



Tall Oaks Academy Trust

POLICY

Pupil Exclusions
March 2021

Review Date: March 2023

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Executive Headteacher

Pupil Exclusion Policy

Introduction

Good discipline and behaviour is essential to ensure that all pupils can benefit from the opportunities provided by education. Tall Oaks Academy Trust's Behaviour Policy outlines expectations and key strategies for promoting good behaviour. The Government supports Head teachers in using exclusion as a sanction where it is warranted. However, exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the Trust's Behaviour Policy used by all three schools; and where allowing the pupil to remain within the Trust's schools, would seriously harm the education, safety or welfare of the pupil or others in the Trust.

Trust schools refer to:

Castle Wood Academy
Mercer's Wood Academy
White's Wood Academy

This policy is implemented in line with guidance from Lincolnshire County Council (LCC) and the Department for Education (DfE).

Key Guidance and regulations:

- Exclusion from maintained schools, academies and pupil referral units in England - Statutory guidance for those with legal responsibilities in relation to exclusion (DfE September 2017)

Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent. Fixed period exclusions cannot be for more than 45 days in any one academic year.

The Decision to Exclude

Exclusions will be used sparingly and rarely, and only if it is a serious breach of the Trust's Behaviour Policy or Civil Law; or if allowing the pupil to remain within the Trust would be seriously detrimental to the education, safety or welfare of the pupil or others.

The Executive Head Teacher holds responsibility for taking the decision to permanently exclude a pupil. However, in the absence of the Executive Head Teacher, the Heads of School of each individual establishment (Mercer's Wood Academy, Castle Wood Academy or White's Wood Academy) or another senior leader in charge may exclude a pupil.

Permanent exclusion is used as a last resort, when all other reasonable steps have been taken. A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the Trust's Behaviour Policy.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

Exclusion will not be used for minor offences or as a punishment for non-attendance.

Where a pupil is excluded, steps will be taken to refer the pupil for support or to other relevant agencies.

Procedures for Fixed Period Exclusions

Fixed Period exclusions must not exceed 45 days in any one year.

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break. This is subject to the normal rights of appeal.

Following the decision to exclude a pupil, the Executive Head teacher or Head of School, will:

- Inform the child's parents or guardians their child has been excluded, the type and length of the exclusion and the reasons for it;
- Inform the parents in writing of the exclusion and their right to appeal to the local authority (letter template supplied by LCC);
- Inform the Local Authority the same day, by use of a referral form, of the exclusion followed up by more detailed information within the next four days;
- Provide systems for work to be set for the child to undertake at home during a fixed exclusion.
- On the children's return to school hold a 'Pupil Re-integration meeting' with the child and parents/guardians to discuss support in place for the child to return to school full time and be successful.

Procedures for Permanent Exclusions

A decision to permanently exclude must be lawful, rational, procedurally fair and proportionate.

Permanent exclusions can be made in the following circumstances:

- In response to a serious breach, or persistent breaches, of the Tall Oaks Academy Trust Behaviour Policy.
- Where allowing the pupil to remain within the Trust would seriously harm the education, safety or welfare of the pupil or others in the Trust.

A permanent exclusion can be issued for a serious 'one-off' breach of the Trust's Behaviour Policy however, wherever possible, the Executive Head teacher will consider issuing a fixed term exclusion to allow time for further investigation or enquiry. The Executive Head teacher can follow up the fixed term exclusion with a permanent exclusion if it is deemed necessary.

The Trust may decide to permanently exclude pupils for one or more of the following specific reasons:

- Physical assault against a pupil or adult;
- Verbal abuse/threatening behaviour against a pupil or adult;
- Bullying against a pupil or adult;
- Racist abuse against a pupil or adult;
- Sexual misconduct towards a pupil or adult;
- Drugs or alcohol misuse or substances brought onto Trust premises;
- Damage to Trust property;
- Theft of Trust property or property belonging to other pupils or adults;
- Bringing an offensive and dangerous weapon on Trust premises i.e. knives, guns etc;
- Persistent disruptive behaviour during school hours.

Governing Body Procedures Following a Permanent Exclusion

The Governing Body will:

- Seek initial guidance from the Local Authority;
- Seek assurance from the Executive Head teacher that arrangements are in place for work to be set for the child to undertake at home for the first 5-days of the exclusion;

- Nominate a pool of three-five governors, none of whom may be a member of staff, to serve as the Pupil Discipline Committee; a clerk to the Pupil Discipline Committee will also be nominated. The quorum for the Committee is three members;
- Hold a meeting of the Pupil Discipline Committee within 15 days of the exclusion to discuss the circumstances of the permanent exclusion;
- Inform parents of the excluded pupil of their right to attend the meeting and make representations;
- Invite a representative from the Local Authority to attend the meeting;
- Ensure that the meeting is arranged at a time and place convenient for the parents within reason;
- Ensure that the meeting serves the purpose of enabling the parents to have their views heard and for the parents to hear the views of the Trust;
- Ensure that all related paperwork is distributed at least 5-days prior to the meeting;
- Ensure that the meeting follows a set agenda and is fully minuted by the Clerk.
- As a consequence of the meeting, decide to uphold or overturn the permanent exclusion;
- Ensure that the decision of the Pupil Disciplinary Committee is communicated in writing to parents and the Local Authority within 1-day of the meeting.

If the exclusion is overturned and the pupil is reinstated, the exclusion remains on the pupil record as a matter of fact, but the reinstatement is added to the record.

If the permanent exclusion is upheld, then parents have the right to make an appeal to an Independent Review Panel even if they do not attend the Pupil Disciplinary Committee meeting and/or if they do not wish their child to be reinstated to the Trust. They must do this within 15 school days after the receipt of notification of the Governing Body's decision to uphold the permanent exclusion.

In the event of an appeal, the Governing Body will source and employ the services of independent, but fully trained professionals, who will form the Independent Review Panel (IRP).

The meeting of the Independent Review Panel mirrors the Pupil Disciplinary Committee. As a consequence of the meeting the Independent Review Panel can decide to:

- Uphold the permanent exclusion;
- Recommend that the Governing Body review their decision to permanently exclude;
- Direct the Governing Body to reconsider the permanent exclusion.

If *recommended* to reconsider, the Governing Body will convene within 10 working days to reconsider the permanent exclusion.

The Governing Body could face a financial penalty if they decide to uphold the exclusion even though they have been *directed* by the Independent Review Panel to reconsider the exclusion.

It is the Trust's duty to provide suitable work for the child for the first 5-days following permanent exclusion. The Local Authority has a duty to educate a pupil from the 6th day

onwards. The pupil will stay on the Trust's roll until a final decision has been made following the procedures set out above.