



Diocese of Salisbury  
Academy Trust  
*'Beyond expectations for all of God's children'*

## EXCLUSION POLICY



Whitesheet  
CE Primary Academy

Policy Date: September 2019

Review Date: September 2022

*This policy is to be adopted by each Academy*

## Background

This policy deals with the policy and practice which informs the Academy's use of exclusion.

It is written in accordance with the DFE statutory guidance "Exclusion from maintained Schools, Academies and Pupil Referral Units in England" June 2013, updated in June 2015.

It is underpinned by the shared commitment of all members of the Academy community to achieve two important aims:

- i. The first is to ensure the safety and well-being of all members of the Academy community and to maintain an appropriate education environment in which all can learn and succeed;
- ii. The second is to realise the aim of reducing the need to use exclusion as a sanction.

The following are the key principles that underpin this policy and must be considered in all decision making:

- a) Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the Academy Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school;
- b) The decision to exclude a pupil must be lawful, reasonable and fair;
- c) Particular consideration should be given to the fair treatment of pupils from groups who are vulnerable to exclusion;
- d) Disruptive behaviour can be an indication of unmet needs. Where an Academy has concerns about a pupil's behaviour it should try to identify whether there are any casual factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, academies should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs;
- e) All children have a right to an education. Our academies will set and mark work for pupils during the first five school days of exclusion and alternative provision must be arranged from the sixth day.
- f) Where parents dispute the decision of a Local Governing Board (LGB) not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where this is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination)
- g) Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

## 1. Introduction

- 1.1 The decision to exclude a pupil will be taken in the following circumstances:
  - a) In response to a serious breach of the Academy's Behaviour Policy
  - b) If allowing the pupil to remain in the Academy would seriously harm the education or welfare of other persons or the pupil in the Academy.
- 1.2 Exclusion is an extreme sanction and is only administered by the Headteacher.
- 1.3 Exclusion, whether for a 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 Academy's Behaviour Policy:
  - Verbal abuse to staff, pupils or others
  - Physical abuse to / attack on staff, pupils or others
  - Indecent behaviour
  - Damage to property
  - Misuse of illegal drugs or other substances
  - Theft
  - Serious actual or threatened violence against another pupil or a member of staff

- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour.

- 1.4 This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.
- 1.5 The behaviour of pupils outside of the Academy can be considered as grounds for exclusion.
- 1.6 At times the Headteacher will decide not to use the extreme sanction of an exclusion but will decide that a Pastoral Support Plan should be drawn up to try avoid the sanction of an exclusion in the future. This might be accompanied by an internal exclusion.
- 1.7 Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- 1.8 Headteachers must take account of their legal duty of care when sending a pupil home following an exclusion.
- 1.9 When establishing the facts in relation to an exclusion decision, the Headteacher must apply a civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than a criminal standard of 'beyond reasonable doubt'.
- 1.10 Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex, race, disability, religion or belief; sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
- 1.11 'Informal' or 'unofficial' exclusions, such as sending pupil's home to 'cool off' are unlawful, and must not be used regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

## 2. Exclusion Procedure

- 2.1 Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DFE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 Academy days in any one Academy year.
- 2.2 The Headteacher will normally consult with the Chief Executive where there is a risk of or a need to exclude such that all options can be explored. The decision to permanently exclude will always be discussed with the Chief Executive before being made.
- 2.2 The LGB have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a pupil being excluded for more than 15 days in a school term or missing a public examination. The LGB have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

- 2.3 Following exclusion, parents must be contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to Diocese of Salisbury Academy Trust and the Academy as directed in the letter. A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Leadership Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up, which will include a review date. During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the Academy premises, and that daytime supervision is their responsibility as parents / carers.
- 2.4 In the following circumstances, the Headteacher must inform both the LGB and the Trust (as the statutory Governing Body) and the Local Authority immediately - this notification must include reasons and duration of any fixed term exclusion:
- A permanent exclusion (including where a fixed period exclusion is made permanent);
  - Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
  - Exclusions which would result in the pupil missing public examinations or national curriculum tests.
- 2.5 Once a term the Headteacher must inform the LGB and the Local Authority of all other exclusions.
- 2.6 Records relating to exclusions will be stored confidentially.
- 2.7 For a fixed period exclusion of more than five days, the LGB under the guidance of the Headteacher, must agree suitable full-time education. This provision must begin no later than the sixth day of exclusion.

### **3. Duty of the Governing Body to Consider Exclusion**

- 3.1 For all DSAT Academies, the duty to consider parental representation about an exclusion are delegated to the LGB.
- 3.2 The LGB should form a committee consisting of at least three LGB members. Where this is to consider a permanent exclusion, the panel should include a DSAT Trust Board member and two LGB members, wherever possible. This serves to provide a suitable external view and reflects the seriousness with which the Trust Board views such decisions.
- 3.3 In responding to parental representations they must act in accordance with DFE statutory guidance at all times
- 3.4 Should a parent apply within the appropriate time frame for an independent review of an LGB decision not to reinstate a permanently excluded pupil, then the Trust will arrange for an independent review panel to review the decision. This panel will be required to operate and act within the statutory framework for such a review.

### **4. Permanent Exclusion**

- 4.1 The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:
- i. The first is 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 a last resort. This would include persistent and defiant misbehaviour including bullying (which would include

racist or homophobic bullying) or repeated possession and/or use of an illegal drug on Academy premises.

- ii. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one-off' offence. These might include:
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 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".
  - Arson
  - Behaviour which poses a significant risk to the child's own safety.

- 4.2 The Academy will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the Academy.

## **5. Removing a Pupils Name from the Academy Register**

- 5.1 The Headteacher must remove a pupil's name from the Academy admissions register if:
  - 15 Academy days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel.
  - The parents have stated in writing that they will not be applying for an independent review panel.
- 5.2 Where an application for an independent review panel has been made within 15 Academy days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.
- 5.3 Where a pupil's name is removed from the Academy register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

## **6. General Factors the Academy Considers before Making a Decision to Exclude**

- 6.1 Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will:
  - Explore a placement at another DSAT Academy or another local school to avoid exclusion – this would include a 'managed move';
  - Wherever possible, discuss the situation with the Chief Executive in a bid to explore options and appropriate actions;
  - Ensure appropriate investigations have been carried out;
  - Consider all the evidence available to support the allegations, taking into account the Behaviour Policy, Equal Opportunity and Race Equality Policies;
  - Allow the pupil to give her/his version of events;
  - Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).
- 6.2 If the Headteacher is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then exclusion will be the outcome.

## Appendix 1: Summary of LGB duties to review a decision to exclude

