



## **EXCLUSIONS POLICY**

**7/6/2021**

## Waveney Valley Academies Trust Exclusions Policy

Good discipline in schools is essential to ensure that all children and young people can benefit from the opportunities provided by education. Within Waveney Valley Academies Trust, each school has its own student behaviour policy, with all schools working within the Trust Exclusions Policy.

The following principles apply to all exclusions whether internal, Fixed-Term, or Permanent:

1. The decision to exclude a pupil/student must be lawful, reasonable, and fair. Schools will follow their statutory duty not to discriminate against pupils/students on the basis of protected characteristics, such as disability or race, and will consider the fair treatment of pupils/students from groups who are vulnerable to exclusion.
2. The Headteacher and Trust Board will comply with their statutory duties in relation to SEN when administering the exclusion process; this includes having regard to the SEND Code of Practice.
3. The Trust recognises that there are some students who are particularly vulnerable to the impact of exclusion. This includes pupils with EHC plans and Children in Care (CiCS). Schools should engage proactively with other agencies in supporting the behaviour of pupils/students with additional needs.
4. In all decisions the Headteacher will look at the evidence and make his/her decision on the 'balance of probabilities' i.e. is it more likely than not that, for an example, an incident took place.
5. A pupil/student may not be externally excluded for more than 45 days in an academic year.
6. All exclusions must be on disciplinary grounds and will be the decision of the Headteacher (or a delegated deputy in the absence of the Headteacher). The Headteacher should consult with the CEO of the Trust when issuing Fixed-Term and Permanent Exclusions, who will therefore be disqualified from sitting on any resulting Trust Student Discipline Committee.
7. The behaviour of a pupil/student outside school can be considered grounds for an exclusion.
8. The Headteacher may withdraw an exclusion that has not yet been reviewed by the Trust Student Discipline Committee.
9. In exceptional cases, usually where further evidence has come to light, a Fixed-Term Exclusion may be issued to begin immediately after the first; or a Permanent Exclusion may be issued to begin immediately after the end of the fixed period. If a pupil/student is excluded for a further fixed period following their original exclusion, or is subsequently permanently excluded, the Headteacher will inform the parents (the word parent/s includes carers/guardians for the duration of this policy) without delay, and issue a new exclusion notice to parents.

10. For both internal and Fixed -Term Exclusions, the school must have a re-integration strategy for the pupil/student, including a formal meeting with parent/s and senior members of school staff.
11. In Trust secondary schools, all Fixed-Term Exclusions will end with at least one full day served in the school's internal inclusion room.
12. The Trust recognises that any 'Informal' or 'unofficial' exclusions, such as sending a pupil/student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parent/s. Any exclusion of a pupil/student, even for short periods of time, will be formally recorded.
13. A permanent exclusion must be the last resort, and may only be in response to:
  - i. a serious one-off breach, or persistent breaches, of the school's behaviour policy.
  - ii. where allowing the pupil/student to remain in school would seriously harm the education or welfare of the pupil/student, or others in the school.
14. It should be normal practice for the Headteacher, wherever practical, to give the pupil/student an opportunity to present his/her case before taking the decision to exclude.
15. The Headteacher will, without delay, notify the parent/s of the exclusion, and include in the information:
  - The reason(s) for the exclusion
  - The period of a Fixed-Term Exclusion
  - The parent/s' rights to make representation about the exclusion to the Trust Board and how the pupil/student may be involved in this
  - How the representations should be made
  - Where there is a legal requirement for the Trust Board to consider the exclusion, that the parent/s have the right to attend, to be represented at that meeting (at their own expense) and to bring a representative
16. When notifying parent/s about an exclusion, the Headteacher will set out what arrangements have been made to enable the pupil/student to continue their education prior to the start of any alternative provision, or the pupil/student's return to school.
17. Where an excluded pupil/student is of compulsory school age, the Headteacher in each school will notify the parent/s of the pupil/student of days on which they must ensure that the pupil/student is not present in a public place at any time during school hours. These

days will be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Each parent will be notified that, should they fail to comply with this duty without reasonable justification, they commit an offence and may be given a fixed penalty notice or be prosecuted.

18. The Trust Board will employ a fully trained Clerk for all Permanent Exclusion hearings.
19. The Headteacher will, without delay, notify the CEO (who will notify the Chair of Trustees, on behalf of the Trust Board) and the Local Authority of:
  - I. any Permanent Exclusion
  - II. any exclusion which would result in the pupil/student being excluded for a total of more than five school days (or more than ten lunchtimes) in a term
  - III. any exclusion which would result in the pupil missing a public examination or national curriculum test.

#### Internal Exclusions: Secondary Schools only

These are used where students have committed breaches of discipline which, in the judgement of the Headteacher, are in need of a greater sanction than a detention. The pupil/student is expected to comply with the rules of the internal inclusion room, failure of which can lead to an extension of the period of time served, Fixed-Term and possibly a Permanent Exclusion.

Factors which will then be taken into account are the previous disciplinary history of the student, the current reason for their internal exclusion and the appropriate 'exit strategy' agreed with parent/s.

The parent/s will be informed within 24 hours of their student's internal exclusion, and be expected to attend a reintegration meeting. At this meeting, a decision may be made to extend the period of internal exclusion, or look at more serious sanctions based on the response of the pupil/student.

#### Fixed Term Exclusions

When a serious breach of the behaviour policy has been committed, or when a pupil/student fails to heed earlier warnings about poor conduct, he or she may be excluded from school.

Decisions to issue Fixed-Term Exclusions will be given in writing although, initially, the school will seek to contact the parent verbally as soon as possible. The total number of days of a Fixed-Term Exclusion must not exceed 45 days in any one academic year.

As outlined in item 11 above, all Fixed-Term Exclusions, in Trust secondary schools, will end with at least one full day served in the school's internal inclusion room.

## Permanent Exclusions

No pupil/student will be Permanently Excluded without first exhausting all other strategies. In the case of any assault, or threatened assault, the investigation will look at the degree of injury - physical, psychological, and emotional, to the victim and those who may have been witnesses to the assault, and the long-term effect on their mental health.

The decision to exclude a child permanently is to be considered the final resort in the process of dealing with disciplinary offences and would normally only be used when a range of other strategies have failed, such as a Suffolk/Norfolk Pupil Support Framework (SPSF), or it is deemed that the breach of the school's behaviour policy is so serious that no alternative strategy is available to the school.

The school must show that all possible alternative interventions, both internal and external, have been explored and actioned, if appropriate, and that they have documented evidence of all the avenues which have been explored; this might not be applicable if the sanction is given for what is deemed by the school to be a sufficiently serious one-off breach of the school's behaviour policy, as stated in item 13. i. above.

A permanent exclusion will be given for the following reasons:

- I. Serious violence, or the threat of serious violence against another pupil/student, a member of staff or any visitor to the school community; when considering the degree of violence, the Headteacher should consider not only the level of physical injury caused but psychological and emotional damage to the victim and those who may have witnessed the incident.
- II. Sexual abuse or assault.
- III. Persistent bullying.
- IV. Supplying or being in possession of illegal drugs<sup>1</sup> on the school premises.
- V. Carrying an offensive weapon, for example a bladed article, or anything that could be used as an offensive weapon against students, staff, or visitors to the school community, or cause stress and alarm by being perceived to be.
- VI. Dangerous substances.
- VII. Causing serious harm to the behaviour of other children.
- VIII. Serious and/or sustained theft of school property.
- IX. Serious or sustained vandalism to school property.

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<sup>1</sup> <https://www.inbrief.co.uk/offences/drug-classification/#:~:text=UK%20illegal%20drug%20classification%20What%20is%20meant%20by,of%20many%20drugs%20is%20illegal%20under%20UK%20law>

- X. Persistent poor and serious behaviour, including persistent refusal to follow staff direction, or a one-off breach of the school's behaviour policy that is deemed to have been sufficiently serious.
- XI. Serious malicious allegation/s against a member of staff that is unproven.
- XII. Threatening or serious defamatory conduct towards the school itself, a pupil/student or a member of staff, including online.
- XIII. Continual failure to follow the required level of behaviour during an internal exclusion.
- XIV. Failure to achieve the targets as laid down by the SPSF (Suffolk Student Support framework) or Sixth Form Contract.
- XV. Any other incident inside or outside the school, which, in the view of the school, is of such a serious nature as to warrant a permanent exclusion.

The final decision is for the Headteacher, taking into consideration all the factors related to the student, the welfare of other students, the school and the particular circumstances surrounding the breach in question.

The Trust Board will, within 15 academic days of notification of the exclusion, form a Student Discipline Committee in line with the Trust's Scheme of Delegation, to consider the exclusion if:

- I. the exclusion is permanent
- II. it is a Fixed-Period Exclusion which brings the pupil's total number of school days of exclusion to more than 15 in a term
- III. it would result in a pupil missing a public examination or national curriculum test.

If the exclusion means that a pupil/student will miss a public examination or an important assessment, and it is not possible to constitute a hearing, the Trust Board will make the decision alone as whether to allow the pupil/student into the school to take the examination. The Chair will take into consideration all the circumstances of the case.

## The Hearing

The following parties will be invited to the Student Discipline Hearing and allowed to make representations as regards the exclusion:

1. Parent/s (and, where requested, a representative or friend).
2. The pupil/student, if they are deemed to be of sufficient age and capacity.
3. The Headteacher and any appropriate additional member of the school staff to present the school's case.
4. A Student Discipline Committee will be formed in line with the Trust's Scheme of Delegation.

A representative of the Local Authority will normally be invited to attend, particularly if they have had previous involvement with the child. Whether the Local Authority representative may address the hearing is decided by the Student Discipline Committee.

The Committee will make its decision and notify the parent/s, if they wish to remain for the outcome, and in any event in writing within 5 working days.

The decision should set out:

- the terms of a Permanent Exclusion, if one has been decided
- the reasons why the Headteacher's decision has been upheld, dealing straightforwardly with all points raised by the parent/s, and, if they have addressed the hearing or made written representations, those of the Local Authority