



EXCLUSIONS POLICY (Academies)

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across all OHCAT Academies – 3rd July 2020.

Jay Mercer
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", is written over the printed name and title.

Exclusions Policy (Academies)

INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is a family of providers working together for mutual benefit. OHC&AT is committed to providing outstanding educational opportunities for all our pupils and students.

This policy deals with the policy and practice which informs the use of exclusion within OHCAT Academies, and is intended to demonstrate the shared commitment of all members of the OHC&AT community to achieve three important aims:

- Ensure the safety and wellbeing of all members of the OHC&AT community;
- Maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction or other purposes, for example to safeguard the wellbeing of other pupils or students.

The Exclusions Policy operates in conjunction with other OHC&AT policies including Positive Behaviour, Child Protection, Adult Protection & Safeguarding, Anti-Bullying, Substance Misuse and E-Safety. It is written with reference to the DfE guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' (2017).

NB: The DfE has made temporary changes to some school exclusion procedures, in order to give schools, families and authorities greater flexibility during the coronavirus outbreak. The arrangements come into force on 1 June 2020 and will apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates). The arrangements also apply to:

- permanent and fixed term exclusions occurring before 1 June which have not yet been considered by the governing board of the school
- permanent exclusions occurring before 1 June which have been considered by the governing board, if they have chosen not to reinstate the pupil and the time limit to apply for a review of this decision has not passed
- permanent exclusions occurring before 1 June where a parent (or pupil aged 18) has requested a review of a governing board's decision, but this has not yet happened

Any exclusions covered by the arrangements will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted.

The statutory guidance can be accessed via the link below. OHC&AT will have regard to this guidance and apply the amended procedures as required for the period that the amendments are in force.

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

RATIONALE

Exclusion, within this document may be one of three types:

- Internal Exclusion (when a pupil/student is excluded from timetabled lessons and/or activities, but remains within the school)
- Fixed Term Exclusion (when a pupil/student is excluded from school for 1-5 days, whether in one block or through consecutive fixed term exclusions, totalling a maximum of 5 days each)
- Permanent Exclusion (where steps are taken to permanently remove the pupil/student from the school's roll)

Exclusion is considered as an action that will only be taken when all other support interventions and behaviour management strategies have not been successful in supporting the pupil or student to demonstrate higher quality conduct and behaviour. In most cases where exclusion is used, inappropriate conduct and behaviour will typically result in an internal exclusion. This means that pupils and students whose behaviour contravenes the conduct and behaviour standards of their school will receive a consequence for their actions but their learning will suffer less than if they were excluded from school.

With regard to the above, the decision to implement internal, fixed term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the Positive Behaviour Policy.
- If allowing the pupil/student to remain in school would seriously harm the education or wellbeing of the pupil/student or others in the school.
- If allowing the pupil/student to remain in school would seriously undermine the good order and discipline of the school.

Please note that before a permanent exclusion is considered, a 'Managed Move' may be requested, if appropriate (for further detail, see below).

Responsibility for Exclusion

Fixed term exclusion is only administered by the Principal (or, in their absence, the Vice Principal who is acting in that role).

Permanent exclusion is also administered by the Principal; however, this may only be administered after a process of appropriate representation has been made to the Chair of the Local Governing Body (LGB) and the Executive Principal/Deputy CEO.

Reasons for Exclusion

The DfE guidance: [‘Exclusion from maintained schools, academies and pupil referral units in England’](#) states that:

- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs (including SEND). Where a school has concerns about a pupil’s behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil’s educational needs.

Exclusion, whether internal, fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of OHC&AT’s Positive Behaviour Policy:

- Actions which put the pupil/student or others in danger
- Verbal abuse to staff/other adults/peers
- Physical abuse toward staff/other adults/peers
- Serious actual or threatened violence against another pupil/student or a member of staff
- Sexual abuse or assault
- Racial abuse
- Indecent behaviour
- Damage to property
- Substance misuse
- Theft
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Wilfully unsafe behaviour – this includes serious, persistent and deliberate breach of public health considerations relating to Covid-19 e.g. intentionally spitting at peers or staff in order to harm or disturb

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

Behaviour outside school

Pupils/students outside school while on school ‘business’, for example trips, travelling to and from school, away school sports fixtures or a work experience placement, are subject to OHCAT’s Positive Behaviour Policy. Unacceptable behaviour in these circumstances will be managed as if it had taken place in school. Serious

infringements of the Positive Behaviour Policy that occur outside of school may lead to a fixed term or permanent exclusion.

PROCEDURES

INTERNAL EXCLUSION

An internal exclusion will be implemented for an incident of sufficient seriousness as to warrant a pupil/student being removed from lessons, but not so serious as to warrant removal from school (as stated above, all efforts will be made to keep the pupil/student in school, so as to support their education, and it will only be in the most severe circumstances or following a repeat of earlier incidents that fixed term or permanent exclusion will be considered). Whilst it is good practice to inform parents/carers of internal exclusions, it may not routinely be the case that they are informed.

A single internal exclusion is for a maximum of one day, and generally will be only part of a day in the first instance (to enable the pupil/student to have a stake in the sanction and reclaim time later in the day), during which time the pupil/student is set work by class teachers. This work must be relevant, meaningful and appropriately assessed in a timely manner. On occasions, pupils/students may not be allowed to take their break or lunchtime with other pupils/students and may be given a separate break and lunchtime. It is essential that they are afforded the necessary comfort breaks and have access to food and drink as appropriate.

FIXED TERM EXCLUSION (FTE)

A fixed term exclusion is of short duration (usually between one half and three days – four or five in exceptional circumstances) and may be necessary if a pupil/student commits an action which is considered so serious that it would not be appropriate to allow them to remain in school for a period of time. In the case of fixed term exclusions, the Department for Education allows the Principal to exclude a student for one or more fixed periods (each not totalling more than 5 days) to a maximum of 45 school days in any one school year. Please refer to the DfE guidance document '[Exclusion from maintained schools, academies and pupil referral units in England](#)' for further details.

Pupils/students on fixed term exclusion will be forbidden from attending school or being in the vicinity of school premises for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion (or until the start date of any alternative provision if this is earlier).

The school will send work home for pupils/students who are excluded. Work must be relevant and meaningful and should be returned to the school for marking and assessment in a timely manner.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the decision has been taken to issue a pupil/student with a fixed term exclusion. This will be followed by a letter in which the terms of the exclusion are set out, together with the time and date of the readmission meeting (see below). Parents/carers are also informed that they have a right to make representations if they wish to challenge the terms of the exclusion.

The Academy's Local Governing Body (LGB) and the OHCAT Executive Principal/Deputy CEO, via delegated authority from the OHCAT Board of Directors, must also ensure that the pupil/student attends suitable full time education from the sixth day of exclusion, which in the case of a fixed term exclusion would be the first day of a second consecutive FTE. In the case of pupils/students excluded from an Alternative Provision (AP), it is the responsibility of the home Local Authority to arrange suitable full time education from the sixth day of exclusion as above.

In the event that a fixed term exclusion is issued which takes the student's total days of exclusion above 15 for a term, the LGB must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion. The OHCAT Executive Principal/Deputy CEO must be informed in any such case.

In the event that a fixed term exclusion is issued which takes the student's total days of exclusion above five for the term, and parents request a governing board meeting, the LGB must convene a meeting to consider reinstatement within 50 days of receiving notice of the exclusion. The OHCAT Executive Principal/Deputy CEO must be informed in any such case.

Please refer to Annex A for further details.

Readmission meetings and reintegration

Following a fixed term external exclusion, parents/carers are invited into school to attend a readmission meeting. Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed term exclusion of more than five days (in effect, consecutive fixed term exclusions of up to 5 days each). Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority applies for one.

At the meeting, the pupil/student will be set specific goals in order to help them avoid the behaviour that led to exclusion. It is best practice to ensure that the pupil/student's conduct and behaviour are closely monitored for the immediate period following return from a fixed term exclusion.

If a pupil/student has served a fixed term exclusion of greater than five days or an accumulation of exclusions exceeds five days, a support plan will be drawn up. This will be agreed with the school, pupil/student and parents/carers.

MANAGED MOVE

A managed move may be suggested in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

A managed move can only proceed with the agreement of all parties, including the Local Authority. A managed move to another school is offered initially as a trial. If the parent/carer or pupil/student does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result.

If accepted, following an induction meeting, the pupil/student joins the 'receiving' school for the trial period. At the induction meeting the pupil/student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support. Financial support is available to provide for new uniform. If, during the trial period, the pupil/student fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, the pupil/student returns to the original school. In such circumstances, a permanent exclusion will be the likely result.

PERMANENT EXCLUSION

The decision to exclude a pupil/student permanently is a serious one and will never be taken lightly. In doing so, the Principal recognises that a permanent exclusion may have a serious impact upon a pupil/student's life chances. In addition, permanent exclusion will not be sought unless there is an immediate and persistent risk to the safety/education of others in the school and/or the pupil/student concerned.

There are two main types of situation in which permanent exclusion may be considered:

1. A final, formal step in a concerted process for dealing with disciplinary incidents following the use of a wide range of other strategies (including 'Managed Move', see above). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent poor conduct and behaviour likely to result in harm to the pupil/student's welfare and/or education, or that of other pupils/students.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a pupil/student for a first or 'one off' incident. These might include:
 - Serious actual or threatened violence against another pupil/student or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an offensive weapon*
 - Arson

OHCAT will consider police involvement for any of the above offences.

** Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such incidents and the fact that such conduct and behaviour seriously affects the discipline and wellbeing of the school. Before deciding whether to exclude a pupil/student either permanently or for a fixed period the Principal will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations has been collated, taking into account OHCAT's Positive Behaviour Policy and Equality & Diversity Policy.
- The pupil/student has been allowed to give their version of events.
- There is no evidence which may indicate that the incident may have been provoked, for example by bullying or by racial or sexual harassment.
- The initial decision to permanently exclude has been appropriately communicated in a timely manner by the Principal to the Chair of the Local Governing Body (LGB) and the OHC&AT Executive Principal/Deputy CEO.

Exercise of discretion

In reaching a decision on temporary or permanent exclusion, the Principal will always look at each case on its own merits. Therefore a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. However, the Principal may consider exclusion on the basis of cumulative impact over time.

In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Positive Behaviour Policy.
- The effect that the pupil/student remaining in the school would have on the education and welfare of other pupils/students and staff.

If the Principal is satisfied that, on the balance of probabilities, the pupil/student did what they are alleged to have done, exclusion will be the likely outcome.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the initial decision has been taken to issue a pupil/student with a permanent exclusion, subject to scrutiny by the Local Governing Body (LGB) and OHC&AT Executive Principal/Deputy CEO. This will be followed by a letter confirming the action and giving details of the right to make representations if parents/carers or the pupil/student wish to challenge the terms of the exclusion.

The school immediately will inform both the Chair (or suitable alternative representative) of the LGB and the OHC&AT Executive Principal/Deputy CEO of any initial decisions to permanently exclude. The school will also inform the pupil/student's

home LA without delay. It is the responsibility of the home LA to arrange alternative provision for pupils/students who have been permanently excluded.

In line with its statutory duty as delegated to them by the OHCAT Board of Directors, the Local Governing Body and Executive Principal/Deputy CEO, will meet – as it must – within 15 days of receiving notice of the exclusion, to consider the Principal's decision to permanently exclude. The LGB will appoint a panel of at least three (minimum two governors and the Executive Principal/Deputy CEO or their appointed representative) which will require the Principal to explain the reasons for the decision and will scrutinise any appropriate evidence, such as the pupil/student's school record, witness statements and the strategies used by the school to support the pupil/student prior to permanent exclusion.

The school will inform parents/carers immediately, or as soon as is practicable, by phone call when the final decision has been taken to implement permanent exclusion for a pupil/student. This will be followed by a letter in which the terms of the exclusion are set out. Parents/carers are also informed of their rights regarding an appeal of the terms of the exclusion (see below).

SEND pupils/students and Permanent Exclusion

When a pupil/student has special needs, all parents/carers (or students, if aged 18 or over) have the right to request the presence of a SEND expert at an independent review panel. The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil/student.

Appealing a Permanent Exclusion

Where parents/carers (or excluded students, if aged 18 or over) dispute the decision of an LGB not to reinstate a permanently excluded pupil/student, they can ask for this decision to be reviewed by an Independent Review Panel. In all such matters OHCAT will adhere to the processes laid down in the DfE guidance document '[Exclusion from maintained schools, academies and pupil referral units in England](#)'.

It should be noted that applications made outside of the legal time frame must be rejected by the Academy Trust. The legal time frame for an application is:

- within 15 school days of notice being given to the parents/carers by the governing body of their decision to uphold a permanent exclusion; **or**
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Alternatives to Permanent Exclusion

As described earlier in this document, alternative strategies to permanent exclusion are always used if possible and the threat of a permanent exclusion will never be used as the means to coerce parents/carers to move their child to another school.

REVIEW OF EXCLUSIONS

Exclusions, both internal and external, are reviewed not less than half-termly by the OHC&AT Executive Principal/Deputy CEO and/or the CEO. Oversight and review is also provided termly to each provision's Local Governing Body as well as the OHCAT Board of Directors.

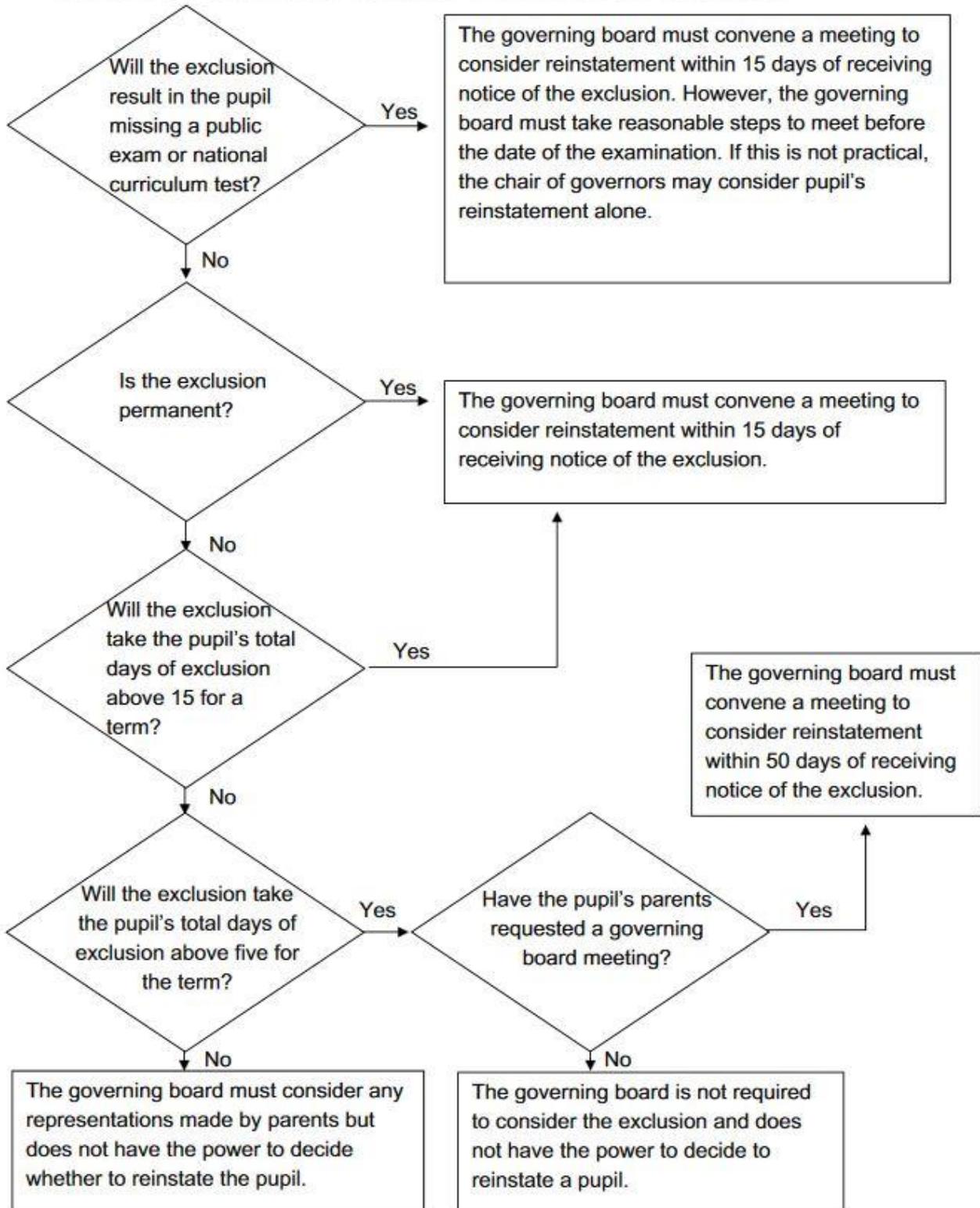
POLICY REVIEW DETAILS

<i>Version:</i>	1.3
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RELATED POLICIES AND PROCEDURES

Anti-Bullying Policy
Child Protection, Adult Protection & Safeguarding Policy and Procedure
Equality & Diversity Policy
E-Safety Policy
Health & Safety Policy
Positive Behaviour Policy
Substance Misuse Policy

Annex A – A summary of the governing board’s duties to review the head teacher’s exclusion decision



The governing board may delegate its functions to consider an exclusion to a designated committee. References to days mean 'school days'.