

Category	Behaviour Management		
Document Name	Exclusions Policy		
Accountable Body	RADIUS Trust		
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Related Policies

Document	Reference
Behaviour Management Policy	BM.P1

Related Documents

Document	Reference
Behaviour Management Protocol	BM.P1.T1
Behaviour Management Procedure	BM.P1.01

Reference Material

Guidance
DfE Guidance: School Exclusion January 2015

Policy Statement

RADIUS Trust and its schools are committed to providing a safe and disciplined environment to ensure that all pupils/students may benefit from the opportunities provided by education. RADIUS leaves exclusion as an appropriate action to the discretion of its Headteacher/Principal with oversight from school Governing Bodies. However, permanent exclusion is expected to only be used as a last resort, in response to a serious breach, or persistent breaches, of the school implementation of the Trust's Behaviour Management Policy or where a pupil's behaviour means allowing the pupil to remain in school following a detailed written assessment of would be prejudicial to the efficient delivery of the schools services as a high needs setting. Where permanent exclusion is considered the Trust expects its school management to maximise opportunities to secure a planned transition to a more appropriate education setting in discussion with parents and the pupils sponsoring Local Authority.

The Trust expects each school to operate a higher threshold for triggering fixed term exclusions than would operate at a mainstream school.

All pupils/students on the roll of a RADIUS school have a right to a full time education and the Trust requires each school to:

- during the first five school days of a fixed term or permanent exclusion, set activities relating to the pupils individual needs as specified in the Education, Health & Care Plan (EHC)/Statement;
- for fixed term exclusions of six or more school days, initiate a review meeting (or recorded teleconference) with the pupils placing Local Authority (LA) to agree ongoing provision. Where a pupil/student receives consecutive fixed period exclusions, these are regarded as a cumulative period of absence for the purposes of this duty. This means that if a child has more than five consecutive days of exclusion, then adequate EHC Plan provision must be arranged for the sixth school day of exclusion regardless of whether this is as a result of more than one fixed period exclusion;



- maintain effective behaviour management procedures and provide training to staff to minimise the risk of either fixed period or permanent exclusion;
- only consider exclusion when other appropriate interventions have been used and take into consideration the pupil's individual special needs as defined in the statement or Education, Health and Care (EHC) plan (or legacy SEN Statement);
- 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, deprivation or outside of school events of relevance to be taken account of;
- complete a risk assessment which includes the impact of an exclusion upon the pupil's home circumstances;
- use fixed term exclusions as an opportunity to enhance learning/outcomes and for pupils to take responsibility for their behaviour rather than as a punishment. Excluded pupils/students are expected to be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding;
- have a detailed plan (transparently agreed with parents/carers) customised for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour.

Types of Exclusions

Fixed Period Exclusion

A fixed period exclusion is where a pupil is temporarily removed from school. The Trust requires each school to comply with the following:

- A pupil can only be removed for up to 45 school days in 1 school year.
- A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- An administrative record (of adequate detail) of all exclusions is maintained.

Permanent Exclusion

Permanent exclusion means a pupil is removed from the school roll and the placing LA is provided with formal notification.

The placing LA takes responsibility for full-time education from the sixth school day of the exclusion.

The Trust expects such exclusion to be the last resort and to have detailed evidence of extensive engagement with parents and LA representatives in advance of any decision to permanently exclude.

Roles & Responsibilities

Headteacher/Principal

Only the Headteacher/Principal may exclude pupils for serious or persistent breaches of the school's discipline. Any decision to exclude a pupil will only be taken, other than where there is an immediate threat to the safety of the pupil/student or others following:

- An appropriate investigation of the behaviour that has led to the need to consider exclusion;

- Consideration of all the evidence;
- An opportunity for pupils to present their case before taking the decision to exclude will help ensure that the decision is fair, although this may not always be practicable;
- Consideration of the legal duty of care when sending a pupil home following a fixed term exclusion.

The Headteacher/Principal is required to carry out formal procedures to inform parents and appropriate professionals (including the placing/sponsoring LA) in line with the section 'Communicating an Exclusion' detailed below.

Governing Body Exclusion Review Panel

The Trust requires its School Governing Body at each school to appoint a Governing Body Exclusion Review Panel comprising of the Chair/Vice Chair and one other member of the Governing Body. The School Business Manager (or alternative member of staff) in each school will convene the Governing Body Exclusion Review Panel.

The Governing Body Exclusion Review Panel considers one or more exclusions that meet the criteria below (summarised in Appendix A) and requires the Headteacher/Principal to explain the reasons for the decision and will consider at appropriate evidence, such as the pupil's school record, witness statements and the effectiveness of school processes used by the school to support the pupil prior to exclusion.

The Governing Body Exclusion Review Panel is required to consider the reinstatement of an excluded pupil within 15 school days of the effective commencement of exclusion if:

- the exclusion is permanent;
- it is a fixed period 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.

The following parties should be invited to a meeting of the Governing Body Exclusion Review Panel and allowed to make representations:

- parents/carers;
- Headteacher/Principal;
- a representative of the placing/sponsoring LA

Accountable Body Exclusion Appeal Panel

In the event that the parent/carer requests an appeal following a Governing Body Exclusion Review Panel meeting, the Chief Executive Officer of RADIUS Trust will convene a Trust Exclusion Appeal Panel with three members comprising of:

- A Trustee to chair the Trust Exclusion Appeal Panel who has not worked in any school in a paid capacity, disregarding any experience as a school Governor or volunteer.
- A school governor who has served as a School Governor for at least 12 consecutive months in the last five years, provided they have not been teachers or a Headteacher/Principal during this time.
- Headteacher/Principal or individuals who have been a Headteacher/Principal within the last five years.

A person may not serve as a member of a Trust Exclusion Appeal Panel if they:

- are a member of the Governing Body of the excluding school;
- are the Headteacher/Principal of the excluding school or anyone who has held this position in the last five years;
- are an employee of RADIUS Trust, or member of the Governing Body of the excluding school (unless they are employed as a Headteacher/Principal at another school);
- have, or at any time have had, any connection with RADIUS Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual is not to be taken to have such a connection simply because they are a Headteacher/Principal at another school); or

New evidence may be presented to the Trust Exclusion Appeal Panel, though the school may not introduce new reasons for the exclusion and the panel must disregard any new reasons that are introduced.

In deciding whether the Governing Body's decision was flawed, and therefore whether to quash the decision, the Trust Exclusion Appeal Panel must only take account of the evidence that was available to the Governing Body at the time of making their decision. This includes any evidence which the Trust Exclusion Appeal Panel considers would, or should, have been available to the Governing Body Exclusion Review Panel if they had been acting reasonably.

If evidence is presented that the Trust Exclusion Appeal Panel considers is unreasonable to have expected the Governing Body to have been aware of at the time of their decision, the panel can take account of the evidence when deciding whether to recommend that the Governing Body reconsider their decision.

The Trust explicitly requires that a Trust Exclusion Appeal Panel does not have the power to direct a Governing Body to reinstate an excluded pupil. However, where a panel decides that a Governing Body's decision is flawed it can direct a Governing Body to reconsider its decision. Following the Trust Exclusion Appeal Panel meeting the panel may:

- 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.

Where the Trust Exclusion Appeal Panel directs or recommends that the Governing Body reconsiders their decision, the Governing Body Exclusion Review Panel is required to reconvene to do so within 10 school days of being given notice of the Trust Exclusion Appeal Panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail and / or electronically.

Communicating an Exclusion

The Headteacher/Principal is required to immediately orally inform parents/carers about an exclusion including the duration and reasons.

A written confirmation is also to be provided by delivering it directly to the parent/carer; leaving it at the last known address; or posting/e-mailing it to the last known address and includes the following information:

- the reasons for the exclusion and the steps that have been taken to try to avoid exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;

- the arrangements for enabling the pupil to continue their education, including the setting and marking of the pupil's work;
- the parents'/carers' right to see the pupil's records particularly any records pertaining to the behaviour that led to the exclusion and that copies of all written submissions to the Governing Body Exclusion Review Panel will be provided by the Headteacher/Principal in advance of the meeting.
- the parents'/carers' right to make representations about the exclusion to the Governing Body Exclusion Review Panel and how the pupil may be involved in this;
- how any representations should be made; and
- the parents right to attend the Governing Body Exclusion Review Panel meeting, be represented at this meeting (at their own expense) and to bring a friend.
- Where an exclusion would result in a pupil missing a public examination or national curriculum test, or a key provision related to the pupils/students expressed ECH Plan need the Chair (or Vice Chair in their absence) may consider the exclusion independently and that the parents still have a right to make representations.

In addition, for fixed term exclusions only:

- the date, time and arrangements for the activation of the reintegration plan (in the company of the parents and a readmission meeting be held with the Headteacher/Principal at which the behaviours leading to the exclusion and strategies for avoiding further exclusions are explored.)

For permanent exclusions the placing LA is also immediately orally informed and a copy of the exclusion letter is sent to the Chair of Governors, the placing LA and to the Chair of the Trust Board.

For all other exclusions the Headteacher/Principal must notify the Chair of the Trust Board and Governing Body once a term.

The Headteacher/Principal is required to inform the parent/carer where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher/Principal is expected to write again to the parent/carer explaining the reasons for the change and providing any additional information required.

The Headteacher/Principal should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the Governing Body Exclusion Review Panel have been understood.

Activities Whilst Excluded

Resourcing of activities for the first five days for all exclusions and after six or more days for fixed term exclusions is a school responsibility. The Trust requires activities to relate to the statutory outcome requirements of the EHC Plan for the pupil (or the specific requirements set out in the SEN legacy Statement). Specifically the out of school activities should set out activities relating to the outcomes in:

Section F – The Education provision

Section G – The Health provision

Section H – The Social Care provision.

A statement of arrangements to support these activities, including the deployment of any outreach professionals or agents should be documented and shared with relevant parties.

The Trust requires each school to meet with the placing LA and agree provisions from the sixth day for fixed term exclusions and inform the parent/carer in writing.

The following information is to be included in the letter where it can reasonably be found out within the timescale (at least 48 hours prior to the start date or less if within 6 days with parent/carer consent):

- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
- the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- the address at which the provision will take place; and
- any information required by the pupil to identify the person he / she should report to on the first day.

The parent/carer may contact the school (for fixed period exclusions) or the placing LA (for permanent exclusions) if provision hasn't been arranged after 5 days, or if the parent/carer has a complaint about the provision.

Challenging Exclusions

A parent/carer may challenge fixed period exclusions if a pupil has been excluded for more than 5 school days in a term or an exclusion will mean they will miss a public exam or national curriculum test. For exclusions of 5 school days or less, parents can ask the Governing Body Exclusion Review Panel to reconsider.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Body Exclusion Review Panel is required to consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Where an exclusion would result in a pupil missing a public examination or national curriculum test or a key provision related to the pupils/students expressed ECH Plan need 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/test/activity. If this is not practicable, the Chair (or Vice Chair in their absence) of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the Governing Body and are to be made aware of this right.

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

Recording Decisions of Governing Body Exclusion Review Meetings

The clerk (School Business Manager or alternative member of staff) on behalf of the Governing Body Exclusion Review Panel is required to:

- ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by Governing Body Exclusion Review Panel. These minutes should be made available to all parties on request.

- ask all parties to withdraw before making a decision. Where, present a clerk may stay to help the Exclusion Review Panel by reference to his / her notes of the meeting and with the wording of the decision letter.
- in reaching a decision on whether or not to reinstate a pupil, consider whether the decision to exclude the pupil was compliant with the Trust Exclusion Policy and adheres to DfE guidance.
- note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.

The Trust requires each school to securely retain records and evidence relating to an exclusion for at least six months in case a claim of discrimination to the First-tier Tribunal or County Court is made (claims can be made up to six months after the discrimination is alleged to have occurred).

Notification of Governing Body Exclusion Review Outcome

The clerk (School Business Manager or alternative member of staff) on behalf of the Governing Body Exclusion Review Panel is required to notify parents and the Headteacher/Principal of their decision and the reasons for their decision, in writing and without delay. For permanent exclusions, the clerk is also required to notify the placing LA and Trust Board.

In the case of a permanent exclusion the Governing Body Exclusion Review Panel's notification includes:

- The fact that it is permanent.
- Notice of parents'/carers' right to ask for the decision to be reviewed by the Trust Exclusion Appeal Panel and the following information:
 - a) the date by which an application for an appeal is to be made (i.e. 15 school days from the date on which notice in writing of the Governing Body Exclusion Review Panel's decision was given to parents – notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail).
 - b) the name and address of the clerk (CEO of RADIUS Trust) to the Trust Exclusion Appeal Panel to whom an application for a Trust appeal meeting (and any written evidence) should be submitted;
 - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
 - d) that parents/carers have a right to request a SEND expert to attend the Trust Exclusion Appeal Panel meeting;
 - e) details of the role of the SEND expert and that there would be no cost to parents for this appointment;
 - f) that parents/carers are required to make it clear if they wish for a SEND expert to be appointed in any application for an appeal review meeting; and
 - g) that parents/carers may, at their own expense, appoint someone to make written and / or oral representations to the Trust Exclusion Appeal Panel and that parents may also bring a friend to the review application for a review; and
- That, in addition to the right to apply for a Trust Exclusion Appeal Panel meeting, if parents/carers believe that the exclusion has occurred as a result of discrimination then 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.

- That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

The clerk to the Trust Exclusion Appeal Panel takes all reasonable steps to ensure the time and the venue for the meeting is appropriate, accessible to the parties, and has a suitable area for the parties to wait separately from the panel before the meeting.

Notification of Trust Exclusion Appeal Outcome

Following the Trust Exclusion Appeal Panel meeting, the clerk to the Trust Exclusion Appeal Panel issues written notification to all parties without delay, including:

- the Trust Exclusion Appeal Panel's decision and the reasons for it;
- any information that must be recorded on the pupil's educational record to reflect the decision (in particular, where a Governing Body does not decide to reinstate a pupil following a direction to reconsider, it must be noted that the exclusion will not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice).

Discrimination

The Trust recognizes that where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents/carers can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

General Complaints

For general complaints about how the exclusion was handled, the parent/carer is expected to be advised of and to follow the Trust Complaints Policy and school's complaints procedure.

If a parent/carer is dissatisfied with the school's procedure, they may contact the clerk to the Board of Trustees.

Admissions Register & Attendance

The Headteacher/Principal removes a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Body Exclusion Review Panel decision to uphold a permanent exclusion and no application has been made for an appeal; or
- the parents have stated in writing that they will not be applying for an appeal.

Where an application for an appeal has been made within 15 school days, the Headteacher/Principal must wait until the Trust Exclusion Appeal Panel outcome has been determined, or abandoned, before removing a pupil's name from the register.

Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

Although this policy requires the excluding school to make detailed arrangements for constructive activities and support whilst excluded the provision is not deemed "alternative" and therefore requires the excluded pupil to be marked using the attendance code: Code E (Excluded but no alternative provision made). This provision is intended to ensure schools are compliant with regulation.

Appendix A: Governing Body (on behalf of RADIUS Trust as Accountable Body) Duties:

