

Eastwood Park Academy Trust

EPAT

Believe Succeed Together

Exclusion Policy

Date Reviewed	June 2020
Date Ratified by the Trust	July 2020

Contents

1.0 Exclusion	3
1.1 Fixed Term	3
1.2 Permanent	3
2.0 The Decision to Exclude.....	4
3.0 Challenging the Decision to Exclude.....	4
Appendix 1.....	5

1.0 Exclusion

Exclusion is a disciplinary sanction issued only by the Principal, the result of which is that a pupil is not allowed to attend the constituent academy.

There are two forms of exclusion – fixed term (suspension) and permanent (expulsion).

1.1 Fixed Term

This is in response to gross misconduct that threatens and/or undermines the maintenance of discipline and/or the welfare of others within the constituent academy. The fixed term exclusion delineates the unacceptability of the behaviour to the pupil, parents and others within the school community and allows time to pass and issues to be considered by all parties.

The Behaviour Policy of a constituent academy applies to all of a pupil's activity that is associated with the academy. Consequently, the academy will take action against a pupil where their behaviour reflects poorly upon the academy and/or affects others associated with the academy (particularly other pupils), even when that behaviour takes place outside the confines of the academy or outside the normal school day. For behaviour outside school, but not on school business, the academy may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. Pupils' behaviour in the immediate vicinity of the academy and/or on a journey to or from school can also be grounds for exclusion.

Parents will be notified of a fixed term exclusion as soon as possible, usually by telephone, followed by a letter from the Principal. In terms of notice, the exclusion can begin on the same day as the incident which led to the decision to exclude.

Whilst excluded, parents must ensure that their child is not in a public place during normal school hours without reasonable justification. Parents may be prosecuted in the event that this duty is breached.

The length of a fixed term exclusion is usually up to 5 days but can be longer. Even though a pupil is not allowed in school, they should still be receiving an education. The constituent academy will therefore make reasonable steps to set and mark work.

If a pupil is excluded for more than 5 days, the constituent academy has a duty to provide suitable, full-time education from the 6th day. This is most likely to take place at a PRU or other alternative provision.

A pupil can only be excluded for a maximum of 45 days in in one school (academic) year.

When a pupil returns from exclusion, they will be required, along with their parents, to attend a re-integration meeting. The meeting is an opportunity to discuss in more detail the events that led to the exclusion, how it can be avoided in the future, and any appropriate support that should be explored and/or put in place.

1.2 Permanent

This is in response to a serious breach or persistent breaches of the constituent academy's Behaviour Policy and where allowing the pupil to remain in school, would seriously harm the education or welfare of the pupil or others in the school. Following completion of the process, the pupil is removed from the constituent academy's roll.

The law does not allow for extending a fixed period exclusion or 'converting' a fixed period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion (or permanent exclusion) may be issued to begin immediately after the first fixed term exclusion.

In terms of alternatives to a permanent exclusion, the Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

2.0 The Decision to Exclude

The decision to exclude must be made in line with the principles of administrative law i.e. be lawful; rational; reasonable; fair; and proportionate.

The decision to exclude is based on the application of the civil standard of proof (balance of probabilities) i.e. is it more probable that the pupil has done what they are alleged to have done. This is quite different from the criminal standard of proof (beyond reasonable doubt).

A pupil should be given an opportunity to present their case before a decision is taken to exclude. This is usually in the form of a written statement or a statement taken by the person interviewing the pupil.

When considering whether to exclude, the Principal will assess the following:

- If the behaviour meets the criteria of gross misconduct as detailed in the constituent academy's Behaviour Policy.
- If there is a prior history of related misconduct or gross misconduct i.e. a pattern of behaviour.
- Mitigating factors e.g. whether the pupil has SEND; mental health issues; been subject to bullying; or has suffered bereavement.

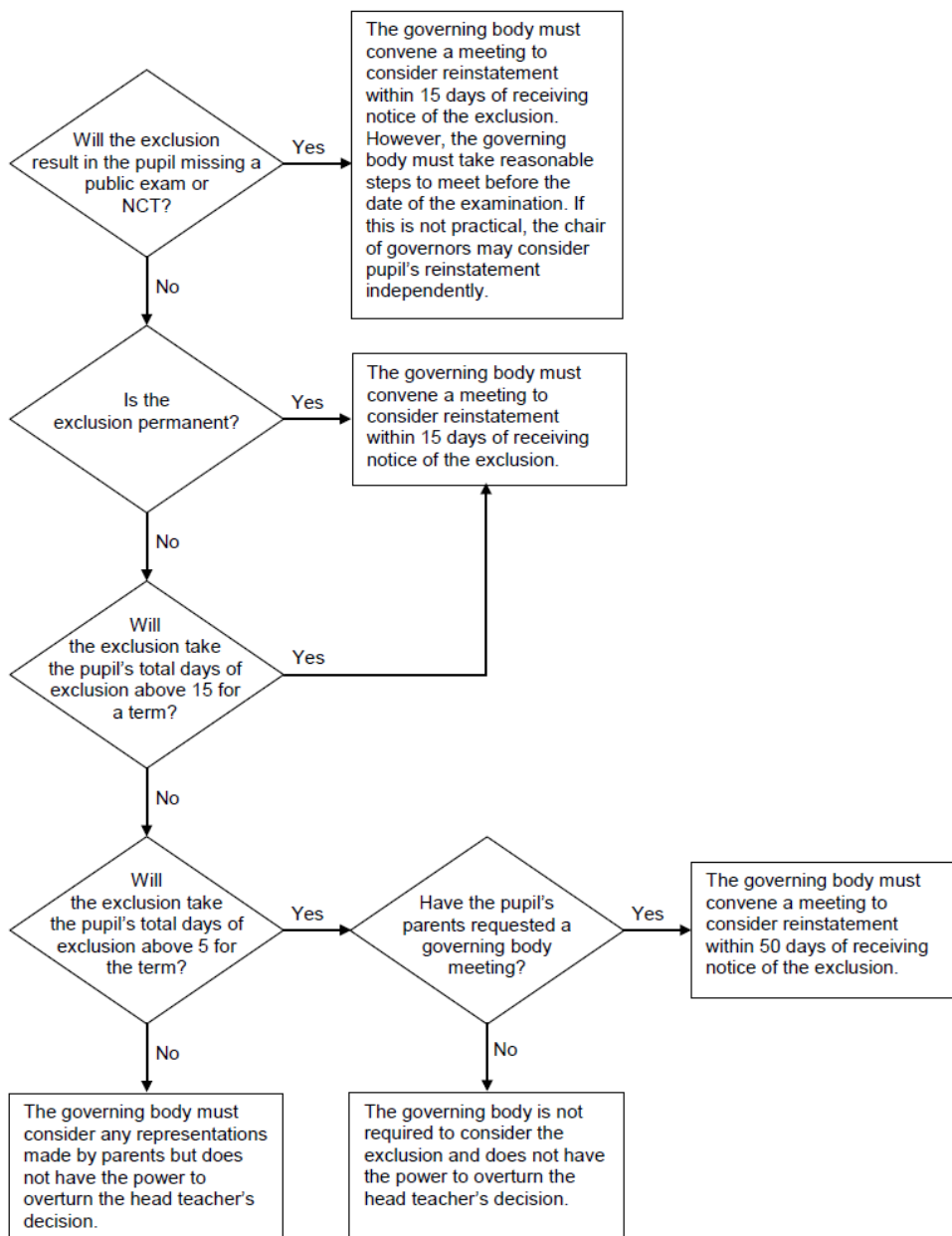
3.0 Challenging the Decision to Exclude

In the case of a fixed term exclusion, parents can refer it to the Governing Board (**Appendix 1**). The Trust has delegated all of its exclusion functions to the Local Governing Bodies (LGBs) of constituent academies who, when required, will form a committee consisting of at least three Local Governors called the 'Pupil Discipline Committee'. The Pupil Discipline Committee shall consist of not less than three members of the LGB, none of whom shall be the Principal or CEO. Local Governors from other academies in the Trust can be members of the Committee if a quorum cannot be reached using Local Governors from the constituent academy involved. If any Local Governor has a connection with the pupil, or knowledge of the incident that led to the exclusion that could affect his or her ability to act impartially, he or she will be required to step down. The Chair has the casting vote where an even number of Local Governors are considering the case.

In the case of a permanent exclusion, the Pupil Discipline Committee must meet to consider the exclusion. Parents also have a right to refer to the exclusion to an Independent Review Panel (IRP).

Refer to the DfE guidance: <https://www.gov.uk/government/publications/school-exclusion>

Appendix 1



Number of days excluded in a term	5 or <	5 ½ - 15	> 15	Pupil will miss public exam
Parental right to make a written statement	Yes	Yes	Yes	Yes
Parental right to meet LGB	No	Yes, if parents request it	Yes, LGB must meet	Yes, LGB must meet
Timescale	None	50 school days	15 school days	15 school days
Reinstatement	No	Yes	Yes	Yes