

The Good Shepherd Multi Academy Trust

Exclusions policy

June 2015



**The Good Shepherd
Multi Academy Trust**

Reviewed Dec 2017

Date of Next Review Dec 2020

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

1. Policy framework

1.1 This policy is compliant with the following legislation:

- 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.

2. Definitions used in the Policy

2.1 Use of term 'parent' within this policy:

In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

2.2 Use of the word 'term' within this policy.

Where the school's academic year consists of more than 3 terms, then a reference to 'term' means the period falling between: 31 December to Easter Monday; Easter Monday to 31 July; or 31 July to 31 December

3. Context

3.1 The Good Shepherd Multi Academy Trust recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty five days in any one academic year, or, in some circumstances, permanently.

3.2 Such exclusions will only be resorted to when the school can demonstrate with adequate evidence that all reasonable steps have been taken (including education off site) and/ or that the presence of the learner is likely to be severely detrimental to his/herself, other learners or staff. There may also be occasions when a short-term exclusion is appropriate because of unacceptable behaviour.

3.3 Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Trust supports its schools in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school'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.

4. **Core Principles:**

- 4.1 Let the peace of Christ rule in your hearts, remembering that as members of the same body you are called to live in harmony, and never forget to be thankful for what God has done for you.

(Colossians 3:15-16)

- a. Children have a right to attend school in safety and to learn without disruption.
- b. Teachers have a right to work in an environment that allows them to use their skills to the full for the benefit of all their students. The quality of learning, teaching and behaviour are inseparable issues and are the responsibility of all staff
- c. Students being disrespectful should never be tolerated; students should show respect to staff at all times and in turn, staff should be sensitive to the needs of students. Staff and Students should be courteous and respectful at all times.
- d. Teachers should demonstrate their own adherence to the underlying Christian values of the Trust by the way they promote good behaviour and in their responses to students. In exercising their authority staff should be honest, fair and just. Setting a good example will result in students feeling happy, secure, wanted and valued.
- e. Rewards are more effective than punishment in motivating students. Good behaviour and achievement must be rewarded.
- f. Discipline should be constructive in nature and staff attitudes must be consistent.
- g. Discipline works best when enforced immediately. Standards must be met or referrals made. A rigid code of consistent conduct is necessary for the vast majority of students but should ensure that the small minority of disruptors are aware of the rules and sanctions that will be imposed.
- h. Parental engagement is crucial and the support of parents essential for the maintenance of good behaviour.
- i. The Trust acknowledges its legal duties under the Equality Act 2010, in respect of safeguarding and in respect of pupils with Special Educational Needs and/or Disabilities
- j. The school will not discriminate against pupils on the basis of protected characteristics, such as disability or race and will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- k. Disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour the first steps will be to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. The school will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- l. All pupils who return to school following a fixed period exclusion will be subject to a re-integration process that will include a meeting with the parent and child prior to their return to their class. This meeting will include agreement by the pupil on managing their future behaviour.

- m. The school will take reasonable steps to set and mark work for pupils during the first five school days of exclusion and will arrange alternative provision from the sixth day.
- n. 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).
- o. All parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion;

5. The Power to exclude

- 5.1 Only the headteacher of the school can exclude a pupil and this must be on disciplinary grounds.
 - a. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.
 - b. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.
 - c. The behaviour of pupils outside school can be considered as grounds for exclusion
 - d. The headteacher may withdraw an exclusion that has not been reviewed by the Trust.
 - e. The school will take account of their legal duty of care when sending a pupil home following exclusion.
 - f. The school will use the civil standard of proof, i.e. 'on the balance of probabilities' when making judgements in relation to exclusions.
 - g. The school will not make use of 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', any exclusion of a pupil, even for short periods of time, will be formally recorded.
- 5.2 A decision to exclude a pupil permanently will only be taken:
 - a. in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
 - b. where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 5.3 The school will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement has mental health issues or has been subject to bullying.
- 5.4 Exclusion from a school that is part of The Good Shepherd Multi Academy Trust does not mean exclusion from all schools in the Trust.

6. Informing parties about an exclusion

- 6.1 Whenever a pupil is excluded the school will notify parents of the period of the exclusion and the reasons for it as soon as is immediately practical. In addition the school will provide parents with the following information in writing:
 - a. the reasons for the exclusion;

- b. the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
 - c. parents' right to make representations about the exclusion to the Local Governing Body and Trust and how the pupil may be involved in this;
 - d. the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
- 6.2 In addition the school will draw attention to relevant sources of free and impartial information including:
- a link to DfE statutory guidance on exclusions: exclusions guidance
 - a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008;
- 6.3 The headteacher will, without delay, notify the Local Governing Body, the Trust and the local authority of:
- a permanent exclusion (including where a fixed period exclusion is made permanent);
 - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
 - exclusions which would result in the pupil missing a public examination or national curriculum test.
- 6.4 For all other exclusions the school leadership will notify the local authority, the Trust and Local Governing Body at the earliest opportunity e.g. copies of correspondence. For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the school will also advise the pupil's 'home authority' of the exclusion without delay.
- 7. The Local Governing Body's duty to consider an exclusion**
- 7.1 The Local Governing Body, under delegated powers from the Trust will consider parents' representations about an exclusion.
- 7.2 The Local Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
- the exclusion is permanent;
 - it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - it would result in a pupil missing a public examination or national curriculum test.
- 7.3 In the case of one or more fixed period exclusions totalling five days or fewer in any one term, the Local Governing Body discipline committee is required to consider representations made by a parent. Local Governing Body members have no power to direct reinstatement in cases where the number of days the pupil has been excluded in a single term is five days or less. They are required to consider any representations made by the parent but are not required to meet although it can be helpful if they do so.
- 7.4 In cases of one or more fixed period exclusions more than five days but not more than 15 days in any one term, a discipline committee meeting must be held within 50 school days after receiving the notice of exclusion, to consider the exclusion, if the parent requests this. Where the Local Governing Body consider it appropriate they can direct reinstatement. If the Local Governing Body cannot direct reinstatement because the period of exclusion has expired

and the pupil has returned to school, they can place a copy of their findings on his or her school record.

7.5 It is recommended that the panel consists of three members. Those invited to this meeting will include:

- parents;
- the headteacher.

7.6 The Local Governing Body will make every effort to arrange this meeting for a date and time convenient to all parties

7.7 In reaching a decision on whether or not to reinstate a pupil, the Local Governing Body will consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the legal duties of the school Leadership.

8. The Trust's duty to arrange an independent review panel

8.1 If applied for by parents within the legal time frame, the Trust will arrange for an independent review panel hearing to review the decision of the Local Governing Body not to reinstate a permanently excluded pupil.

8.2 The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the Local Governing Body of their decision to uphold a permanent exclusion or
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion

8.3 Any application made outside of the legal time frame will be rejected by the Trust.