



**Cabot**  
Learning  
Federation

## Exclusions Policy





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## 1 Policy Statement

- 1.1 Broadoak Academy is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school.
- 1.2 This policy is underpinned by the commitment of all at Broadoak Academy to ensure the safety and well-being of the whole school community and to maintain an appropriate and safe educational environment in which all students can learn and achieve.
- 1.3 This policy will make reference throughout to the Academy's Behaviour policy which can be found on the website.

## 2 The Legal Position

- 2.1 Broadoak Academy is part of the Cabot Learning Federation. The federation adheres to the statutory guidelines detailed within the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 2.2 The principal legislation to which the Department for Education's guidance relates is:
  - 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;
  - the Education Act 1996; and
  - the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014. The Principal's Power to Exclude
- 2.3 Any decision to exclude a pupil must be lawful; rational; reasonable; fair and proportionate.
- 2.4 The Principal will ensure he /she is proceeding within the guidance set out within the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 2.5 The Principal will take account of their legal duty of care when sending a pupil home following exclusion.
- 2.6 The Academy will only make lawful exclusions; students will not be sent home for part of a school day unless this is by way of a formal fixed term or permanent exclusion.
- 2.7 The behaviour of pupils outside school can be considered as grounds for exclusion.

- 2.8 The Principal will ensure appropriate investigations have been carried out, and that the pupil has been provided the opportunity to make a written statement.
- 2.9 When establishing the facts in relation to an exclusion decision the Principal will 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'.
- 2.10 Principals and Academy Councils will take account of their statutory duties in relation to special educational needs when administering the exclusion process.
- 2.11 The Principal may withdraw an exclusion that has not been reviewed by the Academy Council.

### **3 Fixed Term Exclusions**

- 3.1 A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A fixed period exclusion does not have to be for a continuous period. Under the updated statutory guidance, Principals may no longer convert a fixed term exclusion to a permanent exclusion. It may sometimes be appropriate for Principals to issue a further fixed-period exclusion or issue a permanent exclusion (both immediately after the original exclusion), though this is limited to exceptional circumstances, usually where new information or evidence has come to light. This is a fresh decision and needs to be treated as such in terms of process, with parents informed without delay and a new exclusions notice issued.
- 3.2 Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period; one lunchtime period is counted as a half school day for calculation purposes.
- 3.3 Where a pupil has received multiple exclusions or is approaching the legal limit of 45 days in an academic year; Principals will consider whether exclusion is providing an effective sanction and will consider alternatives if appropriate.

### **4 Permanent Exclusions**

- 4.1 A decision to exclude a pupil permanently can only be taken by the Principal:
  - In response to serious or persistent breaches of the Academy'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.
- 4.2 Principals must 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.
- 4.3 The Academy will ensure early intervention is available to address underlying causes of disruptive behaviour, including an assessment of whether appropriate provision is in place to support any SEND that a pupil may have.

## **5 Alternatives to Exclusion**

- 5.1 Exclusions will be given only where no other sanction is deemed appropriate.
- 5.2 Where an exclusion is permanent and is given for reasons of persistent breaches of the Academy Behaviour Policy, the Academy will demonstrate the means by which it has provided support and intervention to the pupil to address their individual needs. This may include (but is not limited to) a range of internal and external support, workshops, mentoring and counselling.
- 5.3 The Academy will, where appropriate, explore the possibility of a placement through the Nest or Engage (the CLF internal alternative provision) to avoid exclusion.
- 5.4 The Academy will, where appropriate, explore the possibility of the use of immersion into another academy, for a temporary period, to avoid exclusion. Further details around the use of immersions are contained in the academy behaviour policy.
- 5.5 The Academy will, where appropriate, explore the possibility of a managed move to another CLF academy to avoid permanent exclusion. The threat of permanent exclusion will not be used as a means to encourage parents / carers to move their child to another school.

## **6 Reporting the Exclusion**

- 6.1 The Principal will, without delay, notify the parents / carers of the period of the exclusion.
- 6.2 The Principal must write to the parents / carers stating:
  - The reasons for the exclusion;
  - The period of a fixed term exclusion or confirmation that it is permanent;
  - Parents / carer's rights to make representations about the exclusion to the Academy Council in line with the Department for Education's guidance 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017;
  - How any representation should be made;
  - Where the Academy Council Disciplinary panel meet to review the exclusion, the parents /carers right to attend the meeting; be represented (at their own expense); or bring a friend.
- 6.3 The Principal will set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the Academy.
- 6.4 Where an excluded pupil is of compulsory school age, the Principal will notify the parents / carers without delay, and by the end of the afternoon session:
  - That for the first five school days of an exclusion parents / carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents / carers may be given a fixed penalty notice or prosecuted if they fail to do so.

- 6.5 The Principal will include in the notification relevant sources of free and impartial information as set out in the Department for Education's guidance 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 6.6 The Principal will notify the parents / carers where a fixed term exclusion ends and the date that any subsequent permanent exclusion begins.
- 6.7 The Principal will ensure information provided to parents /carers is clear and easily understood. Where the parents' first language is not English, consideration will be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the Academy Council have been understood.
- 6.8 The Principal will, without delay, notify the Academy Council and the local authority of:
- A permanent exclusion;
  - Exclusions which would result in the pupil being excluded for more than five school days in a term;
  - Exclusions which would result in the pupil missing a public examination or national curriculum test.
- 6.9 For all other exclusions, the Principal will notify the local authority and Academy Council once a term.

## **7 Academy Council's Responsibilities**

- 7.1 The Academy Council has a duty to consider parents' representations about an exclusion. The requirements on the Academy Council depend upon a number of factors determined in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 7.2 The Academy Council may delegate their functions with respect to the consideration of an exclusion decision to a sub-committee consisting of at least three Councillors. Where Councillors are not available from the academy in question, Academy Councillors from across the federation may be invited to join the panel. There should be a minimum of one Councillor from the excluding academy.
- 7.3 The Academy Council must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
- The exclusion is permanent; or
  - It is a fixed term 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.
- 7.4 The Academy Council or designated sub-committee must review the exclusion in line with the statutory guidance contained in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.

7.5 The following parties must be invited to a meeting of the Academy Council and allowed to make representations:

- Parents or carers;
- The Principal;
- A representative of the local authority.

7.6 The Academy Council can either:

- Uphold an exclusion;
- Direct reinstatement of the pupil immediately or on a particular date.

7.7 The Academy Council must notify parents, the Principal and the local authority of their decision, and the reasons for their decision, in writing and without delay. The notification should include specific information as outlined in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.

7.8 Parents / carers have the right to ask for the decision to be reviewed by an independent review panel. Any such request will be dealt with by the Clerk to the Board.

## **8 Academy Admissions Register**

8.1 The Principal will remove a pupil's name from the Academy admissions register if:

- 15 school days have passed since the parents were notified of the Academy Council's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel.

8.2 Where an application for an independent review panel has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, before removing a pupil's name from the register.