



Wessex
Learning Trust

We Learn Together!

Exclusions Policy

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Exclusions Policy

1.0 Purpose

1.1 This policy is designed to outline the Wessex Learning Trust's approach to exclusions within the statutory framework as set out in the Department for Education 'Statutory Guidance Exclusion from maintained schools, academies and pupil referral units in England 2012 updated 2015'. It outlines only where the Wessex Learning Trust applies its own additional guidance and policies which complement and reinforce the statutory guidance, for the purpose of clarity in the day-to-day operation of its Academies.

2.0 Principles

2.1 Exclusion is a sanction used by the Wessex Learning Trust only in cases deemed serious breaches of an Academy's Behaviour Policy. A student may be at risk of exclusion from a Wessex Learning Trust Academy for:

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

2.2 In discharging their duties Academy Headteachers and the Local Governing Bodies will have regard to the Department for Education Statutory Guidance 'Exclusion from maintained schools, academies and pupil referral units in England 2012 updated 2015' and any subsequent updates to this guidance. They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.

2.3 Before excluding a student, in most cases alternative strategies will have taken place. Where a one off incident of sufficient gravity has taken place, this may not apply.

2.4 A Fixed Term Exclusion from a Wessex Learning Trust Academy can only be authorised by its Headteacher or member of the Academy Leadership Group acting on delegated authority. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available. In the case of a Permanent Exclusion this can only be authorised by a Headteacher.

2.5 Each Academy will seek to minimise the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within each Academy.

2.6 Each Academy will monitor the number, reasons for and types of exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are wherever possible being met.

2.7 A decision to exclude a student will only be taken:

- In response to serious breaches of an Academy's Behaviour Policy if allowing the student to remain in the Academy would seriously harm the learning or welfare of the student, other students or staff in the Academy;
- In cases where there has been a major breach of normal expectations of conduct and or a breach of the criminal law.

2.8 Before excluding a student, in most cases alternative strategies will have been tried. Where a one off incident of sufficient gravity has taken place, this may not apply.

3.0 Responsibilities of a Headteacher

3.1 Each Headteacher or their designate has the power to exclude students.

3.2 In considering the exclusion of a student each Headteacher or their designate should ensure that the following actions are taken:

- An investigation to establish the facts of the case;
- Take into account the Behaviour Policy;
- Ensure that wherever practical students involved have the opportunity to give their version of events.

3.3 Before deciding to exclude a student permanently the Headteacher will first try a range of strategies as outlined in the Academy's Behaviour Policy, including fixed term exclusion. Only when other strategies have been tried without success will the Headteacher consider permanent exclusion. Except or notwithstanding 2.7 where a one off incident of sufficient gravity has taken place.

3.4 There are occasions when the severity of the offence will merit permanent exclusion even when there has been no record of poor behaviour.

3.5 Each Headteacher may exclude a student for up to 45 school days in any academic year. Any exclusion beyond 45 school days will be permanent. However, before that point is reached the individual Academy will have explored the option of an alternative placement and or managed move.

3.6 Each Headteacher will aim for the shortest possible period of exclusion however brief and will maintain a record of exclusions.

3.7 Arrangements will be made for students who are excluded to have work made available.

4.0 Informing Parents/Carers about The Exclusion

4.1 Parents/carers will be notified as soon as possible of the decision to exclude a student and the reason for the exclusion. This will be done on the day of the exclusion being authorised, by either phone contact or a face to face meeting. A written confirmation of the exclusion including the term of the exclusion, reasons and right to appeal to the local Governing Body Discipline Panel will normally be sent to parents/carers the same day.

4.2 If a Headteacher wishes to extend a fixed term exclusion or convert a fixed term exclusion into a permanent exclusion, the Headteacher will again write to the parents/carers explaining the reasons and right of appeal to the Local Governing Body Discipline Panel.

4.3 A student who has been excluded will normally have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature and consequences of their misbehaviour.

4.4 The Chair of the Local Governing Body, Local Authority Inclusion Officer and relevant academy staff will be notified of all Permanent Exclusions the same day of the production of the exclusion letter by being sent a copy of the exclusion letter.

4.5 Independent advice on exclusion is available for parents/carers from the Coram Children's Legal Centre: **www.childrenslegalcentre.com** telephone 08088 020 008 and information on the Department for Education Statutory Guidance on exclusions may be found at: **www.gov.uk/government/publications/school-exclusion**

5.0 Students Returning From Fixed Term Exclusion

5.1 All students returning from a Fixed Term Exclusion are required to attend a reintegration meeting accompanied by a parent/career. This meeting will reinforce expectations and seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in

partnership between the student, parent and academy. It may also be relevant to complete a pastoral support plan at this meeting.

5.2 In some incidents, on return from a Fixed Term Exclusion a student will be required to be educated elsewhere in an Academy.

6.0 Appeals

6.1 All correspondence notifying a parent/carer of an exclusion from a Wessex Learning Trust Academy will inform them of their right to appeal to the local Governing Body Discipline Panel against the decision to exclude.

6.2 The person who should be contacted to lodge an appeal is the Clerk to the local Governing Body at the Academy attended by the child.

7.0 Responsibilities of The Local Governing Body

7.1 The responsibilities of the Local Governing Body shall be as follows:

- To establish a discipline panel and consider any appeals when required to do so;
- To establish/commission an Independent Review Panel when required to do so;
- The local Governing Body does not have the right to exclude a student but if they so wish, they may recommend that the Headteacher considers exclusion;
- To review the use of exclusion at their Academy.

8.0 Local Governing Body Discipline Panel

8.1 The local Governing Body Discipline Panel will meet to consider exclusion under the following circumstances:

- The exclusion is permanent;
- It is a fixed period exclusion that would bring the total number of days of exclusion to more than 15 in one term;
- It would result in the student missing a public examination or national test;
- To consider an appeal by a parent or carer;
- To consider an exclusion at the request of the Headteacher.

8.2 The Local Governing Body Discipline Panel will consist of no fewer than three Governors and will meet within 15 days of the date of the exclusion. The Local Governing Body must appoint a clerk to the Discipline Panel to provide advice on the exclusion process and to handle the administrative arrangements for considering exclusions including producing a written record of the meeting. In cases where a delay in convening a meeting of the Local Governing Body Discipline Panel would result in a student missing a public examination the case will be considered by the local Chair of Governors.

8.3 Prior to a meeting of the Local Governing Body Discipline Panel Governors should:

- Invite the Headteacher, parents/carers and their child to attend the meeting giving a minimum of five school days' notice;
- Not discuss the exclusion with any party outside of the meeting;
- Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the Academy, such as those relating to a student's SEN);
- Where possible, circulate any written evidence and information to all parties in advance of the meeting;
- Allow parents and students to be accompanied by a friend or representative;
- Have regard to their duty to make reasonable adjustments for people who have a disability in relation to mobility or communication.

8.4 The meeting of the local Governing Body Discipline Panel will:

- Consider the reasons for the exclusion given by the Headteacher or their designate and ask any questions;
- Consider any representations about the exclusion made by the parent/carer and ask any questions;
- Consider any points raised by the students and ask any questions.

8.5 When establishing the facts in relation to an exclusion decision the Local Governing Body Discipline 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'.

8.6 In the light of their consideration, the Local Governing Body Discipline Panel can either:

- Uphold an exclusion; or
- Direct reinstatement of the student immediately or on a particular date.

8.7 In the case of a fixed period exclusion which does not bring the student's total number of days of exclusion to more than five in a term, the local Governing Body Discipline Panel cannot direct reinstatement.

8.8 Where reinstatement is not practical because, for example, the student has already returned to the Academy following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Local Governing Body must, in any event, consider whether the Headteacher's decision to exclude the student was justified based on the evidence.

8.9 The local Governing Body Discipline Panel will write to parents within five school days of the meeting to inform them of the decision of the panel and inform them of their right of appeal.

8.10 Parents/carers of a student who is excluded permanently from the Wessex Learning Trust have the right to appeal against the decision of the Local Governing Body Discipline Panel to an Independent Review Hearing within 15 school days of being notified of the decision.

9.0 Independent Review Panel

9.1 Where a parent/carer requests an Independent Review Panel hearing the Academy will arrange for an Independent Review Panel to review the decision of the local Governing Body Discipline Panel. Any application made outside the 15 school days will be rejected. Parents/carers may request an Independent Review Panel hearing even if they did not make a case to, or attend, the meeting at which the Governing Body Discipline Panel made their decision.

9.2 All arrangements for the Independent Review Panel hearing will be made by the Academy or the organisation commissioned by the Academy to manage this process on their behalf and this includes:

- Establishing an Independent Review Panel which complies with statutory regulations;
- Agreeing a suitable date, time and independent venue for the hearing to take place;
- Appointing an independent Clerk to advise the panel and administer the process. The Clerk to the Local Governing Body Discipline Panel will not be eligible to perform this role;
- Where it has been requested arranging for a SEN expert to attend the review hearing.

9.3 The role of the Independent Review Panel is to review the decision of the Local Governing Body Discipline Panel 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

Academy. The panel must also apply the civil standard of proof 'on the balance of probabilities' rather than the criminal standard of 'beyond reasonable doubt.'

9.4 Following its review the Independent Review Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Local Governing Body reconsiders their decision; or
- Quash the decision and direct the Local Governing Body to re-consider the exclusion again.

9.5 The Independent Review Panel does not have the power to reinstate the student.

9.6 Following the review, the panel must issue written notification to all parties without delay. This notification must include:

- The panel's decision and the reasons for it;
- Where relevant, details of any financial readjustment/payment to be made if a Governing Body subsequently decides not to offer to reinstate a student; and
- Any information that must be recorded on the student's educational record to reflect the decision

9.7 The decision of the Independent Review Panel is binding on the student, parent/carer, Governing Body and Local Authority.

10.0 Monitoring and Review

10.1 Each Headteacher will provide their Local Governing Body with information on exclusions. The Local Governing Body will monitor the use of exclusions in their Academy.

The policy will be reviewed every three years by the Wessex Learning Trust Board.

Approved by the Wessex Learning Trust Board: 8/11/16
Review date: November 2019