

Name of policy	Exclusions Policy
Date approved	November 2020
Date to be reviewed	September 2021

Introduction

Trinity Academy actively seeks to provide an environment where all members of the community are safe from harm and where human rights are respected. Because of this, the school takes a robust approach to any individual or group that violates the school's Behaviour Management Policy. The use of exclusion is governed by the provisions of the Education (No. 2) Act 1986 as amended by the Education Act 1993. The school acknowledges its legal duties under the Equalities Act 2010 in relation to all protected groups, including those with SEND (Special Educational Needs and Disabilities) and will always take their circumstances into account.

Principles

Trinity Academy is an equal opportunity school and our aim is to ensure that all students achieve the highest standards of learning, care and respect and engagement, in a stimulating and challenging environment which promotes and celebrates achievement.

The Headteacher (or a nominated person in the Headteacher's absence) is the only person who can exclude a student either for a fixed term, or permanently, from school. Except in exceptional circumstances the decision to permanently exclude may only be taken by the Headteacher.

The guiding principles that underpin the use of exclusions at Trinity Academy are as follows:

- To exclude a student for a fixed term is a serious sanction and should not be used lightly.
- To exclude a student permanently from school is the sanction of last resort and one that should be avoided until all other possible interventions have failed to improve behaviour to the expected standard.
- Certain incidents will result in an automatic exclusion (fixed term or permanent). Students will be made aware of this.
- In most cases the decision whether to exclude, and for how long, takes into account cumulative unacceptable behaviour, and the response of the student to the support and advice offered.
- Parents should always be warned if their child's behaviour is such that it is likely to lead to an exclusion. Wherever possible, parents should be involved in preventative strategies.
- The school should act preemptively when observations of the Pastoral Care Team suggest that a student's behaviour, unless altered, is likely to lead to permanent exclusion.
- Most students who are excluded have a history of unacceptable behaviour. The school tries to support students to help them improve their behaviour and focus on their work. Trinity Academy has a clear Behaviour Management Policy to promote positive behaviour.
- Support available from the SENDCO and SEND Department will normally include writing of individual education plans (IEPs) focusing on improving behaviour.
- Emergency reviews take place when a child has an EHCP or are looked after.

Fixed-Term Exclusion

The offences listed below will likely lead to fixed-term exclusion. In exceptional circumstances, they may lead to permanent exclusion.

- Repeated disobedience, rudeness and/ or refusal to follow instructions
- Threatening or confrontational behaviour towards another member of the school community
- Fighting/ assault towards another member of the school community
- Aggressive derogatory speech and/ or discriminatory insults towards another member of the school community
- Disruptive behaviour whilst in school isolation or refusal to attend school isolation
- Racial/ sexual/ homophobic harassment
- A serious incident or repeated instances of bullying (including non-violent instances such as cyberbullying)
- Drug abuse or possession of illicit or restricted drugs, including “legal highs”
- Smoking or vaping on school site or in school uniform
- Being in the possession of alcohol, drinking alcohol or being under the influence of alcohol
- Vandalism, including graffiti
- Theft
- Behaviour likely to bring the school into disrepute
- Inappropriate use of technology or the school network

Repetition of such offences will result in longer fixed-term exclusions and may lead to permanent exclusion.

Permanent Exclusion

There are two situations in which permanent exclusion may be considered. The first is as a final step in a concerted effort for dealing with disciplinary offences. This follows the use of a wide range of other strategies, including fixed-term exclusions, which have been used without success. In this circumstance, permanent exclusion is used as a last resort. The second situation where permanent exclusion may be considered is where there are exceptional circumstances and it is not appropriate to implement other strategies. This may include the following one-off offences:

- Serious actual or threatened violence against a member of the school community
- Sexual abuse or assault
- Supplying or using an illegal drug
- Carrying a weapon or replica weapon
- Arson
- Criminal offences committed on the school site, whilst representing the school or whilst in school uniform

The school will consider police involvement and other agencies for any of the above offences. The list above is not exhaustive but indicates the severity of offences likely to lead to permanent exclusion.

Procedures of Exclusions

The following procedures will be followed when determining whether an incident is likely to lead to an exclusion:

- Incidents likely to lead to an exclusion are reported to the Headteacher or a nominated Deputy. Where applicable, searches may be conducted. CCTV footage and written accounts giving details of the incident will be gathered, including witness statements. Details of investigation and search procedures can be found in the school's Behaviour Policy
- The Headteacher (or in his absence a nominated Deputy) will make the decision whether or not to exclude and for how long. This may involve feedback from the school's SENCO if the student is known to have SEND.
- If the recommendation is to permanently exclude the Deputy Headteacher (and SENCO) must prepare the documentation to support the case. This will include a full past history of the student including information on attainment. Where appropriate, a full report from SEND must be included. The documentation must be compiled within five working school days of the exclusion.
- The Headteacher makes the final decision (or the nominated person in his absence).
- Every effort must be made to contact parents by phone by a member of the Senior Leadership Team. The student must be seen by the Headteacher (or, in his absence, a nominated Deputy) to explain the punishment and arrangements for re-admission.
- The standard letter must be used. The reasons for the exclusions must be explained and a copy of the letter handed to the student to take home.
- One copy of the letter is posted to the parents and another is placed on the student's file.
- Further copies are given to the Headteacher, sent to the SENDCO and to the Chair of the Exclusion Panel.
- During the first five days of a fixed-term exclusion it is the responsibility of the nominated Deputy Headteacher to provide work to be completed at home by the student. From the sixth day, the school will provide alternative education.

Detailed procedures can be found in Appendix One.

Readmission Following a Fixed-Term Exclusion

Before students are readmitted to school following a fixed-term exclusion, they must attend a readmission meeting with a parent. The meeting will normally be conducted by the Headteacher and the Deputy Headteacher or a leader of the Pastoral Care team. Agreements to avoid a repeat of unacceptable behaviour must be agreed and documented. This may take the form of a behaviour contract or student Support Plan and include:

- Readmission report to monitor progress
- Gradual reintegration to lessons
- The introduction of a Peer Mentor
- Referral to the school counsellor, nurse or other external support agencies

- Supervised free time

Students are expected to participate fully in the readmission process in order to show they have taken responsibility for their actions and show a commitment to improve. Should a student be unwilling to do this, the student may face a further exclusion.

Admission of students excluded from other schools

Any student joining Trinity Academy following exclusion from another school will be considered for admission via the Negotiated Transfer Scheme operated by Bristol City Council. The Deputy Headteacher will attend all Admission Forums and Fair Access Panels as part of this commitment by the Academy.

Monitoring Exclusions

The Deputy Headteacher will keep a record of all exclusions. Exclusions are reported to the Governors at their full meeting every term. Any exclusion of more than five days in aggregate in any one term, or one that would cause a student to miss a public exam, must be reported immediately to the Chair of Governors. The Governors can direct that excluded students be reinstated either immediately or on a fixed date. At any stage during the process the Headteacher can decide to convert a fixed term to a permanent exclusion or a permanent exclusion to a fixed term.

Meetings of Governors

The decision to exclude permanently, or for five days or more, or for an accrued number of exclusions of 15 days or more over the Academic Year must be followed by a meeting of Governors to consider the case.

Right to Appeal

Parents/Carers have the right to appeal against the Headteacher's decision to exclude their child from school. A meeting is organised by the Clerk to the Governors. The Deputy Headteacher would normally attend this hearing to present evidence. At the end of the meeting the Governors must decide separately whether they agree with the decision of the Headteacher. For a fixed term exclusion they must consider whether the length is appropriate. The Headteacher must abide by the decision. Parents/Carers have a further right to appeal to an independent committee.

Policies Linked to the Exclusions Policy

- Behaviour Management Policy
- SEND Policy

APPENDIX ONE PROCEDURES FOR EXCLUSIONS

Exclusion should be a last resort. Strategies of early intervention, multi-agency assessment and the implementation of the school's behaviour policy may be sufficient to deal with disruptive behaviour.

However, good discipline in schools is essential so that all students can learn, therefore the government supports Headteachers in using exclusion as a sanction when warranted.

The legislation on exclusions applies to maintained schools, academies, free schools and student referral units.

The decision to exclude a student must be

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

Informal or unofficial exclusions are unlawful; all exclusions must be formally recorded.

A lunchtime exclusion must be officially recorded as a half day exclusion.

Schools behaviour policies should include policy and procedure on exclusions.

The Process

Key People are:

- Headteachers
- Governing Bodies
- Local Authorities
- Academy Trusts
- Independent Panel review members
- Special Educational Needs Experts

When considering exclusion, schools must not discriminate on

- Sex
- Race
- Disability (including a duty to make reasonable adjustment)
- religion or belief
- sexual orientation
- pregnancy/maternity
- gender re-assignment

Schools must consider their statutory duties in line with Special Educational Needs. Only the Headteacher can exclude a student and this must be on disciplinary grounds. The Headteacher has a duty to notify parents and governors. The parent will be notified about their right to make representation to the Governing Body.

The behaviour of students outside school can be grounds for exclusion (the school's behaviour policy needs to include the school's approach to behaviour outside school) Schools may provide off-site education if this is deemed appropriate or transfer to another school as part of a managed move. This must be with the consent of all parties (including parents/carers).

The Headteacher must inform the Governing Body without delay of any of the following:

- A permanent exclusion
- Exclusions of more than 5 days in a term
- Exclusions that would result in a student missing a public examination or national curriculum test

For all other exclusions the Headteacher must notify the Governing Body once a term including information on the reasons and duration of the exclusions.

The Governing Body must submit to the Secretary of State and the Local Authority information about exclusions annually.

Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

Fixed Period Exclusions

A fixed period exclusion does not have to be for a continuous period.

A fixed period exclusion may be extended or converted to a permanent exclusion but only in exceptional circumstances (e.g. if new evidence has come to light).

An exclusion cannot be extended for a non-disciplinary reason. For example, the failure of parents/carer or student to meet certain conditions such as attending a re-integration meeting cannot be used to prolong the exclusion.

For the first five days of an exclusion, schools should take steps to set and mark work for the student. After the 6th day alternative provision must be made.

The legal limit for fixed term exclusions is 45 days in one year.

Re-integration strategy (see below):

Schools should have a strategy for reintegrating students after a fixed period exclusion and for managing their subsequent behaviour.

Permanent exclusion should:

- be in response to **persistent** or **serious** breaches of the school's code of behaviour and be implemented when allowing the student to remain in school would seriously harm the education or welfare of other students.

Governors' duties:

The Headteacher must inform the Governing Body without delay of any of the following:

- A permanent exclusion

- Exclusions of more than 5 days in a term
- Exclusions that would result in a student missing a public examination or national curriculum test

For all other exclusions the Headteacher must notify the Governing Body once a term including information on the reasons and duration of the exclusions.

The Governing Body must submit to the Secretary of State and the Local Authority information about exclusions annually.

Re-integration strategy:

Schools should have a strategy for reintegrating students after a fixed period exclusion and for managing their subsequent behaviour.

For a fixed period of exclusion of more than 5 days the Governing Body must arrange suitable full time education for the student.

The Governing Body has a duty to consider parents' representations about an exclusion.

If the exclusion will result in a student missing a public exam or National Curriculum test the Governing Body must convene a meeting to consider reinstatement - within 15 days, but take reasonable steps to meet before the examination. If this is not practicable the Chair of Governors may act independently. The governors will consider whether an excluded student should be allowed on site for the sole purpose of taking the test or examination.

If the exclusion is permanent, or the fixed period will take the student over 15 excluded days for the term, the Governing Body must convene a meeting to consider reinstatement within 15 days of the exclusion.

If the exclusion takes the excluded days for the student above 5 for the term the governors must convene a meeting within 50 days of the exclusion if the parents request it.

The Governing Body may delegate its functions to a designated sub-committee.

For an exclusion of less than 5 days the governors must consider any representations made by parents but cannot overturn the Head's decision.

The meeting with parents will consist of the Head, the designated governors (and a representative of the Local Authority for maintained schools and PRUs).

Governors' Roles and Responsibilities

The Governor's Meeting

In preparing for a consideration of exclusion meeting Governors should

- Not discuss the exclusion with any other party
- Try to arrange the meeting at a convenient time for all parties taking account of statutory time limits
- Circulate written evidence before the meeting
- Allow parents and students to be accompanied by a friend
- Make reasonable adjustments as appropriate for people attending the meeting
- Take steps to enable the excluded student to attend the meeting, taking into account their age and understanding

Governors should identify the steps they will take to ensure all parties are supported to participate and their views properly heard. Minutes should be taken and made available to all parties on request.

Governors should ask all parties to withdraw before making a decision.

They must take into account the Head's legal duties and consider whether the exclusion was

- Legal
- Reasonable
- Procedurally fair

Governors must consider the interests and circumstances of the excluded student and listen to representations of the student, parents, the Headteacher and, if a maintained school or PRU, the Local Authority.

They must apply the civil standard of proof 'on the balance of probabilities.'

The governors must consider whether the Head's decision to exclude was justified.

They can either

- Uphold the exclusion
- Direct the reinstatement of the student either immediately or on a specific date

The outcome should be noted on the student's educational record along with copies of all relevant documents.

If governors do not have the power to reinstate (for an exclusion of less than 5 days) they should consider whether they should place a note on the student's record.

Governors must notify all parties of their decision and reasons in writing and without delay. If the exclusion is permanent they must include information about the right for parents to have the decision to be reviewed by an independent review panel and the right to require the Local Authority/Academy Trust to appoint a SEN expert to attend.

Where parents dispute the decision of the governors not to reinstate a permanently excluded student they may ask for this decision to be reviewed by an independent review panel, even if they did not attend the exclusion meeting or make any representations.

The role of the independent review panel is to review the Governing Body's decision. It does **not** have the power to reinstate a permanently excluded student.

The panel can:

- Uphold the decision
- Recommend that the Governing Body reconsider their decision
- Quash the decision and direct the Governing Body to consider the exclusion again

Whether or not the school recognises that an excluded student has Special Educational Needs, parents have the right to request the presence of a SEN expert. Their role is to provide impartial advice as to how SEN could be relevant to the exclusion. Where the SEN expert is present, the panel must seek, and take into account, their evidence.

The Local Authority/Academy Trust must constitute the panel with 3 or 5 members representing:

- A lay member to chair the panel who has not worked in a school in a paid capacity apart from any experience as a governor or volunteer
- School governors who have served for at least 12 consecutive months during the last 5 years though have not been a teacher or Headteacher during this time

- Headteachers or people who have been a Headteacher within the past 5 years

Appeals Against Permanent Exclusion

Panel members and clerks must have undertaken appropriate training within 2 years of the review.

The panel members must NOT:

- Be members of the Governing Body or Academy Trust of the excluding school
- Headteacher or former Headteacher (within the past 5 years) of the excluding school
- An employee of the excluding school
- Have connections with the exclusion which might influence their impartiality
- Have not had the required training within the past 2 years

Where a panel directs a Governing Body to quash the decision and reconsider the exclusion it can order a readjustment of the school's budget of £4000 if the Governing Body does not reinstate the student within 10 days.

This does not apply if the panel has only directed the Governing Body to reconsider their decision.

Reconsidering an exclusion following a review

The Governing Body must reconvene within 10 days. If they do not offer to reinstate the student within 10 days an adjustment of £4000 may be made to the school's budget. An Academy would be required to make an equivalent payment to the Local Authority.

In the case of a recommended or directed reconsideration the Governing Body must inform parents, the Headteacher and the Local Authority of their reconsidered decision without delay.