



# **The Thomas Adams School**

## **Policy Statement**

### **Exclusions**

Updated September 2021

Reviewed by Governors

## Introduction

The Thomas Adams School is an inclusive school, which seeks to encourage good attitudes to behaviour for learning and to modify poor and inappropriate behaviour by using positive methods of redress. In most cases, an external exclusion will be the last resort after a range of measures have been tried to improve the student's behaviour. We will explore the modification of behaviour from a range of other options including:

- engaging at an early stage with parents/carers
- internal exclusion
- placing a student on report for a fixed period of time, with regular reviews
- Planning Meetings to determine actions to modify behaviour as appropriate
- the engagement of outside agencies as appropriate
- interventions/assessment of the SENDCo in appropriate cases
- restorative justice, which enables the offender to redress the harm done to a victim in appropriate cases
- counselling
- mentoring
- providing support through the Early Help forum
- mediation

We follow statutory guidelines on exclusions, and the final decision to externally exclude can be made only by the Headteacher, although this may be delegated to a member of the school's Senior Leadership Team in his absence. Other exclusion-related activities do not have to be undertaken by The Headteacher personally, but may be delegated. When deciding to exclude a student, the Headteacher will ensure there has been a thorough investigation and that any written records are retained.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as: "...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

For the purposes of exclusions, the school day is defined as any day on which there is a school session. Therefore, Inset or staff training days do not count as a school day.

## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils: Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)

[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#) Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

Section 579 of the [Education Act 1996](#), which defines 'school day'

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](#)

## **Types of exclusion**

There are two main types of exclusion: Fixed Term and Permanent.

The length of **Fixed Term Exclusion** will be decided by the Headteacher with reference to:

- the age of the student
- the disciplinary record
- the nature of the offence
- the home background
- exam obligations

The following incidents or offences will normally lead to a fixed term exclusion, although extenuating circumstances may alter the sanction applied to an individual student and this list is not exhaustive:

1. persistent disruption / defiance
2. continual refusal to comply with the school rules and sanctions
3. deliberate damage or vandalism
4. theft
5. verbal or cyber abuse of staff (including swearing)
6. physical violence towards a student
7. persistent bullying
8. bringing the school into disrepute
9. bringing an offensive weapon onto the school premises
10. possession or consumption of alcohol
11. racist, homophobic, radical or extremist behaviour
12. harmful sexual behaviour

The following factors will be considered before the decision to exclude:

- ensuring that the student is invited to state their case at all stages of the process and give their version of events
- ensuring that a thorough investigation has been carried out
- consideration of all the evidence available to support the allegations, taking account of the schools' behaviour and equal opportunities policies
- consideration of whether the incident is provoked, e.g. by bullying or by racial, homophobic or sexual harassment (this will not necessarily mean an exclusion will not be given)
- gathering written statements from all involved where appropriate

## **Procedures for Investigating incidents**

Incidents will normally be investigated by the Head of Year, members of the Pastoral team, the Deputy Headteacher in charge of Behaviour, Attitudes and Personal Development or other members of the Senior Leadership Team.

When investigating any incident, the member of staff responsible will ensure that the following protocols are adhered to:

- Statements will be taken from the students and adults involved in the incident where appropriate. In addition, statements will be taken from as many students or adults as the member of staff investigating the incident feels is necessary to be satisfied that they have an accurate picture of what transpired.
- If necessary, photos or CCTV footage of the incident will be viewed as part of the investigation.
- If a student is unable to write their own statement they will dictate it to an appropriate adult.

- Once the investigation has been completed and if exclusion is felt to be appropriate, the Deputy Headteacher in charge of Behaviour, Attitudes and Personal Development or another member of the Senior Leadership Team will discuss the incident and appropriate sanction with the Headteacher.

**The standard of proof to be applied is the balance of probabilities, i.e. if it is judged that it is more probable than not that the student did what he or she is alleged to have done, The Principal may exclude the student.**

Where a student is excluded, the school will:

- inform parents/carers
- confirm the decision, details and expectations in writing
- notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any fixed period exclusion (parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so)
- undertake to set and mark work for that student for the first five days of the exclusion
- provide full time education (off site or in a shared provision) from the sixth day of any period of fixed period exclusions of six days or longer
- advise any sanctions that may be imposed for non-attendance of the provision for the sixth day onwards
- consider how the time out of school might be used to address the student's problems
- consider what support will best help with the student's reintegration into the school at the end of the exclusion

### **Penalty Notice for excluded students**

During the initial period of up to five school days of any exclusion, whether fixed period or permanent, the parents of the excluded student must ensure that the student is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the student is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice or face prosecution if they fail to comply.

### **Re-integration**

After a fixed term exclusion students must attend a re-admission meeting, usually with their parents, their Head of Year and, typically, a member of the Senior Leadership Team. The terms of re-admission are discussed and agreed at such meetings and provision for continued support for the student arranged at this time.

The purpose of the re-admission interview is to assist the reintegration of the student and promote the improvement of his or her behaviour. It provides an opportunity to:

- a) emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour
- b) discuss how behaviour problems can be addressed
- c) explore wider issues and any circumstances that may be affecting the child's behaviour
- d) reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- e) create a useful forum to consider with parents/carers the possibility of a parenting contract

The parents/carers of a student who is excluded for a single or cumulative period of 6-15 days in any one term can request a meeting with Governors to review the exclusion. The Governors will meet within 15 school days of the exclusion and will decide whether or not to uphold the exclusion. If a student is excluded for more than 15 days in a term the Governors will always meet within 15 school days to review the exclusion(s) in order to determine whether the school has used exclusion appropriately.

Repeated offences could ultimately lead to **Permanent Exclusion**. Permanent exclusion will usually be considered as a 'last resort' action, applied only when all other methods and strategies have failed. However, permanent exclusion could follow after certain single incidents, which are deemed to be extremely serious.

These might include:

- a) serious actual or threatened violence against a member of staff
- b) theft from school, a student or a member of staff
- c) serious violence against another student
- d) sexual abuse or assault
- e) possession, supply or use of any illegal substance in school
- f) possession of an offensive weapon with intent to cause harm/or use of a weapon
- g) persistent refusal to comply
- h) persistent bullying
- i) malicious accusations against a member of staff.

Schools now have a power to screen and search students for weapons. We will consider whether or not to inform the police where a criminal offence may have taken place. Contacting the Young Offending Team and/or social workers will also be considered.

We will not exclude for:

- truanting or non-attendance
- uniform or appearance
- poor academic progress
- behaviour of parents
- refusal to sign a home-school agreement

If a student is permanently excluded the school will:

- notify parents of their responsibility to ensure that their child is not present in a public place in school hours during their first five days of any permanent exclusion
- undertake to set and mark work for that student for the first five days of the exclusion
- advise parents or carers that, during the first week of the exclusion, that the Local Authority will arrange to assess the student's needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full time education is provided
- arrange a meeting of Governors within 15 school days to review the exclusion and decide whether to uphold it

Students who are permanently excluded will remain on the school roll during the period allowed for appeals, or removed sooner if the Local Authority confirms there will be no appeal.

## **The Governing Board**

Responsibilities regarding exclusions is delegated to the Governors' Disciplinary Committee. The Governors' Disciplinary Committee has a duty to consider the reinstatement of an excluded pupil

## **Considering the reinstatement of a student**

The Governors' Disciplinary Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- 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
- It would result in a pupil missing a public examination

If requested to do so by parents, the Governors' Disciplinary Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Governors' Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Governors' Disciplinary Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Governors' Disciplinary Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Governors' Disciplinary Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governors' Disciplinary Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governors' Disciplinary Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Academy Trust to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

### **An independent review**

If parents apply for an independent review, The 3-18 Education Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governors' Disciplinary Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years A person may not serve as a member of a review panel if they:
  - Are a director of the 3-18 Education Trust or governing board of the excluding school
  - Are the Headteacher of the excluding school, or have held this position in the last 5 years
  - Are an employee of the 3-18 Education Trust or the governing board, of the excluding school (unless they are employed as a Headteacher at another school)
  - Have, or at any time have had, any connection with the 3-18 Education Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
  - Have not had the required training within the last 2 years
- A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## **School registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil 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

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.