



**Lansdowne;  
A de Ferrers Trust Academy**

**Exclusion Policy**

Author:	Principal
Approval needed by:	LGB
Consultation required	CEO
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## **INTRODUCTION**

This policy has been written with reference to the DFE guidance 'Exclusion from maintained schools, academies and student referral units in England - Statutory guidance for those with legal responsibilities in relation to exclusion September 2017' (DFE-00184-2017).

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Student Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- the Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014.

## **KEY POINTS**

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. At Lansdowne; A de Ferrers Trust Academy, we actively promote good behaviour and have a Behaviour Policy which clearly states the school expectations, rules and rewards and consequences of positive or negative behaviour. There is a clear procedure for implementing sanctions where necessary. The Government supports head teachers/principals in using exclusion as a sanction where it is warranted. However, permanent exclusion would only be used as a last resort, in response to a serious breach or persistent breaches of the behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a student's behaviour, we would try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, we would also consider whether a multi-agency assessment that goes beyond the student's educational needs is required.

Only the Executive Principal<sup>1</sup> can exclude a student and this must be on disciplinary grounds. A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period.

### **1.0 GENERAL PRINCIPLES**

- 1.1 The Governing Body has determined that the school will use exclusion as its final sanction in ensuring the good order and discipline it believes is essential for effective learning to take place.
- 1.2 Exclusion will be used sparingly in response to a serious breaches or persistent breaches of school policy and discipline. It will normally be used only after other sanctions and counselling have failed to achieve the desired change in behaviour and attitude.
- 1.3 Permanent exclusion will only be used as a last resort, when all other reasonable steps have been taken and when allowing the child to remain in school would be seriously detrimental to the education and/or welfare of other students or teachers.
- 1.4 Permanent exclusion may, on rare occasions, be the only possible response to a single incident of very extreme misconduct.

- 1.5 In applying this exclusion policy, the school will follow current DfE and LA guidance and advice.
- 1.6 When it is necessary to exclude a student, parents will be contacted by telephone, if possible, at the earliest possible opportunity. The exclusion will always be confirmed by a letter which will set out the reasons for the exclusion and also inform the parents of their rights to make representations to the Governing Body.
- 1.7 Each incident of exclusion will be recorded in a standard format. This will give:
  - the name of the student
  - the year group and class
  - the gender of the student
  - the ethnic group into which the student falls
  - the type of exclusion
  - in the case of fixed term exclusions, the number of days for which the student will be excluded
  - the reasons for the exclusion.
- 1.8 Each incident of exclusion will be notified to the Chair of the Governing Body who will be sent a copy of the official exclusion letter.

## **2.0 PROCEDURES FOR FIXED-TERM EXCLUSIONS**

- 2.1 The Executive Principal alone will normally decide if a student is to be excluded for a fixed period. The only exception will be when the Executive Principal is absent from school when her power to exclude for a fixed period will be delegated to the Vice Principal.
- 2.2 Each case will be determined on its merit and the particular circumstances will be carefully investigated and considered. The degree of severity of the offence, the frequency of occurrence and the likelihood of re-occurrence will be taken into account, as will the student's previous record.
- 2.3 If a student is to be excluded for the first time, the length of the fixed-term exclusion will normally be 1-3 school days. Longer periods may be used for a more serious offence or for a reoccurrence of misbehaviour following an earlier fixed term exclusion.
- 2.4 Fixed-term exclusion may be used for a single occurrence of serious misconduct or for persistent misbehaviour. It will not be appropriate as a response to non-attendance or truancy.
- 2.5 Fixed-term exclusion will always be considered in the case of verbal abuse towards members of staff and in cases of serious and unprovoked violence towards fellow students or staff. It will also be considered in cases of the bringing of dangerous objects or illegal substances on to the school premises. Fixed-term exclusion may also be used in cases of serious misbehaviour on the way to and from school.
- 2.6 When the Executive Principal or Vice Principal in charge has decided that there are adequate grounds for excluding a student, the parents will be informed as soon as possible by telephone. A letter will be sent to parents on the day of the exclusion.

This letter will set out:

  - the reasons for the exclusion
  - the length of the exclusion
  - a suggested date on which parents may meet the Executive Principal to discuss the exclusion
  - their right to make representations to the Governing Body
- 2.7 Information regarding the exclusion will be sent to:
  - The Chair of Governors
  - The Local Authority

- 2.8 Representations to the Governing Body concerning fixed-term exclusions will normally be made in the first instance to the Chair of Governors. If the matter cannot be resolved by the Chair of Governors, s/he may decide to refer the matter to an informal sub-committee of the Governors.
- 2.9 Before the student returns to school, the Executive Principal or senior member of staff will meet with the parents to discuss the incident and future conduct. The Executive Principal or senior member of staff may decide to impose conditions on the return or to draw up a home-school contract concerning the student's future conduct.
- 2.10 Although it will normally not be necessary, the school reserves the right to use fixed-term exclusion up to the maximum period allowed in current legislation. In the case of fixed-term exclusions exceeding guideline periods, the appropriate meeting of the Governors' Discipline Committee will be called.
- 2.11 In all instances the Executive Principal will ensure that;
- full-time, offsite, educational provision is planned from day 6 of a fixed-term exclusion of more than 5 days or consecutive fixed-term exclusions of more than 5 days
  - work is set and sent home for completion.
  - parents are notified of their responsibility to ensure that their child is not found in a public place during school hours.
  - the LA is informed of the details of the exclusion and the provision made for the individual.

### **3.0 PERMANENT EXCLUSION**

- 3.1 The Executive Principal alone may decide if a student is to be permanently excluded. If the Executive Principal is temporarily absent from school and an incident occurs in which the Vice Principal feels that permanent exclusion may be the appropriate response, the Vice Principal may exclude the student concerned for a fixed-term period, long enough to allow the Executive Principal to consider the case on her return.
- 3.2 Permanent exclusion is seen as a very serious matter and will only be used as a last resort. It is likely to be applied only after all other sanctions, including fixed-term exclusion, have failed to produce the desired response in the student. It may, however, be an appropriate response to a single incident of extreme misconduct, for example, extreme violence towards a fellow student or an assault upon a member of staff.
- 3.3 The Executive Principal will inform the parents of a permanent exclusion immediately by letter and, if possible, by telephone. The letter will give parents at least seven days' notice of a hearing before the Governors' Discipline Committee to consider the exclusion. The letter will state:
- that the student has been permanently excluded
  - the reasons for the permanent exclusion
  - details of previous disciplinary measures leading up to the permanent exclusion
  - the parents' right to examine the student's record
  - the purpose of the hearing
  - that the parents and student should attend and that they may be accompanied by a friend
  - that if they do not attend the Hearing it may proceed in their absence
  - that if the Governors confirm the exclusion, the parents (or student if over 18) have a right of appeal to an Independent Appeals Committee

A copy of this letter will be sent to:

- The Chair of Governors
- The Chair of the Governors' Discipline Committee
- The Local Authority

- 3.4 The Executive Principal will make arrangements for a hearing before the Governors' Discipline Committee to take place within fifteen days of the date of the exclusion. Normally, three members of the Discipline Committee will hear the case. No Governor who has any prior knowledge of the case will participate in the hearing.
- 3.5 The procedure followed at the hearing will be as informal as possible. It will normally follow the format set out below:
- The committee will meet jointly with the Executive Principal and the parent and/or the student and any accompanying friends or representatives of the parents.
  - The Governors will take steps to enable and encourage the excluded student to attend the meeting and speak on their own behalf, taking into account their age and understanding. If the student is unable to attend, the Governors will consider how their views can be brought to the meeting by other means.
  - The Governors will invite the Executive Principal to give her reasons for recommending permanent exclusion.
  - The parents will be invited to ask questions of the Executive Principal.
  - The parents will be given the opportunity to explain why they think permanent exclusion is inappropriate.
  - The Executive Principal will have an opportunity to ask questions of the parents.
  - The Executive Principal and the parents will be given an opportunity to sum up and to ask further questions of the Governors. The Governors may wish to ask further questions of either the Executive Principal or the parents.

The Executive Principal and the parents and student will then withdraw from the meeting and allow the Governors to consider the case on their own.

The Governors will decide to either:

- Confirm the permanent exclusion
- To order the immediate reinstatement of the student

The decision of the Governors' Discipline Committee will be communicated to the parents by letter on the same day. If the Governors have decided to confirm the permanent exclusion, the letter will inform parents of their right of appeal to an Independent Appeals Committee.

In addition, where the Governing body declines to reinstate the pupil, it will draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether seek a review of the decision.

Information provided to parents will be clear and easily understood. Where the parents' first language is not English, consideration will be given, where practicable, to translating the letter or taking other steps to try and ensure that the details of the exclusion and right of appeal have been understood.

Parents may wish to refer to the DfE guidance document 'Exclusion from maintained schools, academies and student referral units in England - Statutory guidance for those with legal responsibilities in relation to exclusion September 2017' (DFE-00184-2017) for further information. This document also includes information about further advice and contact details for other resources which may support parents.