



## DRET Exclusions Policy

### Introduction

The Trust is committed to ensuring that the best practices are in place to ensure to prevent exclusion wherever possible.

This policy will link closely to the Behaviour Policy, academy rules and related sanctions. The academy has high expectations in regards to behaviour to ensure that good order and behaviour for learning is maintained. It may be necessary to exclude pupils/students from the premises for a fixed term or permanently although exclusion will only be used as the ultimate sanction. It is the Principal's decision alone or in his/her absence, the designated teacher in charge to exclude any pupil/student.

Policy			
Version	Date Approved by Trustees	Date Released to Academies	Next Review Date
V1.0	28 June 2016	1 September 2016	January 2018

## 1. Purpose

### 1.1 Types of Exclusion

**The academy will only exclude a child if the following two criteria are met:**

- A serious breach, or persistent breaches, of the academy's behaviour policy and
- If allowing that pupil/student to remain in school would seriously harm the education or welfare of the pupil/student or others in the academy.

1.2 Lunchtime exclusion (equivalent to half day exclusion) may occur as a last resort if other punishments as detailed in the behaviour policy have not improved the behaviour:

- Disruptive behaviour
- Persistent breaking of school rules

1.3 Fixed term exclusion: Fixed-term exclusion may be used for a single occurrence of serious misconduct or for persistent misbehaviour (please note that the list below is not an exhaustive list)

- Continued disruptive behaviour.
- Serious bullying or 'hate' incidents.
- Leaving the school site without permission
- Verbal abuse to pupils or staff
- Non compliance
- Physical abuse to a pupil or member of staff
- Theft
- Indecent behaviour
- Carrying an offensive weapon
- Misuse of substances
- Threatening Behaviour

1.4 For the first 5 days of an exclusion work must be set and marked.

1.5 If the exclusion is for 6 days or more the Principal will:

- Plan full-time, offsite, educational provision from day 6 of the exclusion.
- Ensure that work is set and sent home for completion.
- Notify parents of their responsibility to ensure that their child is not found in a public place during the academy hours.
- Inform the governing body of the details of the exclusion and the provision made for the individual.

1.6 The Principal may exclude a child for one or more fixed periods, for up to 45 days in any one school year. It is possible for the Principal to convert a fixed-term exclusion into a permanent exclusion.

1.7 Permanent exclusion: will normally be used as a last resort in response to serious or persistent breaches of the academy's behaviour policy. It may, however, be an appropriate sanction for a single incident of extreme misconduct.

1.8 Examples (not an exhaustive list as each incident will be considered on its merits):

- Serious actual or threatened violence,
- Sexual abuse or assault,
- Possession or supplying an illegal drug,
- Carrying an offensive weapon.
- Total non-compliance
- Physical abuse to a pupil or a member of staff

1.9 Where possible it is a requirement to avoid, as far as possible, permanently excluding pupils with a statement of SEN or looked after children.

1.10 The points above relate to time both in the academy and out of the academy, for example, travelling to and from academy; on academy trips, work experience placement etc.

## 2. Reintegration

2.1 Reintegration meetings should take place on the first day the child returns to the academy. This date should be set and included in the letter to parents/carers (see below)

2.2 During the reintegration meeting a Pastoral Support Plan may be completed with the parent/carer present and a review date set.

2.3 Potential strategies before fixed term Exclusions – parents should be involved in these strategies

- Detention
- Report cards
- Internal exclusions – isolated within the school with a member of staff.
- Alternative provision may be offered if appropriate.

## 3. Children at risk of permanent exclusion

3.1 For a child who is at risk of being permanently excluded (a child who is persistently breaching the schools behaviour policy), the guidance insists that the child should be able to communicate their point of view and offer things to take into consideration with regards to their behaviour. The guidance also states that a permanent exclusion issued to a child that persistently breaks the schools behaviour policy should be a last resort. Schools should be able to demonstrate that they have attempted to support in every other way and that the permanent exclusion is given after every other resource has been exhausted.

3.2 If a child is identified as being at risk of permanent exclusion, schools should fill in a Support Summary and Impact sheet which assesses the support given by the school as a whole, the class teacher/pastoral manager and then the child's point of view. In the event of a permanent exclusion, this documentation can supplement the evidence of support that governors would use to consider the exclusion.

## 4. Procedure

4.1 When investigating the details around the exclusion the investigating officer will ensure that witnesses are questioned and statements taken; the accused to be given the opportunity to have his/her say. When information is presented to Governors all records should be signed and dated, with the child's behaviour record and attendance certificate included.

4.2 Each case will be judged on the facts and the context.

- The degree of severity of the offence;
- The likelihood of re-occurrence;
- The pupil's/student's previous record;
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, disability, harassment)
- Support provided
- Take into account the academy behaviour policy, special educational needs policy and any Equality Act policy

## 5. Principal's Decision

5.1 The decision to exclude will be made after a review of the evidence available and will be on the balance of probabilities - i.e. is it more probable than not that the accused acted as alleged – and in response to serious or persistent breaches of the academy's behaviour policy and where allowing the pupil/student to remain in academy would seriously harm the education or welfare of the pupil/student or others in the academy.

5.2 The Principal can make a decision to exclude for a fixed term of 5 days whilst any investigations are carried out, a permanent exclusion may then follow.

## 6. Notification

6.1 Once a decision to exclude has been made, parents and carers to be contacted at the earliest possible opportunity, by telephone if possible. The exclusion to be confirmed (without delay) by a letter signed by the Principal, or designated teacher in charge.

6.2 The letter to parents must:

- Inform of the reasons for exclusion.
- The period of the fixed period exclusion, or for a permanent exclusion, the fact that it is permanent.
- Parent's right to make representations about the exclusion to the governing body (in line with the requirements set out in paragraphs 50-57 of the DFE exclusions guidance).
- How any representations should be made
- Where there is a legal right for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- That for the first 5 days of the exclusion the parents are legally required by law to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

6.3 All fixed term and permanent exclusions will be reported to:

Chair of Governors

Wendy Marshall

Completed exclusion form half termly to the Trust's Data Manager

## 7. Role of the local Governing Body:

7.1 The Local Governing Body will, as part of the exclusion process:

- Fulfil their duty to consider the representations of the parents and carers and Principal;
- Either uphold the exclusion or direct reinstatement (and if the latter is not practical still consider if the decision to exclude was justified)
- Note that the decision of the local Governing Body will be given in writing and without delay and will give the reasons for the decision.
- Governors must meet to review all exclusions of 15 days or more, permanent exclusions, exclusions that miss statutory exams and any exclusions for more than 5 days that has had parent request.

7.2 Additional Requirements for Permanent Exclusion, where the local Governing Body has upheld the decision of the Principal to exclude

- Set out the statutory timeframe for applying to an independent review panel
- To whom an application must be sent, together with the grounds and evidence.
- The right for parents and carers to request a special educational needs expert.

7.3 The right for parents and carers to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination)

## **8. Independent Review Panel Procedure:**

8.1 The set up and process of the IRP from section 8 of the Department for Education guidance will be followed as set in terms of timeframes, constitution, and the powers of the IRP [It should be noted that an IRP cannot compel reinstatement of a pupil/student]

## **9. Resources**

9.1 In applying this policy, the academy will adhere to current legislation, including:  
The Equality Act 2010.

9.2 The Behaviour and discipline in school guidance, February 2014  
Exclusion from maintained schools, academies and pupil referral units in England, January 2015

9.3 The Cluster Lead for behaviour will review this policy at least every year and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.

9.4 This policy does not form part of any employee's contract of employment. The Trust may alter or adapt this policy, and any components of it, at any time provided it notifies the Chair of the Local Governing Bodies.