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# HOLYROOD

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ACADEMY

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## EXCLUSION POLICY

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| Who is responsible | Board                         |
| Statutory policy   | Yes                           |
| Review timescale   | 3 years                       |
| Last review        | 5 <sup>th</sup> November 2018 |
| Approval date      | 12 <sup>th</sup> July 2017    |
| Next review        | February 2021                 |

*This Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers within The Trust and its Academies to share this commitment.*

*This policy is for Students, Parents / Carers, Staff as appropriate*

# Trust Exclusion Policy

## 1. Introduction

This policy sets out the framework and approach for how Exclusions are managed within Academies in the Trust in line with the statutory legislation, Exclusion from maintained schools, academies and pupil referral units in England, September 2017.

This document deals with the policy and practice that inform the use of exclusion in each of the Academies within The Trust. It is underpinned by the ethos of The Trust and a shared commitment of all who are associated with The Trust to achieve two important aims:

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

## 2. Decision to Exclude

Exclusion is a sanction used by The Trust and its Academies and the decision to exclude a student will be taken in the following circumstances:

- in response to a serious breach or persistent breaches of The Trust's Behaviour Policy and;
- where allowing the student to remain in the Academy would seriously harm the education or welfare of the student or others in the Academy.

Exclusions, whether they are permanent or fixed-term, are only authorised by the Academy Headteacher (or, in the absence of the Headteacher, a Deputy who is acting in that role). If none are available, then the decision to exclude will be taken by the CEO or deferred until the opportunity for authorisation is available.

The Trust seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within each of our Academies.

Students may be excluded permanently or for one or more fixed periods of time up to a maximum of 45 days in one academic year.

It may sometimes in exceptional circumstances be appropriate to issue a further fixed-period exclusion following an initial fixed-period or to issue a permanent exclusion. These will be treated as fresh exclusion decisions and are subject to the same decision making and notification requirements as the original exclusion decision.

Academies within The Trust will follow the latest DfE statutory guidance regarding exclusions, in order to make sure that students are treated fairly and not discriminated against.

Prior to any decision on whether to exclude, the Headteacher in the individual Academy within The Trust will give students an opportunity to present their case, which will, where possible, be recorded in writing, before taking the decision to exclude. Whilst exclusion may still be an appropriate sanction, Headteachers will take account of any contributing factors that are identified after an incident of poor behaviour has occurred such as where a student has suffered bereavement, has mental health issues or has been subject to bullying. How these contributing factors have been considered will be recorded as part of the exclusion report held on the student's file.

Exclusion, whether fixed-term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of The Trust Behaviour Policy:

- a. Verbal abuse to members of staff and others.
- b. Verbal abuse to students.
- c. Physical abuse to/attack on members of staff and others.
- d. Physical abuse to/attack on students.
- e. Indecent behaviour.
- f. Damage to property.
- g. Misuse of substances.
- h. Theft.
- i. Serious actual or threatened violence against students, members of staff or others.
- j. Sexual abuse or assault.
- k. Possession, misuse and supplying of illegal drugs.
- l. Carrying an offensive weapon.
- m. Arson.
- n. Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the student's behaviour.
- o. Behaviour outside school likely to bring the Academy or The Trust into disrepute.

This is not an exhaustive list and there may be other situations where the Academy makes the judgement that exclusion is an appropriate sanction.

Where a student has received multiple exclusions, or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Headteachers will consider whether exclusion is providing an effective sanction.

### **3. Notification of an Exclusion**

Parents will be notified without delay of the decision to exclude a student, the period of the exclusion, and where it is permanent the fact that it is permanent, and the reason for the exclusion. This information will be provided in writing to the parents and will include the parents' right to make representations and where there is a legal requirement for the Local Governance Committee to consider the exclusion.

A student who has been excluded will have the reason for his/her exclusion explained to him/her by a member of staff so that he/she understands the nature of the misbehaviour.

The Headteacher will also, without delay, notify the Local Governance Committee, and the CEO of The Trust of:

- A Permanent Exclusion;
- Exclusions which would result in the student being excluded for more than 5 school days in a term; and
- Exclusions which would result in the student missing a public examination.

The notification will include the reasons for the exclusion and the duration of any fixed-period exclusion.

The Local Governance Committee and The Trust will regularly monitor the number of exclusions, both fixed-term and permanent and will also make sure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

The Headteacher will also inform the LA, without delay, of any Permanent Exclusions.

#### **4. Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which Permanent Exclusion may be considered:

- a. a final, formal step in a concerted process for dealing with disciplinary offences, following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as the last resort. Offences would include persistent and defiant misbehaviour including bullying (including racist or homophobic bullying) or repeated possession or use of an illegal drug on school premises.
- b. where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - i. Serious actual or threatened violence against another student or a member of staff.
  - ii. Sexual abuse or assault.
  - iii. Supplying an illegal drug.
  - iv. Carrying an offensive weapon\*.
  - v. Arson.

*\*Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

The Academy will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the Academy and potentially the safety of students and staff of the academy.

#### **5. Alternative Provision**

Each Academy will take reasonable steps to set work for the student during the first five days of the exclusion.

Alternative provision will be arranged for exclusions of more than 5 days, arranged by the Local Governance Committee for fixed-period exclusions and arranged by the Local Authority for permanent exclusions.

#### **6. Pupils returning from a fixed-term exclusion**

All students returning from fixed-period exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and Academy. On occasion, a member of the Local Governance Committee may also be in attendance, especially if the student concerned is at a high risk of permanent exclusion.

## 7. Requirements on a Local Governance Committee to consider an Exclusion

Full details of the procedure and requirements that the Local Governance Committee will follow when considering exclusion are set out in the DfE statutory guidance.

These requirements are delegated to the Academy Local Governance Committee from the Trust Board.

The consideration panel will comprise a minimum of 3 members constituted from the membership of the Academy Local Governance Committee or a Governor from another Academy within the Trust and must include a Trustee. No Staff governors or associate members will be involved.

The following will be invited to attend the consideration meeting:

- The student's parents (and, if requested, a representative or friend)
- The Headteacher (and, if necessary, a colleague familiar with the case)
- The LA if appropriate to the context of the exclusion

Prior to the consideration meeting the Academy will provide written evidence that will be circulated to all parties at least 5 school days before the meeting.

If during the consideration meeting it is necessary to suspend proceedings, the panel Chair will arrange a resumption date without delay.

Following the conclusion of the consideration meeting, the panel Chair will notify parents, the Headteacher and the Local Authority of its decision without delay. If the exclusion is permanent, the notification will also include notice of the parents' rights to appeal the decision to an Independent Review Panel and how this might happen.

**The Exclusion policy should be read in tandem with other Trust policies such as:**

- **Anti-bullying**
- **Behaviour**
- **SEND**

| <b>Change Date</b> | <b>Details of Changes</b>                                    |
|--------------------|--|
| 05/11/2018         | A Trustee to be included in all Permanent Exclusion hearings |