

February 2022



## EXCLUSION POLICY

**HORIZONS EDUCATION TRUST  
AMERICAN LANE, HUNTINGDON, CAMBRIDGESHIRE. PE29 1TQ**

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**Sample letter for fixed term exclusion**

## **1. Our ethos and values and commitment to equalities.**

Schools in Horizons Education Trust follow the Exclusion Policy of the Trust and provide records of exclusions to the Local Authority Behaviour and attendance Manager.

Schools within Horizons Education Trust have a commitment to a nurturing ethos with policies that support a climate of mutual respect and trust between pupils and pupil and pupils and staff and visitors. Exclusion will be a last resort in our schools.

## **2. Our rationale and definitions**

The principal legislation that is directly related to school exclusions is:

- The education Act 2002, amended by Education Act 2011
- The school discipline (Pupil Exclusions and reviews) (England) Regulations 2012
- The education Inspections Act 2006
- The education Act 1996
- The education (provisions of full-time education for excluded pupils) (England) Regulations 2007, as amended by Education (provisions of full-time education for excluded pupils) (England) (Amended) regulations 2014.

A calm and orderly environment is essential to enable all pupils to access the opportunities available to them within a school and off - site school context. Although the government enables Head Teachers to use Exclusion as a sanction where the is proportionate grounds or warranted the Trust view any exclusion as a last resort.

It is the duty of the Head of School and staff to ensure the health and safety of all members of the Academy to enable pupils to learn and make good progress.

We expect our Heads of School or authorized representatives to evaluate other sanctions prior to exclusion and to consider the purpose or aim of this decision to relay to Executive Head, parents or guardians and the school community.

### **Exclusion is defined as:**

1. Fixed term exclusion where a pupil is excluded from school site for remote learning off site. Due to the Equalities Act 2010 and the SEND Code of practice as amended 2015 the Local Authority and social worker will be informed. If required an emergency EHCP review may be convened.
2. Permanent exclusion, where steps are taken to permanently remove the pupil from the official pupil roll of the Academy.

### **3. Decision making principles for exclusion:**

1. Lawful – have the legal parameters been checked?
2. Rational- Is there a clear reason that can be explained?
3. Reasonable- Are the actions following the test of reasonableness to the situation or should the final decision be deferred?
4. Fair – Is the action and reason following a fair process
5. Proportionate – Is the action showing it is proportionate to the incident and risks to the pupil or others?

Parents will be notified to collect pupil if the decision made by the Head of School is by immediate effect. In cases of internal exclusion this will be communicated to parents and guardians.

### **4. Responsibility for exclusion:**

The Head of School is responsible for making all decisions on exclusion and must be consult with leads of the site. Whenever possible the Head of School will consult two other leaders and the Executive Head or another Head of School in the Trust to record this decision.

### **5. Making a decision for exclusion and actions:**

The Head of School is in post to use judgement and will review the following parameters prior to a decision to exclude the pupil from a school site:

- Statements of incidents from all parties
- When relevant organize investigation and report of main findings.
- Evidence is collated and main themes or points identified to collaborate any allegation or any discrepancies or any provocation.
- Pupil listened to in order to provide their statement of events.
- Relevant policies referenced and statement that decisions are free from prejudice and mitigating factors and that protected characteristics are identified or considered for equality impact.
- Head of school will use the 'civil standards of proof' that on balance of probabilities it is more likely than not that the incident happened rather than the criminal standards 'beyond reasonable doubt'.
- CCTV may be used if available but will not directly influence the Head of School with the decision or sanction applied.
- The Head of School will look at every single case on the merits of the case and information and not use any tariff system or case precedent for fixing penalties or exclusion to ensure fairness. The school community will accept that the Head of School is employed for professional judgement and discretion will be valued in making decisions.

## **6. Unlawful exclusions**

It is not lawful to exclude for a non – disciplinary reason. All exclusions must be formally recorded.

Guide to reasons to consider exclusion:

1. Putting student or others in danger
2. Persistent verbal abuse to staff or other pupils
3. Physical attacks on staff or other pupils
4. Persistent bullying
5. Persistent discrimination
6. Sexualised behaviours
7. Breach of e- safety Policy
8. Willful damage to property
9. Use, possession of banned substances
10. Supplying any banned substances
11. Serious actual or threatened violence against a pupil or staff
12. Sexual assault
13. Weapons
14. Arson
15. Theft

This list is not exhaustive and the Head of School may use discretion for other incidents that compromise safety.

## **7. Exclusion procedures – refer to the Trust Behaviour Policy**

**Formal fixed term exclusion (can be applied for up to 45 days within a school calendar year).**

A fixed term exclusion will be for a whole school day (s) or the Head of School may determine the matter can be dealt with under the internal procedures.

When a decision is made for a fixed term exclusion without delay the Head of School must notify parents or guardian. If a social work case is active the social worker must be informed in addition to Case worker for the Statutory Assessment Team.

The Head of school may convene an emergency EHCP review and record outcomes about placement and or any new objectives.

**A re- admission meeting with the pupil and parents and guardian will be convened if the Head of School considers this appropriate to the incident for the duty of care for safeguarding and health and safety for the site.**

Parents by law have responsibility for the supervision of their child during any period of 'Fixed term exclusion' and pupils must not be allowed to go to a public place unsupervised without an emergency reason. Any breach could result in a fixed penalty fine notice or prosecution for parents under the current legislation.

The Academy will support the child with 'remote Learning' during this period of absence from school.

Parents must also ensure their child attends full time education provided from day 6 of an exclusion.

If more information comes to light the Head of School will advise the parent or guardian and this may mean the period of fixed term exclusion is extended,

#### **8. Re- integration following fixed term exclusion:**

A re- admission meeting may be convened with the Head of School after a fixed term exclusion and issues can be discussed and any referrals may be represented to the Statutory Assessment Team to support the Education and Health Care Plan. We expect our parents and guardian to attend and support the re- integration back into school and the school behavior Policy.

#### **9. Permanent exclusion**

Any decision to permanently exclude a child from an Academy is rare and not taken lightly. It is fully appreciated that this decision will have a serious impact on the life chances of the pupil and disrupt family life. However, the Head of School will have carefully consulted the Local Authority prior to this decision.

The Head of School will have exhausted all other options available and have tried in consultation with parents and the pupil to arrange a change of placement using the EHCP procedures.

When a final decision is made for a permanent Exclusion the Case worker for the Statutory Assessment Team must be informed in order to convene an EHCP emergency review involving parents and or guardian and when possible the pupil.

#### **10. Procedures for an appeal of a permanent exclusion:**

In cases of dispute parents or guardians of pupils under age 18 may ask for a review by an independent review panel from Horizons Education Trust and state their reasons in writing to the clerk of the trustees (Helen Nichols - [Helen.Nicholls@cambridgeshire.gov.uk](mailto:Helen.Nicholls@cambridgeshire.gov.uk)). The independent appeal will follow Local Authority procedures.

In any cases of allegation of discrimination under Equality Act 2010 parents or guardians may engage in dispute resolution with the Local Authority which if not resolved will enable a claim to be submitted to a First-Tier tribunal. Any independent review panel does not have the powers to reinstate a pupil back into an Academy but can request that decision is reconsidered.

#### **11. Review of exclusions**

Schools within Horizons Education Trust will review exclusions as part of their quality assurance and staff training may be planned to support issues that have arisen from casework. The Executive Head / CEO for the Trust will monitor exclusions and procedures to ensure that decisions are made that are consistent with this Exclusions Policy and any DFE guidance.

Template Letter - Formal Fixed term exclusion

Date

Address

Dear, **XXX**

**Re – Formal Fixed term exclusion of NAME**

I am writing to confirm my decision of an exclusion from school for a fixed period of **XXX** days from **XXX**. This decision has not been taken lightly but due to other incidents in school which have seriously compromised safety. **We have used our restorative approaches in response to incidents to avoid use of physical intervention.**

**NAME** should not return to school until **XXX**.

On the return date of **XXX**, **NAME** will be required to arrive at school with yourself as parent to have a reintegration meeting with **XXX**.

The purpose of this meeting will be to secure agreement for yourself as the parent to work with school and for **NAME** to adhere to the behaviour policy and school support plan. During the meeting I will need assurance that the health and safety of the school will not be compromised and that **NAME** will return as a cooperative pupil attending assigned sessions and engaging in learning following the timetable previously agreed.

**NAME** has been excluded from school for the following reasons:

**Enter reasons**

We have taken the following steps to try to avoid this exclusion:

**Could include these items**

- Support by Tutor to help manage behaviour with a bespoke timetable agreed at last Emergency review
- Clear guidelines set out in the inclusive behaviour procedure
- Restorative justice and therapeutic support provided
- Staff 1:1 support
- Meetings with Assistant Head to agree a supportive plan

We are aware of **NAME** SEND and the following steps have been taken to make reasonable adjustments for this:

Could include?

- a clear inclusive behaviour system/ restorative practices within which to work.
- regular meetings with staff and parent at the school to ensure clarity of the expectations for all parties including responsibilities for the parent to support the school placement.
- a clear behaviour contract which has been signed on enrolment for health and safety.
- bespoke timetable and 1:1 support-
- clear instructions and confirmation of understanding to support communication.
- Adaptive teaching to support her needs and address academic standards of her work
- alternative options to support transitions in the mornings.

You have a right to make written representation to the Executive Head / CEO for Horizons Education Trust and Discipline Committee. If you wish to make representations, you should contact Clerk to the trustees (Helen Nichols - [Helen.Nicholls@cambridgeshire.gov.uk](mailto:Helen.Nicholls@cambridgeshire.gov.uk)).

You may see your child's school records in advance of any meeting of the Discipline Committee. You will not have a right to see records that are protected as Safeguarding regulations, from the LADO/Police or other records protected by UK GDPR. If you do wish to view them, please contact the school site who will be able to make the necessary arrangements.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think that and/or to make a claim to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN. You would need to provide evidence to support all aspects of your claim.

I must further advise you that during the period for which your child is excluded you are responsible for ensuring that he is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £50 issued by the local authority.

A local authority officer with responsibility for exclusions can provide you with advice on the exclusions process. This officer can be contacted on: 01480 377673

The Advisory Centre for Education (ACE) also has a helpline on 020 7704 9822 or 080 8000327 which you may find useful. Their website can be found at [www.ace-ed.org.uk](http://www.ace-ed.org.uk).

Yours Sincerely,

**XXX**

Head of School

cc. Kim Taylor, Executive Head, Horizons Education Trust

Policy agreed: 10 February 2022

Signed on behalf of the Trustees:

Committee: TLW

Review date: May 2024.

Website Y