

Exclusion Policy



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1. Introduction

- 1.1. Occasionally, for serious incidents of poor behaviour, such as verbal or physical abuse to another member of the Academy community the Principal may resort to excluding students. Formal exclusion is the only legal means by which a student may be removed from the Academy site for a breach of the Behaviour for Learning Policy. Informal or unofficial exclusions are illegal even if they are done with the knowledge of the parent for no matter how short a period.
- 1.2. The law allows the Academy to send a student home to change his/her clothes to comply with uniform rules without an exclusion as long as parents are notified in advance. The time allowed will be no longer than is necessary for clothes to be changed and the absence from the Academy recorded as authorised. However, if the student continues to breach uniform rules to avoid school, the student's absence may be recorded as unauthorised.
- 1.3. Where a student has been accused of a serious criminal offence but the offence took place outside the Academy's jurisdiction the Principal may decide that it is in the interests of the individual concerned and the Academy community that the student be educated off-site for a period of time. This is not an exclusion.
- 1.4. Where for medical reasons a student's presence on the Academy site represents a serious risk to the health or safety of other students or Academy staff the Principal may send the student home after consultation with the student's parents. This is not an exclusion and may only be done for medical reasons.
- 1.5. The basic process is as follows:
 - The situation is reviewed by the Principal.
 - The decision is made by the Principal and acted upon.
 - The decision is reviewed or noted and appropriate action taken.
- 1.6. Department for Education guidance clearly explains the procedures to be followed (see website). These procedures should be followed precisely.

2. The Decision to Exclude

- 2.1. The decision can only be made by the Principal or the Headteacher. References in this Policy to Principal shall include Headteacher where the context requires. The exclusion may be for a fixed term or may be permanent.
- 2.2. As far as is reasonable, all factors should be taken into account when making the decision about whether or not to exclude.
- 2.3. Examples of possible mitigating factors are:
 - Provocation e.g. as a result of persistent bullying or racial abuse
 - The student's general medical and emotional condition
 - New to the Academy (possible unawareness of the behaviour code)



- Coercion or being encouraged by others
- A relatively minor role in the incident compared to others
- An impulsive act or one committed in the heat of the moment
- A first offence
- Previous behaviour and character of the student suggesting that repetition is unlikely
- An apology for the behaviour
- Showing repentance and willingness to assume responsibility
- Voluntary co-operation with the investigation
- Admission of the offence
- Readiness to make restitution towards the victim(s)

2.2. Examples of possible aggravating factors are:

- Failing to heed warnings about similar behaviour in the past
- Previous warnings about the risk of exclusion
- Premeditated offence
- Use of a weapon
- A history of similar incidents
- Witness intimidation
- The victim(s) sustaining physical injury requiring medical attention
- The victim being particularly vulnerable e.g. a much younger or weaker student
- Significant support from the Academy in the past to modify his/her behaviour
- Encouraging others to behave inappropriately in relation to the offence
- Showing no contrition or no willingness to accept responsibility
- Not co-operating with the investigation, or worse, actively seeking to frustrate it

2.3. Permanent exclusion should be a last resort and will usually be taken in response to a history of persistent, disruptive behaviour where a wide range of strategies to modify the student's conduct has been attempted without success. Such strategies would include Academy based interventions and external agencies. Permanent exclusion can also be used if allowing a student to remain in school would seriously harm the education or welfare of the student or others in the Academy.

2.4. Permanent exclusion will be considered as a response to extremely serious one-off incidents including:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying or being in possession of an illegal drug on the Academy site
- Carrying an offensive weapon on the Academy site.

2.5. Where a student is at serious, but not imminent risk of permanent exclusion a managed move to another school may be considered. If a managed move is rejected by the parents, the Principal will put this in writing to them so that there is evidence that the strategy was suggested if a permanent exclusion is imposed at a future point.

2.6. Where an investigation is necessary the Principal will ask a member of the Executive Leadership Team to carry out this task and report back. Before reaching a final decision as to the sanction the Principal will:

- Review the evidence that has been submitted
- Consider relevant mitigating and aggravating factors



- Review the Students' Folder
 - Consult with senior members of his team
 - Meet with the student and their parents
 - Inform the Chair of the Local Governing Body
- 2.7. Taking these steps ensures that the eventual decision is sound and demonstrates that the Principal has been reasonable and not acted in the 'heat of the moment'.

3. Interviewing a Student

- 3.1. Following a report of serious misconduct by a student that is likely to lead to exclusion, it is normal practice for the student to be interviewed by a member of staff. The member of staff will keep written notes of the interview.
- 3.2. Students will be asked to write a statement in their own words. Where the student has weak literacy skills or is refusing to co-operate, an adult may take down dictated text for the student. If the veracity of a student's statement is in question as it is at odds with other information available, the student will be asked to write a further statement with corrections or more detail. Statements will be signed and dated.
- 3.3. Witness statements will be attributed as the accused person should know the source and substance of the evidence. However, if the Academy has a concern for the health and safety of a witness the Principal may allow the statement to remain anonymous.

4. Proof

- 4.1. The standard of proof currently applied in school exclusions is the balance of probabilities. This does not amount to requiring a criminal standard of proof ('beyond reasonable doubt') and could mean that the Principal may need to rely on evidence of the student's past behaviour to prove the likelihood of his committing this serious offence. Thus, if a student is permanently excluded for bringing a knife into the Academy and threatening to stab someone, previous incidents of threatening behaviour or the possession of a weapon would be relevant, but not disciplinary matters of another nature, e.g. general disobedience.

5. Parents' Responsibilities

- 5.1. If a parent sends an excluded student to the Academy or refuses to collect them, guidance suggests that the duty of care remains, as the Academy must have due regard for the student's safety. There is now a duty on parents to ensure that an excluded student is not in a public place during school hours without reasonable justification, or a fixed penalty could be imposed. Parents may also be warned in the exclusion letter that this failing to comply with their duties in this regard may form part of a case for a parenting order to be issued by the magistrate's court.

6. Fixed Term Exclusions

- 6.1. For the first five days of a fixed term exclusion the Academy will set work appropriate to the student's age and ability and make arrangements for this to be collected and returned for marking. Where a student is given a fixed exclusion of six days or longer the Academy has a duty to arrange suitable off-



site full-time educational provision from and including the sixth day of exclusion as day one. With reference to permanent exclusions the Academy will set work as described above for the five days following a permanent exclusion.

6.2. Any periods of fixed term exclusion imposed on an individual student must not exceed a total of 45 days when amalgamated.

6.3. The Principal may impose a fixed period exclusion which may lead to a permanent exclusion, depending on the outcome of an on-going investigation and/or further consideration of the case. If this is a possibility it will be mentioned in the letter to parents notifying them of the fixed term exclusion. If a permanent exclusion is subsequently imposed, this is a separate exclusion event. Thus if a permanent exclusion follows a five day fixed term exclusion, the responsibility of the Academy for the first five days of the permanent exclusion would be to set and mark work as described above and not find suitable alternative provision.

7. Permanent Exclusions

7.1. Permanent exclusion is the “final step in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and failed, including where appropriate the use of a Pastoral Support Programme (“PSP”). It is not usually used, but can be, for one-off incidents. It is used in very serious cases of:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying or being in possession of an illegal drug on the Academy site
- Carrying an offensive weapon on the Academy site.

7.2. When the Principal decides upon permanent exclusion s/he will be satisfied that all the following criteria are met:

- There has been a serious breach of the Academy’s Behaviour for Learning Policy.
- There have been similar incidents in the past (unless this is a serious single incident)
- Strategies have been used to support the student to change/improve behaviour.
- If the student remained at the Academy there would be serious harm to the education, welfare and safety of staff/students.

8. Lunchtime exclusion

8.1. Students whose behaviour at lunchtime may be excluded from the Academy premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes. Lunchtime exclusions will not be counted towards the Academy’s duty to provide full-time education from day six of a fixed term exclusion. Lunchtime exclusion should not be used for a prolonged period. Arrangements will be made for students who are entitled to a free school meal, e.g. providing a packed lunch.

9. The Exclusion Procedure

9.1. The procedure is as follows:

- The student is kept in isolation during investigation of the incident.



- Written details of the incident are collected from those involved before any decision is made.
- The decision to exclude is made.
- Letter prepared for parents.
- Parent/carer telephoned by a senior member of staff to explain the incident and to arrange for the student to be sent home.
- Student takes letter home and a copy posted to home.
- Letter displayed in staff room to keep staff informed. Teachers are responsible for setting work for excluded students and should ensure suitable work is handed into the Principal on request.
- At end of Fixed Term Exclusion, parent/carer and student should attend a “Re-integration Meeting” with a senior member of staff. A record of the meeting to be kept in the student’s Folder.
- When appropriate the student is placed on report, with monitoring and review procedures agreed.
- When appropriate, an apology given to staff/student.
- Exclusion entered on the Academy’s Exclusion Record.
- For students at risk of permanent exclusion a PSP is begun.
- All exclusions are monitored by the Local Governing Body termly.

10. The Review of the Exclusion Decision

- 10.1. The Principal’s decision will be subject to review by the Board of Trustees when the exclusion is:
- permanent, or
 - a fixed period exclusions that would result in a pupil being excluded for more than 15 school days in any one term, or
 - results in the student missing a public examination.
- 10.2. Normally this review will be delegated to the Local Governing Body who will constitute a Disciplinary Committee made up of at least three local Governors.
- 10.2. In advance of the Disciplinary Committee the Principal will prepare an Exclusion Report which explains why the student was excluded. The Exclusion Report should be circulated to all parties in good time before a hearing. Five days is reasonable. The report will include:
- A profile sheet including basic information about the student.
 - An overview of the case including a detailed account of the reason(s) for the exclusion.
 - Confirmation (or otherwise) that the current Department for Education exclusions guidance has been adhered to.
 - Where relevant, that a full range of behaviour modification strategies has been attempted without lasting success.
 - An explicit statement as to what mitigating and aggravating factors apply in this case.
 - An indication of how the sanction that has been applied is consistent with the Academy’s Behaviour for Learning.
 - A statement to explain how the Academy’s expectations with regard to behaviour are communicated to students and parents.
 - A statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present exclusion have been dealt with in a manner proportionate to their involvement.



- The alternative sanctions that were considered (if applicable).
 - An indication of the consultations that took place before the decision to exclude was finally reached.
 - Where applicable, the fact that the student and their parents were warned of the risk of permanent exclusion.
 - In the case of a student with SEN, or a looked-after or disabled student, that the relevant Department for Education guidance was considered before the decision to exclude was taken.
 - That in reaching the decision, equal opportunity legislation was complied with.
 - In the case of permanent exclusion, the perceived consequences of allowing the student to remain at the Academy, in terms of the education and welfare of the student or others in the Academy and the impact on good order and discipline.
 - Where appropriate a comment from the Principal of his duty of care and the need to balance the needs of the individual against the needs of the whole-Academy community.
 - A list of the interventions that have taken place to modify the student's behaviour, including a table to show any fixed-term exclusions that have been applied, with dates, duration and reasons. This should be augmented with appropriate evidence, such as a copy of the PSP and reports of reviews that have taken place and letters to parents.
 - A behaviour log containing brief details of past incidents with the relevant dates and actions taken. Do not include a behaviour log for a student charged with a one-off offence, unless the previous behaviour is similar to that which led to the exclusion.
 - Details of any investigation that has taken place including, where appropriate, witness statements which should normally be attributed and dated, and diagrams and photographs where relevant.
- 10.3. The Disciplinary Committee should secure the services of a properly trained clerk for the review meeting. The Committee should invite the following to attend the review meeting:
- The Principal
 - The pupil
 - The parent / carer
 - A representative from the Local Authority
- 10.4. It will be helpful to have the excluded student's file available if questions or challenges to the accuracy of the Exclusion Report arise that require reference to its content. However, it would not be appropriate to extract fresh evidence from the file at the time of the hearing to support the Academy's case that had not been included in the Exclusion Report as the parents might reasonably claim that they had not been given a fair chance to prepare a defence.
- 10.5. As the Principal alone has the power to exclude, the Local Governing Body may not increase the severity of an exclusion, e.g. by extending its period or imposing a permanent exclusion in place of a fixed-term exclusion. Neither may they impose a lesser sanction. They may only either uphold the decision or order re-instatement, either immediately or by a particular date.
- 10.6. The parents must be notified in writing of the result of the review meeting not later than one day after the meeting.



11. Re-instatement

- 11.1. If the Disciplinary Committee advises the Trustees to re-instate an excluded student and the Trustees accept that advice, it may be appropriate for a separate meeting to take place between the Principal and the Chair of the Local Governing Body. If the student is to be re-instated the process of re-integration will require careful planning. Having established that the student is prone to the sort of behaviour that led to their exclusion in the first place, the Academy may be considered as not having fulfilled its duty of care to the student if it does not take steps to reduce the likelihood of such behaviour reoccurring. This would make it difficult to justify a further exclusion for the same offence. For example, if a student were re-instated after a drug related offence, it would be appropriate to offer counselling as part of the re-integration plan. Care must be taken in drawing up a plan that is supportive but which could not be construed as victimising the student. The Local Authority may be able to assist in drawing up an appropriate plan and in providing the necessary resources.
- 11.2. The re-integration plan should involve a statutory interview which must be arranged during or following the expiry of a fixed period exclusion. This requirement applies to permanent exclusion as well. The interview provides an opportunity to discuss the re-integration plan and emphasise to parents the importance of working co-operatively with the Academy. It may be appropriate to draw up a parenting contract if this forms part of the re-integration plan but should the parents refuse to engage, this would not constitute grounds to delay re-instatement. It would be appropriate to point out that the student might be subject to further exclusion if their behaviour does not improve, but also to stress explicitly that the student will be treated fairly.
- 11.3. A re-integration plan may also involve carrying out a risk assessment and implementing measures to reduce identified risks, e.g. if a student is re-instated following an assault upon another student. In such cases there are issues of duty of care toward both students (and perhaps to staff).
- 11.4. The Academy will formalise re-integration plans in a format similar to a PSP, where actions, expectations and consequences are made clear in writing, Should a further exclusion be necessary, the Academy's case will be supported if it can be demonstrate that a sound integration plan was put in place and rigorously applied. Such a plan may also go some way to reassuring staff.