



## Exclusion Policy

### Statement of Intent

The Emmaus Federation believes that, in order to achieve its vision of success and fulfilment for every student and enable effective teaching and learning to take place, good behaviour and discipline in all aspects of school life are necessary. The decision to exclude a student, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:

- In response to serious or persistent breaches of our school's Behaviour and Discipline Policy
- If allowing the student to remain in the school would seriously harm the education or welfare of the student or others in the school.

This policy has been written following the 2016 guidelines provided by Lincolnshire County Council in the Lincolnshire Ladder of Behavioural Intervention and outlined in the Department for Education 'Exclusions from maintained school, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' and relates to the following legislation:

The Education Act 2002, as amended by the Education Act 2011;

The School Discipline (Pupil Exclusion 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.

The Lincolnshire Ladder of Behavioural Intervention (LLBI) is underpinned by current statutory guidance on permanent exclusion to which schools must adhere:

**"Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school." (p.4)**

The Emmaus Federation is fully committed to the Lincolnshire Ladder of Behavioural Intervention and all steps will be taken to prevent exclusion. The school will ensure early identification of social, emotional and behavioural needs and ensure pastoral support plans are built to meet need. (Please refer to LCC Pastoral Support Programme 2016 guidance)

### Roles and responsibilities

The decision to exclude a student for both a fixed period of time or permanently from a school can and will only be taken by the Headteacher or, in their absence, a senior member of staff to whom they have delegated the authority to exclude. Where the exclusion is to be permanent, the decision will need to be confirmed by the Headteacher in all cases.

## Deciding whether to exclude a student

The decision to exclude a student is a matter of judgement for the Headteacher, who will take into account the likely impact of the misconduct on the life of the school. This may include behaviour on the school premises, during school visits, residential activities and travelling to and from the school that is in breach of the standards of behaviour expected by the school.

The decision to exclude a student must be lawful, reasonable and fair. The Emmaus Federation will not discriminate against children on the basis of disability, gender or race and gives careful consideration to the fair treatment of students from groups who may be vulnerable to exclusion. Before reaching a decision to exclude either permanently or for a fixed period, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the school's Behaviour and Discipline and Equal Opportunities Policies;
- allow the student to give his or her version of events;
- check whether the incident may have been provoked for example, by racial or sexual harassment;
- take account of any contributing factors that are identified after an incident for example, if a student has been subject to bullying, suffered a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including students with additional learning needs and 'Children in Care';
- consult others, being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Governing Body's Discipline Committee;
- keep a written record of the actions taken, including any interview with the student. Witness statements must be dated and should be signed, wherever possible;
- ensure that the decision to exclude is made in line with the principles of administrative law i.e. that it is:
  - lawful (with respect to the legislation relating directly to exclusions and the school's wider legal duties)
  - rational;
  - reasonable;
  - fair; and
  - Proportionate; and
- establish the facts in relation to the exclusion, applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

Students' behaviour outside the school will be dealt with in the same way as behaviour inside the school, where it is considered that there is a clear link between the inappropriate behaviour outside the school, and maintaining good behaviour and discipline among students as a whole. Student behaviour in the immediate vicinity of the school or on the journey to and from the school may result in exclusion.

## Permanent exclusions

**Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.**

In exceptional circumstances, where a serious breach of the school's Behaviour and Discipline Policy has occurred, the Headteacher might consider it appropriate, having consulted with the local authority, to permanently exclude a student for a first or one off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another student or member of

staff;

- Sexual misconduct;
- Supplying an illegal drug, as defined within the Academy Drugs and Substance Abuse Policy;
- Carrying an offensive weapon;
- Any severe form of bullying including racist or homophobic bullying; and/or
- Any action resulting in a serious health and safety issue.
- Any behaviours that the Headteacher considers which could jeopardise the safety and security of the school community.

In cases where a criminal offence has taken place, the police and, where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the student may be informed.

A Headteacher should, as far as possible, avoid excluding permanently any student with a Educational Health Care Plan or a 'Child in Care'. Before making the decision to permanently exclude a student who is a 'Child in Care' the Headteacher will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a student permanently they will inform the Local Authority Exclusions Officer at the earliest possible opportunity. If the student lives outside the local authority area in which the school is located the Headteacher will also advise the student's 'home authority' of the exclusion without delay.

### **Procedures following a permanent exclusion**

The Headteacher will, without delay, notify the Governing Body and the Local Authority of the decision to permanently exclude a student, including the reason for the exclusion.

### **Procedures for review and appeal of permanent exclusions**

The Governing Body Discipline Committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five academy days in advance of the meeting:

- Parents/carers;
- the Headteacher; and
- a representative of the Local Authority

During the meeting, the Governing Body Discipline Committee will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school.

The Governing Body Disciplinary Committee, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the student immediately or on a particular date.

The Governing Body Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. The Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

If parents/carers apply for an Independent Review Panel within the legal time frame, The Emmaus Federation will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Governing Body not to reinstate a permanently excluded student.

### **Fixed term exclusions**

The Headteacher may exclude a student for up to 45 days in any one academic year. Generally, fixed term exclusions will be for one to five days. No exclusion will be given for an unspecified period of time.

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

A fixed term exclusion, which does not bring the student's total number of days of exclusion to more than five in a term, will be considered by the Governing Body Disciplinary Committee at the request of a parent/carer; however, it cannot direct reinstatement and it is not required to arrange a meeting with parents/carers. If a student is excluded for more than five days (but not more than 15) in a single term, the Governing Body will consider the reinstatement of the student, if requested to do so by the parent/carer, within 50 school days of receiving the notice of the exclusion.

If a student is excluded for 15 days or more in one term (the Governing Body Disciplinary Committee will meet to consider the reinstatement of a student within 15 school days of receiving notice of the exclusion. If, as a result of a fixed term exclusion, the student will miss a National Curriculum test, the Governing Body Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Governing Body Disciplinary Committee to meet, the Chair of the Governing Body may consider the exclusion independently and decide whether or not to reinstate the student.

A summary of the Governing Body's duties to review exclusion decisions is shown in Appendix A. Where a student has received multiple exclusions or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.

### **Procedures following a fixed term exclusion**

- The Headteacher will ensure that the parent/carer is informed of the exclusion and the reasons for it.
- The Headteacher will inform the parent/carer, in writing, of the period of the exclusion and the reasons for it. During this process, the school will ensure that the parent/carer is informed of their duties in the first five days. Every effort will be made by the Headteacher to ensure that parents/carers understand the content of any written communication, taking into consideration learning needs and circumstances in which English may not be their first language;
- The Headteacher will ensure that a copy of the letter and any supporting paperwork is submitted to the relevant Local Authority;
- Where the exclusion is for a period of between one and five days, the school will take reasonable steps to set work and arrange for it to be marked;
- Where a student is given an exclusion of six school days or longer, the school will arrange suitable alternative educational provision from and including the sixth day;
- During the period of exclusion, the school will consider strategies to address the student's problems and identify any support that may be necessary to promote a successful reintegration;
- The parent/carer has the right to make representations about the exclusion to the Governing Body Disciplinary Committee;

- Should any parent/carer refuse to comply with the terms of an exclusion, the school may notify Social Services and the police if, in the Headteacher's view, the student or any other person may be at risk as a result of a failure to meet the terms of the exclusion.

## **Reintegration**

A reintegration meeting with parents/carers will be held during or following the expiry of all fixed term exclusions. The student should normally attend all or part of the meeting.

Upon return from fixed term exclusion, a Pastoral Support Plan will be discussed, unless there's already one in place, agreed and signed by the student, parents/carers and the school. This will identify the issues leading to the exclusion and outline a clear set of expectations for a smooth and successful reintegration. A range of additional strategies and resources to support the reintegration process may be identified.

To facilitate this, a copy of the Pastoral Support Plan will be shared with any relevant members of the school personnel.

A fixed term exclusion will not be extended because a meeting with parents/carers cannot be arranged, nor because a parent/carer refuses to sign a Pastoral Support Plan. In the event that a meeting with parents/carers cannot be arranged, the meeting will still be held with the student and an appropriate adult. The school will keep a record if parents/carers fail to attend and any reason given.

## **Other considerations**

The school will implement its Good Behaviour Policy with due regard to the implications arising from the Special Educational Needs and Disability Act 2001, the Race Relations (Amendment) Act 2000, the Human Rights Act 1998 and any other relevant legislation.

The school will be sensitive to the needs of 'Children in Care' and post Looked After Children when excludable incidents occur. Professional advice will always be sought and Social Services will be informed at the earliest opportunity.

## **Alternatives to exclusion**

The Emmaus Federation is committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- restorative justice processes;
- external support (BOSS/Healthy Minds/CAMS/other outreach work);
- additional internal support;
- a managed move, in line with the locally agreed protocol.

Signed:

Signed:

Mrs CV Collett

Mrs R Blowers

Executive Headteacher

Chair of Governors

May 2021

Review date: May 2022