



## Exclusion Policy

<b>Date Published</b>	<b>June 2016</b>
<b>Version</b>	<b>1</b>
<b>Last Approved Date</b>	<b>April 2020</b>
<b>Review Cycle</b>	<b>3 Years</b>
<b>Review Date</b>	<b>May 2023</b>

# 1. Context

1.1. This policy outlines the approach of Nexus Multi Academy Trust to exclusions within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

# 2. Principles

2.1. Exclusion is a sanction used by the Trust and its constituent academies only in cases deemed as serious breaches of an academy Behaviour Policy. A pupil may be at risk of exclusion from their academy for:

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other pupils' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

2.2. A Fixed Term Exclusion from an academy within the Trust can only be authorised by the Headteacher or one of the Deputy Headteachers acting on their behalf. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

2.3. In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting the Chief Executive Officer of the intention to impose this sanction.

2.4. 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.

2.5. The Trust regularly monitors the number of Fixed Term Exclusions through reporting to Local Governing Bodies to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

## 3. Notification of an Exclusion

- 3.1. Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day.
- 3.2. In the case of a Permanent Exclusion parents will be notified by the Headteacher in a face-to-face meeting.
- 3.3. A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.
- 3.4. The academy will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the academy, parents, if appropriate, and any other appropriate bodies. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the academy will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following exclusion the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.
- 3.5. The Trust's Chief Executive Officer and relevant academy staff will be notified of all Fixed Term Exclusions the same day of the production of the exclusion letter.

## 4. Pupils Returning from a Fixed Term Exclusion

- 4.1. All pupils returning from a Fixed Term 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 pupil, parent and the academy.

## 5. Permanent Exclusions

5.1. An academy will only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a Headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident

5.2. If a child has been permanently excluded, be aware that:

- the academy local governing body is required to review the Headteacher's decision (see appendix a);
- if the governing body confirms the exclusion, parents can appeal to an independent appeal panel organised by the Trust Board;
- the academy must explain in a letter how to lodge an appeal;
- the local authority must provide full-time education from the sixth day of a permanent exclusion.

## 6. Appeals

6.1. All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Local Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Trust Board.

## 7. Relationship to other Trust policies

7.1. The Exclusion Policy should be read in tandem with a school's Behaviour Policy as well as other relevant Trust policies. It also has a close inter-relationship with the school's Anti-Bullying Policy and Attendance Policy.

# Appendix A – LGB Panel Meeting

## 1. The Local Governing Body Meeting to Consider Exclusions

This document is intended to provide the Chair, Governors and Clerk with guidance for running a Meeting of the Local Governing Body to consider exclusion.

It is important that the governors on the panel understand that they 'own' the meeting and not the Headteacher. How the meeting is arranged and conducted, is a vital part of working with the parents/carers of the pupil involved to support the young person's future. The meeting should be mutually convenient to all parties including the parents/carer, the date and time of the meeting should be agreed with the parents/carers in the first instance

## 2. Membership of the panel

This can be between 3 and 5 governors, but must not be less than 3. An odd number of governors are strongly recommended. Governors should, as far as possible, have no prior knowledge of the matter. To discuss the matter in advance will compromise the ability of governors to reach a fair decision, based on natural justice, and could make the process invalid, and flawed

Governors must not sit on the panel if any of the following apply:

- know the pupil and/or his/her family;
- witnessed the incident that led to the exclusion;
- have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- have a spouse/partner who was involved in the incident;
- for any other reason they may not be able to be impartial;
- is a member of the school staff;
- is the chair of governors and has discussed the pupil with the Headteacher;

## 3. Chairing the meeting

A full member of the local governing body must chair the meeting or a representative of the MAT. The LGB Chair may act as chair, provided that he/she has not discussed the matter before with anyone, especially the Headteacher but it can be one of the other governors.

## 4. Clerking the meeting

## Appendix A – LGB Panel Meeting

The meeting will be clerked with a record kept of the discussion in line with the agenda.

The Agenda, details of who will be present at the meeting should be sent to all parties at least 5 school days prior to the meeting (this includes parents/carers).

### 5. Order of the meeting

#### 5.1. Noting attendance

The Clerk should take minutes and a list of the names of everyone who is present at the meeting

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and how and whether or not they had indicated that they would be present.

Governors also need to detail the pupil's views and how they were obtained if they or their parent/carer does not attend. Parent/carers may be delayed for whatever reason and it is at the chair's discretion whether the start of the meeting will be briefly postponed, but being mindful of natural justice it would be appropriate to allow parents/carers sufficient time to attend.

#### 5.2. Apologies

The clerk should note any apologies offered.

#### 5.3. Chair's welcome, introductions and opening remarks

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. He/she should state the purpose of the meeting and outline its format.

The purpose of the meeting:

- to establish whether, based on the facts known at the time, the Headteacher took the right action in excluding the pupil;
- to consider whether the type of exclusion was appropriate;
- to ensure the exclusion was reasonable, fair and appropriate taking into account the head teacher's legal duties;
- whilst the local governing body is legally required to consider an exclusion - on behalf of Trustees - they must consider the interests and circumstances of the excluded pupil, including circumstances in which the pupil was excluded,

# Appendix A – LGB Panel Meeting

- and have regard to the interests of other pupils and people working in the school;
- to establish that the Headteachers decision warrants a permanent exclusion and is:
    - in response to serious or persistent breaches, of the school's 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

Based on the evidence presented to them the governors on the panel have two basic options:

- to reinstate the pupil, immediately or a future date; or
- to decline to reinstate

In order to help them reach their judgement the meeting should take the following pattern.

## **5.4. Verbal statement from the Headteacher**

This will be in support of any written evidence previously circulated. The Headteacher must be able to make his/her case on the day – it is not sufficient to rely on information previously sent out. He/she may invite other staff members to attend to offer supporting evidence, being careful not to be over represented. Governors, parents/carers may make comments/ask questions after the Head teacher has presented his/her case.

Written evidence should be circulated in advance it should be sent to all the parties involved at least 5 days prior to the meeting, this includes the parents/carers

Witness statements should be signed and dated unless there is good reason not to.

There should also be the excluded pupil's views taking into account their age and understanding. In the case of a permanent exclusion, where the Headteacher may need to outline a series of events/poor behaviour, it is acceptable to provide a list of the pupil's transgressions, a report from the Headteacher giving evidence why he/she feels the exclusion is justified. This should include sufficient to allow governors to have a full picture of the situation i.e. Pastoral Support Plan, Individual Education Plan, Risk Assessment, details of intervention strategies and outcomes, whether a Family Support Plan has been offered or provided, and details of special education needs/disability and how these have been supported.

## Appendix A – LGB Panel Meeting

### **5.5. Questions to the Headteacher**

Panel members (governors) may ask questions to clarify points after Headteacher has presented his/her case as well as parents/carers.

### **5.6. Verbal statement from the parent/carer (or pupil if appropriate)**

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf

### **5.7. Questions to parents/carers**

Panel members (governors) may make ask questions as well as the Headteacher. If pupil is in attendance, he/she may also be questioned

### **5.8. Final clarification**

The Chair of the panel should ensure that all parties, especially the parents/carers/pupil, have had an opportunity to say what they wish to and that all points are clear. Governors should be confident that they have all the information they need to be able to reach a correct decision.

### **5.9. Reaching a Decision**

At this point everyone other than the governors and clerk should withdraw from the meeting, to allow the governors to discuss the case/s under consideration and form a judgement.

Where parents make it clear they do not wish their child reinstated, the local governing body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

In this case a note should be attached to the child's school record, to clarify if the panel did not support the Headteacher's action.

## Appendix A – LGB Panel Meeting

Where the panel judged that exclusion was not the correct course of action, it may reinstate the pupil. In these cases, some of the following might apply:

- the Headteacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;
- the panel judged that insufficient strategies had been put in place to support the pupil prior to the incident that resulted in the exclusion (i.e. it could have been avoided if the school had given better support), or;
- the parent/carer has made an acceptable representation against the exclusion, e.g. provided evidence of mitigating circumstances, provided evidence to support their child's views with regard to their case;
- the child had not been given a voice at the meeting and their views captured by the school;
- strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the pupil presents or faces; or in the case of Looked After Children, whether their Personal Education Plan has been reviewed;
- based on the balance of probabilities they felt the Headteacher's decision was not lawful, reasonable and procedurally fair.

There are times when pupils with Education, Health and Care Plans are exhibiting behaviour that might lead to their exclusion, or have been excluded. In these cases the school should have requested a review of this to establish that the child has the appropriate level of support in the school, or is even the appropriate school for the pupil to attend, this may not always happen as a one off offence of physical violence etc., An external review may also be requested where pupils and their behaviour has deteriorated.

Where a child with an Education, Health and Care Plan is excluded from school the panel should always ask what the school has done to support the pupil before exclusion is imposed and satisfy itself that the school has done all it can. Schools should call a review if they feel the pupil's behaviour has deteriorated or the pupil is struggling to cope. Parents/carers of a pupil with an Education, Health and Care Plan must be informed of their right to appeal to First Tier Tribunal with regard to any exclusion.

If parents believe that the exclusion has occurred as a result of discrimination they may make a claim under the Equality Act 2010, so the panel need to consider whether the school has made reasonable adjustments with regard to the disability.

### 6. Record Keeping

The clerk will take Minutes of:

## Appendix A – LGB Panel Meeting

- the evidence and questions by all parties
- the main points of the discussion by panel members;
- the decision reached, and:
- the supporting reasons.
- how the pupils views were captured

The panel may include comments or make recommendations but cannot put conditions on exclusion or the outcome.

### 7. Communicating the outcome

Where all parties have chosen to stay to be told the decision they should be invited back into the meeting room to receive this.

However, it is not an opportunity for further discussion of the case.

In any event, a formal letter detailing the decision, and setting out the reasons why governors have reached their conclusion, should be sent to the parent/ carer without delay, either hand delivered or posted by first class mail.

### 8. Further action

In the case of a permanent exclusion, the parents/carers must be informed in the letter from the panel of how they can make an application to an Independent Review Panel

Where parents make an application against a permanent exclusion to an Independent Review Panel after the local governing body meeting they can only uphold the decision; recommend that the local governing body reconsider their decision; or quash the decision and direct the local governing body reconsider the exclusion again. The Independent Review Panel cannot direct reinstatement, only the Local Governing Body and the First Tier Tribunal can reinstate.

When sent back to governors and recommended to reconsider or the decision quashed and direction is given to the local governing body to reconsider: this has to take place 10 days from the date of receipt of the outcome of the Independent Review Panel. It is then the decision of the local governing body to review the decision not to reinstate and write to the parent and Headteacher of their decision without delay.

## Appendix A – LGB Panel Meeting

Minutes of the Meeting should be held on record in line with the Nexus MAT record retentions schedule.

One copy of all paperwork needs to be kept as a parent can go the First Tier Tribunal re disability discrimination before and after an Independent Review. Claims can be up to 6 months after the review.