



# **SIR ROBERT PATTINSON ACADEMY**

## **EXCLUSION POLICY**

Updated in school:	September 2018
Date approved by Governors:	10 December 2018
Review Date:	September 2021

## **Exclusion Policy FTE Sanction**

### **Serious incidents of misbehaviour leading to Fixed Term or Permanent Exclusion Action to be invoked by Senior Staff in Serious Disciplinary Matters**

#### **Purpose of this policy**

This policy is designed to briefly outline the Academy's approach to exclusions within the statutory framework as defined in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012* and DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which came into force in September 2017. It outlines only where the academy 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 Academy. The policy should be read in conjunction with our policies on behaviour and anti-bullying.

#### **Principles**

Exclusion is a sanction used by the Academy only in cases deemed as serious breaches of the Academy Behaviour Policy. A student may be at risk of exclusion from school for a range of breaches of the Academy code of conduct but will include:

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

In discharging their duties, the Head Teacher and Governors will have regard to DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which came into force in September 2017. They will also take into account their statutory duties in relation to special educational needs and/or disabilities including having regard to the SEND Code of Practice.

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

A Fixed Term Exclusion from the Academy can only be authorised by the Head or the Deputy 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 the Head.

The Academy seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the Academy.

The Academy regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

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

- a. In response to serious breaches of the Academy's Behaviour, Rewards and Sanctions 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
- b. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]

Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient severity has taken place, this may not apply.

## **Responsibilities of the Head Teacher**

The Head Teacher alone (or his/her designate, if he/she is absent) has the power to exclude students. In considering the exclusion of a student the Head teacher should ensure that the following range of activities are carried out:

- a. Undertake a thorough investigation
- b. Consider all the relevant facts and firm evidence to support the allegations
- c. Take into account the Academy's Behaviour Policy including the Equality Policy and Anti Bullying policy
- d. Check whether an incident appeared to be provoked by racial or sexual harassment
- e. Ensure that all students involved have the opportunity to give their version of events.
- f. Consult other people or agencies except where they may be involved in any review of the exclusion.
- g. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the Academy

Before deciding to exclude a student permanently, the Head Teacher will first try a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion and in line with the Lincolnshire Intervention Ladder to access wider support. Only when other strategies have been tried without success will the Head Teacher consider permanent exclusion. Except, or notwithstanding, where a one-off incident of sufficient severity has taken place. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.

The Head Teacher 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 Head Teacher will have held discussions with the Lincolnshire Reintegration Team regarding alternative placements and, if possible, a managed move.

The Head Teacher will aim for the shortest possible period of exclusion but, however brief, an exclusion plan will be made to enable the student to continue their education and to use the time to address the student's problems; This will be examined during the process of reintegration.

## **Informing Parent(s)/carer(s) about the Exclusion**

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 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 which will include details of where a copy of the Exclusion Policy can be obtained from if required. (see attached example letter Appendix A)

If the Head Teacher wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Head Teacher will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where exclusion is extended, there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

A student 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. This may need further clarification at the readmission meeting.

The Chair of Governors, LA Reintegration Team and relevant Academy staff will be notified of all Permanent Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion. (see attached example letter Appendix B)

## **Students Returning from a Fixed Term Exclusion**

All students returning from a Fixed Term Exclusion are required to attend a readmission 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 student, parent and the Academy. It may also be relevant to complete a risk assessment at this meeting.

In some incidents, on the return from a Fixed Term Exclusion students will be required to have a phased return to lessons or be supervised during social times.

## **Appeals**

All correspondence regarding an exclusion from the Academy will inform parents of their right to appeal to the 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 Governors.

## **Responsibilities of the Governing Body**

The Governing Body will establish, when the need arises, an Independent Review Panel. The Governing Body will establish a Pupil Discipline Committee. The Governors do not have the right to exclude a student. The Governors will review the use of exclusion in the Academy regularly.

The Head Teacher will inform the Chair of Governors of all permanent exclusions.

## **The Role of the Governors in Permanent Exclusion Cases**

The Pupil Discipline Committee will consist of no less than three Governors who will review the use of exclusion within The Academy, including considering the views of the Parent(s)/carer(s) of an excluded student, and deciding whether or not to confirm exclusions of more than fifteen academy days.

If the exclusion is for fifteen academy days or fewer the Discipline Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s).

The governing body discipline committee must meet in cases of a permanent exclusion or a fixed term exclusion that have been converted to permanent exclusion.

The Governor's legal responsibility is to robustly review the Head Teacher's decision to permanently exclude the student ensuring it is lawful, fair and reasonable and that the school has exhausted all avenues in support before making such a decision.

The governing body discipline committee must meet to:

- a) Consider the circumstances in which the student was excluded;
- b) Consider any representations about the exclusion made by the parent;
- c) Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.

For permanent exclusion, the governing body discipline committee should normally satisfy itself that all possible strategies to improve a student's behaviour were tried without success; strategies should include those in DfE guidance, including a Pastoral Support Programme. For children with ECHPs, revising the statement might be better than resorting to exclusion.

For permanent exclusions, the governing body discipline committee will consider the exclusion and decide whether the student should be reinstated. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance.

The governing body discipline committee may not attach conditions to the reinstatement of a student. If the governing body discipline committee upholds the Head Teacher's decision to exclude a student permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012* and DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which came into force in September 2017.

If the governing body discipline committee upholds a decision to exclude a student permanently, it will notify the Local Authority in writing of this decision within one school day of the hearing.

### **After the meeting – Permanent Exclusions**

A note of the governing body committee views on the exclusion shall normally be placed on the student's record with a copy of the Head Teacher's exclusion letter.

Parent(s)/carer(s) whose child is excluded permanently from Sir Robert Pattinson Academy will have the right to appeal against the governing body discipline committee decision to uphold the exclusion. This should follow statutory guidelines as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012* and DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which came into force in September 2017.

### **Independent Review Hearings**

If applied for by parents within the legal time frame (15 days), Sir Robert Pattinson Academy will arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded student.

Any application made outside the legal time frame will be rejected by the Sir Robert Pattinson Academy Trust. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision. All arrangements for the Independent review 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 DfE regulations
- Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding Academy)
- Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding Academy governing body will not be eligible to perform this role)

The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions. Where it has been requested, arrange for a SEND expert to attend the review hearing. The role of the panel is to review the governing body's decision 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". Following its review, the panel can decide to:

- a. Uphold the exclusion decision
- b. Recommend that the governing body reconsiders their decision or,
- c. Quash the decision and direct the governing body to consider the exclusion again

The decision of the Independent Review Panel is binding on the; student, parents, governing body, LA and Sir Robert Pattinson Academy.

New supporting evidence may be presented to the panel but the Academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced. Where present, the panel must seek and have regard to the SEND expert's view of how SEND might be relevant to the student's exclusion. Members of the Academy Permanent Exclusion Committee and Academy Presenting team will be invited to attend the hearing to present their case to the panel. As with the governing body exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present the case will be heard in their absence.

Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment of £4k to the Local Authority if the governing body does not offer to reinstate the student within 10 Academy days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)

A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event, the panel will be adjourned until the number can be restored.

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

- a. The panel's decision and the reason for it
- b. Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a student
- c. Any information that must be recorded on the student's educational record to reflect the decision

If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the Academy, the student's "home local authority".

### **Relationship to other Academy policies**

The Exclusion Policy should be read in tandem with the Academy's Behaviour Policy as well as other relevant Academy policies, particularly the SEND and Inclusion Policy and the Equality and Diversity Policy. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

### **Monitoring and Review**

The impact of this policy will be reviewed by the Governors' Student Achievement Committee. The Head Teacher will provide the Committee with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

## Appendix A

Name  
Address

CC: Chair of Governors/LCC/Student File/Exclusion File

Date

Dear ?

### Name (form) – ? Day Exclusion

I regret to inform you of my decision to exclude ?? for a fixed period of ? **day**. This means that ?? will not be allowed in school for this fixed period. The exclusion begins on DATE and ends on DATE. We should like you to accompany ?? on DATE at 8.45am to meet with ? to discuss arrangements for ??'s readmission.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude ?? has not been taken lightly. ?? has been excluded for this fixed period because of ?

Section 103 to 105 of the Education and Inspections Act 2006 makes it a duty for parents in relation to pupils subject to a fixed period or permanent exclusion to ensure that their child is not present in a public place, during school hours, without reasonable justification, during the period of this exclusion. If a child is present in a public place during this period the parent may be guilty of an offence for which they can be prosecuted by the Local Authority before a magistrate's court. Alternatively the matter can be dealt with by the school through issuing of a fixed penalty notice. This will therefore apply to you until DATE.

We will set work for ?? to be completed on the school days specified in the above paragraph during the period of his/her exclusion. Work is available on the VLE or will be emailed to ?. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body of Sir Robert Pattinson Academy. If you wish to make representations please contact the Clerk to the Governing Body using the school address or by telephone 01522 882020 as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record. In these circumstances it should also be noted that Governors are not legally required to invite you to a meeting.

You should also be aware that if you believe the exclusion has occurred as a result of discrimination you may make a claim under the Equality Act 2010 to the First- tier Tribunal, (Special Educational Needs and Disability) or in the case of other forms of Discrimination, to the County Court. <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

For more information, you may wish to access a copy of the 2017 DfE Guidance on Exclusions at <http://www.gov.uk/government/publications/school-exclusions>.

You may also find it useful to contact the Children's Legal Centre on <http://www.childrenslegalcentre.com> or ACE Education on <http://www.ace-ed.org.uk>.

The Pupil Reintegration Team at Lincolnshire County Council is also available to provide you with advice and support in relation to exclusion procedures. They can be contacted on 01522 554525.

??'s exclusion expires on DATE and we expect ?? to be back in school following the readmission meeting on DATE at ?.

Yours sincerely

**Mr D Hardy**  
**Headteacher**

## Appendix B

Name  
Address

Date

### Name (Form)

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the Governing Body's Pupil Discipline Committee. I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[delete as appropriate]**:

**He/She has seriously and repeatedly breached the schools behaviour policy:-**

**He/she has seriously breached the schools behaviour policy in a 'one off' significant incident:-**

**He/She has persistently breached the schools behaviour policy:-**

**[For pupils of compulsory school age]**

Section 103 to 105 of the Education and Inspections Act 2006 makes it a duty for parents in relation to pupils subject to a fixed period or permanent exclusion to ensure that their child is not present in a public place, during school hours, without reasonable justification, during the first five days of any such exclusion. If a child is present in a public place during this period the parent may be guilty of an offence for which they can be prosecuted by the Local Authority before a magistrate's court. Alternatively the matter can be dealt with by the school through issuing of a fixed penalty notice. This will therefore apply to you until **[insert 5<sup>th</sup> day]**.

**[For pupils of compulsory school age].**

For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion Lincolnshire Children's Services will provide suitable full-time education for **[Child's Name]** and you will be contacted by the Local Authority in the next few days regarding this.

As this is a permanent exclusion the Governing Body must meet to review my decision. At the review meeting you may make representations to the Governing Body if you wish and ask them to reinstate your child in school. **(Name of Child)** also has a right to express their views regarding this exclusion and may do so by attendance at the Governing Body meeting or through other means e.g. written submissions or representation.

You also have the right to request that a representative from the Local Authority attends the meeting as an observer. For more information regarding this, please contact the Local Authority on the telephone number provided below.

The Governing Body has the power to reinstate your child immediately or from a specified date. Alternatively, they can decline to reinstate your child, in which case you then have a right to request that an Independent Review Panel considers the Governors decision. The latest date by which the Governing Body must meet is **[specify the date — the 15th school day after the date on which the Governing Body was notified of the exclusion]**.

You and your child have the right to make representations to the Governing Body and if you wish to be accompanied by a friend or representative please contact the Clerk to the Governors **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will be notified by the Clerk of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[name of Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you believe the exclusion has occurred as a result of discrimination you may make a claim under the Equality Act 2010 to the First- Tier Tribunal, (Special Educational Needs and Disability) or in the case of other forms of Discrimination, to the County Court.

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the Pupil Discipline Committee.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

For more information you may wish to access a copy of the 2017 DfE Guidance on Exclusions at

<http://www.gov.uk/government/publications/school-exclusion>

You may also find it useful to contact the Children's Legal Centre on <http://www.childrenslegalcentre.com> or ACE Education on <http://www.ace-ed.org.uk>

The Pupil Reintegration Team at Lincolnshire County Council is also available to provide you with advice and support in relation to exclusion procedures. They can be contacted on 01522 554525.

Yours sincerely

**Mr D Hardy**  
**Headteacher**