



# **EXCLUSIONS POLICY (Academies)**

**The OHC&AT Board of Directors has agreed this Policy and as such, it applies across all OHCAT Academies – 17<sup>th</sup> March 2017.**

Jay Mercer  
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", is written below the printed name and title.

# Exclusions Policy (Academies)

## INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students.

This policy deals with the policy and practice which informs the use of exclusion within OHC&AT Academies. Orchard Hill College operates a separate Exclusions Policy; however, both documents are underpinned by the shared commitment of all members of the OHC&AT community to achieve three important aims:

- Ensure the safety and wellbeing of all members of the OHC&AT community;
- Maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.

The Exclusions Policy operates in conjunction with other OHC&AT policies including Positive Behaviour, Child Protection/Safeguarding, Anti-Bullying, Substance Misuse and E-Safety. It is written with reference to the DfE guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' (2015).

## RATIONALE

Exclusion, within this document may be one of three types:

- Internal Exclusion (when a student is excluded from timetabled lessons and/or activities, but remains within the school)
- Fixed Term Exclusion (when a student is excluded from school for 1-5 days, whether in one block or through consecutive fixed term exclusions, totalling a maximum of 5 days each)
- Permanent Exclusion (where steps are taken to permanently remove the student from the school)

Exclusion is considered as a sanction that will only be actioned when all other support interventions and behaviour management strategies have not been successful in supporting the student to demonstrate higher quality conduct and behaviour. In most cases where exclusion is used, inappropriate conduct and behaviour will result in internal exclusion. This means that students whose behaviour contravenes the conduct and behaviour standards of their school will receive a consequence for their actions but their learning will suffer less than if they were excluded from school.

With regard to the above, the decision to implement internal, fixed term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the Positive Behaviour Policy.
- If allowing the student to remain in school would seriously harm the education or wellbeing of the student or others in the school.
- If allowing the student to remain in school would seriously undermine the good order and discipline of the school.

Please note that before a permanent exclusion is considered, a 'Managed Move' may be requested, if appropriate (for further detail, see below).

### **Responsibility for Exclusion**

Fixed term exclusion is only administered by the Head/Principal (or, in their absence, the Deputy Head/Vice Principal who is acting in that role).

Permanent exclusion is also administered by the Head/Principal; however, this may only be administered after a process of appropriate representation has been made to the Chair of the Local Governing Body (LGB).

### **Reasons for Exclusion**

**The DfE guidance:** ['Exclusion from maintained schools, academies and pupil referral units in England'](#) states that:

- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

Exclusion, whether internal, fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of OHC&AT's Positive Behaviour Policy:

- Actions which put the student or others in danger
- Verbal abuse to staff/other adults/fellow students
- Physical abuse toward staff/fellow students
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Racial abuse
- Indecent behaviour
- Damage to property
- Substance misuse

- Theft
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson

This is not an exhaustive list and there may be other situations where the Head/Principal makes the judgment that exclusion is an appropriate sanction.

## **PROCEDURES**

### **Internal Exclusion**

An internal exclusion will be implemented for a incident of sufficient seriousness as to warrant a student being removed from lessons, but not so serious as to warrant removal from school (as stated above, all efforts will be made to keep the student in school, so as to support their education, and it will only be in the most severe circumstances or following a repeat of earlier incidents that fixed term or permanent exclusion will be considered). Whilst it is good practice to inform parents/carers of internal exclusions, it may not routinely be the case that they are informed.

A single internal exclusion is for a maximum of one day, and generally will be only part of a day in the first instance (to enable the student to 'have a stake' in the sanction and 'reclaim time' later in the day), during which time the student is set work by class teachers. This work must be relevant, meaningful and appropriately assessed. On occasions, students may not be allowed to take their break or lunchtime with other students and may be given a separate break and lunchtime. It is essential that they are afforded the necessary comfort breaks and have access to food and drink as appropriate.

### **Fixed Term Exclusion (FTE)**

A fixed term exclusion is of short duration (usually between one and three days – four or five in exceptional circumstances) and may be necessary if a student commits an action which is considered so serious that it would not be appropriate to allow them to remain in school for a period of time. In the case of fixed term exclusions, the Department for Education allows the Head/Principal to exclude a student for one or more fixed periods (each not totalling more than 5 days) to a maximum of 45 school days in any one school year. Please refer to the DfE guidance document ['Exclusion from maintained schools, academies and pupil referral units in England'](#) for further details.

Students on fixed term exclusion will be forbidden from attending school or being in the vicinity of school premises for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion (or until the start date of any alternative provision if this is earlier).

The school will send work home for students who are excluded. Work must be relevant and meaningful and should be returned to the school for marking and assessment in a timely manner.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the decision has been taken to issue a student with a fixed term exclusion. This will be followed by a letter in which the terms of the exclusion are set out, together with the time and date of the readmission meeting (see below). Parents/carers are also informed that they have a right to make representations if they wish to challenge the terms of the exclusion.

The Academy's Local Governing Body and the OHC&AT Executive Head, Quality and Development/Deputy CEO, via delegated authority from the Board of Directors, must also ensure that the student attends suitable full time education from the sixth day of exclusion, which in the case of a fixed term exclusion would be the first day of a second consecutive FTE.

### **Managed Move**

A managed move may be suggested in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

A managed move can only proceed with the agreement of all parties. A managed move to another school is offered initially as a trial. If the parent/carer or student does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result.

If accepted, following an induction meeting, the student joins the 'receiving' school for the trial period. At the induction meeting the student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support. Financial support is available to provide for new uniform. If, during the trial period, the student fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, the student is returned to the original school. In such circumstances, a permanent exclusion will be the likely result.

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, the Head/Principal recognises that a permanent exclusion may have a serious impact upon a student's life chances. In addition, permanent exclusion will not be sought unless there is an immediate and persistent risk to the safety/education of others in the school or the student concerned.

There are two main types of situation in which permanent exclusion may be considered:

1. A final, formal step in a concerted process for dealing with disciplinary incidents following the use of a wide range of other strategies (including 'Managed Move',

see above). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent poor conduct and behaviour likely to result in harm to the student's welfare and/or education, or that of other students.

2. Where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a student for a first or 'one off' incident. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon\*
- Arson

OHC&AT will consider police involvement for any of the above offences.

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such incidents and the fact that such conduct and behaviour seriously affects the discipline and wellbeing of the school. Before deciding whether to exclude a student either permanently or for a fixed period the Head/Principal will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations has been collated, taking into account OHC&AT's Positive Behaviour Policy and Equality & Diversity Policy.
- The student has been allowed to give their version of events.
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.
- The initial decision to permanently exclude has been appropriately communicated in a timely manner by the Head/Principal to the Chair of the Local Governing Body (LGB) and the OHC&AT Executive Head, Quality and Development/Deputy CEO.

### **Exercise of Discretion**

In reaching a decision on temporary or permanent exclusion, the Head/Principal will always look at each case on its own merits. Therefore a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. However, the Head/Principal may consider exclusion on the basis of cumulative impact over time.

In considering whether permanent exclusion is the most appropriate sanction, the Head/Principal will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Positive Behaviour Policy.
- The effect that the student remaining in the school would have on the education and welfare of other students and staff.

If the Head/Principal is satisfied that, on the balance of probabilities, the student did what they are alleged to have done, exclusion will be the likely outcome.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the initial decision has been taken to issue a student with a permanent exclusion, subject to scrutiny by the LGB and Executive Head, Quality and Development/Deputy CEO. This will be followed by a letter confirming the action and giving details of the right to make representations if parents/carers or the student wish to challenge the terms of the exclusion.

The school will inform the Chair (or suitable alternative representative) of the Local Governing Body (LGB) immediately of any initial decisions to permanently exclude. The school will also inform the student's home LA without delay.

In line with its statutory duty the Local Governing Body and Executive Head, Quality and Development/Deputy CEO, as delegated to them by the Board of Directors, will meet – as it must – to consider the Head/Principal's decision to permanently exclude. The LGB will appoint a panel of at least two governors which will require the Head/Principal to explain the reasons for the decision and will scrutinise any appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the final decision has been taken to implement permanent exclusion for a student. This will be followed by a letter in which the terms of the exclusion are set out. Parents/carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below).

### **SEND students and Permanent Exclusion**

When a student has special needs, all parents/carers (or students, if aged 18 or over) have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

### **Appealing a Permanent Exclusion**

Where parents/carers (or excluded students, if aged 18 or over) dispute the decision of an LGB not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an Independent Review Panel. In all such matters OHC&AT will adhere to the processes laid down in the DfE guidance document ['Exclusion from maintained schools, academies and pupil referral units in England'](#).

It should be noted that applications made outside of the legal time frame must be rejected by the Academy Trust. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; **or**
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

### **Alternatives to Permanent Exclusion**

As described earlier in this document, alternative strategies to permanent exclusion are always used if possible and the threat of a permanent exclusion will never be used as the means to coerce parents/carers to move their child to another school.

### **Behaviour Outside School**

Students outside school while on school 'business', for example trips, travelling to and from school, away school sports fixtures or a work experience placement, are subject to OHC&AT's Positive Behaviour Policy. Unacceptable behaviour in these circumstances will be managed as if it had taken place in school. Serious infringements of the Positive Behaviour Policy that occur outside of school may lead to a fixed term or permanent exclusion.

### **Review of Exclusions**

Exclusions, both internal and external, are reviewed not less than half-termly by the OHC&AT Executive Head, Quality and Development/Deputy CEO and/or the CEO. Oversight and review is also provided termly to each provision's Local Governing Body as well as the OHC&AT Board of Directors.

### **Readmission Meetings and Reintegration**

Following a fixed term external exclusion, parents/carers are invited into school to attend a readmission meeting. Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed term exclusion of more than five days (in effect, consecutive fixed term exclusions of up to 5 days each). Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority applies for one.

At the meeting, the student will be set specific goals in order to help them avoid the behaviour that led to exclusion. It is best practice to ensure that the student's conduct and behaviour are closely monitored for the immediate period following return from a fixed term exclusion.

If a student has served a fixed term exclusion of greater than five days or an accumulation of exclusions exceeds five days, a support plan will be drawn up. This will be agreed with the school, student and parents/carers.

## **POLICY REVIEW DETAILS**

*Version:* 1.1  
*Reviewer:* John Prior  
*Approval body:* Family Board  
*Date this version approved:* 17<sup>th</sup> March 2017  
*Due for review:* Spring 2020

## **RELATED POLICIES AND PROCEDURES**

Anti-Bullying Policy  
Child Protection (Safeguarding) Policy and Procedure  
Equality & Diversity Policy  
E-Safety Policy  
Health & Safety Policy  
Positive Behaviour Policy  
Substance Misuse Policy