



ORMISTON
SIX VILLAGES
ACADEMY



OAT Exclusions Policy

Approved by the Principal May 2017
Date of next review: May 2018

EXCLUSIONS POLICY

Serious incidents of Misbehaviour leading to Fixed Term or Permanent Exclusion

Date	Changes Made	Agreed By	Authorised for Use by	Date of Review

Ormiston Academies Trust

Exclusion Policy

Policy Version Control

Policy type	Academy Model Policy
Policy prepared by (name and department)	Nicki Wadley – Head of Governance
Review date	December 2015
Description of changes	Policy amended to reflect current DfE guidance. Template letters revised to include signposting parents to independent sources of advice. Flow chart for exclusion process included.
Name and date of line manager's approval	Julie Bloor, Executive Head and Regional Director. 9 th December 2015
Date of executive approval	Julie Bloor, Executive Head and Regional Director. 9 th December 2015
Date released	10/12/2015
Next review date	December 2016

Action to be invoked by Senior Staff in Serious Disciplinary Matters

1. When a serious incident occurs, a senior member of staff, i.e. member of the Leadership Team, must interview students and produce a written record of the meeting. If the nature of the incident is extremely serious then at least two staff members should be present to conduct the interview. The student should be questioned and given ample opportunity to give a response. The student should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage the report will help to enable the Academy to decide on what further action should be undertaken.
2. In discharging their duties the Principal and IEB must have regard to DfE *guidance* "Exclusion from maintained schools, Academies and pupil referral units in England" which was published in September 2012 and any subsequent DfE updates to this guidance They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.
3. A decision to exclude a student will only be taken:
 - In response to serious breaches of The Academy's Behaviour policy; and
 - If allowing the student to remain in The Academy would seriously harm the learning or welfare of the student, other students or staff in the Academy.
4. Whilst an exclusion may still be an appropriate sanction, the Principal will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement; has mental health issues or has been the subject of bullying. In cases involving SEN students, the Principal should also consider whether appropriate provision is in place to support their needs as well as the involvement of multi-agencies
5. Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

Responsibilities of the Principal

6. The Principal alone (or his/her designate, if she/he is absent) has the power to exclude students.
7. In considering the exclusion of a student the Principal should ensure that the following range of activities are carried out:
 - Undertake a thorough investigation producing a written report of the investigation
 - Consider all the relevant facts and firm evidence to support the allegations
 - Take into account the Behaviour Policy, including the Equalities Statement and Anti Bullying policy
 - Check whether an incident appeared to be provoked (for example by bullying or racial or sexual harassment)
 - Ensure that all students involved have the opportunity to give their version of events
 - Consult other people or agencies except where they may be involved in any review of the exclusion
 - Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the Academy
8. Before deciding to exclude a student permanently the Principal will first try a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion. Only when other strategies have been tried without success will the Principal consider permanent exclusion. Except, or notwithstanding where a one-off incident of sufficient gravity has taken place.
9. The Principal may exclude a student for up to 45 academy days in any academic year. Any exclusion beyond 45 academy days will be permanent. However before that point is reached the Principal will have held discussions with the Local Authority with a view to arranging an appropriate placement in another academy or Pupil Referral Unit (PRU). From Day 6, students will be accessing the resources at the designated Centre.
10. Any looked after children will receive education at the Centre from Day 1. A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in

the exercise of their social services functions.

11. The Principal will aim for the shortest possible period of exclusion but however brief an exclusion a plan will be made to:
 - enable the student to continue their education;
 - use the time to address the student's problems;
 - examine the process of reintegration.
12. The Academy will take all reasonable steps to set and mark student work during the first five school days of an exclusion

Informing Parent(s)/carer(s) about the Exclusion

13. The Principal will make sure that the Parent(s)/carer(s) are notified immediately of the period of the exclusion and the reasons for it by telephone which will be followed by a letter within one academy day. An exclusion will normally begin on the next academy day.
14. Letters about fixed period and permanent exclusions will explain:
 - Why the Principal decided to exclude the student
 - The period of a **fixed term** exclusion or for a **permanent exclusion**, the fact that it is permanent
 - The arrangements for enabling the student to continue their education, including setting and marking the student's work
 - The Parent(s)/carer(s) right to make representations about the exclusion to the IEB and how the student may be involved in this
 - Who the Parent(s)/carer(s) should contact if they wish to state their case (usually the Clerk to the Committee) and draw their attention to relevant sources of free and impartial information (see model letter)
 - The latest date the Parent(s)/carer(s) can put a written statement to governors
 - The Parent(s)/carer(s) right to see and have a copy of their child's record
 - That for the first five days of an exclusion (or until the start date of any alternative provision) parents are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so
 - If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found be found out within the timescale
 - the start date for any provision of full time education that has been arranged for the student during 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
 - any information required by the student to identify the person s/he should report to on the first day
 - The letter should also enclose a copy of the Academy's Exclusion policy
15. If the Principal wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Principal will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where an exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

Informing the IEB and Local Authority

16. The Principal will immediately inform the Chair of the IEB and the Local Authority of all permanent exclusions. Where a student resides outside the local authority in which the Academy is located, the Principal must also notify the student's "home authority" of the exclusion without delay
17. In addition the Principal will inform the IEB of exclusions which result, separately or in total, in the student missing more than five academy days in any one term, or which deny students the chance to take a public examination.

Responsibilities of the IEB

18. The IEB do not have the right to exclude a student. IEB do have a duty to consider parents' representations about an exclusion. To enable this the IEB will establish a Discipline Committee and when the need arises an Independent Review Panel.

The Role of the Discipline Committee in Fixed Term Exclusion cases

Please refer to the flowchart annexed to this policy which provides a summary of the Discipline Committee's duties to review the Principal's exclusion decision.

Procedure at the meeting for Fixed Term Exclusion cases

19. If the student is back at the Academy before the Discipline Committee meets, the meeting still enables the parent(s)/carer(s) to give their views. The Discipline Committee can also consider whether more information should be added to the student's record.
20. If the student is still excluded when the meeting takes place, the Discipline Committee should decide whether to direct re-instatement. In reaching their decision the Committee should:
 - consider the parent(s)/carer(s) statements;
 - have regard to the guidance on the appropriate use of exclusion in DfE *Circular 10/99* and in The Academy's Behaviour Rewards, Strategies and Sanctions Policy, and consider whether the Principal has tried sufficient approaches to improve a student's behaviour before resorting to exclusion, and whether any further strategies might be an alternative to exclusion.

Role and Procedure of the Permanent Exclusion Committee (PEC)

21. Written evidence supporting the Principal's decision will be circulated to all parties at least five working days in advance of the meeting by the Clerk to the IEB
22. The Discipline Committee and Permanent Exclusion Committees will allow parents and students to be accompanied by a friend or representative
23. Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting
24. For permanent exclusion, the PEC, consisting of three or five IEB members not employed by the Academy or known to the student, should normally satisfy itself that for a one-off serious breach of behaviour the offence took place **on the balance of probabilities** or for persistent bad behaviour, all possible strategies to improve a student's behaviour were tried without success.
25. The PEC will consider the exclusion and decide whether
 - to uphold the Principal's decision to exclude or
 - whether the student should be reinstated immediately or on a particular date

Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance

26. The Permanent Exclusion Committee may not attach conditions to the re-instatement of a student.
27. The IEB will ensure that clear minutes of the meeting are taken as a record of the evidence that was considered by the IEB. These will be made available to all parties on request
28. In reaching their decision the IEB will ask all parties to withdraw before making their decision and will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair. They will also take into account the Principal's legal duties
29. If the PEC upholds the Principal's decision to exclude a student permanently, the clerk will write on behalf of the Permanent Exclusion Committee within one Academy day to the parent(s)/carer(s). The letter will :-
 - state that the decision to exclude is permanent
 - give the reasons for the decision;
 - explain the parent(s)/carer(s) right to appeal to an Independent Review Panel to which the parent(s)/carer(s) can make oral and written statements;
 - give the name and address of the person the parent(s)/carer(s) should contact if they wish the decision to be reviewed, explaining that any notice for review should explain their grounds for requesting a review and stating the latest date for giving notice (15 academy days from the date of the Discipline Committee's decision). The parent(s)/carer(s) has the right to request a review even if they did not make a case to the Discipline Committee.
 - State that regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Ormiston Academy Trust to appoint a SEN expert to attend the review and that this will be at no cost to parents for this appointment
 - Request that parents must make it clear if they wish for a SEN expert to be appointed in any application for review
 - That parents may also bring a friend to the review
 - Provide details of sources of free and impartial information

See Model letter 5

30. If the Permanent Exclusion Committee upholds a decision to exclude a student permanently the clerk will notify the Local Authority in writing of this decision within one Academy day of the hearing.

After the meeting – Fixed Term and Permanent Exclusions

31. A note of the PEC's views on the exclusion shall normally be placed on the student's record with a copy of the Principal's exclusion letter.

Independent Review Hearings

32. If applied for by parents within the legal time frame (15 Academy days), The Ormiston Academies Trust (OAT) will arrange for an Independent Review Panel hearing to review the decision of a IEB not to reinstate a permanently excluded student.
33. Any application made outside the legal time frame will be rejected by OAT.
34. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision
35. All arrangements for the Independent review hearing will be made by OAT or the organisation commissioned by OAT to manage this process on their behalf and this includes:-
 - Establishing an Independent Review Panel which complies with DfE regulations
 - Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding Academy)

- Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding Academy IEB will not be eligible to perform this role)
 - The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions
 - Where it has been requested, arrange for a SEN expert to attend the review hearing
36. The role of the panel is to review the IEB's decision not to reinstate a permanently excluded student. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the Academy. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"
37. Following its review the panel can decide to:
- Uphold the exclusion decision
 - Recommend that the IEB reconsiders their decision or,
 - Quash the decision and direct the IEB to consider the exclusion again
38. The decision of the Independent Review Panel is binding on the; student, parents, IEB, LA and OAT.
39. New supporting evidence may be presented to the panel but the Academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced
40. Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion
41. Members of the Academy Permanent Exclusion Committee and Academy presenting team will be invited to attend the hearing to present their case to the panel
42. As with the IEB exclusion hearing, parents will be invited to attend and may bring a friend, if they are not present the case will be heard in their absence
43. Where a panel quashes the IEB's decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment of £4k to the Local Authority if the IEB does not offer to reinstate the student within 10 Academy days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)
44. A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.
45. Following the review, the panel must issue written notification to all parties without delay. This notification must include:-
- The panel's decision and the reason for it
 - Where relevant, details of any financial payment to be made if the IEB decides not to offer to reinstate a student
 - Any information that must be recorded on the student's educational record to reflect the decision
46. If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the Academy, the student's "home local authority".

Date approved:

Date to be reviewed:

Signed (Chair of the IEB):

A summary of the Discipline Committee's duties to review the Principal's exclusion decision

