

The Rural Enterprise Academy



# Exclusion Policy

TREA: Exclusion Policy

Approved by Governors: **July 2018**

Review Period: **3 years**

Review by: **July 2021**

# 1. Roles and Responsibilities

- 1.1 The responsibility for the implementation of this policy and provision rests with the Principal.
- 1.2 It is important to note that every member of staff is responsible for ensuring that this policy is fully implemented and that in situations not covered by this policy, staff must act in the best interests of the student, as any responsible parent would act.
- 1.3 The welfare of students will be paramount.

# 2. Suggested Audience

All staff

# 3. Related policies

This policy is part of a suite of policies which should also be referred to:

- Child Protection and safeguarding Policy
- Complaints Policy
- Equal Opportunities Policy
- Health and Safety Policy
- Child protection and Safeguarding Whistleblowing Policy
- Behaviour Policy
- Prevent Policy

# 4. Academy Mission Statement:

**“The Rural Enterprise Academy: educating, nurturing and inspiring our future rural entrepreneurs”**

# 5. Introduction

- 5.1 The Rural Enterprise Academy seeks to provide a happy, supportive, secure, motivated and challenging environment to enable all staff and students to succeed, both academically, socially and emotionally.
- 5.2 We strive to provide high standards of learning, teaching and pastoral care, to recognise each individual’s abilities and encourage them to develop to their full potential. Everyone is valued highly and the values of honesty, co-operation, sensitivity, tolerance and mutual respect for others are fostered.
- 5.3 We are committed to the development of the whole person, providing a broad and balanced curriculum through the provision of the structured timetabled day, the extended

curriculum, targeted intervention strategies, plus a wide variety of extra-curricular activities and educational visits.

- 5.4 The Rural Enterprise Academy recognizes that in order to ensure a positive atmosphere, based on a sense of community and shared values it may, on accessions, be necessary to exclude an individual, or individuals either for a fixed period, not exceeding 45 Academy days in any one academic year, or in some circumstances, permanently.
- 5.5 Such exclusions will only be resorted to when the academy can demonstrate with adequate evidence that all reasonable steps have been taken and/or that the presence of the student is likely to be severely detrimental to his/herself, other students or staff. There may also be occasions when a short-term exclusion is appropriate because of unacceptable behavior..

## **6. Purpose**

- 6.1 To maintain an environment where students can develop academically, morally and socially.
- 6.2 To maintain the highest standards of behaviour.
- 6.3 To meet statutory requirements, in particular to conform with the 2011 Education Act and The Department for Education (DfE) revised statutory guidance on exclusions, namely School Exclusion 2012; School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and The Education (Provision of Full Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014. The revised guidance came into effect from 1 September 2012 and updated in July 2017 applies to all maintained schools, academies and pupil referral units (PRUs) in England. By law, school leaders, governing bodies, local authorities (LAs) and independent review panels must have regard to the document when excluding a pupil. The Guidance must be considered alongside the Academy's responsibilities under the Equality Act 2010 when deciding whether to exclude a pupil. Schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment.

## **7. Guidelines**

- 7.1 Students demonstrating anti-social behaviour should move through the hierarchy of sanctions outlined in the policy Behaviour Policy. However, exclusion will always be considered in the case of students involved in violent behavior or other behavior outlines as the most serious within the behavior Policy.

- 7.2. Only the Principal or in her absence her nominated deputy (The Vice-Principal) - may exclude.
- 7.3 Students and their parents will, whenever possible, be given an opportunity to express their view and give their account of an incident, before a decision is made about exclusion.
- 7.4. All exclusions will be formally notified in writing to the parents and as appropriate to the LA, with a note to the Chair of Governors indicating brief details of the offence, the period of exclusion, the right of parents to appeal to an independent review panel, details of work set, and the date for re-admission. The appropriate LA and Chair of Governors will be informed of a permanent exclusion within one academy day. Staffordshire LA updated model letters are used for this purpose.
- 7.5 Parents will be invited into the academy to discuss with the relevant member of staff the criteria by which a student may be readmitted, where possible on the first day the student returns to academy. In more severe cases, a Governor may also be asked to attend.
- 7.6. In all cases parents will be informed of their right to make representations to the Governing Body (via the Clerk) and be given details of any subsequent right of appeal to an independent review panel. Again model letters from Staffordshire LA are used.
- 7.7 Support will be provided for excluded students for the first five days of said exclusion (e.g. by the provision of work and homework) and at re-entry to the academy. It is the responsibility of parents/carers to return work to academy to be marked. For students with special educational needs, this should be matched appropriately to their statement.
- 7.8 In cases of exclusions that are over 5 Academy days (if requested by parents/carers) or permanent or result in a student missing a public examination, the Discipline Committee of the Governing Body will meet in a timely manner and within the guidelines as set out by the local authority. Such hearings will follow the procedures recommended in the DfE Guidelines on Student Exclusions and again adhere to the models provided by Staffordshire LA.
- 7.9. Where a student is given a fixed period of exclusion of a duration of 6 Academy days or longer, the academy will arrange suitable full time educational provision from and including the 6th day of the exclusion.
- 7.10. During the initial period of up to 5 Academy days, the parents/carers of the excluded student must ensure that he/she is not present in a public place during normal academy hours without reasonable justification. This requirement applies whether or not the earner is in the company of the parent(s).
- 7.11. In addition to other reasons where a student may well have previously been excluded for one or more fixed terms before permanent exclusion is considered, the punishment of permanent exclusion can be applied to the possession or supply of alcohol or illegal

drugs on academy premises or if a student comes to the academy under the influence of alcohol or drugs or if a student is in possession of a weapon even if this is the student's first misdemeanor. N.B – For this purpose academy premises will be the whole of the South Staffordshire, Rodbaston campus and not just the academy buildings. It will also include being in possession whilst representing the Academy off site. The same will apply to the irresponsible use of substances/articles\* to include matches, lighters, weapons (including replica weapons and articles deemed to be offensive or with the capability/intent of being used as a weapon) and any other form of behaviour deemed dangerous. N.B. Whilst any of the aforementioned could lead to exclusion those behaviours listed within this section are highly likely to result in Permanent Exclusion. The Law will always prevail so if an action is an offence it will lead to Permanent Exclusion even if there is extenuating circumstances and no intent.

## **8. Approval by the Governing Body and Review Date**

This policy has been formally approved and adopted by the Governing Body at a formally convened meeting

## Appendix 1

### TIMETABLE TO REVIEW EXCLUSIONS

Based on the number of academy days in a term that the student has been excluded from the academy; lunchtime exclusions count as half a day

#### Informing the Governing Body and LA

The Principal must inform the governing body and the LA within one academy day of:

- (a) permanent exclusions
- (b) fixed period exclusions of six Academy days or more (or more than 10 lunchtimes)
- (c) exclusions which would result in the student missing a public examination

#### For all fixed period exclusions

- During the first five Academy days of any exclusion the academy must set work to be completed at home by the student;
- From the sixth academy day (not cumulative) of a fixed period exclusion the academy must provide suitable full-time education until the student returns to the academy;
- A re-integration interview must be arranged following any a fixed period exclusion of 6 Academy days or more for all students;

#### Fixed period exclusion of 5 Academy days or less

- Unless the exclusion will result in the student missing a public examination, the Principal is only required to report such exclusions to the governors and the appropriate LA once a term;
- Governors do not need to meet to consider the exclusion, unless the parents wish to make representations;
- If representations are received, the governors must consider them but cannot direct re-instatement;
- The government guidance gives no indication as to when this meeting should take place, but advises that the governing body should respond promptly to any request from the parents;
- Update student's information on MIS. Copy of exclusion letter to parents placed on student's file;

**Fixed period exclusion of 6 - 15 Academy days (or cumulative)** The governors do not need to meet, unless the parents wish to make representations;

- The government guidance states that governors must meet to consider any such representations within 6 to 50 Academy days of receiving notice of the exclusion but, again, should respond promptly to any request from the parents;
- The governors can uphold or overturn the exclusion but cannot increase its length;

- Update MIS. Copy of exclusion letter to parents should be forwarded to the appropriate District Inclusion Officer, as well as being placed on student's academy file;
- If the parents make representations, following the meeting, the governing body must inform the parents of its decision in writing within one academy day of the hearing, stating the reasons. A copy of this letter should be sent to your District Inclusion Officer.

### **Fixed period exclusion of 16 - 45 Academy days (or cumulative) or Permanent Exclusion**

- Exclusion notification form should be completed and sent to the appropriate LA together with a copy of exclusion letter to parents;
- Governors must meet within 6 to 15 Academy days of receiving notice of the exclusion and must decide whether or not to uphold the exclusion;
- Parents and LA must be invited to the meeting. Meeting must take place even if parents do not wish to attend;
- The governors can uphold or overturn the exclusion, but cannot increase the length of a fixed period exclusion;
- Following the meeting the governing body must inform the parents of its decision in writing within one academy day of the meeting, stating the reasons. Update MIS.
- Where the governors uphold a permanent exclusion, the parents have the right to appeal to the Independent Appeal Panel within 15 academy days of receiving written notification of the governors' decision. An independent review panel does not have the power to direct a governing body to reinstate an excluded student. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a student, the panel will be expected to order that the academy makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.
- Whether or not the academy recognises that a student has special educational needs (SEN), all parents (or students if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the academy acted reasonably in relation to its legal duties when excluding the student. Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

**NB:** If any exclusion would cause the student to miss a public examination, the academy should do all that it can in order to explore possible alternatives.

- Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

## **Removal from the Register following a permanent exclusion**

- The principal must remove a student's name from the academy admissions register if:
  - 15 academy days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
  - The parents have stated in writing that they will not be applying for an independent review panel.
- Where an application for an independent review panel has been made within 15 academy days, the principal must wait until the review has been determined, or abandoned, before removing a student's name from the register. Where a student's name is removed from the academy register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the student should be reinstated.