

**Aim of The Langley Academy Trust:** To provide an outstanding education for every child in the Trust

## Exclusion Policy

Good behaviour is essential to ensure that all pupils can benefit from the opportunities provided by education. The school's behaviour policy outlines expectations and key strategies for promoting good behaviour. It is our aim to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion.

### Guiding Principles

This policy is designed to briefly outline the school's approach to exclusions within the statutory framework as defined in: *Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (Statutory Guidance – September 2017)* and *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. We recognise, exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

### Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent.  
Fixed period exclusions may not be for more than 45 days in any one year.

### The Decision to Exclude

Exclusions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others.

A Fixed Term Exclusion from the school can only be authorised by the Headteacher, after liaising with the Executive Principal. In the Headteacher's absence, the senior teacher in charge is to contact the Executive Principal. If contact cannot be made to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

Permanent Exclusion can only be authorised by the Headteacher and must only be done after consulting the Executive Principal and Chair of Governors of the intention to impose this sanction. The final decision rests with the Headteacher.

Before deciding to exclude a student the Headteacher will:

- ensure that an appropriate investigation has been conducted;
- ensure that all the relevant evidence has been considered;
- give the pupil an opportunity to be heard; and
- consult other relevant people if necessary.

Having considered these matters the Headteacher will make a decision based normally on the balance of probability, having regard to any current guidance from the Department for Education 2017.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.

Exclusion will not be used for minor offences or as a punishment for non-attendance. Where a pupil is excluded, steps will be taken to refer the pupil for support or to other relevant agencies.

### **Fixed Term Exclusion**

Fixed Period exclusions may not exceed 45 days in any one year; generally at The Langley Academy Primary, these will be around 1-3 days in length.

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break. This is subject to the normal rights of appeal.

The Langley Academy Primary will continue to provide education for an excluded student (whilst he/she remains on roll) and, particularly in the case of an exclusion of more than 15 days, the Headteacher in consultation with the relevant members of staff will consider the following:

- making alternative provision from day six for fixed-period excluded students
- Possible alternative provision

Department of Education Exclusion from maintained schools, Academies and pupil referral units in England states:

“The governing body must consider the reinstatement of an excluded pupil within 15 schools days of receiving notice of the 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.”

### **Pupils Returning from a Fixed Term Exclusion**

All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between the pupil, parent and school.

### **Notification of an Exclusion**

Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised preferably via a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day.

The pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.

The Chair of Governors, and relevant school or local authority staff will be notified of all Fixed Term Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

### **Procedures for permanent exclusion: Action by the Local Governing Body**

The Local Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the exclusion as soon as is practicable according to set criteria. The meeting should be arranged at a time and place convenient for the parents within reason. All efforts should be made to provide an environment which avoids intimidation and excessive formality. The governing

body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

### **Parents' information regarding permanent exclusions**

The decision to permanently exclude a child is taken as a last resort, usually after trying to support the child to improve his/her behaviour through other means. However, there are exceptional circumstances in which a Headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

If your child has been permanently excluded, be aware that:

- The Langley Academy Primary's Local Governing Body is required to review the Headteacher's decision and you may meet with them to explain your views on the exclusion
- if the Local Governing Body confirms the exclusion, you can appeal to an independent appeal panel organised
- the school must explain in a letter how to lodge an appeal
- the local authority must provide full-time education from the sixth day of a permanent exclusion

Parents will also be provided to relevant sources of free and impartial information. This information should include:

- A link to the statutory guidance on exclusions
- A link to the Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) 08088 020 008; and
- Where considered relevant by the Headteacher, links to local services, such as Traveller Education Services or the local parent partnership ([www.parentpartnership.org.uk](http://www.parentpartnership.org.uk))

Head teachers 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' rights to make representations to the governing body have been understood.

### **Off-rolling pupils:**

The Local Governing Body will ensure that a pupil's name is removed from the school admissions register if:

- If 15 school days have passed since the parents were notified of the decision to not reinstate the pupil and no application has been made for an independent review panel; or
- the parents/carers have stated in writing that they will not be applying for an independent review panel.

### **Appeals**

All correspondence regarding an exclusion from The Langley Academy Primary will inform parents of their right to appeal to the Local Governing Body against the decision to exclude. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

### **Equal Opportunities**

In making and implementing this policy, account must be taken of TLAP's Equality Policy. TLAP regularly monitors the number of Fixed Term Exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### Pupils with Disabilities

The Langley Academy Primary aims to ensure that pupils with disabilities are not treated less favourably than other pupils and will endeavour to ensure that no exclusion of such a pupil has been caused directly or indirectly by the pupil's disability. Any exclusion of a pupil with a disability will be closely monitored both within the Academy and by the Governing Body.

### Pupils with Special Educational Needs

The Academy will pay due regard to the guidance in the *Special Educational Needs Code of Practice* and the *Education of Children and Young People with Behavioural, Social and Emotional Difficulties as a special educational need*

### **Monitoring and Review**

- 1) The impact of this policy will be reviewed by the Local Governing Body
  
- 2) The Headteacher will provide the governors with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
  
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

Review Date: July 2018

Ratified Date: December 2018

Author: Tracey Bowen

Date of next review: July 2020