

THE OXFORD ACADEMY	
Policy Title:	Exclusions Policy
Policy Reference:	TOA032
Description:	The policy covers procedures and expectations when issuing both Fixed Term and Permanent Exclusions
Status:	Statutory
Category:	Students
Contact:	Title: Deputy Headteacher Tel No: 01865 774311
Version:	V1.5
Other relevant TOA policies:	Engagement for Learning TOA007
Approved by the Governing Board on	February 2020
Date for Review	February 2022

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1. Guidance Framework

The Academy Exclusion Policy is written in line with the following areas of guidance.

- 'The Education Act 2002, as amended by the Education Act 2011,' 'The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012,' 'The Education and Inspections Act 2006' and 'The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.'
- The Academy's Equality Policy.

2. Links to other policies

This policy should be read in conjunction with the Engagement for Learning Policy.

3. Principles

- 3.1 The Academy is dedicated to providing the best life chances possible for all its students. We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to exclude.
- 3.2 We recognise the detrimental impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a student and will try hard to avoid it.
- 3.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate
- 3.4 We take account of the Equality Act, our Equality Policy and of our duty not to discriminate against students for any reason.
- 3.5 We also take account of our statutory duty in relation to SEND of students who have EHCP's and those on the Academy's SEND register.
- 3.6 We aim to involve parents as early as possible in any process.

4. The decision to exclude

4.1 The decision to exclude is made by the Headteacher.

4.2 There are five circumstances where a student may be required to leave the Academy site with the authorisation of the Headteacher:

- a) Where a decision to exclude has been made.
- b) Where a student has committed a serious criminal offence outside the jurisdiction of the Academy and it is determined by the Headteacher that it is in the interests of the community for the student to be educated off-site. This is not an exclusion.
- c) Where, for medical reasons, the presence of a student represents a serious risk to the health or safety of other students or staff. This is not an exclusion.
- d) If a student is given permission by the Headteacher to leave the premises briefly to remedy a breach of the Academy rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence.
- e) Where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be screened. In this circumstance the student can be refused entry. This is not an exclusion but an unauthorised absence in the first instance but could lead to exclusion following a full investigation.

4.3 The decision to exclude a student is not taken lightly and Headteacher will:

- a) Ensure that a thorough investigation has been carried out.
- b) Consider all the evidence available to support the allegations.
- c) Allow and encourage the student to give their version of events.
- d) Keep a written record of the actions taken, including the signed statements of witnesses.
- e) Be confident that the procedures detailed later in this policy have been carried out.
- f) Ensure SEND expert advice has been taken into account where appropriate.
- g) Ensure that parents have been kept informed throughout the process and consulted where appropriate.

4.4 The standard of proof applied when deciding to exclude is 'balance of probabilities'. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

4.5 Exclusion will not be used as a consequence for the following:

- a) Minor incidents such as failure to complete homework.
- b) Poor academic performance.
- c) Lateness however repeatedly being late and/or truanting can lead to an internal exclusion.

- d) Breaches of Academy rules on uniform or appearance except where these are persistent or in open defiance of such rules.
- e) Pregnancy.
- f) As a punishment for the behaviour of their parent/carer.

4.6 Once the decision has been made to exclude, a student will be sent home or placed into Out of Hours. Contact will be made with the parents/carers and this decision will be explained to them. This initial contact will be followed up with a letter. Teachers will continue to provide work and. Students will be supported by qualified teachers at all times.

5 Internal Exclusion

5.1 A decision to exclude a student internally will be determined by either the Assistant Headteacher, or the Deputy Headteacher

5.2 Examples of behaviour that will lead to an internal exclusion include the following:

5.2.1.1 Failure to carry out behaviour detentions.

5.2.1.1.1 Verbal abuse to staff or students.

5.2.1.1.2 Indecent behaviour.

5.2.1.1.3 Damage to property.

5.2.1.1.4 Bullying including cyber bullying.

5.2.1.1.5 Physical abuse to staff or students.

5.2.1.1.6 Truancy, leaving the school site.

6 Fixed-term Exclusion

6.1 A decision to exclude a student for a fixed-term may be taken in response to breaches of the Academy's Engagement for Learning Policy.

6.2 Examples of behaviour that will lead to a fixed-term exclusion include but are not limited to the following:

a) Verbal abuse against others.

b) Physical abuse to staff or students.

c) Indecent behaviour.

d) Damage to property.

e) Theft.

f) Serious actual or threatened violence against another student or a member of staff.

g) Sexual abuse or assault.

- h) Carrying and / or supplying an illegal substance.
- i) Carrying an offensive weapon* or a banned item.
- j) Arson.
- k) Persistent poor behaviour contrary to acceptable behaviour outlined in the Engagement for Learning Policy.
- l) Bullying including cyber-bullying.

*A weapon is defined as any item made or adapted for causing injury.

This is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that exclusion is an appropriate sanction. Where a student is suspected of carrying an offensive weapon or misusing / carrying / supplying an illegal substance or being part of a group involved in such an activity but the evidence is not sufficient they will be given the benefit of the doubt on the first occasion. If there is a repeat of such concern they will run the risk of exclusion.

- 6.3** The Headteacher may exclude a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.
- 6.4** Before the end of any fixed-term exclusion, a reintegration meeting will be held between Academy and parents/carers will be invited to attend the meeting with their son/daughter. The purpose of the meeting is to ensure that the parents/carers and student understands the reason for their exclusion and is committed to preventing the behaviour that led to the exclusion being repeated. The Academy will consider all further support needed to help the student, including referral to external agencies if appropriate. The student will also spend a period of time on report to their Head of Year or to a member of the Senior Leadership Team to support their reintegration.
- 6.5** During the first five days on any exclusion parents must ensure that the excluded child is not present in a public place during school hours without reasonable justification, this includes when they are accompanied by a parent / carer. Failure to ensure this is an offence for which a fixed penalty notice can be issued.
- 6.6** Each exclusion is treated on its own merit. A first exclusion is likely to be for 3 or 5 days depending on the severity of the offence. The number of days will increase if a student receives further exclusions. Once a student has received three further exclusions they will be deemed to be at risk of permanent exclusion and the Headteacher will notify parents. A support plan will be put in place to try and avoid permanent exclusion. However, if the child is excluded again then, depending on the seriousness or nature of the behaviour, consideration will be made to permanently excluding the student or a managed move may be suggested.

7 Permanent Exclusion

- 7.1 Permanent Exclusion is an extremely rare sanction at the Academy and always avoided wherever possible. The decision to permanently exclude is taken only:
- a) In response to serious breaches of the Academy's Engagement for Learning Policy
 - b) Where it is believed that allowing the student to remain at the Academy would seriously harm the education or welfare of that student or others at the Academy.
- 7.2 A student may be permanently excluded where there have been repeated breaches of the Engagement for Learning Policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the Academy has exhausted all available strategies and this is a last resort.
- 7.3 There may be exceptional circumstances where, in the judgement of the Headteacher, it is appropriate to permanently exclude a student for a first 'one-off' offence. This might include:
- a) Serious actual or threatened violence against another student or member of staff.
 - b) Sexual abuse or assault.
 - c) Serious bullying, including cyber-bullying.
 - d) Being in possession of an illegal substance and / or supplying an illegal substance and / or using an illegal substance on site.
 - e) Carrying an offensive weapon.

Again this is not an exhaustive list and there may be other examples of behaviour where the Headteacher judges that permanent exclusion is an appropriate sanction for a first or 'one-off' offence.

- 7.4 The Academy take extremely seriously any incidents with offensive weapons and the carrying and supplying of illegal substances. This is communicated clearly to students and parents.
- 7.5 Any student who brings an offensive weapon or a banned item on site, or who uses, brings and / or supplies an illegal substance on site will face the possibility of being permanently excluded. A student who is found in possession of these items on site also runs the risk of permanent exclusion.
- 7.6 The Headteacher will carry out, or have carried out by a member of the Senior Leadership Team delegated by them, an investigation into the allegations that are the basis of the permanent exclusion. The student will be excluded for a fixed term before the decision is made to permanently exclude on the basis of the findings of such an investigation. Parents/carers will be kept informed about this process at all stages and will be given the findings of the investigation.

8. Governors Exclusions Panel

- 8.1 The Academy has a Governing Body which has a responsibility for reviewing decisions in relation to exclusions. Any Exclusions Panel consists of at least three members of the Governing Body. For fixed term exclusions of less than 15 days, the Exclusion Panel need not meet in person and decisions can be delegated to one member of the Panel.
- 8.2 The Governing Body Exclusions Panel will automatically review any exclusion which results in a student being excluded for more than 15 school days in any one term, or any permanent exclusion.
- 8.3 Parents/carers have the right to appeal the decision to exclude their son/daughter. The process is common across England and operates within the Department for Education Guidance on Exclusions.

Exclusions lasting less than 15 days

- 8.4 A parent/carer may request that the Board of Governors Exclusions Panel review the process within 15 school days of receiving notice of the exclusion. The request should be made in writing and should set out the question(s) which they wish the Board of Governors Exclusions Panel to consider.

Exclusions of more than 15 days

- 8.5 The Headteacher meets with parents/carers to discuss the exclusion. The Exclusion Panel meets to review the exclusion within 15 school days of receiving notice of the exclusion.

Permanent Exclusion

- 8.6 The student is given an initial fixed term exclusion and a full investigation is carried out by an investigating officer (normally a member of the Senior Leadership Team delegated by the Headteacher). If necessary, the student will meet with the investigating officer to give their side of events.
- 8.7 The investigating officer presents their findings to the Headteacher. The Headteacher will review the paperwork against the Permanent Exclusion Checklist, attached as Appendix A, and sign the checklist to confirm that all the appropriate paperwork has been completed.
- 8.8 The Headteacher meets with parents/carers to discuss his/her decision having completed the process fully and having consulted with others including an SEND specialist, if appropriate. If the decision is made to re-instate the student, then they will return to school immediately. If the decision is made to permanently exclude the student, then the Headteacher will inform the parents/carers of this verbally and/or in writing.

8.9 Following the Headteacher's decision to permanently exclude the Board of Governors Exclusions Panel will meet to review the decision within 15 school days of receiving notice of the exclusion.

If the Governors Exclusions Panel upholds the Headteacher's decision to permanently exclude, parents/carers will be informed of their right to appeal to an Independent Review Panel.

Appeals

8.7 An independent Review Panel will consist of three people and will be chaired by a lay member and two other independent members, one with governance experience; the other with Headship experience. This panel will decide whether to uphold the decision to exclude a student.

8.8 The Independent Review Panel can either uphold the decision to exclude the student or recommend that the Academy reconsiders the matter. They cannot, however, direct the reinstatement of the student.

9. Informing Parents/Carers

Following any decision to exclude, the Headteacher must inform parents/carers putting the decision to exclude in writing and stating the date the exclusion takes effect.

The letter must also explain:

- a) The circumstances leading up to the decision to exclude;
- b) Why the Headteacher decided to exclude the student;
- c) If relevant, what steps were taken to try and avoid the exclusion; details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;
- d) The arrangements for enabling the student to continue his/her education, including the setting and marking of the student's work.
- e) The parent/carer's right to see and have a copy of their child's record;
- f) The parent/carer's responsibility to ensure their child is not in a public place in school hours during the first five days of an exclusion.
- g) If the exclusion is for a fixed period, the letter will also state the length of the exclusion and the date and time the student should return to the academy;
- h) The arrangements for a meeting at the end of the exclusion period to discuss the reintegration process, to which parents/carers will be invited.
- i) For Exclusions lasting more than 15 days the letter will also state the parent/carer's right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen as well as the fact that the Board of Governors Exclusions Panel will meet to review the decision.

- j) For exclusions lasting fewer than 15 days, the letter will also state that if parents/carer's are concerned about the way in which the exclusion was managed, they may write to the Board of Trustees Exclusions Panel to ask it to review the process. This may be done by just one member of the Board of Trustees. The Board of Governors Exclusions Panel cannot overturn the decision to exclude but may put a note on the file.
- k) The involvement, if appropriate, of SEND expert advice.

10. Behaviour outside the school gates

Our Exclusions Policy is applicable not only within the Academy but outside of the Academy.

We will sanction students, up to and including permanent exclusion, for any behaviour that contravenes our policies when a student is:

- a) Taking part in any school-organised or school-related activity
- b) Travelling to and from school
- c) Wearing the Academy uniform
- d) In some other form is identifiable as an Oxford Academy student.

Or for behavior which at any time:

- e) Could have repercussions for the orderly running of the school
- f) Poses a threat to another student or member of the public
- g) Could adversely affect the reputation of the school.

11. Internal advice, guidance and procedures for staff involved in the exclusion process

11.1 All investigations should aim to be completed within 24 hours of a first report. Ideally an investigation should be completed on the day of the incident, however it is recognised that this is not always possible.

11.2 Investigations must be thorough:

- a) Initial statements should be as detailed as possible giving the names of potential witnesses,
- b) The student should be spoken to as soon as possible and given an opportunity to give their version of events verbally and in writing. They should be placed into the 'C4 room' or an appropriate venue whilst the investigation is carried out and before a decision is made. On a rare occasion it may be necessary to send a student home promptly (they may pose a Health and Safety risk). This should only be done after speaking to their parent/carer or after gaining agreement from the Headteacher. If a student has not been able to give a statement, arrangements must be made as soon as possible for them to do so

- c) All witnesses must be spoken to promptly and individually as soon after the incident as possible. Their safety is paramount and statements should be given in confidence.
- d) If it is suspected that a student is carrying an item which is evidence for the purposes of the investigation e.g. an item that it is suspected is illegal or has been stolen, a search may be carried out in accordance with legal guidance and in the presence of a witness.
- e) The Academy's Police School Liaison Officer can be used to advise and assist but not in a formal capacity without agreement from the Headteacher or their delegated member of the Senior Leadership Team. Where there is suspicion that it is a criminal offence, it is a matter for the Police School Liaison Officer. The Academy may call the police if the Police School Liaison Officer is not available. If the police (in any form) are used in a formal capacity then parents/carers must be informed.
- f) All statements must be written clearly and they must be signed and dated. If the statement is dictated this must be indicated. The statement must clearly explain the areas of contest and this means that the statement should be discussed with the witness to ensure that understanding and interpretation are clear.
- g) In some cases, a diagram of the area is useful to bring clarity to where events are alleged to have occurred.
- h) Advice must be sought from relevant experts such as SEND if appropriate.

11.3 Once the investigation is complete all paperwork should be presented to the Headteacher for a decision. Any previous exclusions and the student's behaviour record should be part of this information. The Headteacher will review the paperwork against the Permanent Exclusion Checklist, attached as Appendix A, and sign the checklist to confirm that all the appropriate paperwork has been completed.

11.4 For a serious incident for which Permanent Exclusion is a possibility the student may be excluded for an initial period. During this exclusion a full investigation must be carried out and a meeting held with the student and their parent/carer to discuss the investigation and to give the student a chance to address any evidence against them. The Headteacher will then be presented with the findings of the investigation and will meet with parents/carers to discuss their decision.

11.5 If a decision to exclude is made:

- a) Parents/carers must be notified immediately by telephone and the student sent home.
- b) An exclusion letter following the guidance will be posted that day or as soon as time allows. The letter must contain details of the permanent exclusion hearing.

12. Permanent Exclusion Hearing

- 12.1 Where an Exclusions Panel is called to review an exclusion the panel must consist of at least three members of the Governing Board, including the Chair if possible,
- 12.2 Parents/carers must be notified of the meeting date and be given at least five days' notice. They should be notified that they may bring a representative to the meeting if they wish to do so.
- 12.3 All paperwork relating to the meeting should be available to the Governors at least five days before the meeting.
- 12.4 A clerk will minute all aspects of the meeting which will follow the guidance set out in the Department for Education Guidance and this policy.
- 12.5 The Headteacher or a member of the Senior Leadership Team delegated by them will present to the panel.
- 12.6 The parent/carers and or their representative will present to the panel.
- 12.7 The panel will meet on its own with the clerk present to discuss its advice,
- 12.8 The panel will meet with the Headteacher or the delegated member of the Senior Leadership Team to inform them of their advice.
- 12.9 The panel will inform the parents/carers and or their representative of their decision in writing within 24 hours of the meeting.
- 12.10 If the decision is made to uphold the permanent exclusion, the parents/carers will be informed of their right to appeal to an Independent Review Panel.

APPENDIX A Checklist for Permanent Exclusion

Recommendation for Permanent Exclusion/Managed Move

Name of Student**Year**

Reason for Recommendation

Statements written up, signed and dated by students	Yes/No
Parents contacted	Yes/No
Parents invited in for meeting	Yes/No
Minutes typed	Yes/No
Outcome of meeting agreed	Yes/No
Minutes attached	Yes/No
Evidence checked for ambiguities	Yes/No

Permanent Exclusion Paperwork checklist

Responsibility of:

- | | | |
|----------------------------------|--|--------------------------|
| • Letter with list of appendices | Amanda Roberts | <input type="checkbox"/> |
| • Report by Headteacher | Headteacher | <input type="checkbox"/> |
| • *Incident report | SLT member who dealt with the incident | <input type="checkbox"/> |
| • *Statements from staff | HOY & Learning Mentor | <input type="checkbox"/> |
| • *Statements from students | HOY & Learning Mentor | <input type="checkbox"/> |
| • *Photographic evidence | Deputy Headteacher | <input type="checkbox"/> |
| • *CCTV evidence | Deputy Headteacher | <input type="checkbox"/> |
| • HOY Report | Head of Year | <input type="checkbox"/> |
| • Behaviour Report | Deputy Headteacher | <input type="checkbox"/> |
| • Attendance report | Sue Edmunds | <input type="checkbox"/> |
| • SEN report | SENCo | <input type="checkbox"/> |
| • Behaviour policy | Deputy Headteacher | <input type="checkbox"/> |

Checked by Headteacher:

Signed Date..... *If available

APPENDIX B

Points for Exclusion Panel to consider:

1. Does the panel think that there has been a thorough investigation?
2. Has the procedure been followed?
3. Has the panel paid sufficient regard to any explanation/mitigating circumstances put forward by the student?
4. Does the panel genuinely believe that the student has committed the alleged offence?
5. *Have the panel reasonable grounds on which to sustain that belief on the balance of probabilities? (i.e. is it more likely than less likely that the student had committed the alleged offences).
6. Is the student in breach of the Academy's behaviour policy?
7. Does the panel consider the student has received sufficient support?
8. Does the misconduct justify permanent exclusion; is it fair, reasonable and proportionate to the misconduct?
9. Is the permanent exclusion lawful in respect of exclusion legislation and wider legal duties?

* If appropriate – if there is clear CCTV or photographic evidence the principle of the “balance of probabilities” will not apply.