

Djanogly Learning Trust

Exclusion Policy 2020 - 23

References to 'fixed term exclusion' within this policy should be read as 'suspension' to reflect latest Department of Education terminology (November 2021).

1. Introduction

The Djanogly Learning Trust Board of Trustees has determined that its academies will use exclusion as a final sanction in ensuring the good order and discipline it believes is essential for effective learning to take place.

The decision to exclude a child can only be made by the Head of School/Principal (Head) of each academy. It is for the Head, in consultation with the Executive Headteacher, to decide whether a child's behaviour warrants fixed term or permanent exclusion, this is a serious decision and is taken in consideration of all the facts and in consultation with senior staff as appropriate. Such a decision is taken:

- In response to a serious breach, or persistent breaches, of the academy's behaviour policy
- Where a child's behaviour means allowing them to remain in the academy would be detrimental to the education or welfare of the child themselves or others in the academy

In the event of the absence of the Head, meaning they are unable to be contacted, the respective Executive Headteacher will take on the responsibility of Acting Headteacher and will make decisions in respect of any exclusions.

Exclusion will be used sparingly in response to serious breaches of academy policy and discipline. It will normally be used only after other sanctions and sources of support have failed to achieve the desired change in behaviour and attitude

In considering whether to exclude a child, Head's should weigh up the seriousness, or persistence of the child's behaviour, together with the impact on the academy as a whole of not excluding the child and the integrity of its behaviour policy. Whilst every effort is made to identify children at risk of exclusion, and to put in to place strategies to address problematic behaviour, adopting a blanket approach of never excluding children may undermine the academy's ability to maintain discipline.

In applying this Exclusion Policy, each academy will follow current DfE guidance and advice. Each academy has its own Behaviour Policy which should be read in conjunction with this policy.

2. Objectives

The aim of the Exclusion Policy and procedure is to underpin the shared commitment of all members of the academy community to achieve three important aims:

- To ensure the safety and well-being of all members of the academy community
- To maintain an appropriate educational environment in which all can learn and succeed
- To realise the aim of reducing the need to use exclusion as a sanction.

3. Informing Parents

Whenever a child is excluded the academy will, without delay, notify parents of the period of the exclusion and the reasons for it. Parents will be contacted by telephone and may be asked to collect their child from the academy whilst an investigation in to the incident is held in order that a decision can be made. If a decision to exclude is made parents will be provided with the following information:

- The reasons for the exclusion
- The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent

- The parents right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend
- The parent's legal duty to ensure that the child is not present in a public place at any time during school hours during the first five school days of an exclusion. Parents who fail to comply with this duty without reasonable justification commit an offence and may be given a fixed penalty notice or prosecuted
- Relevant sources of free and impartial sources of information which should include:
 - Link to statutory guidance on exclusions www.gov.uk/government/publications/school-exclusion
 - Link to Coram Children's Legal Centre www.childrenslegalcentre.com 03000 115 142
 - Link to local parent partnership organisations www.iassnetwork.org.uk

4. **Fixed-Term Exclusions**

The need to exclude will be determined on merit and the particular circumstances will be carefully investigated and considered. The degree of severity of the offence, the frequency of occurrence and the likelihood of recurrence will be taken into account, as will the child's previous record. The length of the fixed-term exclusion will normally be 1-3 academy days. Longer periods may be used for a more serious offence or for a recurrence of misbehaviour following an earlier fixed-term exclusion.

Fixed-term exclusion will always be considered in the case of verbal abuse towards members of staff, persistent disruption of the learning of others and in cases of physical violence towards other children or staff. It will also be considered in the cases of bringing dangerous objects or illegal substances onto the academy premises. The behaviour of a pupil outside the academy can be considered grounds for an exclusion. The most serious breaches of academy expectations in these circumstances may lead to permanent exclusion.

Regulations allow the Head to exclude a pupil for one or more fixed periods not exceeding 45 academy days in any one academic year. The Head should not normally exclude a child from a public examination but may make arrangements for any such examination to be taken separately from other children.

For a fixed period of exclusion of more than five academy days the governing body must arrange suitable full-time education for any child of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed period of exclusions, these are regarded as a cumulative period of absence for the purposes of this duty.

During the period of fixed term exclusion the academy will take reasonable steps to set and mark work for children. Work that is provided should be accessible and achievable by children outside school.

When the child returns to the academy, there will be a meeting between the parent/carer and a nominated member of staff to discuss the reasons for exclusion and plan for reintegration. The nominated person will ensure that notes of the meeting are taken, and a contract drawn up to support the child in improving behaviour.

5. **Permanent Exclusion**

Permanent exclusion is seen as a very serious matter and will only be used as a last resort. It is likely to be applied only after all other sanctions, including fixed-term exclusion, have failed to produce the desired response in the child. It may, however, be an appropriate response to a single incident of extreme misconduct, for example, extreme actual or threatened violence towards another child or a member of staff; sexual abuse or assault; supplying an illegal drug; carrying an offensive weapon; persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).

The Head will inform the parents/carers of a permanent exclusion by letter and, if possible, by telephone at the earliest opportunity. The letter will state:

- a. That the child has been permanently excluded
- b. The reasons for the permanent exclusion
- c. Details of previous disciplinary measures leading up to the permanent exclusion, if appropriate
- d. The governing body is obliged to consider the exclusion, that parents have a right to attend the meeting, be represented at this meeting (at their own expense) and to bring a friend
- e. That if they do not attend the hearing it may proceed in their absence
- f. That if the Governors decline to reinstate the child, the parents/carers have a right of appeal to an Independent Review Panel.

A copy of this letter will be sent to:

- a. The Governors involved in the discipline meeting
- b. The Local Authority's Exclusions Team, Children's Services.

The Head will make arrangements for the Governors' Discipline Committee meeting to take place within 15 academy term days of the date of the exclusion. A further letter will be sent to parents giving seven days notice of the meeting. Normally, three members of the Governing Body will hear the case. No Governor who has any prior knowledge of the case will participate in the hearing.

The governing body has a duty to remove the child's name from the admission register once 15 days have passed since the date of the governors decision and no application for review has been received or immediately if parents have stated in writing that they will not be applying for independent review panel.

6. Governor's Responsibility

The Head must inform Governors (via the Chair) of all exclusions. Within 15 days of receiving notice of the exclusion, the governing body must consider whether an excluded pupil should be reinstated in the case of:

- All permanent exclusions
- All fixed term exclusions of children who have been excluded for more than 15 school days in the term
- All fixed term exclusions that would result in a child missing a national curriculum test.

In deciding whether to reinstate the child, governors must consider not only the representations made but also the interests and circumstances of the excluded child, including the circumstances in which the child was excluded. It must also have regard to the interests of other children and adults working at the academy.

Governors should not discuss the exclusion with any party outside the meeting but may request/be presented with written evidence in advance of the meeting.

The procedure followed at the hearing will be as informal as possible. It will normally follow the format set out below:

- a. The committee will meet jointly with the Head, and other Senior Leaders (as appropriate), the parent/carer, the child and any accompanying friend of the parent/carer.
- b. The Governors will invite the Head to give his/her reasons for the decision to exclude the child. The Head may invite the other Senior Leaders to speak.
- c. The parent/carer and Governors will be invited to ask questions of the Head and/or other Senior Leaders.
- d. The parent/carer or child (if appropriate) will be given the opportunity to explain why they think the exclusion is inappropriate.
- e. The Head/Senior Leader and Governors will have an opportunity to ask questions of the parent/carer.

- f. The Head/Senior Leader and the parent/carer will be given an opportunity to sum up and to ask further questions of the Governors.
- g. The Governors may wish to ask further questions of either the Head/Senior Leader or the parent/carer or the child.
- h. The Head/Senior Leaders and the parent/carer and child will then withdraw from the meeting and allow the Governors to consider the case on their own. Governors should consider whether the exclusion was lawful, reasonable and procedurally fair.
- i. Minutes of the meeting must be taken and should be made available to all parties on request.

The Governors will decide to either:

- a. decline to reinstate the child; or
- b. direct reinstatement of the child immediately or on a particular date

The decision of the Governors' Discipline Committee will be communicated to the parent/carer by letter within 24 hours of the meeting. If the Governors have decided to decline to reinstate the child, the letter will inform parents of their right of appeal to an independent review panel.

Application for review must be made within 15 academy term days from the date of the written notice from governors and should set out the grounds for the review. Regardless of whether the excluded child has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to attend the review.

The local authority must arrange suitable full-time education for a child who has been permanently excluded to begin no later than the sixth day of the exclusion.

7. Independent Review Panel

If parents apply for an independent review panel within the legal time frame (15 school days from notification by governors), the Academy Trust must arrange for one at its own expense in order to review the decision of the governing body not to reinstate. Any application made outside of this legal time frame will not be considered. Parents may request an independent review panel even if they did not attend the Governor Disciplinary meeting.

The panel should have 3 members from:

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors for at least 12 months in the past 5 years, provided they have not been teachers or headteachers during that time
- Headteachers or individuals who have been a Headteacher within the last 5 years

Panel members should not be from the excluding academy and should have had required training.

Where an application for an independent review has been made within 15 academy days, the academy must wait until the review has been determined or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing the pupil's name from the register.

8. Alternatives to Exclusion

Trust academies are committed to exploring as many alternatives to exclusion as possible in order to support pupils:

Internal exclusion - A child may be excluded from lessons (including lunch and break time) but remain on academy premises. The Local Authority does not need to be informed of such internal exclusions but parents/carers must be.

Managed Moves/Fair access - As a possible approach to minimise exclusion it is suggested that the Head may ask another school to agree to admit a child. Such a managed move will only take

place with the agreement and support of the parents/carers concerned. Trust academies are also party to the local authority Fair Access Protocols and will use this protocol, as necessary, for securing alternative educational provision for children at risk of exclusion.

Other alternative strategies - Trust academies are committed to finding appropriate alternative strategies to support pupils wherever possible, in order to prevent exclusion. Each academy will have a range of alternative strategies that will be tailored to the individual needs of its pupils.

Special Educational Needs - Each academy will take account of its statutory duties in relation to Special Education Needs when administering the exclusion process. This includes having regard to the SEN Code of Practice. Permanent exclusion of a child with an Education Health Care Plan will only be considered in extreme circumstances and the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

Looked After Children - Trust academies will also endeavour to do everything reasonable to avoid excluding a looked after child. Discussion will be held with the local authority to ensure that there is suitable alternative provision available elsewhere.

9. Review, Monitoring and Evaluation

Senior Leaders and Governors will monitor:

- a. Number of exclusions per term
- b. Types of exclusions
- c. Reasons for exclusions
- d. Cohorts (e.g. ethnic/gender groups).

10. Equal Opportunities

Under the Equality Act 2010, Trust academies will not discriminate against, harass or victimise children because of their : gender, race, disability, religion or belief, sexual orientation, or because of a gender reassignment. For disabled children this includes a duty to make reasonable adjustments to policies and practices.