



Ascent Academies' Trust EXCLUSION POLICY

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EXCLUSION POLICY

1. Introduction

The purpose of this policy is to ensure that Ascent Academies' Trust demonstrates a fair and responsive approach to exclusions. The Trust is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect and feel able to contribute to the best of their abilities.

We aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by trustees, staff, parents and pupils
- Pupils within the Trust are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Ascent Academies' Trust will work in partnership with parents to ensure that expectations and strategies we use with pupils are clear and parents can reinforce them with their child. This includes ensuring that parents are kept informed about decisions made in response to a pupil's behaviour so that we can work together with the best interests of the pupil to ensure expectations for behaviour are made clear.

This policy should be read in conjunction with the following Trust policies and with individual academy procedures as appropriate.

- Behaviour Regulation Policy
- Anti-Bullying Policy (Academy Specific)

This policy will be regularly reviewed and amendments can only be made following the approval of the Ascent Academies' Trust Central Team, known as Trust Central Team.

This policy applies to the Trust and to all individual academies. This policy should be read by all staff involved in promoting positive behaviour and keeping our young people safe in education.

Instances of non-compliance with this policy will be reviewed by the individual academy and may be reported to the CEO and/or the Standards Committee.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England. 2017

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

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 pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

The role of trustees is set out within the following policy. It should be noted that trustees may delegate aspects of their role(s) in line with the Trust's Articles of Association.

3. The decision to exclude

A decision to exclude any pupil is taken extremely seriously. Instances are rare and should only be used as a means of last resort. Our Academies are committed to equal opportunity for all. It is felt that exclusions of pupils from the academies, whether fixed term or permanent, are damaging to both the student and the whole school community. Consequently, a pupil will only be excluded when other strategies have not been effective over time in dealing with persistent breaches of the behaviour and regulation policy, or when there has been a single, clear and serious breach of discipline, or if allowing the student to remain in the school would seriously harm the education or welfare of the student or other pupils in the school.

Only the Head of Academy (HoA), or a person acting with the Head of Academy's authority, can exclude a pupil from school. The HoA will always consider a pupil's special educational needs and disabilities (SEND) when taking the decision to exclude. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- After a discussion with the CEO of the trust has taken place
- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- With the agreement of the CEO
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Consider any safeguarding concerns for the pupil or their family resulting from a potential exclusion and ensure these have been discussed and shared with the wider multi professional team involved.
- Allow the pupil to give their version of events

The school will take due regard to the SEND Code of Practice, ensuring that any special educational needs and disabilities (SEND) when considering whether or not to exclude a pupil. The HoA will ensure that reasonable steps have been taken to respond to a pupil's SEND so the pupil is not treated less favourably for reasons related to their individual needs. Reasonable steps will include:

- Differentiation in the Trust Behaviour and Regulation Policy
- Developing strategies to promote the right choices for a pupil
- Request support from colleagues across the Ascent Academies' Trust including the Multi-Disciplinary Team
- Requesting external help with the pupil
- Staff training

4. Definition

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.

5. Roles and responsibilities

5.1 The Head of Academy

Informing parents

We aim to have good relationships with all of our parents and any action will always be followed up with a conversation to ensure reasons for action taken are understood and give opportunities for discussion which will include any support required.

The HoA will immediately provide the following information, in writing, to the parents of an excluded pupil:

- 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' right to make representations about the exclusion to the Standards Committee and how the pupil may be involved in this

- Where there is a legal requirement for the Standards Committee to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The HoA will also notify parents 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 are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents 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 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 pupil 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' consent.

Informing the Board of Trustees and local authority

The HoA will immediately notify the Chair of the Board, C.E.O and the local authority (LA) of:

- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

The HoA should consult the CEO around plans for permanent exclusion. The CEO should inform the Chair of the Board and the LA of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent

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

For all other exclusions, the HoA will notify the Trustees and LA once a term.

5.2 The Board of Trustees

Responsibilities regarding exclusions is delegated to the Chair of the Board and the CEO

The delegated committee (Standards) has a duty to consider the reinstatement of an excluded pupil (see section 6).

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

5.3 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.

6. Considering the reinstatement of a pupil

The Standards Committee will consider the reinstatement of an excluded pupil 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 pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

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

The Standards Committee can either:

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

In reaching a decision, the Standards Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the HoA 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 will be kept. The outcome will also be recorded on the pupil's educational record.

The Standards Committee will notify, in writing, the HoA, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Standards Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' 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 pupil's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA/Ascent Academies' Trust to appoint an SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents 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

7. An independent review

If parents apply for an independent review, the LA/Ascent Academies' Trust will arrange for an independent panel to review the decision of the Standards Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Standards Committee of its decision to not reinstate a pupil.

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 trustees' category and 2 members will come from the HoA category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a trustee or volunteer
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or HoAs during this time
- HoAs or individuals who have been a HoA within the last 5 years

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

- Are a member/director of the LA/Ascent Academies' Trust, or trustee of the excluding school
- Are the HoA of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA/Ascent Academies' Trust, or the board of trustees, of the excluding school (unless they are employed as a HoA at another school)

- Have, or at any time have had, any connection with the LA/Ascent Academies Trust, academy, Board of Trustees, parents or pupil, 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 (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trustees' decision
- Recommend that the Standards Committee reconsiders reinstatement
- Quash the Standards Committee'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.

8. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents 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 Standards Committee will wait until that review has concluded before removing a pupil's name from the register.

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

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

9. Returning from a fixed-term exclusion

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

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

- *Agreeing a behaviour plan- Every effort will be made to ensure pupils are involved in this process or where a student does not have capacity to understand the plan the multi professional team around the child will be involved as advocates.*
- *Accessing intervention*
- *Close supervision*
- *Review of Pastoral Planning with the team around the child using the "solution circle" approach and ensuring the "voice of the child" is considered.*

10. Monitoring arrangements

The Behaviour Manager monitors the number of exclusions during each term and reports back to the SEN Team Briefings, HoA and Trustees on a regular basis. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Ascent Academies' Trust every 2 years or sooner if legislation changes. At every review, the policy will be shared with the Board of Trustees.

Link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Appendix 1: independent review panel training

The LA/Ascent Academies' Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

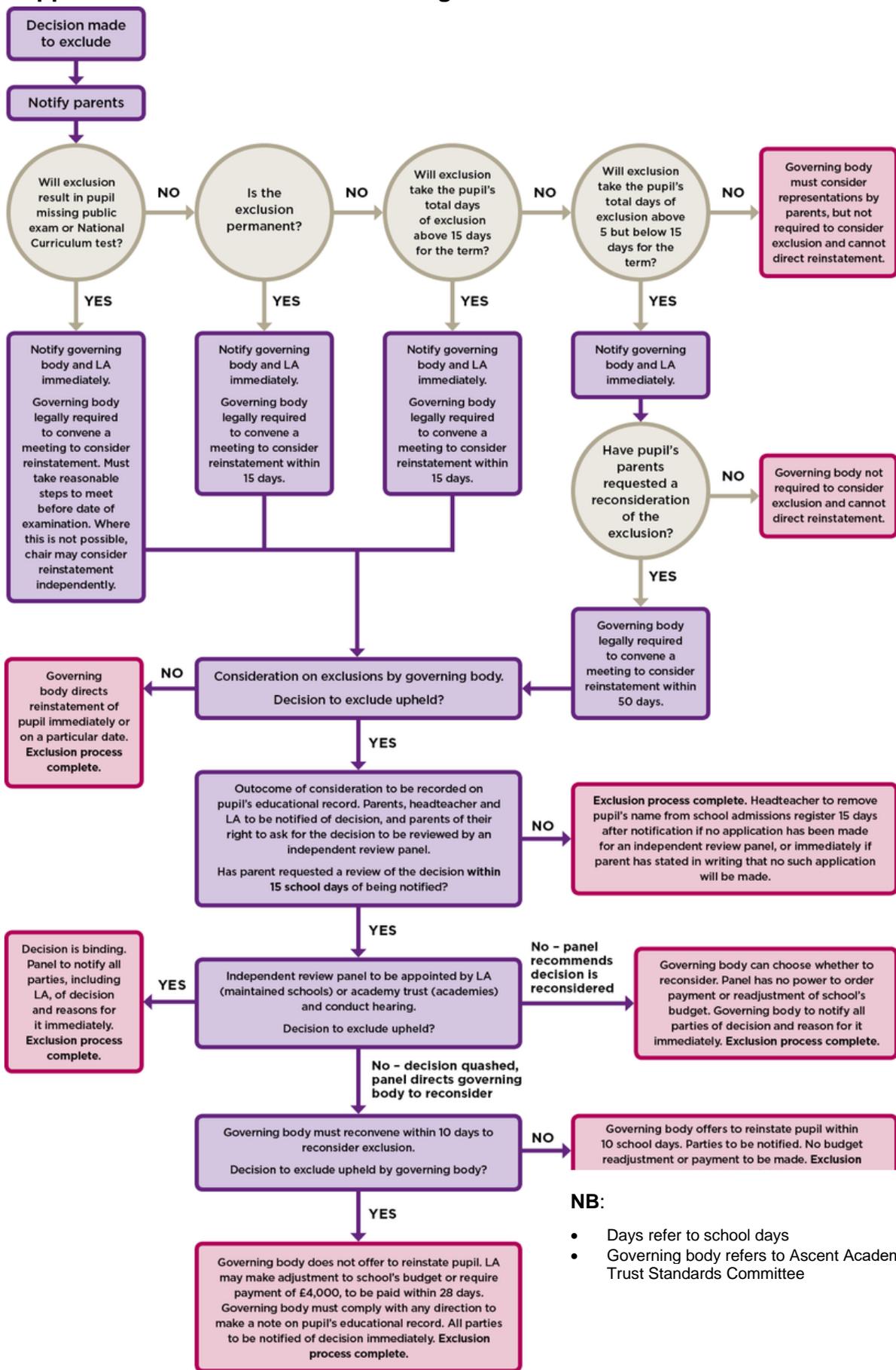
- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of HoAs, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: Reasons for Exclusion

| Reasons for Exclusion | | |
|--|--|--|
| Serious breach of school rules | Serious risk of harm to the education or welfare of the pupil or others in the school | |
| Type of Exclusion | | |
| <p>Internal Exclusion</p> <p>An internal exclusion is a discretionary measure, where a pupil's Behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed term exclusion. This should trigger a solution circle if this has not recently been completed.</p> | <p>Fixed Term Exclusion</p> <p>Exclusion for a period of time from half a day to five school days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.</p> | <p>Permanent Exclusion</p> <p>This will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious or persistent breach of school rules and policies.</p> |
| Decision to Exclusion | | |
| Head of Academy and CEO | Head of Academy and CEO | CEO |
| <p>Appealing a Fixed Term Exclusion</p> <p>If a parent* wishes to appeal a fixed term exclusion the appeals process is outlined in the exclusion notification letter.</p> <p>A parent can ask the Standards Committee to consider the decision to exclude if either:</p> <ul style="list-style-type: none"> The pupil has been excluded for more than 5 school days The exclusion means that the pupil will miss a public examination or national curriculum test <p>If the exclusion is for five school days or fewer, the Standards committee will consider representation but cannot direct reinstatement.</p> | <p>Appealing a Permanent Exclusion</p> <p>If a parent wishes to appeal a permanent exclusion, the appeals process is outlined in the exclusion notification letter.</p> <p>The parent will be invited to an appeals meeting with the Standards Committee within 15 school days of receipt of the notification of appeal.</p> <p>If the parent should remain dissatisfied they can ask the academy to arrange an independent review.</p> | |
| <p>Discrimination and other complaints</p> <p>That if parents 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</p> | | |

* The term 'parent' refers to the legal guardian of the child which can include carer, grandparent etc.

Appendix 3: Decision to Exclude diagram



- NB:**
- Days refer to school days
 - Governing body refers to Ascent Academies' Trust Standards Committee

Appendix 4: A summary of the board of trustee's duties to review the head of academy's exclusion decision

