



# EXCLUSION POLICY

This policy is informed by the Christian values which are the basis for all of CDAT's work and any actions taken under this policy will reflect this.

*'Blessed are those who act justly, who always do what is right'*

*Psalm 106:3*

## 1. Introduction

Chester Diocesan Academies Trust (CDAT) recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty five days in any one academic year, or, in some circumstances, permanently.

Such exclusions will only be resorted to when the school can demonstrate with adequate evidence that all reasonable steps have been taken (including education off site) and/or that the presence of the learner is likely to be severely detrimental to his/herself, other learners or staff. There may also be occasions when a short-term exclusion is appropriate because of unacceptable behaviour.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. CDAT supports its schools in using exclusion as a sanction where it is warranted. However, permanent 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.

### **Definitions used in the Policy:**

Use of term 'parent' within this policy: in addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

## 2. Principles

Following the Christian values that underpin the work of CDAT:

- The school will not discriminate against pupils on the basis of protected characteristics, such as disability or race and will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

- Disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour the first steps will be to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. The school will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- All pupils who return to school following a fixed period exclusion will be subject to a re-integration process that will include a meeting with the parent and child prior to their return to their class. This meeting will include agreement by the pupil on managing their future behaviour.
- The school will take reasonable steps to set and mark work for pupils during the first five school days of exclusion and will arrange alternative provision from the sixth day.
- Where parents dispute the decision of the Local Governing Body (LGB) not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

### 3. Responsibility for the Policy and Procedure

#### Role of CDAT

CDAT will:

- Produce a model exclusions policy to be used in all CDAT schools;
- Receive regular reports from LGBs on the number of exclusions from each school;
- Be informed of any permanent exclusions;
- Arrange an independent review panel if requested.

#### Role of the LGB

The LGB will:

- delegate powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- review any decision to exclude as required

#### Role of the Headteacher

When making the decision to exclude a pupil the Headteacher will:

- Undertake a thorough investigation into the alleged incident by looking at all the evidence that is available;
- Keep a written record of all the stages of the investigation plus signed witness statements;
- Listen to the pupil's version of what happened;
- Check whether the alleged incident was provoked by racial or sexual harassment and consider any possible breach of the school's equal opportunities policy;
- If s/he thinks it is necessary, the Headteacher will consult with other relevant people other than those who might be later involved in reviewing this incident;
- Consider alternatives other than exclusion such as:
  - Internal exclusion by removal to another class
  - Restorative justice
  - Mediation
  - A managed move
- Decide on the length of the exclusion, fixed or permanent
- Inform parents immediately.
- Report exclusions to:
  - The LGB
  - CDAT
  - The Local Authority

## 4. The power to exclude

- Only the Headteacher (or member of the senior leadership team if acting in that role in the absence of the Headteacher) of the school can exclude a pupil and this must be on disciplinary grounds.
- A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.
- Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.
- The behaviour of pupils outside school can be considered as grounds for exclusion
- The Headteacher may withdraw an exclusion that has not been reviewed by the LGB.
- The school will take account of their legal duty of care when sending a pupil home following an exclusion.
- The school will use the civil standard of proof, i.e. 'on the balance of probabilities' when making judgements in relation to exclusions.
- The school will not make use of 'informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', any exclusion of a pupil, even for short periods of time, will be formally recorded.

A decision to exclude a pupil permanently will only be taken:

- 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.

The school will 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.

## 5. Informing parties about an exclusion

Whenever a pupil is excluded the school will notify parents of the period of the exclusion and the reasons for it as soon as is immediately practical. In addition, the school will provide parents with the following information in writing:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the LGB and how the pupil may be involved in this;
- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;

The Headteacher will, without delay, notify the LGB, CDAT and the local authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent);
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the school leadership will notify the local authority, LGB and CDAT once a term.

## 6. The local governing body's duty to consider an exclusion

The LGB, under delegated powers from CDAT will consider parents' representations about an exclusion.

The LGB will consider the reinstatement of an excluded pupil within 15 school 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.

If requested to do so by the parents, the LGB will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

The following parties will be invited to a meeting of the LGB and allowed to make representations:

- parents;
- the Headteacher.

When establishing the facts in relation to an exclusion decision the LGB will apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the LGB will either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

## 7. The Local Governing Body's duty to notify parents of the outcome

The LGB will notify parents, the Headteacher, and CDAT of their decision, and the reasons for their decision, in writing and without delay.

In the case of a permanent exclusion the governing body's notification will also include:

- 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 following information:
  - the date by which an application for a review must be made
  - CDAT's business address where an application for a review (and any written evidence) should be submitted;
  - 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;
  - that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require CDAT 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 a SEN expert to be appointed in any application for a review; and
  - that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

## 8. CDAT's duty to arrange an independent review panel

If applied for by parents within the legal time frame, CDAT will arrange for an independent review panel hearing to review the decision of the LGB not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the LGB of their decision to uphold a permanent exclusion or
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion

Any application made outside of the legal time frame will be rejected by CDAT.

## 9. Policy Review

This policy was updated and agreed by the CDAT Board in August 2020. In line with recommended best practice, it will be reviewed again in August 2021.