

# South Bank Multi Academy Trust

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## Exclusion Policy

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### **1. INTRODUCTION**

- 1.1 South Bank Multi Academy Trust is committed to ensuring that all schools within the Trust are fully accessible, inclusive, welcoming and respectful in line with the Trust's vision and values.
- 1.2 All staff within the Trust focus relentlessly on ensuring that all children experience educational excellence every day. Part of that work involves ensuring the environment is supportive to pupil learning and success.
- 1.3 Exclusion is a sanction used only as a last resort, and we strive to reduce the need for exclusion as far as possible.

### **2. PURPOSE**

- 2.1 This policy outlines the Trust's procedure in relation to exclusions and applies to all schools and is supported by the school's behaviour policy.

### **3 CONFIDENTIALITY**

- 3.1 All exclusions and the circumstances surrounding these cases will be treated confidentially. Information will be shared on a need to know basis, and any breach of this may result in disciplinary action.

### **4. AIMS**

- 4.1 The aim of the policy is to ensure that:
  - The exclusions process is applied fairly and consistently.
  - The process is understood by parents/carers, pupils, staff and governors.
  - Pupils are safe and happy.
  - Pupils do not become NEET (not in education, employment or training)
  - Suspensions and permanent exclusions are carried out lawfully.

## **5. LEGISLATION AND STATUTORY GUIDANCE**

- 5.1 This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion of pupils from local authority maintained schools, academies and pupil referral units in England and the following legislation which outlines the powers to suspend / permanently exclude pupils from schools:
- The Education Act 2002, as amended by the Education Act 2011
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - The Education and Inspections Act 2006, which sets out parental responsibility for suspended / permanently excluded pupils
  - The Education Act 1996
  - 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 Equality Act 2010
  - Children and Families Act 2014
- 5.2 This policy also complies with the Trust's funding agreement and articles of association.

## **6. POWER TO EXCLUDE**

- 6.1 The Headteacher is the only member of staff within the school who can exclude a pupil, either permanently or for a fixed period (suspension). Prior to making the decision to permanently exclude a pupil the Headteacher will discuss the matter with the Trust's Chief Executive Officer (CEO).
- 6.2 This policy cannot cover all eventualities and the Headteacher reserves the right to use their discretion, lawfully and in line with this policy, to help pupils make better choices.

## **7. SUSPENSIONS**

- 7.1 A suspension is where a pupil is removed from school for a fixed period. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and that this behaviour is putting them at risk of permanent exclusion.
- 7.2 A suspension may result from a serious breach of the school's behaviour policy. It may also be a first offence of persistent disruptive behaviour that requires an increased sanction. The following gives an indication of the kinds of behaviour where suspension is believed to be an appropriate, proportionate sanction:
- Sustained challenge to the authority of a member of staff.
  - Bullying, harassment or abuse, including text or cyber bullying; which may or may not include grounds of gender, race, ethnicity, religion or sexual orientation.

- Threatening or violent behaviour to pupils or staff.
- Persistent defiance or disruption / breaches of the school behaviour policy.
- Using drugs or alcohol on the school site.
- Conduct likely to bring the school into disrepute.

The above list is not meant to be exhaustive and also includes measures that might be implemented for behaviour that takes place off the school site e.g. on the way to and from school.

- 7.3 The length of the suspension will be proportionate to the gravity of the offence, and should be implemented where the behaviour is of a serious nature, (including persistent disruptive behaviour), but is not serious enough to warrant permanent exclusion.
- 7.4 A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). The length of a suspension will be set out by the Headteacher at the start of the exclusion period. If a pupil is suspended for more than 45 days in an academic year, they will be permanently excluded.
- 7.5 Suspension can also be for parts of the school day, for example lunchtime, if the pupil's behaviour is disruptive during lunchtime periods. Lunchtime suspensions are counted as half a school day. The legal requirements for part day suspensions remain the same as all other suspensions.
- 7.6 Pupils will continue to receive their education during a suspension. The school will set and mark work during the first 5 days of suspension. The school's legal duties to pupils with disabilities and/or special educational needs remain in force and the school will make reasonable adjustments to supporting pupils during the suspension period.
- 7.7 If the suspension extends beyond 5 days the school will arrange for alternative full-time educational provision. Full-time alternative educational provision will also be provided for consecutive suspensions where the cumulative number of suspension days exceeds 5 days.
- 7.8 There is no automatic right for a suspended pupil to take a public examination or National Curriculum test on the school's premises. The Trust can decide whether the pupil can sit the examination in the school or if this could be facilitated in another way.

## **8. PERMANENT EXCLUSION**

- 8.1 The decision to permanently exclude a pupil will only be taken:
- In response to a serious breach 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, such as staff or pupils in the school.

- 8.2 Permanent exclusion should only be undertaken by the Headteacher, in consultation with the CEO and in accordance with the Exclusion Policy.
- 8.3 Permanent exclusion is an extremely serious sanction and should usually, only be taken when all other strategies have been tried. However, there are exceptional circumstances when it would be appropriate for a Headteacher to permanently exclude a pupil for a single offence. These might include:
- Serious violence, threatened or actual, against another pupil or member of staff, which creates fear and anxiety among staff or pupils.
  - Persistent defiance of school authority or disruption of teaching and learning.
  - Sexual abuse or assault.
  - Persistent bullying, harassment or abuse (as above).
  - Supplying an illegal drug or dealing in drugs on the school site or where students are the responsibility of the school e.g. on a school trip, travelling to/from school.
  - Carrying an offensive weapon.
  - Arson.
  - Making a false accusation against a member of staff.
  - Using any form of media, including social networking media inappropriately, which is deemed to cause offence or harm to the school or its members.
  - Bringing the name of the school and/or staff into disrepute.
- It may be necessary for the school to involve the police if the offence warrants it.
- 8.4 The Headteacher will take reasonable steps to ensure that work is set and marked during the first five school days where the pupil will not be attending alternative provision. The Local Authority will arrange provision from day 6 having assessed the child's needs.

## **9. MODIFYING A SUSPENSION**

- 9.1 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion, however,
- in exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends;
  - or a permanent exclusion may be issued to begin immediately after the end of the suspension.
- 9.2 It is essential that if new evidence has come to light the suspended pupil is given the opportunity to respond to it before a subsequent suspension or decision to permanently exclude.

## **10. MAKING THE DECISION**

- 10.1 Before the decision to suspend or permanently exclude the Headteacher should:
- Ensure that a thorough investigation has been undertaken.

- Feel certain that the pupil did commit the misdemeanour from available evidence.
- Give the pupil an opportunity to have his or her say and explain their actions.
- Find out whether the incident was provoked by bullying or by racial or sexual harassment and take into account any breach of the Trust's equalities policy.
- Consult others if it seems necessary, taking care not to approach anyone who may subsequently be involved in the case or have a role in reviewing the decision.
- Keep a written record of discussions, interviews, and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.
- Be able to show that reasonable adjustments for managing behaviour have been made when it relates to a pupil's disability.

## **11. DUTY TO INFORM**

11.1 Where the decision is taken to send the pupil home, the Headteacher should:

- Record the details of the exclusion.
- Ensure that he or she is meeting his or her duty of care towards the pupil and that the parents have been informed without delay.
- Inform the child's social worker (if they have one) and if the child is looked-after, also inform the social worker and/or the VSH (virtual school head) without delay.
- Inform the Local Authority (LA) of their decision to suspend or permanently exclude regardless of the length of the suspension.
- Take into account child protection issues.
- Ensure that the pupil's human right to education is not contravened.

11.2 Parents should be notified immediately by a phone call where possible, this should then be followed with a confirmation letter. This notice should include:

- The reason for the exclusion.
- The period of the suspension or, for a permanent exclusion, the fact that it is permanent.
- The parent's right to make representations about the suspension or permanent exclusion to the Local Governing Body (LGB), how representations should be made and how the pupil may be involved in this process.
- That the parents have the right to attend a meeting, to be represented at that meeting and to bring a friend, if there is a legal requirement for the LGB to consider the suspension or permanent exclusion.
- The person the parent should contact the school if they wish to make representations.
- The school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification.

- The arrangements made by the school to enable the pupil to continue his or her education during the first five school days of a suspension / permanent exclusion, including the setting and marking of work.
- The school days on which the pupil will be provided with suitable alternative full time provision.
- Arrangements for the reintegration interview where the suspension is for up to five days (for longer suspensions separate notification can be sent nearer the date of the proposed interview).
- The latest date by which the governing body must meet to consider the circumstances in which the pupil was suspended / permanently excluded (except where the suspension is for a total of not more than five school days in any one term and would not result in them missing a public examination).
- The parents' right to see and have a copy of his or her child's school record.
- The date when the pupil should return to school (suspension).
- The date the exclusion takes effect (permanent).
- The telephone number of the Advisory Centre for Education.

11.3 The Headteacher will notify the LGB without delay of:

- Any permanent exclusion, including where a suspension is followed by a decision to permanently exclude the pupil.
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in a pupil missing an examination and/or a national curriculum test.

11.4 The Headteacher will inform the LGB once per term of any other suspensions of which they have not been previously notified.

## **12. INVESTIGATION**

12.1 The following must be observed when conducting an investigation:

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this.
- Witness statements will be recorded, signed and dated.
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld. N.B. It is important that all parties recognise that less reliance can be placed on anonymous statements.
- The person accused of any offence will be given the opportunity to give his/her version of events.
- The school does not have the burden of criminal proof.



### **13. DECISION**

- 13.1 The decision to suspend or permanently exclude will only be taken by the Headteacher or, in his/her absence, the Senior Leader in charge.
- 13.2 The decision will be taken on all the evidence available at the time.
- 13.3 The decision will be taken on the balance of probability. Where the offence alleged is a criminal act the standard of proof will be that it is 'distinctly more probable than not' that the student committed it.

### **14. WORK FOR SUSPENDED / PERMANENTLY EXCLUDED STUDENTS**

- 14.1 Where exclusions are for more than one day, teachers will provide work for these students to do at home and (dependent on the school) make it available as instructed by the pastoral staff responsible for those students.

### **15. FULL-TIME EDUCATION**

- 15.1 The Headteacher will make provision for the full-time education of students from the sixth day of suspension / permanent exclusion.

### **16. SPECIFIC ISSUES**

- 16.1 Pupils with educational health care (EHC) plan and looked after children (LAC)
  - 16.1.1 Every attempt should be made to avoid forms of exclusion for pupils with additional needs. This includes pupils with EHC plans and looked after children. The Headteacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.
  - 16.1.2 Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.
- 16.2 Disabled pupils
  - 16.2.1 Guidance from the Equalities Act, the Disability & Discrimination Code of Practice and the SEND Code of Practice makes it clear that "it is unlawful to exclude a disabled pupil for a reason related to [his or her] disability without justification".
  - 16.2.2 Schools will make reasonable adjustments for managing behaviour that is related to a pupil's disability.
  - 16.2.3 All sanctions will be proportionate against any misdemeanours and evidenced.

## **17. GOVERNORS' DISCIPLINE COMMITTEE**

- 17.1 The Discipline Committee will be convened in accordance with current regulations by the Clerk to Governors. If it is not possible to obtain Governors from the individual school for a Discipline Committee, then Governors from within the MAT may be used.
- 17.2 It will be clerked and advised by the Clerk to Governors or a person with experience in clerking such meetings.
- 17.3 The Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing.
- 17.4 The conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State.
- 17.5 The decision will be taken by the Governors' meeting alone with their Clerk after all parties have had the opportunity to state their case and respond to the points raised.
- 17.6 The process will be documented to evidence the decision rationale.
- 17.7 The Committee will expect to see
  - notes, records, behaviour logs, emails, details of all communications with parents/carers to inform their deliberations
  - evidence of proportionality and reasonable adjustments that have been made in the case of any disability or any potential/indicative disability including patterns of behaviour that could indicate a disability even though there may not have been a formal diagnosis
  - a high level of justification and what other sanctions were put in place
- 17.8 The Committee will be very aware of any potential discrimination and will ensure this does not happen

## **18. REINTEGRATION**

- 18.1 Pupils returning to school after suspension should be supported back into school and full-time education by a reintegration meeting organised by a senior member of the pastoral team. This will normally involve the parents.