



Exclusion Policy

Principal	Shereka James
Designated Safeguarding Lead	Jay Kerby (Senior Vice Principal)
Head of Behaviour	Maddy Mkoloma
Review Cycle	Annual
Governing Body Ratification	January 2021
Next Review Date	September 2022
Legal Framework	Children Act 1989 (as amended 2004 Section 52) Education Act 2002 s175/s157 The Teachers Standards' 2012 Exclusion from maintained schools and academies (2017)
Department of Education and Local Advice and Guidance	Keeping children safe in education (September 2020) Sexual violence and sexual harassment between children in schools and colleges (May 2018) Working together to safeguard children (September 2016)
Safeguarding Policies	Safer Recruitment; Educational visits, Visitor Welcome Statement, Health and Safety, Critical Incidents, Employee Code of Conduct, Volunteer, Behaviour for Life, Lettings and External Agencies Safeguarding Checklist.
Linked policies	Behavior for Learning policy, Attendance including Children Missing in Education, Preventing and Tackling Bullying, SEND, Looked After Children, PSHCE, ESafety, Sex and Relationships, Preventing Radicalisation, Social Media, Acceptable Use, Teaching and Learning and Equality.

Exclusion Policy

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

Skinners’ Academy has also instilled a new Behaviour for learning policy that is aimed at making the approach to behaviour and exclusions as contentual, fair, and developmental as possible given the unfortunate circumstances of any exclusion.

The Academy has a range of supportive strategies available (Home contact, family meetings, parent workshops, staff feedback, Counselling, mentoring, Peer support, class based support, positive reports and referrals to external services)

There are also, as is the case in the vast majority of schools, sanctions that feature within our behaviour policy that establish a situationally specific intervention in line with specific behaviours (detentions, removal from class, internal exclusion, report cards etc.). We shall only, 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 maintain a safe and purposeful learning environment for all. 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 allow all pupils to flourish in a meaningful and safe way. We view exclusion as a last resort, one which we always endeavour to avoid where the situation permits.

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 principals.

CATEGORIES OF SUSPENSION/EXCLUSION:

Exclusion up to 5 days

Whilst 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 an exclusion 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 could be given a fixed penalty notice or prosecuted if they fail to do so.

Exclusion 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.

An exclusion 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 Principal’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 an exclusion 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 exclusions of more than 5 days, the panel may uphold the Principal'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 an exclusion, or alternative provision the pupil will report to the Principal or a Senior Leader for a reintegration interview. The purpose of this meeting is to ensure the pupil is ready to reintegrate into the mainstream Academy. 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 exclusions of up to 5 days the School will set work; for exclusions 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 excluded 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
- The Coram Children's Legal Centre, www.childrenslegalcentre.com
- The Hackney Learning Trust, 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. This is designed to set a standard that permits all pupils to attend school in a safe and purposeful environment.

- Theft
- Violence

Exclusion Policy

- Aggression/ rudeness to a member of staff (e.g. swearing at a teacher)
- Aggressive/ defiant behaviour of a member of staff (e.g. refusing to follow reasonable requests within the Academy rules)
- 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
- 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 seen as a very rare “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.

USEFUL LINKS

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

<https://www.legislation.gov.uk/2014/3216>

<https://www.legislation.gov.uk/uksi/2012/1033/made>

<https://www.legislation.gov.uk/uksi/2020/543/contents/made>

Appendix 1: Table of substantive policy changes

Summary	
Where	What
Page 2	Review Dates
Page 3	Summary
Page 6	Useful links added for quick reference