc.

"A decision to exclude a child should be taken only:-

- in response to a serious breach, or persistent breaches of a school's discipline policy; **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school;

Before a child is excluded, in most cases, a range of alternative strategies should be tried. This is not meant to prevent immediate action to protect pupils and staff, including fixed period exclusion. **A permanent exclusion can be given for a first offence, for example, involving violence, but only when the Principal has further opportunity (not in "the heat of the moment") to consider the incident in question."**

## **1. PRE-EXCLUSION**

### **Assessing when exclusion may be an appropriate sanction**

The Principal will, in all cases, first consider the evidence from investigation of any incident:

1. The age and state of health of the student.
2. The student's previous record at the school, including positive as well as negative factors and the steps taken so far to address any difficulties.
3. The student's record at schools previously attended.
4. Any specific circumstances unique to the student which should be taken into account.
5. An assessment of the external pressures (e.g. familial or peers) which may have contributed to the behaviour.
6. The degree of severity of the behaviour, the frequency of its occurrence and likelihood of recurrence.
7. Whether the behaviour impaired the normal functioning of other students.
8. The time and place where the behaviour occurred. If the behaviour was not on school premises, an important consideration is the extent to which the behaviour had an impact on school life.
9. The degree to which the behaviour contravened school rules and the relative importance of the rule(s).
10. Whether an individual or a group was responsible for the behaviour.
11. Whether the student has protected characteristics, such as disability or race and/or if the student comes from a group vulnerable to exclusion.
12. Whether the student has been referred to any support agency (both internal and external to the school).
13. Whether the student has a statement of special educational needs.

*NB: In the event that the Principal is absent from school, a senior leader acting as Principal may make the decision to exclude.*

## **2. FIXED TERM EXCLUSIONS**

Students may be excluded for up to 45 days in any one year.

All exclusions totalling 5 days or more in any one term, or where the exclusion would involve the loss of opportunity to take public examinations, must be referred to the Board of Directors through a Discipline committee which has the power to direct the Principal to reinstate.

Short fixed term exclusions of 1-5 days must be reported to the Board of Directors each term. If a student is excluded for more than 5 days, school will have made alternative arrangements for the student to be educated from day 6, i.e.; use alternative provision such as the Study Centres.

When a student has had fixed term exclusion, the student and parent/carer will be asked to attend a re-admittance interview with a senior member of staff. The Principal will be present for readmission meetings following exclusions of five days or more. The purpose of the meeting is to discuss the incident(s) leading to the exclusion and strategies to ensure that there is no re-occurrence. A proforma outlining the agenda for the meeting is available and must be used; a member of the administration team (administration grade or higher) will be present at the meeting to take notes.

In exceptional cases, usually where further evidence has come to light, a further fixed term or a permanent exclusion may be given. Likewise the Principal may withdraw an exclusion provided it has not been reviewed by the Governors discipline committee.

### **3. PERMANENT EXCLUSIONS**

Permanent exclusions would normally occur only after the failure of all other strategies, including fixed term exclusions. Parents therefore will have been involved in previous attempts to resolve the problem(s), following a return to school after a fixed period exclusion.

If a student has been excluded for a few days on several occasions, parents and students will be interviewed by the Principal/Deputy Principal and the consequences of no improvement spelt out, i.e. that permanent exclusion would be a possibility.

A Pastoral Support Programme must be set up for any student considered to be at risk of permanent exclusion, for example when:

- the student has had several fixed period exclusions
- the student has had more than one fixed period exclusion in the current school year
- the student has been previously excluded for a serious offence, e.g. violent assault on a student/staff

For all other students, identified routes of support will be recorded on the re-admission form.

For students with Special Educational Needs, the SENCO will ensure that IEPs include appropriate strategies to meet their additional needs and that these strategies include those recommended for all students at risk of permanent exclusion.

### **4. DRAWING UP THE PASTORAL SUPPORT PLAN (PSP)**

The SENCO and Deputy Principal will:

1. Draw up a report on the student which includes
  - i. A summary of the incidents of misbehaviour, involving the student, including details of all previous exclusions.
  - ii. Strategies used to help the student improve their behaviour including contact with parents and the impact of those strategies.

2. Invite all those outside agencies who may be able to contribute to the pastoral support programme, to identify what additional support they can offer. A draft PSP should be drawn up and a meeting set up to discuss it. School staff, representatives of outside agencies involved with the student and/or contributing to the PSP, the parent and the student, should all be present at the meeting. A Governor may also be invited to attend.
3. At the meeting:
  - i. The views of the parent and student should be sought and recorded on the PSP form.
  - ii. The date for a review of the student's progress should be set.
4. Copies of the PSP must be sent to all those present at the meeting within five working days
5. One copy of the PSP and all relevant documentation (e.g. reports, summary of student's record) must be placed in the student's file and one copy in the Principal's exclusion file.
6. Papers containing information of a sensitive or personal nature should NOT be placed in the student's general file, but in the confidential file.

For all exclusions, the procedures outlined in Appendix A must be followed. For exclusions that are required to be reviewed by the governing body, the guidance in Appendix B must be followed. This includes:

- a. Any exclusions where parents/carers wish to make representation to the Board of Directors
- b. Fixed period exclusions totalling more than 15 school days in one term
- c. Permanent exclusion
- d. Students identified by the school as being at risk of future long term fixed or permanent exclusion.

## **APPENDIX A**

### **EXCLUSION PROCEDURES**

1. Only the Principal can exclude a student from school, or someone acting as Principal in the Principal's absence. Please see (h) below for what to do if the Principal is not in school and a student must be sent home immediately.
2. If you feel an exclusion is necessary, the procedures set out below must be followed:
  - a) The student must be removed to an area away from other students and must be supervised by a member of the teaching staff, until a senior member of staff is able to see the student.
  - b) The behaviour, which may result in exclusion, should be discussed with the student and the student allowed to explain what occurred. Notes should be taken. The student should write, sign and date any statement they make. The student should know that exclusion is being considered.
  - c) A report should be obtained from any members of staff or students who witnessed, or were involved in, the incident. This can be verbal in the first instance, but the member of staff must be asked to produce a written report as soon as possible, e.g. break/lunch. Support should be offered to staff involved as soon as possible. All reports must be signed and dated.
  - d) If you are satisfied at this stage that exclusion is appropriate, the situation should be discussed with the Principal to agree the length of the exclusion, the arrangements for contacting parents and telling the student of the decision.
  - e) Once a decision has been reached, the parent (or person with parental responsibility) should be contacted by a senior leader, by telephone in the first instance if possible. Express regret and say that the Principal has decided to exclude the student and explain the circumstances leading to the decision to exclude. Arrangements must be made for the student to get home. If a phone contact cannot be made or is deemed inappropriate, then an email should be sent as soon as is practicably possible.
  - f) The parent must be informed that a formal letter of exclusion will follow. If known, they should be told the length of the exclusion and reminded that they should ensure their son/daughter is supervised/does not come on the school site during the period of the exclusion. Agree arrangements for re-admission and the purpose of that interview, i.e. to work with the parent and student to prevent a recurrence of the behaviour and to ensure a successful return to school. If the length of exclusion is not yet decided (where the Principal requires additional time to make their decision) then explain this to the parent and ensure that that the decision is relayed by the end of the day.
  - g) If possible, send work home with the student or make other arrangements for work to be sent as soon as possible.
  - h) If the Principal is not in school, a senior leader acting as Principal will make the decision whether to exclude a student. In the unlikely event that neither the Principal nor others are available, advice should be sought from the Principal/Deputy Principal via the phone.

Only the Principal or someone acting as Principal has the powers to exclude.
  - i) The person managing the exclusion process for the individual student should complete an exclusion proforma and pass this to the Principal's P.A, who will prepare the formal letter and ensure that it is sent to the parent (signed by the Principal).

One copy of letter and form must be given to the:

- Principal (for central file on exclusions)
  - Student Services (for student's file)
  - Other agencies previously involved, e.g. social worker
- j) For exclusions totalling more than 5 days in any one term, for any exclusions which prevents a student from taking a public examination, and for permanent exclusion, the Principal is responsible for informing the LA and the Governors Discipline Committee without delay. Should a student that has been permanently excluded live outside Northamptonshire, the student's 'home authority' must also be informed.
- k) The Principal will inform the Board of Directors of all other exclusions and the reason for them on a termly basis.

## **APPENDIX B**

### **RESPONSIBILITIES OF THE GOVERNOR DISCIPLINE COMMITTEE**

The governing body must review certain exclusions and must consider any representations about an exclusion made by the parent / carers of the excluded student. The governing body has delegated its functions in respect of exclusions to a Discipline Committee which, when it meets, consists of at least three governors. The Discipline Committee may be accompanied by a legal adviser.

If any governor has a connection with the student, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down. The Chair has the casting vote in all cases where an even number of governors are considering the case.

At one meeting the Discipline Committee may consider more than one exclusion so long as it complies with the statutory time limits relating to each one. An excluded student under the age of 18 should be allowed and encouraged to attend the hearing and to speak on his or her own behalf, if he or she wishes to do so, subject to their age and understanding.

The Clerk to the Discipline Committee will invite the parent / carer (or the student if aged 18 or over), the parent / carer's friend or representative, the student and Principal to the meeting. The Clerk to the Discipline Committee should circulate, at least five days in advance of the Discipline Committee meeting, any written statements (including witness statements) and a list of those who will be present at the meeting to all parties.

The exclusions that **must** be reviewed by the body are:

- a. Any exclusion (i.e. of any length) where representation is made by the parent / carer
- b. Fixed period exclusions totalling more than 15 school days in one term
- c. Permanent exclusion
- d. If it would result in a pupil missing a public examination during the period of exclusion.

It should be noted that the Discipline Committee's role is to review exclusions imposed by the Principal, who alone has the power to exclude. It follows that the Discipline Committee **cannot** increase the severity of an exclusion, for example by extending the period of a fixed period exclusion or by imposing a permanent exclusion in substitution for a fixed period exclusion.

The Discipline Committee will make reference to the following policies, provided to all parties by the Clerk to the Discipline Committee.

- Exclusion Policy
- Behaviour Policy
- Anti-Bullying Policy
- Misuse of Drugs and Substances Policy

Other policies will be provided as relevant.

Type of exclusion	Timescale for hearing (from notice of exclusion)	Outcomes
a. Any exclusion (i.e. of 15 days or fewer in one term) where representation is made by the parent / carer (or student if aged 18 or over)	For fixed-term exclusions of 5 days or fewer in one term: no statutory time limit	A copy of the committee’s findings may be placed on the student’s school record. Re-instatement <b>cannot</b> be directed.
	For fixed-term exclusions totalling more than 5, but not more than 15 school days in one term convene a meeting between the 6th and the 50th school day after notice.	The Discipline Committee can decline to reinstate; or direct the student’s reinstatement, either immediately or by a particular date. If the Committee cannot direct reinstatement because the period of exclusion has expired and the student has returned to school, they can place a copy of their findings on his or her school record.
b. Fixed period exclusions totalling more than 15 school days in one term	Convene a meeting between the 6th and the 15th school day after the date of receipt of notice	The Discipline Committee can decline to reinstate; or direct the student’s reinstatement, either immediately or by a particular date. If the Committee cannot direct reinstatement because the period of exclusion has expired and the student has returned to school, they can place a copy of their findings on his or her school record.
c. Permanent exclusion	Convene a meeting between the 6th and the 15th school day after the date of receipt of notice	The Discipline Committee can decline to reinstate; or direct the student’s reinstatement, either immediately or by a particular date. Discipline Committee members should bear in mind that if an appeal is lodged, the independent appeal panel will not just review the Discipline Committee’s decision, it will rehear all the facts of the case including any fresh evidence.

**Procedure at the Discipline Committee Meeting**

Where an allegation of misconduct against the student is in dispute the Discipline Committee should apply the balance of probabilities standard of proof, i.e. whether it is more probable than not that the student did what she / he is accused of. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of beyond reasonable doubt to be applied, but it does mean that when investigating more serious allegations Principals will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the student’s past behaviour, if relevant to the allegation) in determining whether it is distinctly more probable than not that the student has committed the offence.

No party to the review should be alone with the governors at any point before, during or after the meeting.



The Discipline Committee should make its decision alone, asking the other parties to withdraw. The clerk may stay with the Discipline Committee to help it by reference to the notes and with the wording of the decision letter.

Where the exclusion is for more than 5 school days in total in one term and where reinstatement is practical, the Discipline Committee should decide whether to direct reinstatement. In reaching its decision the Discipline Committee should consider:

- a) any representations made by the parent / carer and the student;
- b) whether on a balance of probabilities the student did what he or she is alleged to have done; and
- c) whether the Principal has complied with the law on exclusion and has had regard to this guidance on exclusion.

In considering whether to direct reinstatement, the Discipline Committee should also consider what support could be made available to assist with reintegrating the student.

### **Discipline Committee's Decision**

Where reinstatement is not practical, because, for example, the student has returned to school following the expiry of a fixed period exclusion, or because the parent / carer makes clear he or she does not want their child reinstated, the Discipline Committee must consider whether the Principal's decision to exclude the child was justified, based on the evidence. The outcome of its review should be added to the student's school record for future reference.

There are only two decisions open to the Discipline Committee – to decline to reinstate or to direct the student's reinstatement, either immediately or by a particular date. It may not decide that because of exceptional circumstances or for other reasons it is not practical to give a direction for reinstatement, but that it would otherwise have been appropriate to give such a direction. If the Discipline Committee cannot direct reinstatement because the period of exclusion has expired and the student has returned to school, they should annotate his or her school record with their findings.

The Discipline Committee must inform the parent / carer (or the student if aged 18 or over), the Principal and the LA of its decision in writing **within one school day** of the hearing, stating the reasons. When a permanent exclusion is upheld by the Discipline Committee, its decision letter must also include the arrangements for the appeal process.