



Whitburn Church of England Academy

STUDENT EXCLUSION POLICY

Preface

The Academy Vision and Values can be found here
<https://www.whitburncofeacademy.org/about-us/academy-ethos.html>

This policy and its associated procedures are based on these key principles and values.

Status

This policy was first formally adopted by the Governing Body of Whitburn Church of England Academy on 26th June 2007.

The policy takes into account guidance in the DFE publication “Exclusion from maintained schools, Academies and student referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion” (DFE September 2017)

The aim of this policy is to support the Academy’s Student Behaviour Management Policy and so ensure that every child is able to learn in a safe environment.

The objective of this policy is to provide clear guidance for the Principal, the Directors, teachers, parents/carers and students on:

- ◆ Behaviours which warrant fixed-term exclusion or permanent exclusion.
- ◆ The procedure to be followed in the event of exclusion.
- ◆ The procedure to be followed in the event of an appeal.

The underlying principles of this policy are that:

- All students are entitled to be treated equally, regardless of ability, gender or race.
- All students are entitled to a stable and continuous education. This principle is implicit in the ethos and the structures of the Academy.
- All staff and students at Whitburn Church of England Academy have the right to be able to work to the best of their ability without being hindered by others.
- A decision to exclude will only be taken in response to serious breaches of the Academy's behaviour policy, or, where the nature of the situation is such, that allowing the student to remain in the Academy would be seriously detrimental to the education or welfare of the student or to that of others at the Academy.
- Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; fair; and proportionate.

Types of exclusion

Two types of exclusion exist:

Suspensions can be for one or more fixed periods not exceeding forty five days in one school year. 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 may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

Permanent Exclusion constitutes the most severe sanction and is used only as a last resort

- either where there is persistent challenging behaviour, to the detriment of the education and/or welfare of other students, following the application of a hierarchy of sanctions.
- or where a serious single critical incident of misbehaviour requires an immediate exclusion.

It should be noted that the behaviour of a student outside school can be considered grounds for an exclusion.

Behaviours which may warrant Suspension include:-

1. Physical assault against student

Such as fighting/violent behaviour/wounding/obstruction and jostling or similar behaviours

2. Physical assault against adult

Such as violent behaviour/wounding/obstruction and jostling or similar behaviours

3. Verbal abuse / threatening behaviour against student

Such as threatened violence/aggressive behaviour/swearing/homophobic abuse and harassment/verbal intimidation/carrying an offensive weapon/jeopardising the health of students or similar behaviours

4. Verbal abuse / threatening behaviour against adult

Such as threatened violence/aggressive behaviour/swearing/homophobic abuse and harassment/verbal intimidation/carrying an offensive weapon/jeopardising the health of adult members of the school community or its visitors or similar behaviours

5. Bullying

Such as verbal bullying/physical bullying/homophobic bullying/racist bullying/cyber bullying and misuse of social media or similar behaviours

6. Racist abuse

Such as racist taunting and harassment/derogatory racist statements/swearing that can be attributed to racist characteristics/racist bullying/racist graffiti or similar behaviours

7. Sexual misconduct

Such as sexual abuse/sexual assault/sexual harassment/lewd behaviour/sexual bullying/sexual graffiti or similar behaviours

8. Drug and alcohol related

Such as possession of illegal drugs/inappropriate use of prescribed drugs/drug dealing/smoking, including e-cigarettes/alcohol abuse/substance abuse or similar behaviours

9. Damage

Includes damage to Academy or personal property belonging to any member of the school community/vandalism/arson/graffiti or similar behaviours

10. Theft

Such as stealing Academy property/stealing personal property (student or adult)/stealing from local shops on a school outing/selling and dealing in stolen property or similar behaviours

11. Persistent disruptive behaviour

Repeated disruption to the education of other students – despite the application of appropriate intervention strategies and a hierarchy of sanctions such as challenging behaviour/disobedience by repeated refusal to accept the authority of staff /persistent violation of Academy rules/bringing the Academy into disrepute or similar behaviours

12. Use or threat of use of an offensive weapon or prohibited item

Such as carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns.

Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Use of an offensive weapon.

13. Abuse against sexual orientation and gender identity

Such as derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender) Homophobic, biphobic and transphobic bullying.

LGBT+ graffiti.

LGBT+ taunting and harassment.

Swearing that can be attributed to LGBT+ characteristics.

14. Abuse relating to disability

Such as derogatory statements or swearing about a disability.

Bullying related to disability.

Disability related graffiti.

Disability related taunting and harassment.

15. Inappropriate use of social media or online technology

Such as sharing of inappropriate images (of adult or student).

Cyber bullying or threatening behaviour online.

Organising or facilitating criminal behaviour using social media.

16. Wilful and repeated transgression of protective measures in place to protect public health

Such as deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other students or adults, or any other deliberate breach of public health protective measures which the school has adopted.

Behaviours which may warrant Permanent Exclusion include:-

1. Serious or persistent physical assault towards any student or adult of the school community or its visitors; this will include serious actual or threatened violence against another student or member of staff
2. Serious or persistent verbal abuse/threatening behaviour against student or adult of the school community or its visitors
3. Serious or persistent verbal bullying/physical bullying/homophobic bullying/racist bullying or similar
4. Serious or persistent racist abuse
5. Serious or persistent sexual misconduct
6. Serious or persistent drug and alcohol related incidents such as possessing illegal substances or equipment for taking them, or supplying illegal drugs or equipment for taking them on Academy premises
7. Serious or persistent deliberate damage to Academy or personal property
8. Serious or persistent theft or burglary, or persistent minor theft

9. Serious and persistent disruption to the education of other students by repeated refusal to accept the authority of staff – despite the application of a hierarchy of sanctions including fixed-term exclusion
10. Other serious incidents which are not covered by the categories above such as carrying an offensive weapon as defined in the *Prevention of Crime Act 1953*

The Academy will inform the police where a criminal offence may have taken place.

The decision to exclude

Only the Principal may exclude a student from the Academy. The decision to exclude will only be taken after

- a thorough investigation has been carried out
- all evidence available to support the allegations has been considered, taking account of the Academy's behaviour and equal opportunity policies and Anti Discrimination legislation where applicable
- allowing the student to give his or her version of events

When establishing the facts in relation to an exclusion decision the principal must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the principal should accept that something happened if it is more likely that it happened than that it did not happen.

Where a student engages in persistent disruptive behaviour and all sanctions short of exclusion have been applied, parents/carers will be informed that exclusion will follow if their child's behaviour does not improve. This may be done at a Behaviour Support meeting, or sooner if necessary. In such cases, the relevant Head of Learning/Pastoral Lead and Senior Manager will consult with the Principal before informing parents/carers.

All behaviour contributing to a decision to exclude will be fully documented.

The procedure to be followed in the event of an exclusion

Notification of Parents/Carers, Chair of Governing Body Business Support SYP, teachers, Governance Professional and Secretary to the Board and others as appropriate for SEN etc..

Approved by the Governing Body on 1st February 2022

The Principal, or person delegated by him/her (usually the Head of Learning/Pastoral Lead) must inform the student's parents/carers of the exclusion without delay. Notification would normally take place on the day before the exclusion and may be by telephone, but must be followed by formal notification in writing.

The standard letters for notification of exclusion will be used (see Appendices 1-5).

Parents/carers must be informed of the length of, and the reasons for, the exclusion. The notification letter should contain sufficient information to ensure that the precise reason for the exclusion is fully understood. The letter will inform parents/carers of their right to make representations to the Governing Body and the appropriate timescales for doing so. These depend on the nature and length of the exclusion. Please note that the 'conversion' or 'extension' of an exclusion is not permitted. It is possible, where new evidence or information has come to light, to issue a new suspension or permanent exclusion to begin after the first suspension has finished. This should only be in exceptional cases. A new letter would need sending to the parents/carers if another exclusion was issued, setting out the required information.

Where the exclusion is permanent, parents/carers must be notified not only of the reasons for the exclusion, but also of any disciplinary measures taken prior to the exclusion including details of previous warnings and suspensions which have been imposed.

As the latter will take time to collate, such details may be sent in a separate and later communication.

The Main Academy Office will immediately send duplicates of the exclusion letter to:

- the Chair of Governing Body,
- Business Support SYP
- the Governance Professional and Secretary to the Board

Additional copies of the of the exclusion letter will be sent to:

- Educational Psychologist if the student has a statement of Special Educational Need/EHCP or is undergoing assessment
- The Virtual Head if students are in the care of the LA (children in care)
- The Ethnic Minority, Traveller and Refugee Achievement Service for black and minority ethnic students

A copy will also be placed in the student's school record file.

Approved by the Governing Body on 1st February 2022

The Designated SMT member will direct the Main Academy Office to maintain a record of excluded students and the reasons for their exclusion.

The Head of Learning/Pastoral Lead will notify Academy staff of exclusions.

Directors will be informed termly of the detail of those exclusions 5 days and over in a term.

During exclusion

- Excluded students will be marked as ‘authorised absences’ during the period of their exclusion. An ‘E’ symbol will be used to indicate the reason for absence.
- Excluded students must not be involved in any school activity or enter the Academy premises when school is in session. To do so will be deemed unlawful.
- During the initial period of up to five school days of any exclusion, the parents/carers of the excluded student **must** ensure that he or she is not present in a public place during normal school hours without justifiable reason. A failure to comply is an offence and a fixed penalty notice can be given if parents/carers fail to do this.
- For exclusions of between one day and five days students must be set schoolwork until they return to the Academy or are removed from the school roll. The Head of Learning/Pastoral Lead will make necessary arrangements for such work to be despatched and returned for marking. It will be made clear it is the responsibility of the parents/carers to ensure the work is completed and returned to school.
- For exclusions of more than five days students must be set schoolwork for the first five days. The Head of Learning/Pastoral Lead will make necessary arrangements for such work to be despatched and returned for marking.
- On the sixth day of exclusion the Academy will make arrangements for the student to receive full time education until they return to the Academy following their suspension or are removed from the school roll following Permanent exclusion or parental choice.
- In the case of exclusions for Looked After Children and other vulnerable students, the Academy will endeavour to make alternative provision for education from the first day following the exclusion. This can be arranged without parental /carer approval, although the parents/carers will be notified. The school will ensure that the student’s full-time education continues while off site.

Alternatives to exclusion

Internal exclusion

If capacity allows, schools can still use internal “exclusions.” Such “exclusions” are served on the Academy site, in the Reflection Room and are not recorded as a legal exclusion from school. Internal exclusion may be more appropriate in cases where a student is Looked After, is subject to a Child Protection/Child in Need Plan, or for whom the Principal believes formal exclusion might pose a safeguarding risk. This sanction may also be used by the academy to reduce a student’s risk of a suspension.

Alternative provision

The Principal can direct a student to be educated elsewhere within the Local Authority for the purpose of improving their behaviour through a therapeutic placement to reduce the risk of a suspension. The school will ensure that the student’s full-time education continues while off site. The school expects parents/carers to support this measure and work in partnership with the school to reduce their child’s risk of exclusion.

Return to school after exclusion

Following the expiry of a suspension

- The Head of Learning/Pastoral Lead should arrange a reintegration meeting with the parents/carers where the excluded student and his or her parents/carers will reaffirm their commitment to the Home School Agreement. Where the exclusion is in excess of five days the interview may be led by a member of SMT. The reason for exclusion will be discussed at the meeting.
- An LA official, normally the Young Person’s Lead, may also be invited to attend the reintegration meeting where the exclusion period exceeds five days, and where the aggregate exclusions exceed fifteen days in one term.
- Where the exclusion period was 6 days and longer a member of SMT, in consultation with the Head of Learning/Pastoral Lead, will liaise with the Day 6 provider to ensure curriculum continuity.
- The student returning to the Academy from exclusion or alternatives to this will be placed on Head of Learning/Pastoral Lead Report in order to support the reintegration process.

Right to appeal

The parents/carers of a student excluded for fewer than five days may make representations to the Academy’s Governing Body in relation to that exclusion. The Governing Body cannot however direct reinstatement.

The parents/carers of a student excluded for between five days and up to and including fifteen days can request the Academy's Governing Body to review the decision of the Principal. This request must be made in writing as soon as possible. The Governing Body must meet no later than fifty school days following notification of the exclusion.

Where a student has been excluded for more than fifteen days in one term or permanently or when exclusion would result in a student missing a public examination or national curriculum test the Academy's Governing Body **must** meet no later than the fifteenth school day following notification. The Governing Body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three Directors. They meet to consider the exclusion and must:

1. Invite the parents/carers and Principal to a meeting which is convenient to all parties. A parent/carer may invite a representative of the local authority to attend a meeting of an Academy's governing body as an observer; that representative may only make representations with the governing body's consent. Parents/Carers and students may be accompanied by a friend or representative (where a student under 18 is to be invited as a witness, the Governing Body should first seek parental consent and invite the parents to accompany their child to the meeting);
2. Ask for written statements in advance of the meeting (including witness statements and other relevant information held by the Academy, such as those relating to a student's SEN);
3. Circulate in advance any written statements and a list of those who will be present at the meeting to all parties, where possible at least five school days in advance of the meeting;
4. Have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or student has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
5. Identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the student's age and understanding or how the excluded student may feed in his / her views by other means if attending the exclusion meeting is not possible.

The role of the Governing Body is to review the decision of the Principal. It cannot increase the severity of the exclusion. The Governing Body can:

- **Either** uphold the exclusion
- **Or** direct the student's reinstatement (either immediately or by a particular date)

The Governing Body will inform the parents/carers, the Principal and the LA of its decision in writing within Ten school days of the hearing.

Parents/carers of a student who has been permanently excluded have a further right of appeal to an Independent Review Panel within fifteen school days of receiving the decision of Governing Body.

Where an exclusion would result in a student missing a public examination or national curriculum test there is a further requirement for the Governing Body, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the Chair of Governing Body may consider the exclusion independently and decide whether or not to reinstate the student. These are the only circumstances in which the Chair can review an exclusion decision alone. In such cases parents/carers still have the right to make representations to the Governing Body and must be made aware of this right.

Whilst there is no automatic right for an excluded student to take an examination or test on the Academy's premises, the Governing Body may consider whether it would be appropriate to exercise their discretion to allow an excluded student on the premises for the sole purpose of taking the examination or test.

However as a matter of routine, Whitburn Church of England Academy will always ensure that excluded students have alternative arrangements put in place so that they have full access to public examinations.

Permanent Exclusions

The Principal and SMT (Pastoral) will produce a written report detailing the circumstances of the offence or persistent behaviours which triggered a permanent exclusion and provide a record of the student's behaviour prior to the exclusion

Information on the various stages of a Directors meeting convened to consider an appeal against exclusion is contained in "Exclusion from maintained schools, Academies and student referral units in England: A guide for those with legal responsibilities in relation to exclusion" (DFE 2017).

A record of all decisions made during all stages of the exclusion process will be placed in the student's school record file.

Independent Review Panel

If applied for by parents/carers within the legal time frame, the Academy Trust must, at their own expense, arrange for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded student. The role of the panel is to review the Governing Body's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the Academy.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the 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.

Any application made outside of the legal time frame must be rejected by the Academy Trust. The Academy Trust must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents/carers may request an independent review panel even if they did not make a case to, or attend, the meeting at which the Governing Body considered the exclusion.

The Academy must arrange a venue for hearing the review, which must be in private unless the panel directs otherwise. They must take all reasonable steps to ensure the venue for the review is appropriate, accessible to the parties, and has a suitable area for the parties to wait separately from the panel before the review.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews the Academy should take reasonable steps to ensure fairness and consistency. Where possible, the same panel members should hear all related reviews.

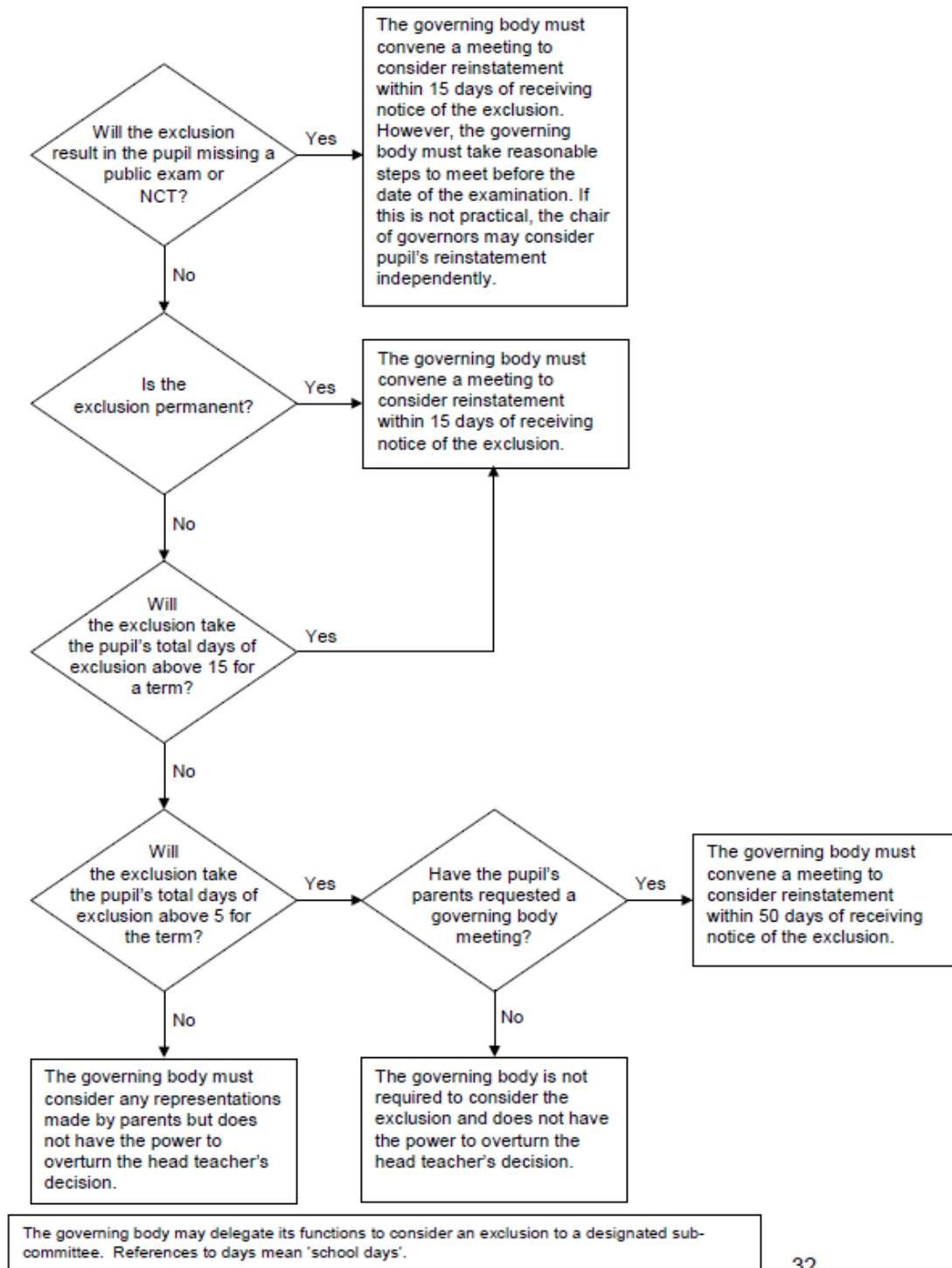
The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

Approved by the Governing Body on 1st February 2022

Following its review the panel can decide to:

- uphold the exclusion decision;
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the Governing Body considers the exclusion again.

A summary of the Governing Body’s duties to review the Principal’s exclusion decision



Time limits

Time limits which apply to the actions of the Principal, Parents/Carers, the Academy's Governing Body and the Independent Appeal Committee is set out in the following table.

Actions	Time limits
Notification to parents/carers of Principal's decision to exclude	'Without delay' – by telephone. Letter within one school day
Time allowed from notification of exclusion for parents/carers to indicate they wish to make representations to the Governing Body.	Depends on the length of exclusion as stated above
Time allowed from notification of exclusion for Governing Body to meet to consider exclusion.	Depends on length of exclusion as stated above
Time allowed to lodge an appeal to IRP following Governing bodies decision to uphold permanent exclusion	Fifteen school days
Time allowed for IRP to hear appeal	Fifteen school days
Notification of IRP decision either to uphold exclusion or to direct reinstatement.	Two school days of decision

Exclusion Policy		
Linked to	This policy must be read in conjunction with: <ul style="list-style-type: none"> • Student Behaviour Management Policy • Anti-bullying Policy • Drugs Policy • Race Equality Policy • Special Educational Needs Policy • No Smoking Policy • Confiscated Property Policy • Student Acceptable Use Policy • Home/School Agreement • Code of Conduct • Ethos Statement • Whitburn Principles 	
Creation Date	Version	Status
26 th June 2007	1.0	Approved by the Governing Body
Revision Date		
5 th May 2010	2.0	Considered by Pupil Disciplinary Committee and recommended for approval at the Termly Meeting on 22 nd June 2010
22 nd June 2010	2.0	Approved by the Governing Body
20 th March 2012	3.0	Approved by the Governing Body
9 th October 2012	4.0	Approved by the Governing Body
26 th January 2016	5.0	Approved by the Governing Body
23 rd January 2018	6.0	Approved by the Governing Body
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27 th September 2021	8.0	Approved by the Governing Body
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