



# EXCLUSION POLICY

Policy Reference No	ACA002
Review Frequency	Annual
Reviewed	Summer 2020
Next Review Date	Summer 2021

This policy is compliant with the following legislation and statutory guidance:

**TOGETHER WE EMPOWER EXCELLENCE**

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews)(England) Regulations 2012;
- The Education and Inspections Act 2006; and
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Exclusion from maintained schools, academies and pupil referral units in England - September 2017

The Learning Academy Partnership (South West) (hereafter the Trust) is committed to valuing diversity and equality of opportunity. This Policy relates to all academies and schools which are a part of the Trust.

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 and reach their full potential. We adhere to the Equality Act 2010 and fulfil our duty to make reasonable adjustments to policies and practices.

The Board of Trustees 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 the above policy as it is the Trustees' aim that no-one at LAP should suffer discrimination, either directly or indirectly, or harassment on any of these grounds

At the Trust we believe that children have the right to independence, choice and inclusion, and we work hard to provide opportunities for personal growth and emotional health and wellbeing for all pupils. However, rights also involve responsibilities, such as not harming other people's rights. We believe children unable to control their actions or unable to appreciate danger have a right to be protected; as do other children and adults.

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 provide a range of provisions designed to support pupil's emotional, behavioural and social needs which are adapted and tailored to specific pupil's needs in consultation with parents/carers.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the Trust. The physical and emotional health of our children and staff is our primary concern, and we therefore accept that in some rare situations, exclusion may be necessary, if all other strategies have been exhausted.

The Trust 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:

- Positive Behaviour Policy;
- Anti-Bullying Policy;
- Thrive Approach, Safe Touch & Physical Intervention Policy
- SEN and Disabilities Inclusion Policy.

These policies are made available to all Parents/Carers.

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

A pupil may be at risk of exclusion from school for:

- Physical assault against a pupil or adult
- Verbal abuse / threatening behaviour against a pupil or adult
- Bullying
- Persistent and repetitive disruption of lessons and other pupils' learning;
- Racial abuse
- Sexual misconduct
- Drug and alcohol related abuse
- Damage or theft of school or personal belongings
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions

Any exclusion, temporary or permanent will be at the decision of the Head of Academy, in consultation with the Director of Education. All exclusions, including internal exclusions will be reported to the Board of Trustees through the Local Hub Committee. We will report fixed term and permanent exclusions to the Local Authority. We recognise that it is unlawful to exclude a pupil for a non-disciplinary reason.

### **Internal Exclusion**

This is a decision taken by the head in line with the behaviour policy and the appropriate consequence stage. An internal exclusion will include the removal of a child from their class and they will be supervised 1:1 and/or join another group or class. This will usually be no longer than a period of a day. All parents are informed of an internal exclusion as soon as possible and these will be logged on the Behaviour Log and reviewed by SLT and Local Committees

### **Temporary Fixed Term exclusion**

A temporary exclusion should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences. Where a fixed term exclusion is in place, the academy will set work for the period of time that that child is excluded. This work will be returned to the academy at the reintegration meeting and marked by the class teacher.

### Persistent or cumulative problems

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the academy had already offered and implemented a range of support and management strategies. These strategies are outlined in the Positive Behaviour Policy.

### Single incident

Temporary exclusion may be used in response to a serious breach of academy rules and policies or a disciplinary offence. In such cases the Head of Academy supported by SLT will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the academy's policies. The pupil will be encouraged to give his/her version of events and the Head of Academy will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary the Head of Academy will consult the Director of Education.

### Permanent exclusion

A permanent exclusion is a very serious decision and the Head of Academy will consult with the SLT, Director of Education and the Chief Executive Officer before enforcing it. The Local Hub Committee will be informed.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of academy rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on academy premises;
- Persistent bullying;
- Persistent racial harassment;

For the first five days on the permanent exclusion, the academy has a responsibility to set appropriate work for the child to take home and it should cover the five day period.

### The decision to exclude

If the Head of Academy decides to exclude a pupil he/she will:

- ensure that there is sufficient recorded evidence to support the decision;
- where practical give the pupil an opportunity to present their case before taking the decision to exclude and consequently explain the decision to the pupil and
- contact the parents, explain the decision and ask that the child be collected;
- the academy will provide appropriate work, to be completed at home, for the period of the exclusion. If the exclusion is permanent, the academy will set work for the first days. All work from fixed term exclusions will be returned at the reintegration meeting;
- written notification of the information mentioned in the above will be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way. The notification will clarify the reasons for the exclusion, whether it is a permanent or temporary exclusion, the parents' right to make representations and how these may be made, and whether the Trustees have a legal duty to consider the exclusion;

- the length of the exclusion and any terms or conditions agreed for the pupil's return;
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- plan how to address the pupil's needs and integration back into their class on his/her return;
- plan a reintegration meeting with parents and pupil on his/her return and outline strategies which can be put in place to avoid future exclusions.
- If the child is a Looked After Child, Child in Need or subject to a Child Protection plan, the academy will seek to convene a multi-agency meeting around the child to seek strategies to prevent future exclusions.
- The Board of Trustees and Local Authority will be advised of all exclusions

### **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 academy may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from the academy, or, in more severe circumstances the academy may contact Social Services and/or the Police to safely take the pupil off site.

### **Behaviour outside the academy.**

Pupils' behaviour outside the academy on school business e.g. on trips, at sports fixtures, is subject to the Trust's Positive Behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in the academy.

### **Pupils with special educational needs and disabled pupils**

The academy must take account of any special educational needs when considering whether or not to exclude a pupil.

We have a legal duty under the Disability Discrimination Act 2005 as amended not to discriminate against disabled pupils by excluding them from the academy for behaviour related to their disability. The Head of Academy should ensure that reasonable steps have been taken by the academy to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. See details in the Positive Behaviour Policy.

### **Pupils who are Looked After Children**

The academy should give special consideration before considering the exclusion of any Looked After Child and the academy must take account of any special considerations before making the decision to exclude. Prior to the exclusion the academy must seek consultation with the Virtual School and take action to put in place any necessary provision for the duration of the exclusion. Following any exclusion, of any duration, the academy must convene a multi-agency meeting to discuss actions to prevent any future exclusions.

### **Reintegration of Pupils**

After any internal or fixed term exclusion, a reintegration meeting will take place with the child (if deemed appropriate) and the parent before the child rejoins the academy. The purpose of the meeting is to discuss the reasons for exclusion, to discuss any adaptations which may have been made and to seek solutions which prevent further

exclusions.

### **Marking attendance registers following exclusion**

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

### **Managed move**

In cases where the Head of Academy and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the academy or members of its staff unreasonably then a Managed Move Process will be implemented based upon the agreement of all parties. This is not an exclusion and all support will be provided by the Head of Academy or SENDCo in finding a suitable alternative school. Where local protocols are in place, these will be followed.

### **Removal from the academy due to illness**

The Head of Academy may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

### **Procedure for appeal**

If parents wish to appeal the decision to exclude, the matter will be referred to the Local Committee and handled through the appeal procedure.

The trust undertakes all exclusions using guidance from, and adheres to the requirements in the Department of Education 'Exclusion from maintained academies, Academies and pupil referral units in England' (September 2017) documentation

Date	Change
Summer 2020	Minor grammatical changes only