

May 2021



EXCLUSION POLICY

**HORIZONS EDUCATION TRUST
AMERICAN LANE, HUNTINGDON, CAMBRIDGESHIRE. PE29 1TQ**

CONTENTS:

- 1. Our ethos and values and commitment to equalities**
- 2. Rationale and definitions**
- 3. Decision making for Exclusion and responsibilities**
- 4. Reasons to exclude and Unlawful exclusions**
- 5. Behaviours outside school site**
- 6. Exclusion procedures**
- 7. Re- admission and re- integration following exclusion.**
- 8. Procedures for appeal for permanent exclusion**
- 9. Review of exclusions**
- 10. Staff training to support engagement of pupils**

**Sample letters for fixed term exclusion
Local Offer - Cambridgeshire County Council**

1. Our ethos and values and commitment to equalities.

Schools within Horizons Education Trust have a commitment to a nurturing ethos with policies that support a climate of mutual respect and trust between pupils and pupil and pupils and staff and visitors. Exclusion will be a last resort in our schools.

2. Our rationale and definitions

The principal legislation that is directly related to school exclusions is:

- The education Act 2002, amended by Education Act 2011
- The school discipline (Pupil Exclusions and reviews) (England) Regulations 2012
- The education Inspections Act 2006
- The education Act 1996
- The education (provisions of full time education for excluded pupils) (England) Regulations 2007, as amended by Education (provisions of full time education for excluded pupils) (England) (Amended) regulations 2014.

A calm and orderly environment is essential to enable all pupils to access the opportunities available to them within a school and off site school context. Although the government enables Head Teachers to use Exclusion as a sanction where there is proportionate grounds or warranted, the Trust view any exclusion as a last resort.

It is the duty of the Head of School and staff to ensure the health and safety of all members of the Academy to enable pupils to learn and make good progress.

We expect our Heads of School or authorized representatives to evaluate other sanctions prior to exclusion and to consider the purpose or aim of this decision to relay to Executive Head, parents or guardians and the school community.

Exclusion is defines as:

1. School Internal arrangement when a pupil is removed from their usual timetable but remains on site. These occasions will be recorded by the school.
2. School Internal arrangement when a pupil is removed from their usual timetable but moves to another site or alternative venue on a temporary basis. These will be recorded by the school.
3. Fixed term exclusion where a pupils is excluded from school site for remote learning off site. Due to the Equalities Act 2010 and the SEND Code of practice as amended 2015 the Local Authority and social worker will be informed. If required an emergency EHCP review may be convened.
4. Permanent exclusion, where steps are taken to permanently remove the pupil from the official pupil roll of the Academy.

Decision making principles for exclusion:

1. Lawful – have the legal parameters been checked?
2. Rational- Is there a clear reason that can be explained?
3. Reasonable- Are the actions following the test of reasonableness to the situation or should the final decision be deferred?
4. Fair – Is the action and reason following a fair process
5. Proportionate – Is the action showing it is proportionate to the incident and risks to the pupil or others?

Parents will be notified to collect pupil if the decision made by the Head of School is by immediate effect. In cases of internal exclusion this will be communicated to parents and guardians.

Responsibility for exclusion:

The Head of School is responsible for making all decisions on exclusion and must be consulted by leads of the site. Whenever possible the Head of School will consult two other leaders and the Executive Head or another Head of School to record the decision.

Making a decision for exclusion action:

The Head of School is in post to use judgement and will review the following parameters prior to a decision to exclude the pupil from a school site:

- Statements of incidents from all parties
- When relevant organise investigation and report of main findings.
- Evidence is collated and main themes or points identified to collaborate any allegation or any discrepancies or any provocation.
- Pupil listened to in order to provide their statement of events.
- Relevant policies referenced and statement that decisions are free from prejudice and mitigating factors and that protected characteristics are identified or considered for equality impact.
- Head of school will use the 'civil standards of proof' that on balance of probabilities it is more likely than not that the incident happened rather than the criminal standards 'beyond reasonable doubt'.
- CCTV will be used if available but will not directly influence the Head of School with the decision or sanction applied.
- The Head of School will look at every single case on the merits of the case and information and not use any tariff system or case precedent for fixing penalties or exclusion to ensure fairness. The school community will accept that the Head of School is employed for professional judgement and discretion will be valued in making decisions.

Unlawful exclusions

It is not lawful to exclude for a non – disciplinary reason. All exclusions must be formally recorded.

Guide to reasons to consider exclusion:

1. Putting student or others in danger
2. Persistent verbal abuse to staff or other pupils

3. Physical attacks on staff or other pupils
4. Persistent bullying
5. Persistent discrimination
6. Sexualised behaviours
7. Breach of e- safety Policy
8. Wildfire damage to property
9. Use, possession of banned substances
10. Supplying any banned substances
11. Serious actual or threatened violence against a pupil or staff
12. Sexual assault
13. Weapons
14. Arson
15. Theft

This list is not exhaustive and the Head of School may use discretion for other incidents that compromise safety.

Exclusion procedures – refer to the Trust Behaviour Policy

Internal: Informal change of arrangements notified.

The Head of School will follow up with an official letter to parents and guardian of the period of internal exclusion on school site and reasons. When possible the pupil will provide feedback at the end of the period and record a reflection on restorative approaches provided.

External: Formal fixed term exclusion (can be applied for up to 45 days within a school calendar year).

A fixed term exclusion will be for a whole school day (s) or be dealt with under the internal procedures.

When a decision is made for a fixed term exclusion without delay the Head of School must notify parents or guardian. If a social work case is active the social worker must be informed in addition to Case worker for the Statutory Assessment Team. The Head of school may convene an emergency EHCP review and record outcomes about placement and or any new objectives. A re- admission meeting with the pupil and parents and guardian will be convened if the Head of School considers this appropriate to the incident for the duty of care for safeguarding and health and safety for the site.

Parents by law have responsibility for the supervision of their child during any period of 'Fixed term exclusion' and pupils must not be allowed to go to a public place unsupervised without an emergency reason. Any breach could result in a fixed penalty fine notice or prosecution for parents under the current legislation. The Academy will support the child with 'remote Learning' during this period of absence from school.

Parents must also ensure their child attends full time education provided from day 6 of an exclusion.

If more information comes to light the Head of School will advise the parent or guardian and this may mean the period of fixed term exclusion is extended,

Permanent exclusion

Any decision to permanently exclude a child from an Academy is rare and not taken lightly. It is fully appreciated that this decision will have a serious impact on the life chances of the pupil and disrupt family life. However the Head of School will have carefully consulted the Local Authority prior to this decision.

The Head of School will have exhausted all other options available and have tried in consultation with parents and the pupil to arrange a change of placement using the EHCP procedures.

When a final decision is made for a permanent Exclusion the Case worker for the Statutory Assessment Team must be informed in order to convene an EHCP emergency review involving parents and or guardian and when possible the pupil.

Appeal of a permanent exclusion:

In cases of dispute parents or guardians of pupils under age 18 may ask for a review by an independent review panel and follow procedures.

In any cases of allegation of discrimination under Equality Act 2010 parents or guardians may engage in dispute resolution with the Local Authority which if not resolved will enable a claim to be submitted to a First tier tribunal. An independent review panel does not have the powers to reinstate a pupil back into an Academy but can request that decision is reconsidered.

Policy agreed on: 10 May 2021

Committee: Teaching, Learning & Welfare

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