

# Exclusion Policy

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## 1.0 Policy statement

Dixons Academies Trust is committed to providing a quality education and experience for all students and supporting this provision, to the greatest extent possible, through difficulties they may face. Any decision to use fixed-term or permanent exclusion is a major decision and all our academies work tremendously hard to avoid exclusion of any kind, but there are times when it may be necessary in response to more serious behaviour matters. All decisions made will be lawful, reasonable and fair, with clear communication prioritised and preventative measures and support for the student, including for their safeguarding and wellbeing needs, running parallel to exclusion procedures at all times.

This policy covers all students across the Dixons Academies Trust, with the exception of the Dixons Sixth Form.

Throughout this document we have used the term 'families' to refer to our students' families, carers or others that hold parental responsibility, or 'PR', including the Corporate Parent for those to whom that applies.

This policy should be read in conjunction with the following policies:

- Anti-bullying
- Care and Control of Students
- Child Protection Safeguarding
- Positive Behaviour
- SEND

This policy is underpinned by the following legislation and guidance:

- Education Act (1996)
- Education and Inspections Act (2006)
- Education Act (2011)
- School Discipline Regulations (2012)
- Education [Provision of Full time Education for Excluded Pupils] Regulations (2007, amended 2014)
- Keeping Children Safe in Education (2021)
- Suspension and Permanent Exclusion (DRAFT 2022)

## 2.0 Scope and purpose

The Department for Education provides clear and detailed guidance in the form of the Suspension and Permanent Exclusion (DRAFT 2022) document and, additionally, this policy is an extension of our Positive Behaviour Policy and other behaviour related policies. Furthermore, this policy must be implemented in light of our responsibilities under Keeping Children Safe in Education (2021) and the SEND Code of Practice (2015) and related Trust policies, namely our Child Protection Safeguarding Policy and SEND Policy. For these reasons, the aim of the Exclusion Policy itself is to make clear the specific procedures and responsibilities relating to the use of fixed term and permanent exclusion and, to avoid repetition, wherever possible the appropriate more detailed documentation will be signposted.

The purpose of this policy is to specify how all existing related documentation is realised at our Trust academies and provide clarity for all stakeholders in relation to a high stakes and often emotive subject.

## 3.0 Roles and responsibilities

### 3.1 The Governing Body

The government must ensure suitable full time education is arranged no later than the sixth day for any student being excluded.

In the case of a fixed term exclusion of fewer than five days in a term (two Dixons terms), the Pupil Discipline Committee (PDC) may hear a family's representation but does not have the power to reinstate.

In the case of a fixed term exclusion of more than five days, or bringing the cumulative total to 15 or more in that academic year, the PDC must consider within 50 school days of receiving the notification from a family. The PDC will set out its decision in writing to the family.

In the case of a permanent exclusion, the PDC must arrange a hearing within 15 days of receiving the notification.

Full details of the Governing Body's duty to consider families' representations can be found in the publication, Suspension and Permanent Exclusion (DRAFT 2022) and in summary form in Appendix 1 of this policy.

In the case of a permanent exclusion, they must ensure the student's name is removed from the academy's roll once 15 days have passed since the families have been notified, unless there has been an application to an independent review panel, in which case they should wait before removing the student from roll.

### 3.2 The Principal

Only the Principal has the power to exclude a student and this is only on disciplinary grounds. When establishing facts, the Principal must apply the civil standard of proof: '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'.

The Principal has the right to direct a child to off-site education. A permanent managed move as a preventative measure or as an alternative to permanent exclusion should involve the agreement of the family. Families will be informed initially by telephone and, if possible, in a face-to-face meeting. This will be followed up with a letter.

The Principal must notify the family without delay and no later than three days after the decision to issue a fixed term or permanent exclusion. If the student has a social worker, or if they are looked after by the Local Authority, the social worker and / or Virtual School Head must also be notified.

When notifying the family, the Principal should include the reason for the exclusion, the time period, the family and student's rights in relation to the exclusion, and provide up-to-date links to sources of impartial advice for families, such as Coram Children's Legal Centre or Ace Advice and Information Service, as well as a link to the most recent legal guidance on school exclusions. Full details of what should be included can be found in the publication, Suspension and Permanent Exclusion (DRAFT 2022).

The Principal must notify the Governing Body immediately in the case of a permanent exclusion or where a fixed-term exclusion extends beyond five days. They must also inform the Local Authority of any permanent exclusion.

There should be a clear process for ensuring that families, social workers / Virtual School Heads (where appropriate), the Governing Body and Local Authority (where appropriate) are notified within the appropriate timeframes and with the reason(s) and parameters of the exclusion clearly stated.

All staff are responsible for knowing and understanding the systems in place to support behaviour, upholding them within their academy, and seeking support if necessary.

All students have a responsibility to behave in a way that does not disrupt the learning, wellbeing or safety of themselves, their peers or any adult in the academy or wider academy community. A student's behaviour outside of the academy can be considered grounds for fixed term or permanent exclusion.

### 3.3 Families

The family may write to the Governing Body to ask them to review a fixed term exclusion that is more than five days in length.

Families do have the right to be informed of any fixed term exclusion and the right to meet with the PDC. A family may make representation if the exclusion is more than five days long.

The families have a duty to ensure their child is not in a public place at any time during the school day whilst they are excluded. Failure to comply with this could lead to a fixed penalty notice or prosecution.

In the case of a permanent exclusion, a meeting will be arranged and the family may arrange representation and / or bring a friend.

Families have the right to apply for a review by an independent review panel within 15 days of being notified of a permanent exclusion.

## 4.0 Prevention

4.1 Each academy is committed to making full use of preventative measures, as outlined in detail in the Positive Behaviour Policy, as their main way of avoiding exclusion of any kind for all students. Students will not be excluded unless it is absolutely necessary to do so and if it is felt that no other viable alternative is available, such as in response to serious or continuous breaches of the Positive Behaviour Policy or if the student remaining would harm the education or welfare of other students or staff.

4.2 In addition to the measures outlined in the Positive Behaviour Policy, and other than in the case of a one-off but very serious behaviour incident, the permanent exclusion of a student will be the final sanction at the end of a lengthy series of procedures that have been put in place to support the student to improve their behaviour. These procedures may include but are not limited to:

- an identified key worker within their academy
- review of their curriculum provision, class / group, seating arrangements, non-lesson time etc.
- therapeutic support available within the academy e.g. counselling, youth worker, SSPO
- Pastoral Support Plan
- referral to external agencies e.g. CAMHS, Educational Psychology, Youth Services
- referral to the services provided by the Local Authority's Early Help offer
- referral for a needs assessment for an Education Health and Care Plan (EHCP)

- for students who are looked after by the Local Authority, liaison with the Virtual School
- for students who are on Child in Need or Child Protection Plans, liaison with their social worker
- for students who have an existing EHCP or identified SEND, liaison with the Local Authority SEND team

4.3 All students are entitled to the full extent of our preventative measures and support but we also recognise that there are some students who, due to other factors present in their life, may be additionally vulnerable in relation to all types of exclusion. These additional vulnerabilities can both increase risk of exclusion as well as exacerbate the negative impacts of being excluded. These additional vulnerabilities may include but are not limited to:

- special Educational Needs and / or Disabilities (with or without an EHCP)
- medical needs
- mental Health needs
- young carers
- children who are looked after by the Local Authority, including those who were formerly looked after
- children who are on a Child in Need or Child Protection Plan

The Trust is committed to recognising these additional vulnerabilities and prioritising affected students when working preventatively and supportively with them and their families. This may, for example, be by providing support at an earlier stage, a broader package of support, or by involving specialists from other agencies.

4.4 Our success as a Trust is built on the three way relationship between home, academy and child. All families sign our three way partnership when their child enters one of our academies and, with that as the starting point, we expect families to work alongside us in supporting good behaviour and the measures we put in place to support their child to learn, grow, succeed and thrive.

4.5 Off-site direction to another school or alternative provision, either full time or as part of a combination of this and continued mainstream provision, can be a supportive preventative measure for some students at risk of exclusion. Full statutory and non-statutory guidance can be found in the publication, Suspension and Permanent Exclusion (DRAFT 2022), and must be adhered to whenever off-site direction is being considered.

4.6 A managed move to another school can also be a supportive preventative measure for some students at risk of exclusion. Managed moves should only be offered as a permanent transfer, only when the student has been attending the receiving school under an off-site direction and review has deemed that they have settled in successfully, and only when voluntary and agreed with all parties involved, including families and the receiving school itself.

## 5.0 Issuing exclusions

5.1 The issuing of a fixed term or permanent exclusion is at the discretion of the Principal and reasons may include, but are not limited to:

- physical assault against another student
- physical assault against an adult
- verbal abuse or threatening behaviour against another student
- verbal abuse or threatening behaviour against an adult
- use or threat of use of an offensive weapon or prohibited item
- peer on peer abuse
- racist abuse
- abuse against sexual orientation or gender reassignment
- abuse relating to disability

5.2 All schools must provide information via the school census on any student subject to fixed term or permanent exclusion in the previous two terms (four Dixons terms) and up to three reasons can be recorded per exclusion.

5.3 Any time a student is told or forced to leave the academy, or not allowed to attend, is either a fixed term (if temporary) or permanent exclusion if it is for disciplinary reasons, and must be done in accordance with this policy and the statutory regulations that inform it. Excluding a student for a short period of time, such as a half day, is allowed but the formal process for a fixed term exclusion, including recording of the exclusion, must be followed.

5.4 A student being told or forced to leave the academy, or not allowed to attend, without the formal process being followed is unlawful. Reasons a school might do this include but are not limited to:

- the student having Special Educational Needs that the school feels they cannot meet
- failure of student and / or families to attend a meeting at the end of the fixed term exclusion
- putting pressure on a family to remove their child, possibly under the threat of permanent exclusion, and encouraging Elective Home Education or to find another school place

- 5.5 If any of these unlawful exclusions are carried out and lead to the deletion of a student's name from the register, this is known as 'off-rolling'.
- 5.6 If a family feels that the procedures relating to an exclusion have not been followed, or they feel pressured into home educating or finding another school for their child, they can use the Complaints Policy to raise this with the Governing Body.
- 5.7 All schools have a statutory duty to safeguard and promote the welfare of their students, including a duty to cooperate with the local statutory safeguarding partnership agencies, and any decision to exclude a student must be made with due regard to the most recently published version of Keeping Children Safe in Education.
- 5.8 All decisions to exclude should be made with the support and advice of the Designated Safeguarding Lead in order to ensure any known additional risk of harm to the student that might arise or be exacerbated by an exclusion are taken into account.

## 6.0 Fixed term exclusion

A fixed term exclusion, sometimes referred to as a suspension, is when a student is temporarily removed from the school for a fixed period of time. Fixed term exclusions do not have to form a continuous period of time and can range in duration from a half day through to a maximum total of 45 days in a single academy year. Only the Principal can issue a fixed term exclusion. Once issued, a fixed term exclusion cannot be brought to an end early, extended, or converted into a permanent exclusion, although in some circumstances (for example, if new information has emerged) a second fixed term or permanent exclusion may be issued immediately after the first one ended.

### 6.1 Procedures

A fixed term exclusion cannot be brought to an end early, withdrawn or rescinded, once it has begun.

Any time a student is sent home for disciplinary reasons, including if they are provided with work or asked to utilise online options such as Google Classroom or Oak Academy, should always be recorded as a fixed term exclusion.

Work should be set and marked for students during the first five days of a fixed term exclusion.

The academy's legal duties to make reasonable adjustments for students with Special Educational Needs and / or Disabilities remains in force.

There should be a formal process for arranging, at short notice, suitable full time alternative education for students receiving a fixed term exclusion of over five school days. NB – where a student receives consecutive fixed term exclusions, the days are considered cumulatively and education must be arranged for the sixth school day onwards regardless of whether this is the result of one decision to exclude or multiple.

A fixed term exclusion can be for parts of the academy day, for example if a student's behaviour is disruptive at lunchtime they may be excluded from the premises for the duration of the lunchtime period, and the legal requirements for notification of other parties remains the same. Part day exclusions are counted as a half day when determining whether a Governing Body meeting should be triggered.

Each academy should have a clear system for monitoring the 45 day fixed term exclusion rule, including fixed term exclusions received within that academic year from previous schools the student has attended.

- 6.2 A fixed term exclusion can provide a clear signal to a student that their behaviour has been unacceptable, but if this type of exclusion becomes a regular occurrence, the Principal should consider whether exclusion alone is an effective sanction and whether other strategies need to be put in place.
- 6.3 Following any fixed term exclusion, the academy will take reasonable steps to meet with families and student to ensure there is clarity around the reason for the action and to discuss the student's reintegration, including ongoing intervention and support. The meeting will be chaired by the Principal or, in their absence, another senior member of staff. Not being able to meet on the first school day following the exclusion cannot result in the exclusion being informally extended.
- 6.4 Students returning from a fixed term exclusion, or after a period of being off-site e.g. following an off-site direction or reinstatement, there should be a plan in place for managing their future behaviour, possibly utilising some of the strategies set out in 4.2.

## 7.0 Permanent exclusion

A permanent exclusion is when a student is no longer allowed to attend the academy (unless they are later reinstated) and should only be utilised in response to a serious breach, or persistent breaches, of the Positive Behaviour Policy, or when allowing the student to remain would seriously harm the education or welfare of the other students or staff.

### 7.1 Procedures

A permanent exclusion cannot be withdrawn or rescinded once it has begun.

Work should be set and marked for students during the first five days of an exclusion unless they are already attending an alternative provision.

The academy's legal duties to make reasonable adjustments for students with Special Educational Needs and / or Disabilities remains in force during the first five days of the exclusion.



The Local Authority must arrange suitable full time education no later than the sixth day of a permanent exclusion.

An independent review panel does not have the power to direct the Governing Body to reinstate a student but, if they consider the Governing Body's decision to be flawed, it can direct them to reconsider.

The Governing Body must ensure that a student's name is removed from the school admission register once 15 days have passed since the families were notified of the Governing Body's decision to not reinstate and no application has been made for an independent review panel, or if the families have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review panel has been made within 15 days, the academy must wait until the outcome has been determined before removing the student's name from their roll.

#### 7.2 Full list of how to do an IRP in draft guidance.

When a student's name is deleted from the admissions register due to a permanent exclusion, the academy must make a return to the Local Authority; full details of what must be included can be found in the publication, Suspension and Permanent Exclusion (DRAFT 2022).

The deletion of the student's name cannot be backdated to the date the exclusion began.

The Local Authority is responsible for overseeing any financial readjustment / payment necessary to ensure that the right resources and support goes with the student following a permanent exclusion.

There may be exceptional circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. This could include but is not limited to:

- serious actual or threatened violence against another student or member of staff
- sexual, racial or homophobic assault
- supplying or using an illegal drug
- carrying an offensive weapon