



EXCLUSION POLICY

INSIGHT MAT POLICIES AND PROCEDURES

CHANGE CONTROL

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AUTHORISATION

Approved at the Board Meeting on 30th March 2022

Signed:

 30.3.22

Chair of Board

Date

Exclusion Policy & Procedure

1. Introduction

At Sir Graham Balfour School, we believe that learning is the most important reason for being at School and that nothing should stop learning. In order to support learning and to create a community in which all students and staff feel safe, it may be necessary to consider exclusion as a consequence for behaviour which is contrary to the ethos and expectations of the School.

Exclusion is recognised as an appropriate sanction, however permanent exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the Achievement and Positive Behaviour Policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

In this policy reference to 'exclusion' includes both fixed term and permanent exclusions. Where the policy is referring to a specific type (i.e. fixed term or permanent) of exclusion, the wording will make this clear.

Internal exclusion is when a child is isolated for the whole day and completes the same work as they would be doing in lessons. This is used as an alternative to exclusion.

To be read in conjunction with the Achievement and Positive Behaviour Policy.

2. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents/carers and students
- Students in school are safe and happy
- Students can learn in an atmosphere safe from the persistent disruption of other students
- Teachers can teach free of the persistent disruption of students
- Students do not become NEET (not in education, employment or training)

3. Principles

The following principles underpin the Exclusion Policy at Sir Graham Balfour School. The process: -

- Is lawful, rational, reasonable, fair and proportionate
- Puts learning at the centre of every decision
- Ensures that the School community is safe, nurturing and focused on learning

Exclusion is a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and surrounding circumstances before reaching the decision to exclude.

We recognise the detrimental impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion which can result from the permanent exclusion of a student and therefore try hard to avoid it.

Students are managed consistently, but not necessarily in a uniform manner. We do not operate a 'tariff' approach to the use of exclusion. When considering the decision to exclude, appropriate consideration will be made of aggravating and mitigating factors in each circumstance.

Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and every possible alternative has been exhausted. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

4. Legislation and statutory guidance

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

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012

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 students
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014

5. The decision to exclude

Only the Headteacher, or acting Headteacher, can exclude a student 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 student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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 student."

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 student will be taken only:

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

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:

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

6. Definitions

School Day

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

Fixed Term Exclusion

This is an exclusion for a fixed number of days. The student must remain at home up to the first 5 days (during which time the School will take reasonable steps to set and mark work for the student). For a fixed term exclusion of more than 5 days, full time education provision commences from the 6th day and is organised by the School. A student may not be excluded for more than 45 days in a school year. A student is entitled to return to school once the period of exclusion has ended. Examples of behaviour that may lead to fixed term exclusion include the following:

- Verbal abuse of staff or students
- Physical abuse of staff or students
- Indecent behaviour
- Damage to property
- Persistent poor behaviour contrary to acceptable behaviour outlined in the Achievement and Positive Behaviour Policy

This is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that exclusion is an appropriate sanction.

Permanent Exclusion

This is where the Headteacher's intention is that the student should not be allowed to return to the school. The decision should only be taken if:

- the student has committed a serious breach or persistent breaches of the School's Achievement and Positive Behaviour Policy; and

- allowing him/her to remain in Sir Graham Balfour School seriously harms the learning or welfare of the student or others in the school;

In most cases, this will be after a wide range of alternative strategies have been tried without success including alternative provision within and outside of school. However, there will be exceptional circumstances where, in the Headteacher's judgment, it might be appropriate to permanently exclude a child for a single serious breach (one-off or first offence). These might include:

- a serious breach of safety requirements likely to endanger other people or yourself;
- use or possession of or supply of alcohol or illegal drugs within the school premises or during school-organised activities;
- removal or damage of school property;
- stealing from the school, employees of the school, or from students;
- intentional damage to property;
- abuse of the school's computer system and of the internet;
- sexual misconduct, abuse or assault;
- serious actual or threatened violence or physical assault against another student, member of staff or worker in the school;
- carrying an offensive weapon (defined as any item made or adapted for causing injury);
- bullying and/or harassment including racial, sexual or homophobic harassment;
- willful defiance of the properly exercised authority of the school and its staff;
- bringing the school into disrepute or acting in a manner deliberately to undermine the school's principles or ethos.

7. Roles and responsibilities

7.1 The Headteacher

Informing parents/carers

The Headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded student:

- 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/carers' right to make representations about the exclusion to the Local Governing Body and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Local Governing Body to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents/carers 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/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers 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 student 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/carers' consent.

Informing the Local Governing Body and Local Authority (LA)

The Headteacher will immediately notify the Local Governing Body and the LA of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the Local Governing Body and LA once a term.

7.2 The Local Governing Body

Responsibilities regarding exclusions are delegated to the Local Governing Body Appeals Committee - which consists of up to 3 governors.

The Local Governing Body Appeals Committee has a duty to consider the reinstatement of an excluded student (see section 6).

The Local Governing Body has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the Local Governing Body 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 Local Governing Body will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

7.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

8. Considering the reinstatement of a student

The Local Governing Body Appeals Committee will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents/carers, the Local Governing Body Appeals Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the Local Governing Body Appeals Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Local Governing Body Appeals Committee will consider the exclusion and decide whether or not to reinstate the student.

The Local Governing Body Appeals Committee can either:

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

In reaching a decision, the Local Governing Body Appeals Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher 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 student's educational record.

The Local Governing Body Appeals Committee will notify, in writing, the Headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent the Local Governing Body Appeals Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents/carers' 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents/carers have a right to require the Insight MAT (IMAT) 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/carers for this appointment
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
 - That if parents/carers 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

9. An independent review

If parents/carers apply for an independent review, the IMAT will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Local Governing Body Appeals Committee of its decision to not reinstate a student.

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 governor's category and 2 members will come from the Headteacher 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 Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a member/trustee of the IMAT or Local Governing Body of the excluding school

- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the IMAT or the Local Governing Body, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the IMAT, Local Governing Body, parents/carers or student, 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

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

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

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

School Registers

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

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

Where an application for an independent review has been made, the Local Governing Body will wait until that review has concluded before removing a student's name from the register.

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

Where excluded students are not attending alternative provision, code E (absent) will be used.

10. Returning from a fixed-term exclusion

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

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

- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal isolation
- A programme in the School Inclusion Unit

11. Links with other policies

This Exclusions Policy is linked to our:

- Achievement and Positive Behaviour policy
- SEND policy
- Equality policy

12. Monitoring and Evaluation

The Deputy Headteacher (PDW) monitors the number of exclusions every term and regularly reports back to the Headteacher/governors. They also liaise with the LA to ensure suitable full-time education for excluded students as appropriate.

The MAT Board will formally review this policy every three years or more frequently if circumstances or legislation suggest it is appropriate.