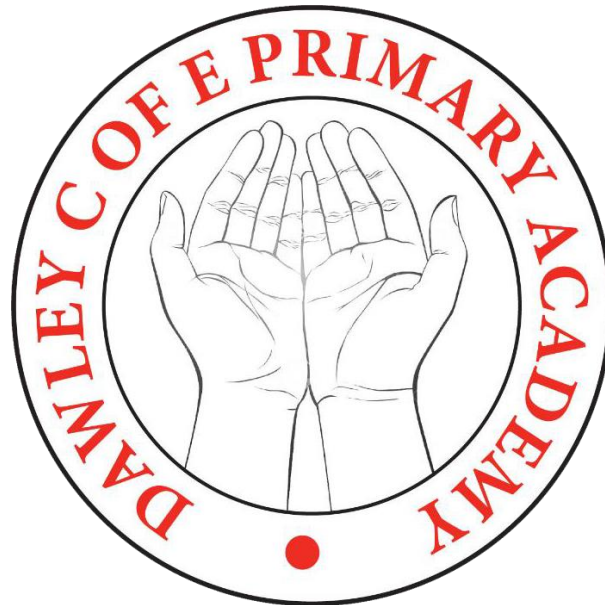


Dawley C of Primary Academy



'Enriching Learning, Enriching Life'

John 10:10 '...I have come that they may have life, and have it to the full.'

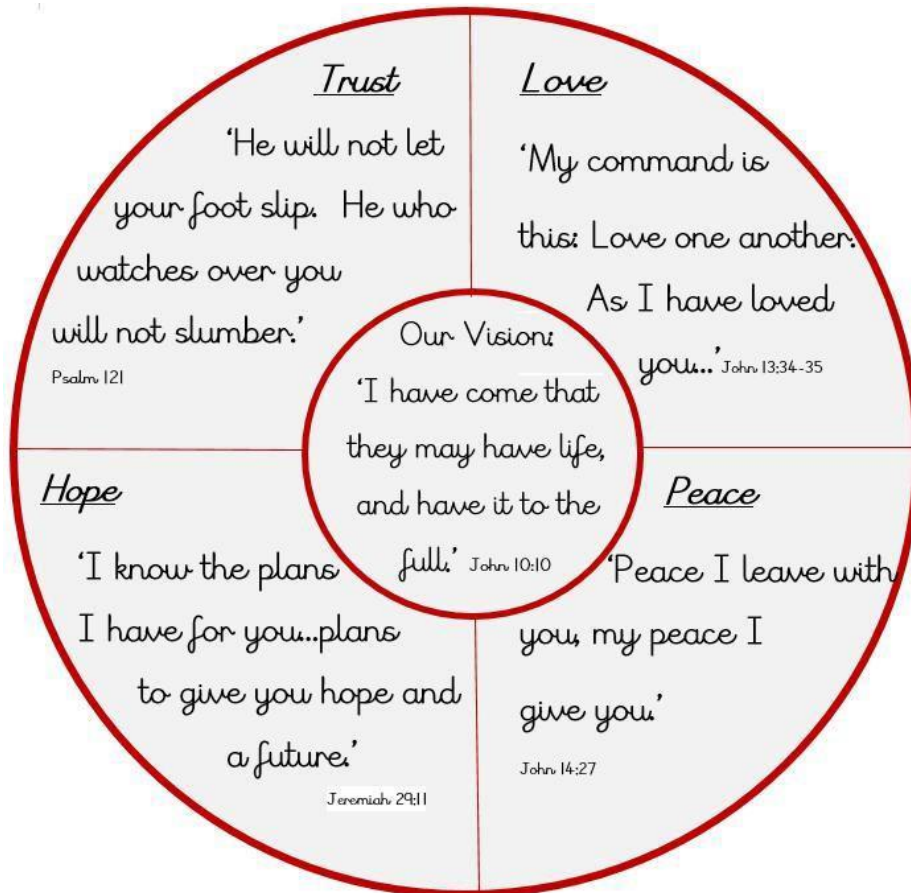
Exclusions Policy

Version	001	Status	Approved 25.4.22
Review Date		Next review date	April 2023

Vision

'I have come that they may have life, and have it to the full.' John

Our vision is to develop flourishing, caring children, equipping them with the skills to reach their potential. We believe in a curriculum that enriches lives, ignites interests, and engages children in real-life experience, as global citizens with an inclusive respect for others, readying them for their future, to live life to the full.



Statement of intent

At Dawley C of E Primary Academy, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the academy recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the academy's Positive Behaviour Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in academy would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The academy has created this policy to clearly define the legal responsibilities of the Principal and Local Academy Committee when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. (It doesn't cover the duties of the Local Authority which will be outlined in LA & Dfe documentation)

The LAC is responsible for:

- Arranging suitable full-time education for any pupil of compulsory academy age excluded on a fixed-term basis.
- Considering parents' representations about exclusions within 15 academy days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the academy premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the academy.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Principal and Trust of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the academy admissions register, where appropriate.
- Reconvening within 10 academy days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.

The clerk to the exclusions review panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
 - Making reasonable efforts to circulate copies of relevant papers at least five academy days before the review to all parties.

- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel

The Principal is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the governing board, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during academy hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the Local Academy Committee of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Local Academy Committee a minimum of once per term of any exclusions if not already notified.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

Grounds for exclusion

The academy will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the academy's Positive Behaviour Policy, have failed to be successful.

The following examples of behaviour may underline the academy's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incident which breaches the law
- Persistent and severe bullying
- Constant disruption
- A single, serious and major incident, e.g. serious assault on another individual leading to injury

Pupils can be excluded on a fixed-period basis, i.e. up to 45 academy days within a year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented. In all cases, the Principal will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

The academy has the power to direct a pupil off-site to improve their behaviour.

The Principal's power to exclude

Only the Principal has the power to exclude a pupil from the academy, and is able to decide whether this is on a fixed-period or permanent basis. All exclusions will only be issued on disciplinary grounds.

The Principal is able to exclude pupils from the premises where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half of an academy day. The Principal is also able to consider a pupil's disruptive behaviour outside of the academy premises as grounds for exclusion, in accordance with the academy's Positive Behaviour Policy.

When sending a pupil home following any exclusion, the Principal will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the academy's wider legal duties, including the ECHR. At all times, the Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

The Principal will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Principal may withdraw any exclusion that has not already been reviewed by the Local Academy Committee.

The Principal will not issue any 'informal' or 'unofficial' exclusions, e.g. sending a pupil home to 'cool-off', regardless of whether or not the parents have agreed to this. The Principal will not use the threat of exclusion as a means of instructing parents to remove their child from the premises.

All exclusions will be formally recorded on the pupil information system.

Factors to consider when excluding a pupil

When considering the exclusion of a pupil, the Principal will:

- Allow the pupil the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per academy year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Principal will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The Principal will consider avoiding permanently excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Principal, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the academy's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the academy's Positive Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND or SEMH-related need that could not be met at the academy, detailed records will be kept highlighting that these pupils are closely tracked and showing that the academy has a close relationship with the pupil's next destination.

The Principal will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

Duty to inform parents

Following the Principal's decision to exclude a pupil, they will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this.

The Principal will inform the parents in writing of the following:

- The reason(s) for the exclusion

- The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations about the exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Local Academy Committee to consider the exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to academy

Where the pupil is of compulsory academy age, the Principal will inform the parents by the end of the afternoon session that for the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents are legally required to ensure that their child is not present in a public place during academy hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the Principal has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the exclusion, the Principal is able to give less than 48 hours of notice, with parental consent.

If the Principal has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

Duty to inform the Local Academy Committee

The Principal will inform the Local Academy Committee, without delay, of the following:

- Any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
- Any exclusions which would result in the pupil being excluded for more than five academy days in a term (or more than 10 lunchtimes)
- Any exclusions which would result in the pupil being absent from an examination or national curriculum test

For any exclusions, other than those above, the Principal will notify the Local Academy Committee and Trust once per term.

All notifications to the Local Academy Committee and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.

Arranging education for excluded pupils

For any fixed-period exclusions of more than five academy days, the Local Academy Committee will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion. Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion. For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.

The Local Academy Committee is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion; therefore, the Local Academy Committee will always attempt to arrange alternative provision before the sixth day of exclusion. Where it is not possible to arrange alternative provision during the first five days of exclusion, the academy will ensure that they take reasonable steps to set and mark work for the excluded pupil.

If a pupil with SEND has been excluded, the Local Academy Committee will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

Considering exclusions

The Local Academy Committee will consider any representations made by parents regarding exclusions.

Parents and, where requested, a friend or representative, the Principal, and a member of the Trust will be invited to attend any consideration of exclusions and will be able to make representations. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

The Local Academy Committee will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent.
- The exclusion is fixed-period, and would bring the pupil's total number of excluded academy days to more than 15 in any given term.
- The exclusion would result in the pupil missing a public examination.

In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than 5 but less than 15 academy days within a term, if requested by the parents, the Local Academy Committee will consider exclusions within 50 academy days of receiving notification.

In the case of a fixed period exclusion, where the pupil's total number of excluded academy days does not amount to more than five, in the absence of any such representations, the Local Academy Committee is not required to meet and cannot direct the reinstatement of the pupil.

Where exclusion would result in a pupil missing a public examination, the Local Academy Committee will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of Local Academy Committee members to consider the decision before the examination, a smaller sub-committee will consider the exclusion and decide whether or not to reinstate the pupil.

In light of the above, the Local Academy Committee will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the reinstatement of an excluded pupil, the Local Academy Committee will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five academy days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

Reaching a decision

After considering exclusions, the Local Academy Committee will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to academy following a fixed-period exclusion or the parents make clear they do not want their child reinstated, the Local Academy Committee will still consider whether the pupil should be officially reinstated, and whether the Principal's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The Local Academy Committee will apply the civil standard of proof when responding to the acts relating to an exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the Local Academy Committee will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the Principal's legal duties and any evidence that was presented to the Local Academy Committee in relation to the decision to exclude.

- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

Notification of considered exclusions

The Local Academy Committee will notify the parents of the excluded pupil, the Principal and the LA of their decision following the consideration of an exclusion, in writing and without delay.

In the case of a permanent exclusion, where the Local Academy Committee decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents have a right to require the Local Academy Committee to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Local Academy Committee will also notify parents that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Local Academy Committee will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing permanently excluded pupils from the academy register

The Principal will remove pupils from the academy register if:

- 15 academy days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 academy days, the Principal will wait until the review has been determined, or abandoned, and until the Local Academy Committee has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the academy register.

If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent review panel

The Trust will review the Local Academy Committee's decision not to reinstate a permanently excluded pupil if the parents submit their application for this within the required time frame.

The Trust will constitute an independent review panel.

Any application made outside of the above timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

The Local Academy Committee will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained academy's, academies and pupil referral units in England'.

The duties of the independent review panel

The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the academy. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision
- Recommend that the Local Academy Committee reconsiders reinstatement

- Quash the decision and direct that the Local Academy Committee reconsiders reinstatement

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, the Local Academy Committee, Principal and the Trust.

Reconsidering reinstatement following a review

Where the independent review panel instructs the Local Academy Committee to reconsider their decision not to reinstate a pupil, they will do so within 10 academy days of being given notice of the review panel's decision.

The academy is aware that if, following an instruction to reconsider, the Local Academy Committee does not offer to reinstate the pupil, then the academy will be required to make a payment of £4,000 directly to the LA area in which the academy is located.

Where the independent review panel recommends that the Local Academy Committee should reconsider their decision not to reinstate a pupil, they will do so within 10 academy days of being given notice of the review panel's decision. The academy is aware that if, following a recommendation to reconsider, the Local Academy Committee does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the Local Academy Committee offers to reinstate the pupil but the parents decline, no adjustment will be made to the academy's budget.

Following reconsideration, the Local Academy Committee will notify the parents, the Principal and the LA of their reconsidered decision and the reasons for this.

Criminal investigations

The Principal will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the Principal when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Local Academy Committee is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Monitoring and review

This policy will be reviewed annually by the Principal in conjunction with the Local Academy Committee

