

<b>TUDOR PARK EDUCATION TRUST</b>	Exclusions Policy
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Tudor Park Education Trust oversees this policy but the local governing body of each academy or school within the Trust is responsible for the implementation of the policy.

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## 1. Aims

Our schools aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in the schools are safe and happy
- Pupils do not become NEET (not in education, employment or training)

### **The Springwest vision:**

Our traditional British values are at the core of everything we do:

Springwest Academy is a dynamic aspirational and forward looking school. We are determined to ensure each and every student makes outstanding progress during their time here. Every member of our community is engaged in purposeful learning and we pride ourselves on providing excellent, cutting edge teaching. We ensure all of our students are successful learners and *GCSE-ready* through our rigorous focus on the four 'Springwest Learner' skills of:

Independence, Inquisitiveness, Reflection and Collaboration.

Our rich tradition of providing numerous creative and cultural opportunities underpins our core purpose of maximising student progress.

Working in strong partnerships we provide meaningful support and guidance to ensure that disadvantage does not create a barrier to future economic health, wellbeing and achievement. As part of the Tudor Park Education Trust we are well placed to work in purposeful collaboration with fellow leaders, governors and directors.

We live in a fast-changing world and we want our students to be ahead of the game. Every Springwest student will leave the school having realised their full potential. They will be proud, self-confident and ambitious young people. They will have the skills and experience they'll need to propel them into their bright future.

### **The Logic vision:**

Our vision and ethos for our students is simple – “Looking forwards, Looking outwards and Taking action”. Logic Studio School has been developed to link the education that students receive with the careers available in the local economy and beyond. We want to harvest genuine knowledge, understanding and wisdom and acknowledge that a diet of exam-based content is not healthy for our pupils. We understand how changes to technology will transform the nature of employment and are passionate about developing digital skills in our community. Jobs of the

future will require far more creativity, imagination, problem-solving, teamwork, empathy, entrepreneurship and similar skills that can and must all be taught now. We focus on outstanding progression routes into university, employment or further training, with a rigorous but industry relevant curriculum, connections with our employer partners and a small school approach.

When students leave Logic they will have the skills needed for the modern economy and tomorrow's job market:

- All the basic skills that employers say students are lacking – digital literacy, being able to write well and able to apply maths to real life.
- The character skills of confidence and resilience – able to learn from mistakes in preparation to succeed.
- Communication skills – to listen what's happening around, make themselves heard, understood and respected.

Our schools are committed to the philosophy and practice of inclusion. Therefore we believe our policies should be true to the school's vision and aims. Consequently, all policies set out to make clear the importance of:

- Leadership
- Trust
- Opportunity

The leadership team has agreed that the shared vision will be given high priority and all stakeholders will be aware of our whole school commitment.

We aim to provide a stimulating learning environment that varies according to the age of the learner across the whole curriculum. We recognise that the curriculum is subject to imposed and developing change. We also aim to be in a position to maximise individual potential and ensure that students of all ability levels and staff at differing stages in their career are well equipped to meet the challenges of education, work and life.

**This will be achieved by:**

- Designing a curriculum to promote a full range of learning, thinking and life skills.
- Providing a broad, balanced and relevant curriculum.
- Using flexible and responsive teaching and learning styles.
- Equipping students with the skills, knowledge and attitudes necessary to succeed as responsible and valued members of society.
- Developing a close partnership within and with the whole community, including all stakeholders.

We aim to be inclusive schools and offer equality of opportunity and diversity when needed to all groups of students within the schools. These groups include:

- Boys and girls.
- Students from minority faiths, ethnicities, travellers, asylum seekers, refugees.

- Students who have English as an additional language.
- Students who have special educational needs.
- Students who are academically more able.
- Students who are looked-after children.
- Students who are at risk of disaffection or exclusion, young carers, sick children, children from families under permanent or temporary stress.

We aim to provide a differentiated curriculum that meets the needs of all students, individuals and groups by:

- Setting suitable learning challenges.
- Responding to students' diverse learning needs.
- Overcoming potential barriers to learning and assessment.

We aim to provide happy, healthy and safe schools by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our students and staff members.
- Providing high quality pastoral care, support and guidance, driven by the leadership team.
- Safeguarding the health, safety and welfare of students and staff.
- Listening and responding to the concerns of students and parents.
- Taking care to balance the needs of all members of the Trust community.

We will secure inclusive education for our students by constant review and evaluating what is done through the following questions:

- Does each student achieve as much as they can?
- Are there differences in the achievements of different groups of students?
- What is in place for students who are not achieving their potential?
- Are our actions effective?
- Are all our students happy to be in school?
- Are all our staff members happy to be in school?
- Are all members of our community valued, do they feel secure and are they offered opportunities to learn? Are structures in place to support inclusion if they cannot?

We will do everything possible to avoid the need for exclusion by:

- Carrying out early intervention strategies, especially in the case of a student with SEN to ascertain that the student is receiving appropriate provision and support.
- We will consider the use of multi-agency assessment of students who demonstrate persistent disruptive behaviour.
- We will check whether there are mental health or family problems.
- We may request an early review of a student's SEND statement – or Education, Health and Care (EHC) plan – or we may ask for an interim/emergency review.

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#). Updated in September 2017.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil exclusions and Reviews\) \(England\) 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 pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- 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](#)

This policy complies with our funding agreement and articles of association.

## 3. The decision to exclude

Only the Principals, or a person acting with the Principal's authority, can exclude a pupil from each school. A permanent exclusion will be taken as a last resort. A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the schools' behaviour policies, **and**
- If allowing the pupil to remain at the school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

### **Permanent Exclusion will be used in the following cases**

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon. We need not postpone taking a decision on exclusion solely because a police investigation is underway. Our decision will be taken on the evidence available to the school at the time. The Principal will give particular consideration to the fairness of exclusion if he/she is aware that some evidence is being withheld by the police.
- Where allowing a student to remain in school would be seriously detrimental to the education of other students, to the welfare of other students, staff or of the student him/herself.
- More usually it follows a series of breaches of the school's disciplinary code and after an exhaustive range of strategies to resolve the student's disciplinary problems have been tried and have failed.
- When the behaviour of students outside school is such that it can be considered as grounds for exclusion.

### **The principles of our exclusion policy:**

- Only the Principal or acting Principal can exclude a student, and this will only ever be on disciplinary grounds.
- This power may not be delegated to anyone else.
- The Principal may withdraw an exclusion that has not been reviewed by the local governing body.
- In line with the principles of administrative law,( including the European convention on Human Rights) any decision the Principal makes to exclude a student must be:
  - Lawful
  - Rational
  - Reasonable
  - Fair
  - Proportionate
- When establishing the facts in relation to a possible exclusion, the Principal will always apply the civil standard of proof, that is, on the balance of probabilities.
- We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.
- The school will always have due regard to its public sector equality duty.
- We will not exclude any student for non-disciplinary reasons.
- Exclusion will never be used informally or unofficially. This is against the law.
- The Principal does, however, have the right to direct a student for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason. This will only be considered when there has been full consultation and agreement with parents and the receiving institution. The threat of exclusion will never be used to influence parents to remove their child from the school.
- Where practical, the Principal will give the student an opportunity to present his/her case before taking the decision to exclude.
- When considering exclusion, the Principal will take into account:

- Possible short term mitigating circumstances, such as bereavement, mental health issues etc.
- Where it comes to light that the student has been subject to bullying.
- Whether the student comes into a category that is known to be a particularly vulnerable group (for example, students with SEN, FSM students; looked-after children; certain groups or a group with disproportionately high levels of exclusion; traveller children) and whether all preventative strategies have been fully used.
- Whether a student has already had a number of fixed-term exclusions which appear to be ineffective.

### **Duration of exclusions**

The Principal may exclude a student for one or more fixed periods not exceeding a total of 45 days in any one school year or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases where more evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

If a student is excluded for lunchtimes only, each lunchtime counts as a half day.

**The Principal may exclude a student permanently if he/she judges that the circumstances warrant it.**

## **4. 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.

## **5. Roles and responsibilities**

### **5.1 The Principal**

#### **Informing parents**

The principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

- 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 pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

SLT will also notify parents 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 school 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 pupil 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 Principal 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 pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Principal will notify the governing board and LA once a term.

### **5.2 The Local Governing Board**

Responsibilities regarding exclusions is delegated to the Panel consisting of at least 3 governors.

The Panel has a duty to consider the reinstatement of an excluded pupil (see section 6).



Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **5.3 The LA**

For permanent exclusions, HEP is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion, at Gateway.

## **6. Considering the reinstatement of a pupil**

The Panel will consider the reinstatement of an excluded pupil 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 pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the Panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil 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 pupil missing a public examination, the Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Panel will consider the exclusion and decide whether or not to reinstate the pupil.

The Panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 pupil's educational record.

The Panel will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Panel 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 pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Tudor Park Education 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

## **7. An independent review**

If parents apply for an independent review, Tudor Park Education Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member or director of Tudor Park Education Trust, or local governing board of the excluding school

- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of Tudor Park Education Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with Tudor Park Education Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. When applicable the LGB must reconsider the exclusion within 10 school days of being given notice of the independent review panel decision.

## **8. School registers**

A pupil'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 pupil 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 pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## **9. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- *Agreeing a behaviour contract*
- *Putting a pupil on report to ACO or SLT*
- *Intervention strategies e.g. small group work, counselling*
- *Supervised lunch times*

### **10. Monitoring arrangements**

An Assistant Principal in each school monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Principal every 2 years. At every review, the policy will be shared with the governing board.

### **11. Links with other policies**

This exclusions policy is linked to and should be read in conjunction with the following policies:

- Behaviour
- SEN
- Equal Opportunities
- Health and Safety
- Safeguarding
- SRE
- Admissions

## **Appendix 1: independent review panel training**

Tudor Park Education Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act