

Exclusions Policy

B09

Adopted by the Board of Trustees

Date: 20th November 2019

Trustee Reviewers: Mrs J Horton

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1. General Data Protection Regulations



This policy has been reviewed in accordance with the General Data Protection Regulation (GDPR) which will replace the Data Protection Act 1998 from 25th May 2018. The introduction of GDPR has resulted in changes to many existing data protection rules and regulations that educational establishments adhere to. The Evolve Trust has undertaken a full data protection audit and have ensured that appropriate changes that have been made to data protection rules and regulations have been adhered to in full. The Evolve Trust has carried out all additional compliance requirements and fully accepts their duty of care to ensure individuals' data is kept safe and secure, resulting in increased compliance in our systems, processes and policies.

2. Introduction

As a Trust we have a zero exclusion policy and therefore any exclusion is a last result in all instances. The Headteacher will consider all alternatives to exclusion so that the quality and provision for education remains paramount. This may include the use of other Trust academies or the use of partnerships with other local schools where appropriate. At all points, alternatives to exclusion will still be tracked, monitored and reported to Trustees against DfE codes.

All exclusions whether Fixed Term (FTE) and Permanent (PEX) will follow the DfE statutory guidance.

3. Rationale

Exclusion is an extreme sanction and is only administered by the Headteacher. The decision to exclude a student will be taken in the following circumstances:

- In response to a serious or persistent breaches of the Academy's policies.
- If allowing the student to remain in the Academy would seriously harm the education or welfare of a student(s) or others in the Academy.

4. Exercise of discretion

The Headteacher will always look at each case on its own merits.

Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher, will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations.
- Where possible allow the student to give their version of events.

5. Fixed Term Exclusion (FTE)

Where pupils are excluded for an FTE up to five days, reasonable steps to set and mark work will be provided.

From the sixth day of exclusion, alternative provision will be arranged. It should be noted that 'sixth day provision' is based on a cumulative period of exclusion and requires that an alternative and full-time education is provided.

Following an FTE there will be a reintegration meeting involving parents/carers and students to manage students future behaviour, so that their long-term success can be secured.

6. Permanent Exclusions (PEX)

The decision to exclude a student permanently is a serious one, reasonable steps will be taken to set and mark work.

Information on this decision must be shared immediately with the LA and a Scrutiny Board Disciplinary Meeting (SBDM) must be held within 15 days of the decision being made.

The SBDM for a PEX will consider the following in determining the lawful, rational, reasonable, fair and proportionate response of the Headteacher:

- Whether the correct procedures were applied; was the decision legal and fair? Did it comply with the school's behaviour policy?
- Did the decision comply with the Equality Act 2010? Was the process in line with the SEND Code of Practice?
- The seriousness of the incident and the appropriateness of a permanent exclusion;
- The likelihood of the incident being repeated, should the pupil be allowed to return;
- The fairness of the exclusion in relation to any other pupils involved in the same incident;
- Any relevant previous misbehaviour;
- The support provided by the Academy and for how long it was provided;
- Any special educational needs and disabilities (SEND) the pupil may have;
- Any mitigating circumstances.

7. Scrutiny Board Disciplinary Meetings

A Scrutiny Board Disciplinary Committee (SBDC) consisting of 3 members, will hold a Scrutiny Board Disciplinary Meeting (SBDM) when:

- An exclusion brings the total number of days of FTE's over 15 days in a current term. The SBDM must be held within 50 school days of the exclusion.
- Parents request a Scrutiny Board Disciplinary Meeting. The SBDM must be held within 50 school days of the exclusion.
- Exclusions that result in students missing public examinations/tests. The SBDM must be held within 15 school days of the exclusion.
- Permanent exclusions. The SBDM must be held within 15 school days of the exclusion.

Relevant paperwork will be provided 5 days prior to the meeting and include the following:

- Copies of Notification letters
- Information relating to the incident (s)- reports, witness statements etc.
- Information about the student- SEN needs, behaviour reports etc.
- Parental representation

The GDM will follow a set agenda (the meeting will take place even if parents or their representatives are not present):

- Headteachers presentation of the case
- Questions by the parents and Scrutiny Board
- Parental representation of the case (The student may also be present)
- Questions by the Headteacher and Scrutiny Board
- Summing up by the Headteacher
- Summing up by Parental representation
- All parties will leave and the Scrutiny Board will discuss the information and make a decision. (Parents will be notified within 24hours by phone and then in writing within 5 working days of the outcome).

The GDC's decision will be to:

- Reinstate the student to the academy; or
- Decline to reinstate the student