



L.E.A.D. Academy Trust

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# Exclusion Policy and Procedure

This is where **model letters** should be accessible.

## Policy Statement

The L.E.A.D. Academy Trust requires this policy to be implemented by all its member academies.

Each academy must have a policy which sets out clearly that a pupil may be at risk of exclusion for:

- Verbal or physical assault of a pupil or adult
- Persistent and repetitive disruption of lessons and other pupils' learning
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

The L.E.A.D. Academy Trust oversees the policy but the responsibility for implementation at academy level rests with the local governing body.

### Legal framework

The Department for Education (DfE) issued statutory guidance on exclusions to accompany new regulations which took effect in September 2012. These guidance documents remain in force.

[Exclusion from maintained schools, academies and pupil referral units in England, GOV.UK – DfE \(Adobe pdf file\)](#)

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007

A L.E.A.D. academy's approach to exclusions must comply with the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 in that the academy uses exclusion as a sanction only when there has been a serious breach of the academy's Behaviour Policy.

After setting out the academy's procedure for fixed-term and permanent exclusions, the policy must have a section on appeals. All correspondence regarding an exclusion from the academy will inform parents of their right to appeal to the L.E.A.D. Academy Trust against the decision to exclude.

## **A L.E.A.D. Academy's Exclusion Policy and Procedure**

The academy recognises that disruptive behaviour can be an indication of unmet needs. Where a pupil's behaviour is causing concern, the academy will try to identify whether there are any causal factors and intervene early in order to reduce the need for exclusion. It will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

### **Exclusion procedure**

The Department for Education regulations allow the Headteacher (or a member of the Senior Leadership Team acting as such) to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one academic year. Most exclusions are of a fixed-term nature and are of short duration.

A fixed-term exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Pupils whose behaviour at **lunchtime** is disruptive may be excluded from the academy premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply. (Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a disciplinary meeting is triggered.)

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

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the academy policies
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked
- Check that all available support has been provided

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

### **Notifications**

Following exclusion, parents are contacted immediately where possible. A letter will be sent home with the pupil and another by first class post (on the same day if possible) giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Trust as directed in the letter.

Having made the decision and notified the parents, the Headteacher will then inform the Chair of Governors, the Trust and the Local Authority Exclusions Officer by telephone, or by email by submitting the appropriate form. (The Local Authority must be notified of any exclusion of longer than five days as it has a duty to provide alternative education provision from Day 6.)

## **Representations**

Where a parent has expressed a wish to make representations, the Trust will review fixed-term exclusions which would lead to a pupil being excluded for **over five days but not over 15 days** in a school term.

The Trust will review all permanent exclusions from any academy and all fixed-term exclusions that would lead to a pupil being excluded for **over 15 days** in a school term or missing a public examination.

## **During the exclusion**

During the course of a fixed-term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the academy premises, and that daytime supervision is their responsibility, as parents/guardians. Parents will also be informed of the risk of prosecution if their child is found in a public place during the academy day.

Work will be provided by the academy for the first five days, with alternative provision from Day 6.

## **Returning to the academy after an exclusion**

A meeting will be held following the expiry of the fixed-term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate. Staff will use the time of the exclusion to review provision e.g. seating arrangements, differentiation, behaviour support.

The academy will ensure the pupil returning from an exclusion is given every opportunity for a fresh start.

## **Permanent Exclusion**

Permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches, of the academy's Behaviour Policy; and where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

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

1. The final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without

success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).

2. When a serious criminal act has been committed, the academy will involve the police in any such offence e.g. dealing drugs or bringing in an offensive weapon.

As with fixed-term exclusions, parents will be informed in writing of the decision to exclude and their right of representation and appeal at **a disciplinary committee meeting**, to be arranged within fifteen (15) school days.

Work will be sent home and marked when returned for the first five days.

From the sixth day of exclusion, the local authority are responsible for providing full-time alternative educational provision.

Where parents dispute the decision of the Trust not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by **an independent review panel**.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the Trust to reinstate an excluded pupil.