



## **Leigh Academies Trust**

### **Exclusion Policy**

This Exclusion Policy has been reviewed and adopted by The Governing Body of Leigh Academies Trust

Signed \_\_\_\_\_  
Chief Executive of Leigh Academies Trust

Date of Policy: April 2014  
To be reviewed: February 2017

## **1. Statement of intent**

The Governing Body of Leigh Academies Trust believe that in order to achieve it's vision of success and fulfilment for every student/pupil and enable effective teaching and learning to take place, good behaviour and discipline in all aspects of academy life is necessary. The decision to exclude a student/pupil, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:

- In response to serious or persistent breaches of the Academy's Behaviour and Discipline Policy
- If allowing the student/pupil to remain in the academy would seriously harm the education or welfare of the student or others in the academy.

This policy has been written following the guidelines outlined in the Department for Education 'Exclusions from maintained school, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' 2012 and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

## **2. Roles and Responsibilities**

The decision to exclude a student/pupil for both a fixed period of time or permanently from the Academy can and will only be taken by the Principal or, in their absence, a senior member of staff to whom they have delegated the authority to exclude.

## **3. Deciding whether to exclude a student**

The decision to exclude a student/pupil is a matter of judgement for the Principal, who will take into account the likely impact of the misconduct on the life of the Academy. This may include behaviour on the Academy premises, during Academy visits, residential activities and travelling to and from the Academy that is in breach of the standards of behaviour expected by the Academy.

The decision to exclude a student/pupil must be lawful, reasonable and fair. Leigh Academies Trust will not discriminate against children on the basis of disability, gender or race and gives careful consideration to the fair treatment of students/pupils from groups who may be vulnerable to exclusion.

Before reaching a decision to exclude either permanently or for a fixed period, the Principal will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the Academy's Behaviour and Discipline and Equal Opportunities Policies.
- allow the student/pupil to give his or her version of events
- check whether the incident may have been provoked, for example by racial or sexual harassment
- take account of any contributing factors that are identified after an incident, for example if a student/pupil has been subject to bullying, suffered a bereavement or has mental health issues.
- consider the impact of exclusion on certain vulnerable groups, including students with additional learning needs and children who are 'Looked After'
- consult others, including the DCEO (if a permanent exclusion), being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example members of the Governing Body's Discipline Committee
- keep a written record of the actions taken, including any interview with the student/pupil. Witness statements must be dated and should be signed, wherever possible.
- Ensure that the decision to exclude is made in line with the principles of administrative law i.e. that it is:
  - lawful (with respect to the legislation relating directly to exclusions and the Academy's wider legal duties, including the European Convention of Human Rights);
  - rational;
  - reasonable;
  - fair; and
  - proportionate.
- establish the facts in relation to the exclusion applying the civil standard of proof i.e. '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'.

Student/pupil's behaviour outside the Academy will be dealt with in the same way as behaviour inside the Academy, where it is considered that there is a clear link between the inappropriate behaviour outside the Academy, and maintaining good behaviour and discipline among student/pupils as a whole. Student/pupil behaviour in the immediate vicinity of the Academy or on the journey to and from the academy may result in exclusion.

#### **4. Permanent Exclusions**

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the Academy's Behaviour and Discipline Policy has occurred, the Principal might consider it appropriate, having consulted with the DCEO, to permanently exclude a student/pupil for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another student/pupil or member of staff
- Sexual misconduct
- Supplying an illegal drug, as defined within the academy Drugs and Substance Abuse Policy.
- Carrying an offensive weapon
- Any severe form of bullying including racist or homophobic bullying
- Any action resulting in a serious health and safety issue.

In cases where a criminal offence has taken place, the police may be informed and where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the student/pupil.

A Principal should, as far as possible, avoid excluding permanently any student/pupil with a statement of SEN or a child who is 'Looked After'.

Before making the decision to permanently exclude a student/pupil who is 'Looked After' the Principal will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, other appropriate school or provision elsewhere.

If the Principal decides to permanently exclude a student they will inform the Local Authority Exclusions Officer at the earliest possible opportunity.

#### **4.1 Procedures following a permanent exclusion**

The Principal will, without delay, notify the Governing Body and the Local Authority of the decision to permanently exclude a student/pupil including the reason for the exclusion.

The Local Authority will make suitable full-time education for the excluded student/pupil to begin no later than the sixth day of the exclusion which will be in the student/pupil's home authority. In the particular case of a child who is 'Looked After' the Academy and the Local Authority should work together to arrange alternative provision from the first day following an exclusion.

#### **4.2 Procedures for review and appeal of permanent exclusions**

The Governing Body Discipline Committee will consider the reinstatement of an excluded student/pupil within 15 academy days of receiving the notice of the exclusion, invite the following parties to attend and will circulate any written evidence and information received, within 5 academy days in advance of the meeting:

- Parents/carers;
- the Principal;
- a representative of the Local Authority (although this is not a requirement for academies it is advisable as Leigh Academies Trust are active participants in their local Inclusion Forum).

During the meeting the Governing Body Discipline Committee will consider the interests and circumstances of the excluded student/pupil, including the circumstances in which the student/pupil was excluded, and have regard to the interests of other students/pupils and people working at the Academy.

The Governing Disciplinary Committee when establishing the facts in relation to the exclusion must apply the civil standard of proof i.e. '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 light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the student/pupil immediately or on a particular date.

The Governing Body Disciplinary Committee are legally required to notify the parents/carers, the Principal and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

If parents/carers apply for an Independent Review Panel within the legal timeframe Leigh Academies Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Governing Body not to reinstate a permanently excluded student/pupil.

## **5. Drug Related Exclusions**

The decision to exclude for drug related offences will only be taken after consideration of the Academy Drugs and Substance Abuse Policy. The precise circumstances of the offence and the evidence available will be carefully considered before a decision is made whether to:

- Permanently exclude
- Issue a fixed term exclusion

The academy policy states that:

*“Students found in possession of illegal drugs covered by the Misuse of Drugs Act 1971 will be excluded for five days or more in the first instance. The police and social services will be informed and any substances handed to the police. A permanent exclusion will result for any further incident.*

*Any pupil attempting to supply illegal drugs covered by the Misuse of Drugs Act and / or drugs not being used in accordance with any officially issued prescription will be permanently excluded from the academy. The police and social services will be informed and any substance handed to the police.*

*Students involved in solvent misuse will be excluded from the academy for three days or more in the first instance, with re-admittance following parental interview and permanently for any further incident.”*

## **6. Fixed-term Exclusions**

The Principal may exclude a student/pupil for up to 45 days in any one academic year. Generally fixed-term exclusions will be for one to three days. No exclusion will be given for an unspecified period of time.

A fixed-term exclusion does not have to be for a continuous period. In exceptional circumstances, where further evidence has come to light, a fixed-term exclusion may be extended or converted to a permanent exclusion.

A fixed-term exclusion, which does not bring the student/pupil's total number of days of exclusion to more than five in a term (two Modules), at the request of a parent/carer, will be considered by the Governing Body Disciplinary Committee, however, it cannot direct reinstatement and it is not required to arrange a meeting with parents/carers.

If a student/pupil is excluded for more than five days (but not more than 15) in a single term (two Modules), the Governing Body will consider the reinstatement of the student/pupil, if requested to do so by the parent/carer, within 50 academy days of receiving the notice of the exclusion.

If a student/pupil is excluded for 15 days or more in one term (two Modules) the Governing Body Disciplinary Committee will meet to consider the reinstatement of a student/pupil within 15 school days of receiving notice of the exclusion.

If as a result of a fixed-term exclusion the student/pupil will miss a public examination or National Curriculum test the Governing Body Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Governing Discipline Committee to meet the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the student/pupil.

Where a student/pupil has received multiple exclusions or is approaching the legal limit of 45 days the Principal will consider whether exclusion is providing an effective sanction.

When excluding a student/pupil who is 'Looked After' the Principal will ensure that the appropriate 'home' Local Authority Officer is informed.

### **6.1 Procedures following a fixed-term exclusion**

- The Principal will ensure that the parent/carer is informed of the exclusion and the reasons for it. This could be delegated to a member of the Academy/College Senior Leadership Team, on the authority of the Principal.
- The Principal will inform the parent/carer, in writing, of the period of the exclusion and the reasons for it. During this process the Academy will ensure that the parent/carer is informed of their duties in the first five days. Every effort will be made by the Principal to ensure that parent/carers understand the content of any written communication taking into

consideration learning needs and where English may be an additional language.

- The Principal will ensure that a copy of the letter and any supporting paperwork is submitted to the relevant Local Authority.
- Where the exclusion is for a period of between one and five days the Academy will take reasonable steps to set work and arrange for it to be marked.
- Where a student/pupil is given an exclusion of six academy days or longer the Academy arrange suitable an alternative curriculum provision from and including the sixth day.
- During the period of exclusion the Academy will consider strategies to address the student/pupil's problems and identify any support that may be necessary to promote a successful reintegration.
- The parent/carer has the right to make representations about the exclusion to the Governing Body Discipline Committee.
- Should any parent/carer refuse to comply with the terms of an exclusion; the Academy may notify Social Services and the police if, in the Principal's view, the student or any other person may be at risk as a result of a failure to meet the terms of the exclusion. If the issues cannot be resolved, the Trust Attendance and Welfare Officer will become involved and will inform the Local Authority Education Welfare Service.

## **6.2 Lunchtime Exclusions**

Students/pupils whose behaviour at lunchtime is disruptive may be excluded from the Academy premises for the duration of the lunchtime period. Any lunchtime exclusion will be treated in the same way as any other fixed-term exclusion and parents will be informed in the same way. Lunchtime exclusions are treated as a half-day for reporting purposes. Any student/pupil entitled to a free Academy meal will be offered a packed lunch.

## **6.3 Reintegration**

A reintegration meeting with parents/carers will be held during or following the expiry of all fixed-term exclusions. The student/pupil should normally attend all or part of the meeting.

Upon return from fixed-term exclusion a Pastoral Support Plan will be discussed, agreed and signed by the student, parents/carers and the Academy. This will identify the issues leading to the exclusion and outline a clear set of expectations for a smooth and successful reintegration. A range of additional strategies and resources to support the reintegration process may be identified. To facilitate this a copy of the Pastoral Support Plan will be sent to any relevant members of the Academy personnel.

A fixed-term exclusion will not be extended because a meeting with parents/carers cannot be arranged, nor because a parent/carer refuses to sign a Pastoral Support Plan. In the event that a meeting with parent/carers cannot be arranged, the meeting will still be held with the student/pupil and an appropriate adult. The Academy will keep a record if parent/carers or carers fail to attend and any reason given.

## **6.4 Other considerations**

The Academy will implement its Behaviour and Discipline Policy with due regard to the implications arising from the Special Educational Needs and Disability Act 2001, the Race Relations (Amendment) Act 2000, the Human Rights Act 1998 and any other relevant legislation.

The Academy will be sensitive to the needs of children in public care when excludable incidents occur. Professional advice will always be sought and Social Services will be kept informed at the earliest opportunity.

Leigh Academies Trust does not authorise the use of unlawful 'informal' or 'unofficial' exclusions where students are sent home, even with the agreement of their parents/carers for a 'cooling off' period. Any exclusion of a student/pupil must be formally recorded.

## **6.5 Alternatives to exclusion**

Leigh Academies Trust is committed to using exclusion as a last resort. Alternatives will always be considered and may include:

- restorative justice processes
- isolation
- a managed move, in line with the locally agreed protocol.

The Trust academies are all active participants in their local Inclusion Forum and will access expertise and resources available through the forum to minimise exclusions. A referral to the forum will be made prior to any permanent exclusion being actioned.

No student/pupil will be excluded for:

- minor incidents e.g. failure to do homework
- poor academic performance
- lateness or truancy
- pregnancy
- breaches of the academy uniform rules except where these are persistent and/or in open defiance of the rules
- the behaviour of their parent/carers e.g. parent/carers refusal or inability to attend meetings to discuss the behaviour of the student/pupil.

## **6.6 Procedures for review and appeal of fixed-term exclusions**

The Governing Body Disciplinary Committee of Leigh Academies Trust will make provision for arrangements to review promptly all fixed-term exclusions totalling over 15 days in a term (two Modules). Where exclusion is more than five, but not more than 15 academy days in one term the Governors will review the exclusion, within the statutory time frame, but only if the parent or carer requests such a meeting.