



St. Mary's Academy Trust

Exclusions Policy

Date agreed by Performance and Standards Committee: November 2021

Date to be reviewed: November 2023

Introduction

At St. Mary's Academy Trust, we strongly believe in good discipline as we feel it is essential to ensure that all pupils can benefit from the educational and social opportunities that our schools within St. Mary's Academy Trust offer.

We believe pupil exclusion is best defined as when a pupil is not allowed to attend school for either a fixed term or permanently. Pupil exclusion is a sanction that will be used only as a last resort.

Excluding a pupil is a serious step to take. Any individual school within St Mary's Academy Trust will only do so as a last resort following serious breaches of discipline or if the child's presence in school may affect the education of, or be harmful to, other pupils.

We treat all pupils fairly and all decisions to exclude a pupil will be lawful, reasonable and fair. Before a pupil is excluded, a wide range of strategies will be implemented in order to improve the behaviour of the pupil.

This policy should be read in conjunction with the following legislation and policies:

- The Department for Education guidance Exclusion from Maintained Schools, Academies and pupil Referral Units in England, July 2017
- Education Act 2011, Part 2 (4)
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- St. Mary's Academy Trust Behaviour Policy
- Each school's individual Behaviour Policy
- St. Mary's Academy Trust Safeguarding and Child Protection Policy
- St. Mary's Academy Trust Special Educational Needs and Disabilities Policy

Aims

- To ensure compliance with all relevant legislation connected to this policy.
- To ensure that each school seeks to reduce the number of incidents leading to exclusions by:
 - ✓ having a clear and effective whole school behaviour policy including positive rewards and sanctions
 - ✓ by promoting a positive atmosphere of mutual respect and discipline within the school.
 - ✓ Where necessary, by making reasonable adjustments for vulnerable pupils
- To have in place early intervention systems to deal with inappropriate behaviour.
- To only use exclusions as a last resort.
- To have in place systems to reinstate excluded pupils as soon as possible.
- To establish and continue to develop positive working relations with parents of pupils who have been excluded.
- To ensure that all relevant stakeholders understand the policies and procedures for fixed and permanent exclusions.

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Why pupils are excluded

Pupils can be excluded for a number of reasons, either for a fixed term/period or permanently, under the following circumstances:

- where there is sufficient evidence that the pupil has committed a serious one-off offence.
- where the pupil is accused of a serious criminal offence away from school and the headteacher, in the best interests of the pupil and others in school, feels that they should be educated off site for a period of time.
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The following types of behaviour may result in an internal and/or external exclusion:

- A serious attack on another pupil or a member of staff
- Persistent disruptive behaviour which negatively impacts on the learning of others
- Bringing into school an offensive weapon, drugs, alcohol, matches or a lighter.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.

Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early and make reasonable adjustments in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Types of exclusion

Internal exclusion

A school can elect to carry out an internal exclusion for a pupil. An internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons.

External exclusions

There are three kinds of external exclusion: lunchtime, fixed term and permanent.

- **A lunchtime exclusion** is counted as a temporary exclusion. A pupil given a lunchtime exclusion should leave the school premises for the duration of the lunchtime and return for the afternoon session. Lunchtime exclusions are counted as half a school day for statistical purposes. Any pupil given a lunchtime exclusion must be collected from school and returned to school by their parent/carer.
- **A fixed term exclusion** is a temporary exclusion, where a pupil is temporarily removed from the school. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

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- If a child has been excluded for a fixed period, schools should set and mark work for the first 5 school days. If the exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, e.g at a pupil referral unit.
- A permanent exclusion means that the pupil cannot return to the school unless:
- the local governing body of the individual school, after hearing the case presented by the child's parents, decides that the pupil can return to school, or
- the Independent Review Panel directs the governing body to reconsider their decision.

Roles and Responsibilities

The Headteacher

The headteacher must have approval of the CEO of St. Mary's Academy Trust before excluding a pupil. Only the head teacher, or in their absence, the Assistant head teacher can exclude a pupil. The local authority must be informed of the exclusion and receive all of the necessary paperwork. This should be done on the day of the exclusion.

The length of the exclusion is at the discretion of each individual school, with the approval of the CEO, but will operate within DfE guidelines. If the headteacher decides to exclude a pupil, they must call the parents or carers of the pupil to inform them about the exclusion. They must also write, on the day of the exclusion, to the parents or carers to confirm the reason for their child's exclusion and what type of exclusion will apply. The letter will also inform parents/carers that they are entitled to put their case forward to the local governing body; how parents/carers can see their child's records; and what arrangements the school has made for the setting and marking of schoolwork during their child's exclusion period.

If a pupil is given a fixed term exclusion of more than five days, the headteacher must make alternative, full-time education available to them. If a pupil would miss taking one of their tests (e.g. Y2/Y6 SATs, phonics screening check) because of the exclusion, the head teacher must inform the CEO of St. Mary's Academy Trust, the school's local governing body and the Local Authority.

The Local Governing Body and Trust Board of Trustees

The role of the local governing body of each school and the Trust Board of Trustees is to review the use of exclusions. For a fixed term exclusion of between six and fifteen school days, the local governing body should

convene to meet with the parents/carers of an excluded pupil upon their request. Governors should ensure that this meeting takes place between six and fifty school days after the exclusion. The local governing body cannot overturn the exclusion, but if they disagree with it, they can register their disagreement on a pupil's record.

The local governing body should decide whether or not to confirm all permanent exclusions and fixed term exclusions where the pupil is either excluded for more than fifteen days in total in a term or would lose the opportunity to sit a public examination. This role can be delegated to the chair, or if unavailable, vice-chair in cases of urgency.

The local governing body can also direct the reinstatement of excluded pupils. Again, this role can be delegated to the chair or, if unavailable, vice-chair in cases of urgency. For a fixed term exclusion of more than fifteen days, the governors must meet between six and fifteen days after the exclusion.

Parents

During the term of the exclusion, a child will not be allowed to go to school from the time the exclusion is made. If a child is given a fixed term exclusion of five days or less, a parent/carer can choose to put their case to the local governing body of the school for their consideration. The local governing body cannot overturn the exclusion, but if they disagree with it, they can register their disagreement on a child's record.

For a fixed term exclusion of between six and fifteen school days, parents/carers have the right to ask for a meeting with the school's local governors and the Trust Board of Trustees. This can take place any time between six and fifty school days after the exclusion. For a fixed term exclusion of more than fifteen days, the governors must meet with the parents/carers between six and fifteen days after the exclusion.

Parents/carers are entitled to take someone with them for support to the meeting with the governing body and to take notes of the meeting. The parents/carers must tell the school who this person is before the meeting. In preparation for the meeting, parents/carers should gather together written evidence and prepare any questions they want to ask the headteacher. They will need to give a copy of their evidence to the headteacher and the clerk at the meeting. There will be at least three governors at the meeting, as well as the headteacher and a clerk. The headteacher will give their version of why the pupil has been excluded and call into the meeting any witnesses to the incident. The parents/carers will then get a chance to explain why their child shouldn't have been excluded, including calling any of their own witnesses to support their case. Parents/carers and the headteacher will then be asked to leave the room to allow the governors to consider both cases and make their decision. The clerk should inform parents/carers what the governors have decided, either in person or by phone on the day of the meeting. Parents will also receive confirmation of the decision in a letter the following day.

St. Mary's Academy Trust

All fixed term and permanent exclusions at any school within the Trust must have the approval of the CEO in advance of the exclusion taking place. The Trust Board should be informed of any external fixed or permanent exclusions through the CEO. St. Mary's Academy Trust regularly monitors the number of fixed term exclusions to ensure that no group of pupils in any school is unfairly disadvantaged through their use and that any underlying needs of any individuals are being fully met.

Review

This policy on exclusions and the resulting practices will be reviewed every two years and consultations sought if it is to be updated.