

# Exclusion Policy

September 2020

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## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils and staff in school are safe and happy

Airedale Junior School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

### Partnership with Parents

Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. At AJS, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's behaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear. The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

These are:

- Behaviour Policy;
- Anti-Bullying Policy;
- Home-School Agreement
- Safeguarding Policy
- SEND policy and local offer

### Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use behaviour data to assess patterns of challenging behaviour in pupils. Where patterns emerge, we will systematically intervene, drawing up an action plan with the child, parent and teacher. The Deputy Head Teacher, alongside the learning mentor team and SEND team, has

overall responsibility for sharing data with class teachers and analysing the data. It is the responsibility of teacher, child and parent to ensure agreed action plans are followed.

No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

### **Equal Opportunities**

The Governing Body recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at AJS school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our funding agreement and articles of association.

### 3. The decision to exclude

Only the Head Teacher, or Acting Head Teacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."*

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head Teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

#### Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

## 4. Definitions

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET (staff training) days do not count as a school day.

### **Internal Exclusion**

Internal exclusion is a measure taken where a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom or part of the school. The child is never alone and is supported by members of the school teaching and pastoral teams.

An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level would be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary.

### **A Fixed-Term Exclusion**

A Fixed-Term Exclusion is where a child is excluded from attending school and must remain at home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of policy. The length of an exclusion will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

### **Permanent exclusion**

A Permanent Exclusion means a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Head Teacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

## 5. Roles and responsibilities

### 5.1 The Head Teacher

#### Informing parents

The Head Teacher will provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Head Teacher will also notify parents, by the end of the afternoon session on the day their child is excluded, that: For the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason.

Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is to be arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

#### Informing the governing board and local authority

The Head Teacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head Teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

For all other exclusions, the Head Teacher will notify the Academy Council and LA once a term.

## **5.2 The Academy Council**

Responsibilities regarding exclusions is delegated to Stephen Groves as part of the Academy Council (risk and audit) and the school's Chair of Governors.

The Academy Council (risk and audit) has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the Academy Council will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the Academy Council will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

## **5.3 The Local Authority**

For permanent exclusions, the Local Authority (Wakefield Council) is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.



## 6. Considering the reinstatement of a pupil

The Academy Council in consultation with the Northern Ambition Academy Trust will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the Academy Council will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Academy Council will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Academy Council will consider the exclusion and decide whether or not to reinstate the pupil.

The Academy Council can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Academy Council will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Academy Council will notify, in writing, the Head Teacher, parents and the Local Authority of its decision, along with reasons for its decision.

Where an exclusion is permanent, The Academy Council's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Northern Ambition Academy Trust to appoint an SEN expert to attend the review

- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## 7. An independent review

If parents apply for an independent review, the Northern Ambition Academy Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Academy Council of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the Head Teacher category.

- 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 who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Head Teachers during this time
- Head Teachers or individuals who have been a Head Teacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of the academy trust, or governing board of the excluding school
- Are the Head Teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of Northern Ambition Academy Trust or the governing board, of the excluding school (unless they are employed as a Head Teacher at another school)
- Have, or at any time have had, any connection with the academy trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Academy Council's decision
- Recommend that the Academy Council reconsiders reinstatement
- Quash the Academy Council's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision is decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review is made, the Academy Council will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision is made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) is used.

## 9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented, when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract between child, parent and school
- A piece of work completed with the Learning Mentor team
- A behaviour plan- designed to support the child displaying more positive behaviours
- A team meeting with school staff to prevent further exclusions
- A short period of internal isolation/intensive one to one support
- Referral to the SEND team if appropriate

## 10. Monitoring arrangements

The Head Teacher monitors the number of exclusions every term and reports to the Academy Council. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by The Senior Leadership Team in consultation with the Academy Council at least every 2 years.

At every review, the policy will be shared with the Academy Council.

## 11. Links with other policies

This exclusions policy is linked to our

- Behaviour Policy
- Anti-Bullying Policy
- Home-School Agreement
- Safeguarding Policy
- SEND policy and local offer

## Appendix 1: Independent review panel training

Northern Ambition Academies Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Head Teachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

<b>Approved by:</b>	Stephen Groves (Chair of Governors)	<b>Date:</b> 02 07 20
<b>Last reviewed on:</b>	08.06.20	
<b>Next review due by:</b>	17 06 19	