



# **Exclusions Policy**

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## **Perins School**

2020-21

Approved by The Perins MAT Trust Board February 2020

Signed ..... Chair of Trustees

Signed ..... Executive Headteacher

# Perins School Exclusion Policy

## 1. RATIONALE

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be excluded on a fixed term or permanent basis from Perins School. The policy applies to all students at the school. The school views the exclusion of any student to be a serious matter. The school will act with fairness, being proportionate and with a view to the best interests of the student concerned, other students, members of staff and the school.

The school has clear systems in place (ref: Behaviour Policy) to respond to poor behaviour. Exclusion is the most serious sanction the school can apply.

### 1.1 Support and Advice

The following sources of advice about exclusion from school are available for further information:

- Inclusion Officer, Hampshire County Council on 01962 869611  
<http://www3.hants.gov.uk/education/parents-info/education-exclusions.htm>
- The Coram Children's Legal Centre aims to provide free legal advice and information to parents on state education matters. Phone: 0808 802 0008. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to 1st January.  
<http://www.childrenslegalcentre.com>
- Department for Education statutory guidance on exclusions 'Exclusions from maintained schools, Academies and pupil referral units in England' 2017.  
<https://www.gov.uk/government/publications/school-exclusion>

**1.2** This policy takes account of the School's public sector Equality Duty set out in section 149 of the Equality Act 2010.

**1.3 Interpretation:** The definitions in this clause apply in this policy.

**Headteacher:** references to the Headteacher include Deputies

**Parent:** includes one or both of the parents/ carers or a legal guardian.

**Exclusion:** means a dismissal from the School for a fixed term or permanently following serious misconduct. A fixed-term exclusion can be from 1 day to up to 45 days in a School year.

## 2. POLICY STATEMENT

**2.1 Aims:** The aims of this policy are:

- To support the School's Behaviour policy
- To ensure procedural fairness and natural justice
- To promote co-operation between the School and parents

## **2.2 Misconduct:**

The main categories of misconduct which may result in exclusion are:

- Supply / possession / use / carrying of certain drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Theft, blackmail, physical violence, intimidation, abuse (verbal or written), racism or bullying
- Misconduct of a sexual nature; supply or possession of pornography, revenge porn
- Possession or use of unauthorised firearms or other weapons e.g. knives, lighters, explosives
- Vandalism
- Computer hacking
- Inappropriate use of ICT
- Other serious misconduct which affects the welfare of a member or members of the school community (single or repeated episodes) on or off School premises
- Persistent defiance and/or persistent disruption to learning.
- Bringing the name of the school into disrepute in the local / wider community

An exclusion can be for a single or repeated episodes.

**2.3 Behaviour related to a disability:** the school will make reasonable adjustments for managing behaviour which is related to a student's disability. Where exclusion needs to be considered, the school will ensure that a disabled student is able to present his or her case fully where the disability might hinder this.

## **3. PRACTICE**

### **3.1 Investigation procedure**

- Incidents / Complaint(s): Investigation of an incident, complaint or rumour about serious misconduct will normally be co-ordinated by either the Guidance Manager, Head of House or a member of the Leadership Team (Assistant Headteacher or Deputy Headteacher). The outcome will be reported to the Headteacher for a final decision. Parents will be informed of a fixed term exclusion and if a complaint is still under investigation of a nature that could result in the student being excluded as soon as reasonably practicable.
- Interview: A student may be interviewed formally by a member of staff to establish whether there are grounds for a potential exclusion and further investigation of the incident/rumour or complaint. Notes of the student's statement will be recorded in writing by the interviewing member of staff, which the student will be asked to then read and sign. Alternatively the student maybe asked to write their own personal statement.
- Fixed term exclusion: A student may be subject to a fixed term exclusion and would be required to stay at home for the duration of up to and including five school days. A student may also be required to stay at home whilst a complaint is being investigated or while an investigation is adjourned, see 'adjournment of an investigation' below. Should a fixed term exclusion continue for a period of more than five school days, the school is required to make and put in place arrangements to ensure the continuing education of the student. This may include education at another educational establishment for the duration of the remaining exclusion length. The relevant Guidance manager,

Head of house or member of the Leadership Team will coordinate these arrangements with the student's parents/carers or guardians. Parents/carers or guardians should note that there may be a delay in providing work whilst teaching staff are given the opportunity to determine what work should be set. Work will be provided within one day for exclusions of over three days. Work will usually be emailed directly to the pupil with their parents/carer copied in for information.

- **Ethos:** An investigation and any subsequent meeting will be conducted fairly and in a way which is appropriate to a school, without formal legal procedures.
- **Alternatives to exclusion:** Where an alternative to exclusion is more appropriate, these can take the form of:
  - Restorative Justice
  - Mediation
  - Internal Exclusion
  - Managed Move
- **Extending an exclusion:** It may be necessary to extend an initial exclusion period for a number of reasons for example where:
  - External agencies such as the police or social services are involved and have advised that this is necessary in order to make further enquiries
  - The full events surrounding the situation need further investigation or further information has come to light (The initial fixed-term exclusion will be recorded as 'pending further investigation')
  - A multi-agency planning meeting needs to be arranged.

### **3.2 Involvement of the Headteacher**

**3.2.1 Preparation:** Investigation documents will be given to the Headteacher to include:

- A statement setting out the points of complaint against the student
- Written statements and notes of the evidence supporting the complaint, and any relevant correspondence
- The student's file and conduct record (Behaviour Log)
- The relevant School policies and procedures.

**3.2.2 Proceedings:** The Headteacher will consider the incident/complaint and the evidence, including statements made by and / or on behalf of the student. Unless the Headteacher considers that further investigation is needed, he will decide whether the complaint has been sufficiently proved. The standard of proof shall normally be the civil standard, i.e. 'the balance of probabilities'.

If the complaint has been proved (on balance of probability) the Headteacher will decide on the appropriate sanction. The student's disciplinary record will be taken into account. If a decision to exclude is taken, the student's parent/carer will be notified immediately and asked to collect their child. If it is not possible at the time, permission can be given by the parent for the child to go home or, the student will be isolated within the school's reflection room until they can be collected / sent home.

**3.2.3 Notification:** The parents will be notified of the exclusion immediately by telephone by either the Guidance Manager, Head of House or member of the Leadership Team, where possible, and followed up with a letter including the reasons for the exclusion, the date it will take effect and the period of the exclusion. The formal letter is normally sent by first class post on the day of exclusion, with copies to the Chair of Trustees, Deputy Headteacher - Pupils, the County Inclusion Officer and any other relevant outside agency.

All information regarding the incident will be entered onto the SIMS system which holds students electronic records.

The Trust Board will automatically meet to review a decision to exclude a student which results in him/her missing a public exam.

There is no right of appeal for a fixed term exclusion; however, where the exclusion results in the student missing between five and a half and fifteen school days in the term, or missing a public examination, the parents may request a meeting with the Trust Board. The letter informing the parents of the exclusion will explain who the parents should contact to arrange this meeting. Parents are not entitled to request a review meeting by the Trustees where the exclusion is for five days or less. If parents wish to make representation about such a decision, they should write to the Chair of Trustees. The Trust Board are not required to meet with parents and cannot direct reinstatement. The Trust Board will automatically meet to review exclusions which result in the student missing more than fifteen school days in the term and permanent exclusions.

The Deputy Headteacher - Pupils will review all the exclusions that have taken place each year with due regard to categories of student who have been excluded to ensure that no one category of young person appears to be excluded more than another. If a trend is detected, an action plan will be put in place to address it.

#### **3.2.4 Reintegration Meeting after a fixed term exclusion**

The school will arrange a reintegration meeting with the parents and students for all fixed term exclusions. It is not compulsory but at least one of the child's parents is expected to attend the meeting. The purpose of the reintegration meeting is to enable positive behaviour management to be reinforced with a discussion about any strategies needed to try to ensure the reintegration is successful. A period of inclusion will usually be expected following any exclusion. This will be decided upon during the reintegration meeting.

Work will be set by the student's teachers during the exclusion period. This will usually be done through direct emails to the student. Parent / carers are responsible for the collection of any work that needs to be sent home. Students are responsible for returning the completed work at the reintegration meeting. The teachers' names should be clearly written on any paper-based work.

### **3.3. Automatic Review by the Trust Board**

The panel of Trustees automatically meets to review a decision to exclude where:

- A student is excluded permanently from the school

- A student is excluded for more than fifteen days in a term
- A student would miss a public examination as a result of an exclusion.

A meeting of a committee of at least three Trustees will be held before the fifteenth school day after the date the Trust Board was informed of the exclusion. Where parents have requested such a meeting, it will be held by the fiftieth school day after they were informed of the exclusion. Parents will be invited to the meeting, told in advance of the date and location and will be given the opportunity to make representations at the meeting.

Where legally required to consider an exclusion, the role of the Trust Board is to:

- Uphold the fixed term exclusion or
- Direct the student's reinstatement either immediately or on a particular date.

The civil standard of proof applies e.g. it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'.

Where the exclusion is upheld by the Trustees, the parents will be informed by a letter posted within three working days, explaining the reasons for the decision and details of the review procedure.

#### **4. INDEPENDENT REVIEW PANEL – FOR PERMANENT EXCLUSIONS**

The role of the panel is to review the Trust Board's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school. The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

**4.1 Independent review panel (IRP):** The school will conduct this procedure in accordance with the law and relevant guidance. An Independent Review Panel should be provided to parents upon request if the Trustees have upheld a decision to permanently exclude a student. Parents also have the right to request that an SEN expert attends the IRP and should make this request at the time of requesting a review. Parents may also at their own expense, appoint someone to make written and / or oral representations to the panel and may also bring a friend to the review meeting.

**4.2 Request for a review:** A request for a review must be made in writing setting out the grounds on which it is made. The letter from the Trustees will indicate the latest date by which a review may be lodged. This is within fifteen school days of notice being given to the parents by the Trust Board of their decision to uphold a permanent exclusion.

**4.3 Timing:** A review panel will meet to consider the review no later than the fifteenth school day after the day on which the review was lodged. Parents will be informed of the date and location of

the hearing. The hearing may be adjourned if the panel consider that it would not be appropriate to proceed, for example where additional information is required.

**4.4 Composition of the panel:** The review panel will consist of three or five members and will be appointed in accordance with government guidance. A clerk to the panel will also be appointed who can provide independent advice to all of the parties and will circulate all written evidence to the parties at least five school days before the hearing. Parents should contact the clerk if they have any questions about this procedure. If requested by parents in their application for an independent review panel, the school must appoint a SEN expert to attend the panel meeting. This SEN expert will not have or at any time have had any connection with the school, parents or student.

**4.5 Role of the panel:** The review panel will hear all of the facts of the case, including any fresh evidence. A review panel may:

- uphold the decision to permanently exclude or
- recommend that the Trust Board reconsider their decision or
- quash the decision and direct that the Trust Board reconsiders the exclusion.

**4.6 Conduct of hearing:** The hearing will be conducted in a suitable venue and informal manner. Parents may be accompanied by a friend or representative. All parties will have the opportunity to put forward their case. The clerk to a review panel should ensure that minutes of the proceedings are taken, including details of the attendance, the voting and the decision. The minutes are not public documents but should be retained by the Academy Trust for a period of at least five years, as they may need to be seen by a court or (in the case of maintained school) by the Local Government Ombudsman.

**4.7 Procedure:** The panel will decide on the balance of probabilities whether the student did what he or she is alleged to have done and the basis for the Headteacher's decision and the procedures followed having regard to :

- Whether the Headteacher and Trust Board complied with the law and relevant guidance in deciding to exclude the student
- The School's Behaviour for Learning Policy, Equal Opportunities Policy and, if appropriate, the Special Educational Needs Policy and the fairness of the exclusion in relation to the treatment of any other students involved in the same incident.

The panel will make their decision and apply the civil standard of proof. They will also consider the Trustees' decision in light of the principles that apply to judicial review.

**4.8 Decision:** The panel's decision is binding on the student and parents, the Trust Board and the Headteacher. All parties will be informed of the decision and the reasons for it by the end of the second working day after the hearing. If the exclusion is upheld, the clerk will immediately inform the relevant local authorities. The panel may only quash the decision where it considers that it was flawed when considered in the light of the principles applicable on an application for judicial review.

**4.9 Complaint:** If parents have a complaint about maladministration by the appeal panel, they should contact the Education and Skills Funding Agency (ESFA) given the School's academy status.

**4.10 Parental Rights:** Parents have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disabilities) if they believe the exclusion to have been made as a result of the disability discrimination.

**4.11 Referral back the Trust Board:** If the IRP requests that the Trust Board reconsiders their decision the Trust Board must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

In the case of either a recommended or directed reconsideration, the Trust Board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- The parents;
- The Headteacher;
- The Local Authority.

## **5. MONITORING**

This policy will be monitored on an ongoing basis throughout the year as appropriate via The Leadership Team and when exclusions are made to ensure that correct practice is followed.

This policy will be evaluated and reviewed by the Leadership Team annually.

Related Policies:

- Behaviour
- Child Protection

This policy has been written to take into account and effect the Exclusions legal requirements September 2017.

The policy is written in relation to the following guidance

- 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
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.