



The Boston Witham Academies Federation

Haven High Academy

Exclusions Policy

1. Aims

Our Academy aims to ensure that:

- All stakeholders work hard to minimise exclusions
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and learners
- Learners in the Academy are safe and happy
- Learners do not become NEET (not in education, employment or training)

2. Other Policies

This policy should be read in conjunction with the following:

- Behaviour for Learning policy
- Code of Conduct
- Anti-Bullying Policy
- Drugs Policy
- Uniform Policy

3. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and learner referral units (PRUs) in England.

It is based on the following legislation, which outline academies' powers to exclude learners:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Learner Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998
- In addition, the policy is based on:
- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded learners
- Section 579 of the Education Act 1996, which defines 'school day'

- The Education (Provision of Full-Time Education for Excluded Learners) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Learners) (England) (Amendment) Regulations 2014

4. The decision to exclude

- Only the Headteacher, or Acting Headteacher, can exclude a learner from school. A permanent exclusion will be taken as a last resort and in consultation with the CEO.

A decision to exclude a learner will be taken only:

- In response to serious or persistent breaches of the Academy's behaviour policy, **and**
- If by allowing the learner to remain in the Academy, the Headteacher believes it would seriously harm the education or welfare of others

Before deciding whether to exclude a learner, either permanently or for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the learner to give their version of events
- Consider if the learner has special educational needs (SEN)
- Provide clarity for parents on all aspects of behaviour within the Academy and allow parents, staff and students to support each other in creating the best possible learning environment

5. Definition

- For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

6. Roles and responsibilities

The Headteacher:

- Will ensure parents are informed
- will ensure the following information is provided to the parents of an excluded learner both verbally and in writing within 1 working day:
 - The reason(s) for the exclusion
 - The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent

- Information about parents' right to make representations about the exclusion to the governing board and how the learner may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a learner, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- will ensure parents are notified by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during Academy hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:
 - The start date for any provision of full-time education that has been arranged
 - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
 - The address at which the provision will take place
 - Any information required by the learner to identify the person they should report to on the first day
 - Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Governing Board and Local Authority

The Headteacher will immediately notify the Governing Board and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the learner being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the learner missing a public examination
- For a permanent exclusion, if the learner lives outside the LA in which the Academy is located, the Headteacher will also immediately inform the learner's 'home authority' of the exclusion and the reason(s) for it without delay
- For all other exclusions, the Headteacher will notify the governing board and LA once a term

The Governing Board:

- Responsibilities regarding exclusions is delegated to the Local Governing Body consisting of at least 3 governors
- The Local Governing Body has a duty to consider the reinstatement of an excluded learner (see section 7)
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- Within 14 days of receipt of a request, the Governing Board will provide the secretary of state with information about any exclusions in the last 12 months
- For a fixed-period exclusion of more than 5 school days, the Governing Board will arrange suitable full-time education for the learner. This provision will begin no later than the sixth day of the exclusion
- Provision does not have to be arranged for learners in the final year of compulsory education who do not have any further public examinations to sit
- For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion

7. Considering the reinstatement of a learner

The Local Governing Body will consider the reinstatement of an excluded learner within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the learner's total number of school days of exclusion to more than 15 in a term
- It would result in a learner missing a public examination
- If requested to do so by parents, the Local Governing Body will consider the reinstatement of an excluded learner within 50 school days of receiving notice of the exclusion if the learner would be excluded from school for more than 5 school days, but less than 15, in a single term
- Where an exclusion would result in a learner missing a public examination, the Local Governing Body will consider the reinstatement of the learner before the date of the examination. If this is not practicable, the local governing body will consider the exclusion and decide whether or not to reinstate the learner
- The Local Governing Body can either:
 - Decline to reinstate the learner, or
 - Direct the reinstatement of the learner immediately, or on a particular date

- In reaching a decision the Local Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude
- Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the learner's educational record
- The Local Governing Body will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay
- Where an exclusion is permanent, the Local Governing Body decision will also include the following:
 - The fact that it is permanent
 - Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the learner's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the Academy trust to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
 - That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

8. An independent review

- If parents apply for an independent review, the Academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded learner

- Applications for an independent review must be made within 15 school days of notice being given to the parents by the local governing body of its decision to not reinstate a learner

9. School registers

A learner's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the learner and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel
- Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a learner's name from the register
- Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register
- Where excluded learners are not attending alternative provision, code E (absent) will be used

10. Returning from a fixed-term exclusion

- Following a fixed-term exclusion, a re-integration meeting will be held involving the learner, parents, a member of senior staff and other staff, where appropriate. Dependent on the reintegration meeting being successful the learner will return to the academy with immediate effect.

11. Monitoring arrangements

- The Lead Behaviour Professional monitors the number of exclusions every term and reports back to the Headteacher and Governors.
- This policy will be reviewed by every 2 years. At every review, the policy will be shared with the Governing Board.

New Policy June 2018

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Signed off by:

Print name and role:

Date:

