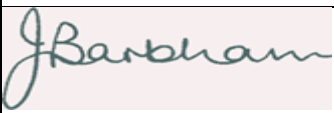




**The Boston Witham
Academies Federation**

Exclusion Policy

Monitoring Responsibility	Chief Education Officer
Next Review Date	October 2021
Approval Body	Curriculum and Standards Committee
Date Ratified	28 th January 2021
Chair of Committee Signature	

Introduction

The Boston Witham Academies Federation has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success.

Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the academy's use of exclusions and is supported by, and should be read in conjunction with, our **behaviour policy**.

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- Equality Act 2010

1. Equality

All learners should be equally valued in school. The Equality and Human Rights Commission (EHRC) states that "avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the change of a successful life. In addition, in England, equality and diversity are specified factors that must be considered in Ofsted inspections.

Academies also have wider duties to prevent discrimination, to promote equality and to foster good relations for "an equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be." (EHRC, 2014)

2. Power to exclude

The headteacher is the only member of staff within the individual academy who can exclude a learner, either permanently or for a fixed-term. In the absence of the headteacher, the designated teacher in charge can make this decision.

The governing body can review the headteacher's decision and consider representations from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves. For more information on the governing board's role in exclusions, see section 7.

In making decisions on exclusions, the headteacher and governing board must have regard to the statutory guidance issued by the Department for Education on exclusions.

3. Grounds for exclusion

Any exclusion, whether fixed term or permanent, will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on exclusions, a permanent exclusion may only be imposed in response to a serious breach or persistent breaches of the behaviour policy and where allowing the learner to remain in school would seriously harm the education and/or welfare of the learners or others in the school community.

In line with the BWAf behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to learners
- physical abuse to/attack on staff
- physical abuse to/attack on learners
- indecent behaviour
- damage to property
- misuse of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another learner or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the learner's behaviour.

4. Types of exclusion

5.1 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- serious, actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the academy to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing board to ensure that the headteacher's decision was lawful, reasonable and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing board.

5.2 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the academy at the start of the exclusion period. If a learner is excluded for more than 45 days in one academic year, they will be permanently excluded.

A fixed-term exclusion may result from a serious breach or persistent breaches of the BWAF behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the academy under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a fixed term exclusion by the headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the academy's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the learner, together with the reasons for doing so. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the exclusion period.

An excluded pupil has no automatic right to take a public examination or National Curriculum tests on the academy's premises. The governing board can decide whether or not to allow the learner to sit the tests, and this will depend on the seriousness of the reason for exclusion.

5. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

If it is decided that exclusion is necessary, the parents or carers of the learner will be notified, and the circumstances surrounding the exclusion will be formally recorded.

6.1 Alternative behaviour management strategies

Internal exclusion

If a learner needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that learner elsewhere in the academy. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the academy site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Mediation

If there is a conflict between two or more learners, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a learner.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation, and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Managed move

It may be in the best interest of a learner to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the LA, the headteacher, and the school's governing board. The new school will be asked by the headteacher to accept the pupil.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the academy will do everything it can to ensure that the transition is as smooth as possible.

6.2 Looked-after children and young people

BWAF understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to exclude is made, the academy will (as appropriate):

- consult the LA about alternative options to support a looked-after pupil

- consult the LA about what alternative provision will be available if the pupil is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion
- work with the foster carer to improve the pupil's behaviour.

6.3 Learners with Special Educational needs or a disability (SEND)

Pupils with SEN

Our full SEN provision is outlined in our **special educational needs policy and the SEN Information Report**. We work hard to include learners who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. Each academy within BWAf will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the headteacher will use the time between the initial decision and the governing board's review to see whether a change of circumstances might enable the academy to withdraw the exclusion. It may be the case that more support is needed for the learner, or that it is in the child's best interest that their EHC Plan be changed to name a different school, in which case the academy will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Pupils with a disability

If a learner with a disability is under consideration for exclusion, the headteacher will ensure that all other possible options have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the academy may be material and substantial justification, but only if reasonable adjustments have been made for the learner's disability.

6.4 Ethnicity

BWAf does not discriminate against any person and our ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the Trust following the process outlined in our **complaints procedure**. Where the issue arises in relation to an exclusion, the complaint will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

6.5 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made.

Before the decision to exclude is made, the headteacher will:

- ensure that the academy has undertaken a thorough investigation
- consider all the evidence available

- encourage the pupil to give his or her version of events
- take into account the behaviour policy and all other relevant school policies and procedures including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing board or management committee who may later 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.

6.6 Confidentiality

Dealings with all cases of exclusion and the surrounding circumstances will be dealt with confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

6.7 Recording and notifying of the decision to exclude

All exclusions will be formally recorded and the headteacher will contact the parents or carers of the pupil immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing. The headteacher will notify the governing board and LA without delay of the decision to exclude being made where the exclusion is permanent or is a fixed term exclusion which results in the pupil being excluded for a period of more than 5 school days in a term or where the exclusion will result in the pupil missing a public examination or national curriculum test.

The headteacher must notify the Trust immediately by emailing clerk@bwaf.net of any

- permanent exclusion (including where a fixed-term exclusion is followed by a separate decision to permanently exclude the pupil);
- Any exclusion that would bring the total number of days for which the learner has been excluded to more than 15 school days in that term;
- Any exclusion which would result in the pupil missing a public examination or national curriculum test.

This email must be sent with 'High Importance' and, in the case of a permanent exclusion, state 'Permanent Exclusion', 'PX', or 'PEX' as part of the subject line.

6. Reviewing the exclusion

The governing board will review fixed-term exclusions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil being excluded for more than 15 days of a school term or missing a public exam. The governing board will set up a Disciplinary Committee to review the case within 15 days of the exclusion.

The governing board will look at the evidence and the records leading up to the exclusion and decide whether, in light of the evidence and his/her legal duties, the headteacher has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents who want a review of the exclusion can contact the governing board. Subject to the type and length of the exclusion imposed by the headteacher, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the governing board with any written statements or evidence that they might have relating to the exclusion 5 working days prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties.

The learner concerned is encouraged to attend if they are able to fully understand the proceedings. BWAF believes that learners should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The clerk can be contacted by emailing clerk@bwaf.net

8. Notification of the governing board decision

Parents will be notified of the outcome of the governing board review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the governing board's review. The outcome of the governing board meeting will be one of the following.

Upholding the exclusion

If the governing board finds that the exclusion decision was lawful, reasonable and fair, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEN expert to attend the independent review panel

- the right to have a representative at the independent review panel at the parents' own expense
- that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.

Reinstating the pupil

If the governing board decides that the decision to exclude was not lawful, reasonable or fair in light of the evidence and the duties of the headteacher, the governing board must reinstate the learner immediately or by a given date. If the latter option is chosen support will be given to ensure that the learner is easily reintegrated into the academy. This will include a reintegration interview with the headteacher and parent or carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the learner's academic records along with any relevant papers. The governing board may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

8. During an exclusion

Although the headteacher has made the decision to exclude a learner, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion, the academy will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed-term, the academy will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has an EHC Plan, the alternative provision will meet those needs.

9. Removing permanently excluded learners from the academy registers

The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the learner from the academy register.

If a learner's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the learner's name was removed.

If a learner's name has been removed from the register and a discrimination claim is made, the learner may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a learner's name remains on the admissions register, the appropriate code will be used to mark the learner's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Reviewing the Headteacher's Exclusion Decision

