

Rooks Nest Academy

Exclusions policy



Respect. Believe. Achieve

Approved by:
Rook's Nest
Governing Body

Date: Jan 22

Last reviewed on: January 2022

**Next review due
by:** Spring Term 2023

Introduction

At Rook's Nest Academy we aim to create and promote an environment in which pupils, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities. We recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. We aim to include, not exclude. Through our consistent approaches to behaviour and the emotional support given by our pastoral team we are able to approach all challenging behaviour in a supportive and positive way. There may be times in many children's lives where they show signs of inappropriate behaviour. Each child in our care has a unique contribution to make to school life; we want to support them to achieve this. A decision to exclude a pupil, either for a fixed period or permanently will always be as a last resort. The physical and emotional health of our children and staff is our primary concern, and we therefore accept that in some rare situations, exclusion may be necessary, if all other strategies have been exhausted.

Types of Exclusion

Temporary fixed-Period exclusion

A temporary exclusion should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

Persistent or cumulative problems

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the academy had already offered and implemented a range of support and management strategies.

Single incident

Temporary fixed-period exclusion may be used in response to a serious breach of academy rules and policies or a disciplinary offence. In such a case the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the academy's policies. The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment. The Headteacher may discuss with the Senior Leadership team.

Permanent exclusion

A permanent exclusion is a very serious decision and the Headteacher may consult with the Senior Leadership team before enforcing it. As with a temporary fixed-period exclusion, it will follow a range of strategies and be seen as a last resort, or it will be where keeping a pupil on site is a detriment to their or others in school's welfare – and in response to a very serious breach of academy rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Failure to follow school rules - defiance
- Possession or use of an illegal drug on school premises;
- Persistent bullying;
- Persistent racial harassment;
- This list is not exhaustive and there may be other situations where the headteacher will consider a permanent exclusion. Each situation will therefore be taken on its own merit.

Behaviour Outside School

Pupils' behaviour outside School on school activities, for example school trips or sports events, is subject to the School's Behaviour Policy. Unacceptable behaviour will be dealt with as if it had taken place in School. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school's criteria for exclusion then the Headteacher may decide to exclude.

1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- This policy complies with Rooks' Nest Academy's funding agreement and articles of association.

3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs SEN (SEN Children are not exempt from this exclusion policy especially where safeguarding is concerned).

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this.
- How representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded; that for the first 5 school days of an exclusion, or until the start date of any alternative provision. The pupil must not be present in a public place at any time during school hours without good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

The headteacher will endeavor not to put in place any fixed period exclusion for more than 5 days unless the nature of the incident is so serious as to warrant this.

Where it is not possible or appropriate to arrange alternative provision during the first five days of an exclusion, work will be provided where reasonable to the pupil. This will be made clear in the exclusion letter parents receive.

On the unlikely event of an exclusion exceeding 5 days Wakefield Exclusion Team will advise the Academy.

Informing the governing board and local authority

The headteacher will immediately notify the governing body and Wakefield School Exclusions team (01924 307319) email: exclusions@wakefield.gov.uk) of

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude the pupil.
- Exclusions which would result in the pupil being excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term: and
- Exclusions which would result in the pupil missing a public examination or national curriculum test.
- Notifications must include the reason(s) for the exclusions and the duration of any fixed-period exclusion.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay (This will be delegated to Wakefield School Exclusions Team).

For all other exclusions, the headteacher will notify the governing board and LA once a term.

5.2 The governing board

Responsibilities regarding exclusions is delegated to The Chair of Rook's Nest Governing Body and a panel of up to three governors.

The Chair of Rook's Nest Governing Body has a duty to consider the reinstatement of an excluded pupil where they may miss a public exam or national curriculum test. (see section 6).

The governing board has a duty to consider the reinstatement of an excluded pupil when certain conditions are met. (see section 6)

Within 14 days of receipt of a request, the governing board will provide the secretary of state and Wakefield Exclusions team with information about any exclusions in the last 12 months.

The Governing Board also has the responsibility to monitor and review all exclusions and to make sure that certain groups vulnerable to exclusion are not overly represented. This will be mainly through the Head teacher's report at governors meetings, where general trends will be identified and discussed but no individual pupils named.

5.3 The LA (Wakefield School Exclusions Team).

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The Governing Body of Rook's Nest may delegate to a smaller sub-committee (of three members) the consideration of an exclusion.

Rook's Nest Governing Body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

A request is made to make representation from a parent of an excluded pupil. (If the total number of excluded days is more than 5 but less than 15 in one term, the governing body will consider reinstatement within 50 school days of receiving the request from the parent(s); if the total number of excluded days in one term is 5 or fewer the GB will consider any representations from parent(s) but it cannot direct reinstatement and is not required to meet with parent(s), but it would be good practice to do so

Where an exclusion would result in a pupil missing a public examination, the chair of the Governing body of Rook's Nest will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Standards and Pupils Committee of the Governing body will consider the exclusion and decide whether or not it is appropriate to reinstate the pupil.

The Governing body of Rook's Nest Academy can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Governing body of Rook's Nest Academy will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true '**on the balance of probabilities**', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governing body of Rook's Nest Academy will notify, in writing, the Headteacher, parents and Wakefield Exclusions team of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governing body of Rook's Nest Academy decision will also include the following:

- 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 date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Rook's Nest Academy to appoint an SEN expert to attend & advise the review Panel.
- 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 an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

Where called on to do so, the governing body of Rook's Nest Academy will commission the Local Authorities' services to provide trained personnel to carry out on it behalf all duties concerning an independent review.

8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision to not reinstate the permanently excluded pupil and no application has been made for an independent review panel, by the parents or
- The parents have stated in writing that they will not be applying for an independent review.

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-period exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-period exclusion:

- *Agreeing a behaviour contract*
- *Putting a pupil on a behavioural report.*
- *Internal isolation.*
- *Moving classes.*
- *Isolation from 'flash point' scenarios such as breaks and lunchtimes.*

10. Monitoring arrangements

Mrs Brooks (SEN coordinator) monitors the number of exclusions every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for permanently excluded pupils is put in place.

This policy will be reviewed by the Deputy Headteacher annually. At every review, the policy will be shared with the governing body.

COVID 19 Amendments

In light of the need for children to behave differently and to follow specific rules during the Covid-19 epidemic, this amendment to the Exclusions Policy outlines specific changes to guidance that pupils will have to follow. Our sole guiding principle when making any changes or adjustments to policy is to be able to keep all of our children, families and staff safe and place their wellbeing at the forefront of everything we do. These amendments will need to be communicated to pupils, parents and staff.

Behaviour Expectations:

There are clear rules about coughing or spitting at or towards any other person – this could lead to exclusion at the discretion of the Head Teacher. Children and parents will be made aware about new rules effecting the academy after the introduction of any Government regulations.

Children who continue to break or flaunt rules could lead to exclusion at the discretion of the Head Teacher. Children who's behavior or conduct could be seen as a danger to the health of others and has refused to comply with Covid 19 rules could lead to exclusion at the discretion of the Head Teacher

11. Links with other policies

This exclusions policy is linked to our

- SEND Policy
- Behavior Policy
- Attendance Policy
- Disability Equality Policy
- Equality Policy
- Inclusion Policy
- Visits policy
- Complaints policy

NATIONAL STANDARD LIST OF REASONS FOR EXCLUSION

PP- Physical assault against pupil Includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

PA - Physical assault against adult Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

VP - Verbal abuse / threatening behaviour against pupil Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

VA - Verbal abuse / threatening behaviour against adult Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

BU - Bullying Includes

- Verbal bullying
- Physical bullying
- Homophobic bullying
- Racist bullying

RA - Racist abuse Includes: Racist taunting and harassment

- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti SM - Sexual misconduct Includes:
 - Sexual abuse
 - Sexual assault
 - Sexual harassment
 - Lewd behaviour
 - Sexual bullying
- Sexual graffiti DA - Drug and alcohol related Includes:
 - Possession of illegal drugs
 - Inappropriate use of prescribed drugs
 - Drug dealing
 - Smoking
 - Alcohol abuse
 - Substance abuse

DM - Damage Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson

- Graffiti TH - Theft Includes:
- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property DB - Persistent disruptive behaviour Includes:
- Challenging behaviour
- Disobedience
- Persistent violation of school rules / Policies

OT - Other Includes: incidents which are not covered by the categories above, but this category should be used sparingly.

Craig Milfull September 2019

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