



## **Exclusion Policy**

Good behaviour ensures that all students benefit from the opportunities an education within our Trust provides. Good behaviour is maintained through a clear Behaviour and Relationships policy, which is underpinned by a strong ethos of mutual respect and courtesy. The policy incorporates a range of strategies including a series of rewards and sanctions. Exclusion is the most serious of these sanctions.

The Trust seek to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline.

The Trust 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.

Exclusion is the removal of a student from the college for a set period (fixed term) or permanently. Exclusion is a serious step and is used as a last resort either because the range of alternative strategies has been exhausted or when a serious breach of the rules has occurred and allowing the student to remain in college would seriously harm the education and welfare of others.

When making any decision about whether to exclude, the Principal establishes the facts and then applies the civil standard of proof i.e. on the balance of probabilities it is more likely than not that a fact is true.

Only the Principal or member of the Trust Executive Team can exclude a student from college and this must be on disciplinary grounds.

## **Exclusion Principles**

Students will be referred to the Principal for an Internal Seclusion, Fixed Term External Exclusion or Permanent Exclusion if any of the following serious breaches of the codes of conduct or Behaviour Policy apply:

- Persistent disruption of a lesson when all other available sanctions have been exhausted;
- Threatening and abusive behaviour (including verbal abuse);
- Fighting;
- Assault;
- Physical or psychological bullying or intimidation (bullying being defined as “deliberately hurtful behaviour which is repeated over a period of time by an individual or group”);
- Comments of sexist, racist or homophobic nature;
- Smoking tobacco or using any electronic smoking device;
- Bringing alcohol onto the college site or consuming alcohol on the college site;
- Being in possession of an illegal substance on the college site;
- Being in possession of an offensive weapon on the college site;

- Damage to college property;
- Students involved in more than one negative incident in a day may be internally secluded for one or more days;
- Students that cause problems at break or lunchtimes may be required to spend their break and lunchtimes in seclusion (this will be supervised by a Director of Teaching and Learning);
- If a student receives two or more SLT Pastoral Callouts in one week, he/she will be placed in Internal Seclusion with a Director of Teaching and Learning.

The sanction applied will depend on the seriousness of the circumstances. Placing a student in seclusion or applying a sanction of a fixed term or permanent exclusion can only be authorised by the Principal or member of the Trust's Executive Team.

A student can be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently. A fixed term exclusion does not have to be for a continuous period and should be for the shortest time possible.

The college will provide appropriate work for a student to do for the first five days of any exclusion period.

The Principal and the Academy Board will always take account of their statutory duties in relation to special educational needs (SEND) when administering the exclusion process, having due regard to the SEND Code of Practice.

### **Permanent exclusion**

All permanent exclusions will be notified to the CEO and local authority immediately and the college will use: [admissions@hillingdon.gov.uk](mailto:admissions@hillingdon.gov.uk) email for this purpose.

### **Informing the parents of an exclusion**

Once the decision has been taken to exclude, the Principal will contact the parents, guardians or carers.

They should be informed of the following information:

- the decision, the period of exclusion and reasons for it;
- their right to make representation to the Academy Board and how to do that and how they can involve their child in the process;
- the arrangements for sending work home;
- be reminded that they are legally required to ensure that their child is not present in a public place during college hours without reasonable justification;
- any arrangements for alternate education provision if appropriate;
- the arrangements for reintegrating the student back into college once the fixed term exclusion period is over.

All this information will be provided in writing following a telephone call to parents, guardians or carers; the telephone call will be made prior to the end of the college day.

Information will be included in the letter drawing attention to relevant sources of free and impartial information including:

- [Statutory guidance on exclusions](#)
- Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)) 08088 020008;

### **Informing the Governing Body**

All exclusions are reported to the Local Advisory Board (LAB) and Trustees once per term. The reasons for any exclusion and the length of any period of exclusion will form part of the report. In the first instance the Principal will ensure that a copy of all correspondence regarding the exclusion is sent to the Chair of Governors, CEO and to the Local Authority (LA). For an exclusion of 5 days or more or for an exclusion which results in a student missing a public examination, the Principal of the relevant school must notify the Local Governing Body, CEO and the LA.

### **Making arrangements for the education of excluded students**

The Trust will make suitable arrangements for full time education of any student (of compulsory school age) after the fifth day of any fixed term exclusion. The college will take reasonable steps to set appropriate work for the student and to provide feedback on it. In the case of a permanent exclusion, that duty falls to the LA.

### **Students returning to college following a fixed-term exclusion**

In all instances, students returning from a fixed term exclusion will be required to attend a reintegration interview with a senior member of staff with their parents, guardians or carers present.

In some instances, on the return from a fixed term exclusion, students will be required to attend additional courses/ student support within the college so that a phased reintegration can take place.

### **The role of the Academy Board to consider exclusions**

The Academy Board has a duty to consider parents, guardians or carers representations about any exclusion; this function is delegated to the Academy Board comprising of at least 3 governors.

The Academy Board is required to meet to consider cases where the period of exclusion exceeds 5 days.

In the case of a fixed term exclusion which does not bring a student's total of college days of exclusion to more than 5 in a term, the Academy Board must consider representations made by parents, guardians or carers, but they are not required to arrange a meeting with parents, guardians or carers, nor can the Academy Board direct the college to reinstate the student.

For a period of exclusion of over 5 days but no more than 15 in a single term, the Academy Board is required to consider reinstatement of the student within 50 days of receiving the notice of the exclusion if requested to do so by the parents, guardians or carers.

The Academy Board must consider the reinstatement of an excluded student within 15 college days of receiving notice of the exclusion if:

- the exclusion is permanent;
- the fixed term exclusion brings the student's total number of college days of exclusion to more than 15 in any term;
- it would result in the student missing a public examination.

Parents, guardians or carers and the Principal will be invited to any meeting held by the Academy Board to consider the reinstatement of a student. As an academy, the LA will only attend if they are invited by the parents, guardians or carers.

**Procedural steps the Academy Board will take when preparing to consider an exclusion decision:**

- not discuss the exclusion with any party outside of the meeting;
- ask for written evidence in advance of the meeting;
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 college days in advance of the meeting;
- allow parents, guardians or carers and students to be accompanied by a friend or representative identify the steps they will take to enable and encourage an excluded student to attend the meeting and to speak on his or her own behalf;
- establish the facts and apply the civil standard of proof (on the balance of probabilities it is more likely than not that a fact is true);
- take clear minutes of the meeting as a record of the evidence that was considered by the Academy Board. These minutes should be available to all parties on request;
- ask all parties to withdraw before making their decision. The Clerk can remain as a reference point for notes taken in the meeting and the wording of the decision letter;
- consider, in reaching their decision, whether the decision to exclude was lawful, reasonable and procedurally fair.

The Academy Board can uphold an exclusion or direct the reinstatement of the student immediately or on a particular date. The Academy Board required to notify parents, guardians or carers, the Principal, the CEO and the LA of its decision and the reasons for it, in writing and without delay.

*There is no automatic right for an excluded student to take an examination on the excluding school's site, but the Academy Board can consider whether it would be appropriate to exercise discretion to allow this happen for the sole purpose of taking a public examination.*

**Permanent exclusion: the Academy Board's duty to notify others**

In addition to notifying parents, guardians or carers, the Principal, the CEO and the LA of its decision and the reasons for it, the Academy Board must also include the following information in the case of permanent exclusion:

- the fact it is a permanent exclusion;
- give notice of the right of parents, guardians or carers to ask for the decision to be reviewed by an independent review panel.

**Independent Review Panel**

The College and/or Trust should also include information about the independent review process:

- the date by which an application for a review must be made (15 school days from the date the written notice of the governors' decision was given to parents, guardians or carers);
- the name and address to whom an application for a review should be submitted;
- that any application should set out the grounds on which the review is being requested.
- parents, guardians or carers have the right to have a SEND expert attend the independent review regardless of whether the excluded student has recognised special educational needs. There is no cost to parents, guardians or carers for this appointment; details of the role of the SEND expert need to be explained to parents and that they would need to make clear in their application for a review if they wished a SEND expert to be appointed;
- parents, guardians or carers at their own expense, can appoint someone to make written and/or oral presentations to the panel;
- parents, guardians or carers can also bring a friend with them to the review;
- parents, guardians or carers have a right to make a claim under the Equality Act 2010 to the First-tier tribunal (SEN and disability) or to the County Court for other forms of discrimination if they believe that the exclusion has occurred as a result of discrimination;
- the Trust should also draw parents, guardians or carers attention to relevant sources of free and impartial advice when the decision to uphold an exclusion is made, for example the statutory guidance on exclusions, the guidance on making a claim of discrimination to the first-tier tribunal, the Coram Children's Legal Centre and any local sources such as the Parent partnership.

### **The Trust's duty to arrange an independent review panel**

Section 8 of "Exclusions from maintained schools, Academies and pupil referral units in England; a guide for those with legal responsibilities in relation to exclusion" (DfE, 2012) sets out a detailed guide to the law in relation to the circumstances under which an independent review is required and the duties and responsibilities of The Academy Board of The Rosedale Hewens Academy Trust to arrange one.

### **Attendance and registration in the case of permanent exclusion**

The Principal must remove a student's name from the college roll if 15 college days have passed since the parents, guardians or carers were notified of the Academy Board's decision to uphold a permanent exclusion (and no application has been made for an independent review) or the parents, guardians or carers have stated in writing that they will not be applying for an independent review.

Whilst an excluded student's name remains on the college roll, they should be marked with the appropriate attendance code. When attending alternative provision, they should be marked with a 'B' and an 'E' should be used if they are not attending alternative provision.