



# Exclusion Policy

For the terms of this policy, the term “suspension” will refer to “fixed term exclusions” and “expulsion” to “permanent exclusion”.

This policy has been updated in light of the publication of “Exclusion from maintained schools, academies and pupil referral unit in England. Statutory guidance for those with legal responsibilities in relation to exclusion” September 2017

The Academy has a range of disciplinary sanction available (detentions, isolation, internal exclusion, report cards etc.). We shall always, however, resort to formal, external exclusion when it is felt that such a sanction is appropriate and necessary to deal with an individual pupil and to send a clear message to the rest of the Academy. We pride ourselves on the excellent behaviour of the vast majority of our pupils, but, occasionally, it is necessary to deal firmly with a specific issue or incident. It is the intention of the Academy to maintain our high standards, and this may result in a strong line being taken over an issue when, in another school, a more tolerant approach may be adopted. The purpose of exclusion is to show that certain actions are unacceptable in a happy, purposeful and well-disciplined community and that if an individual cannot conform to the Academy's high expectations, he/she must be removed from the Academy community.

The decision to exclude a pupil always lies solely with the Principal. Very often, however, the Principal may not be involved in the investigation of an incident, but will make the final decision on whether or not to exclude. In the Principal's absence, the right to exclude falls to one of the vice principals or, in their absence, one of the assistant vice principals.

### **Categories of Suspension/Exclusion:**

1. Suspension up to 5 days – There is no appeal, although parents may make representation against the decision to the Governors' Appeal Panel. The governors have to consider parents' submissions, although they do not have to arrange a meeting with the parents. The governors cannot, however, overturn the Head's decision nor direct reinstatement.

Where a suspension lasts up to 5 days, the parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and they may be given a fixed penalty notice or prosecuted if they fail to do so.

2. Suspension of between 6 and 15 days – If parents so wish, the Governors' Appeal Panel must meet within 50 school days of notice of the suspension to discuss the Principal's decision. (i.e. the panel will most likely meet after the suspension has finished. It may still decide, however, that the decision was right/wrong.) If parents do not request a meeting, the panel need not meet.
3. A suspension totalling more than 15 days in one term or a permanent exclusion – The Governors' Appeal Panel must meet to discuss the Principal's decision within 15 school days of the start of the exclusion. The panel may decide to endorse the exclusion, to overturn the Head's decision or to reduce the length of the suspension.

Almost all exclusions at the Academy fall in the first category; it is felt that a 5 day suspension punishes the pupil and sends a clear message to others, whilst also not jeopardizing the pupil's education. Should a pupil have to be suspended/excluded for a second time, however, the exclusion will usually, depending on the circumstances, be much longer or, if necessary, permanent.

### **Governors' Exclusion Panel**

This will comprise at least three governors. The parents and Principal must be invited and permitted to make representations (although they may provide written submissions if they prefer). The excluded pupil may also attend and the parents and pupil may be accompanied by a friend or representative. The panel will try to arrange a time that is convenient to all parties, but its decision will not be invalid simply on the grounds that this was not made within the given time limits. The panel will decide whether or not to meet parents for a suspension of up to 5 days, will meet if parents request it for a suspension of 5 to 15 days, but must meet if the exclusion is for more than 15 days or permanent. For suspensions and

exclusions of more than 5 days, the panel may uphold the Head's decision or direct reinstatement of the pupil immediately or on a particular date.

### **Independent Review Panel**

In the extremely rare event of a pupil being permanently excluded, parents have the right to ask the LA to convene an independent review panel, regardless of whether or not they have appealed to the governing body. Parents must make this request within 15 school days of receiving notification of the exclusion, and the panel should meet to review the case within 15 days of the notification. Parents have a right to require the LA to appoint an SEN expert to attend the review, regardless of whether the pupil has recognized special educational needs.

The panel may make one of three decisions:

- To uphold the exclusion
- To recommend that the governing body reconsiders its decision
- To quash the decision and direct that the governing body reconsiders the exclusion within 10 days.

The panel may only quash the decision where it considers that it was flawed when viewed in light of the principles applicable for application for a judicial review (i.e. the decision was illegal, irrational or there was procedural impropriety).

The panel, however, cannot redirect reinstatement, but it can remove the permanent exclusion from a pupil's record. It may also deduct £4,000 from the School's budget to support the Local Authority in making alternative provision.

### **Return to School**

On returning to the Academy after the completion of a suspension, the pupil will report to the Principal for a reintegration interview; parents will also be invited to the Academy to meet relevant pastoral staff and to discuss ways of improving the pupil's behaviour.

### **Setting Work**

For suspensions of up to 5 days the School will set work; for suspensions of 6 days or more, the School is responsible for arranging alternative provision for the education of the pupil. The School will try to make arrangements for the suspended pupil to attend another place of education (e.g. a PRU or another school) should the parents so wish.

### **Pupils' Records**

When a pupil is suspended the details are logged on the pupil's file. It is not the intention of an exclusion, however, to permanently blight a pupil's record; once, after a suitable period of time, the Academy feels that the matter has been resolved and it is clear that the pupil has learned how to behave, the suspension may be removed from the record.

### **Missing a public examination**

Although an excluded pupil does not have an automatic right to take an exam on School premises, the School will always try to make alternative arrangements so that an excluded pupil can take an

examination. Should an appeal be appropriate, the Chair of Governors can, because of the time scale, hear the appeal alone.

### **Burden of Proof**

When establishing the facts of an incident that may lead to suspension/exclusion, the burden of proof required is, "On the balance of probabilities" and not the criminal standard of, "Beyond reasonable doubt".

### **Police Investigation**

The head need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Head will take a decision based on the evidence available to him/her at the time.

### **General legal Principles**

The decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. Schools have a statutory duty not to discriminate against any pupils; the Equality Act 2010 identifies eight protected characteristics – age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual reorientation.

Where possible, the Academy will 'phone the parents of a suspended/excluded pupil as soon as possible to inform them of what has happened.

### **Exclusion of pupils from groups with disproportionately high rates of exclusion**

Certain groups [SEN, FSM, pupils from certain ethnic groups] have, nationally, disproportionately high numbers of exclusions from schools. Where pupils from these groups face exclusion, other options will always be considered and each case will always be looked at on an individual basis. It will be for the Head to decide, however, whether exclusion is the appropriate and most effective action to take. Any additional support that may be necessary will also be considered.

### **Information for Parents**

Parents may obtain information about suspensions/exclusion from:

- The Department for Education, [www.education.gov.uk](http://www.education.gov.uk)
- The Coram Children's Legal Centre, [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
- The Hackney Learning Trust, [www.learningtrust.co.uk](http://www.learningtrust.co.uk) see link to exclusions
- The Hackney Learning Trust exclusions' officer tel: 0208 820 7279

Full details about exclusions are to be found in the DfE publication, "Exclusion from maintained schools, academies and pupil referral units in England", September 2017

### **List of possible reasons for suspension/exclusion**

Whilst there is no longer a national list of reasons for exclusion, it is important for reasons of clarity and consistency that the Academy publishes the sort of behaviours that are likely to lead to exclusion.

- Theft
- Violence

- Blatant rudeness to a member of staff (e.g. swearing at a teacher)
- Blatant defiance of a member of staff (e.g. refusing to leave a room or to remove an article of clothing)
- Bullying (including verbal, physical, psychological and cyber bullying)
- Behaviour which threatens the safety, wellbeing or happiness of others
- Bringing alcohol to the Academy/ distributing alcohol
- Bringing illegal substances to Academy/distributing illegal substances
- Bringing an offensive weapon to Academy.
- Vandalism and/or arson
- Refusal to complete a lesser sanction (e.g. a detention)
- Persistent refusal to follow Academy procedures
- Refusal to carry out instructions after earlier warnings (e.g. uniform/dress code)
- Bringing the Academy into disrepute
- Using the internet to criticize the Academy, staff or other pupils
- Any other offence where the Principal feels that suspension/expulsion is appropriate.

### **Permanent Exclusion**

Permanent Exclusion is very rare, is usually a “last resort” and must fulfil both strands of the legal test: “in response to a serious breach or persistent breaches of the school’s behaviour policy **and** where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school”.

The type of “one off” offences that would lead to permanent exclusion would be arson, a serious assault on a pupil, an assault on a member of staff, the supply/distribution of illegal substances or items, the carrying/use/threat of using an offensive weapon, actions that endanger members of the Academy or members of the public. Permanent exclusion will also be considered for persistent breaches of the Academy’s behaviour policy and where other actions have failed to improve a pupil’s behaviour.

*NB The above list is not exhaustive, only indicative. “The Academy” also refers to any time when the pupil is under the Academy’s jurisdiction, i.e. when in uniform, on the way to/from Academy, on trips and visits.*