

drb Ignite Multi Academy Trust

Exclusion Policy

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Trust vision

'all pupils achieve the highest standard of educational outcomes regardless of circumstances or background.'

The drb Ignite Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures. To this end our vision is to provide every child with learning experiences that excite them and give them the power to begin to shape their own lives.

Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 29: Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Introduction

The Trust's Exclusion Policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that the Trust will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.

Where the Trust's approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm and supportive environments.

The Trust will always have regard to the Statutory Guidance on Suspensions and Exclusions (July 2022) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).

This Policy should be read in conjunction with the Behaviour Policy and the SEND Policy for the Trust.

Application of Policy

This Policy applies to all members of the Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this Policy and ensure that its contents are relayed to all staff, parents and pupils.

Types of exclusion

Suspensions and permanent exclusions are different:

- Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum of 45 days of suspension in an academic year before being permanently excluded.
- Permanent exclusions are where, subject to a decision of the Trustees to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude 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, such as staff or pupils, in the school.

Roles and responsibilities

All members of the Trust community are expected to follow this Policy. Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

Headteacher

All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Trust's Behaviour Policy.

Trustees

The Trust board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In each case, the decision of the relevant committee formed by the Trustees will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

Parents

Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

Pupils

All pupils in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the school Behaviour Policy will apply.

CCTV, witness evidence and pupil views

The Trust uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any Trustee review meeting. Please see the Trust's CCTV Policy and Privacy Notices for more information.

Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any Trustee's review meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

Before taking a decision to suspend or exclude and where appropriate, the Headteacher will take the pupil's views into account, considering these in light of their age and understanding and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

Reintegration strategy meetings following suspension or off-site direction

Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start.
- help them understand the impact of their behaviour on themselves and others.
- teach them to how meet the high expectations of behaviour in line with the school culture.
- foster a renewed sense of belonging within the school community; and
- build engagement with learning.

So that further suspensions are not needed, school staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

The school uses various measures to support a pupil's successful reintegration, which may include but are not defined to:

- daily contact with a designated pastoral professional in-school.
- use of an Individual Behaviour Plan (IBP) with personalised targets leading to personalised rewards.
- ensuring the pupil receives academic support upon return to catch up on any lost progress.
- planned pastoral interventions.
- mentoring by a trusted adult or a local mentoring charity.
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.

Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the school or being put in mainstream classes because a meeting has not taken place.

Suspensions before a permanent exclusion

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light, or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

Directing off-site and managed moves

Before taking any decision to permanently exclude a pupil, the Headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

For a managed move to take place there needs to be agreement between the school, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the pupil attends the new school for a trial period to ensure that the new school would be suitable for them. The school will share relevant information with the new school and check that they have an integration strategy.

At the end of this period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

Independent review panels (IRPs)

The Trust arranges its own IRPs and requests for an IRP where a permanent exclusion has been upheld should be made to:

Chair of Trustees
drb Ignite Multi Academy Trust
2nd Floor
3 Brindley Place
Birmingham
B1 2JB

or by email: enquiry@drbignitemat.org within 15 school days.

Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions.

Reconsideration by the Trustees

Where an IRP either recommends reconsideration or quashes the initial decision of the Trustees, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the school and parents or may be a reconsideration with only the Trustees and the clerk present.

Complaints

If parents have any concerns or complaints over the application or implementation of this Policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's Complaints Policy. If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.

Equality impact

The Trust does all it can to ensure that its Policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

Monitoring arrangements

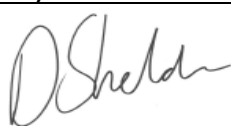
The Trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored by the Trustees to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion.
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefitting from it.

- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
 - any previous placements have been evaluated, including support for any applicable SEND.
 - there is a process in place to monitor the pupil's attendance and behaviour at the provision.
 - the correct attendance code is being used.
 - the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible.
 - whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils.
 - the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves.
 - whether the school register and absence codes have been recorded correctly.
 - how the Behaviour Policy is applied and specifically its consistency.
 - the circumstances in which pupils receive repeat suspensions.
 - whether Personal Education Plans for looked after children have been reviewed on a termly basis.

Policy monitoring and review

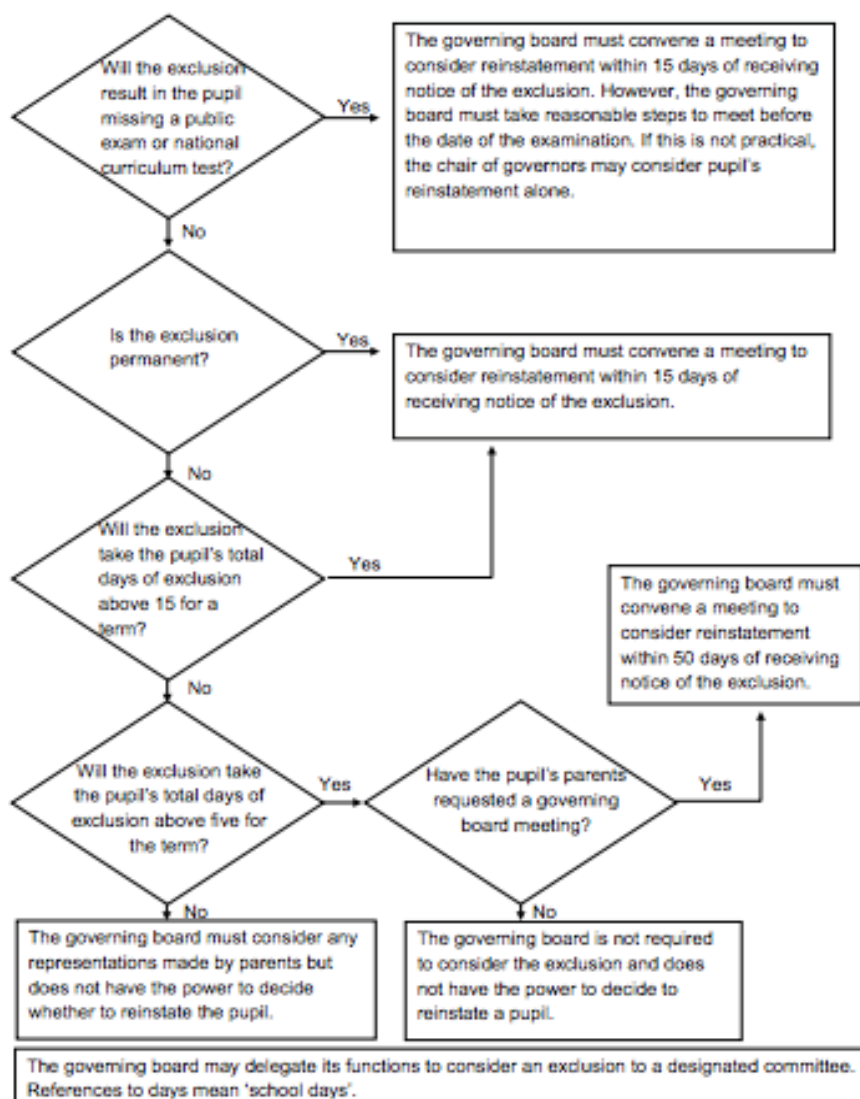
This Policy is reviewed annually by the Executive Director of School Improvement. Should there be any changes/further national guidance issued relevant to this Policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

Monitoring and review:	Trust Board
Links:	Anti-Bullying Policy Attendance Policy Behaviour Policy Equality and Diversity Policy Medical Needs Policy SEND Policy CCTV Policy
Staff responsible:	Headteachers
Committee responsible:	Achievement, Support and Scrutiny
Reviewed:	July 2023
Next review:	July 2023
Sign off by Chair of Trust:	 Date: July 2023

Change Management

Issue No	Change date	Change description:
1.0	Nov 2016	Initial release
2.0	Nov 2018	Rebranded, updated and signed off for release
3.0	Nov 2019	Checked, no content changes, signed off and published
4.0	Nov 2020	Updated, signed off
5.0	July 2021	Covid-19 update
6.0	July 2023	Browne Jacobson updated Policy adopted

Appendix A: Trust board responsibilities



Appendix B : Parent/Carer Guide on Exclusion

Disclaimer *This non-statutory document is not replacing the statutory guidance on exclusion and is intended only to support parents' understanding of the exclusion process.*

Exclusion legislation

The exclusion legislation applies to schools in an Multi Academy Trust in the same way as other schools. It applies to all pupils at these schools, including those who are above or below compulsory school age, for example where a school also has a nursery.

Glossary

The term **must** refer to what the Trust and parents are required to do by law.

The term **should** refer to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, 'parents' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18 and the term 'governing board' includes the Trust Board of a school in a Multi Academy Trust.

Fixed-period exclusion: when a pupil is barred from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: this refers to the education arrangements made for excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision can be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour.

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded and the decision to exclude lies with the Headteacher. Headteachers can only exclude a pupil for a disciplinary reason (e.g. because their behaviour violates the Trust and school's Behaviour Policy). They cannot, for example, exclude a pupil for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A Headteacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

A school can also transfer a pupil to another school in a process called a 'managed move' if they have the agreement of everyone involved, including the parents and the admission authority for the new school. Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded (see below). Any fixed-period exclusion must have a stated end date.

Exclusion process: What happens when my child is excluded?

Please go to section 2 entitled 'What happens when your child is excluded' on the gov.uk website.

<https://www.gov.uk/government/publications/school-exclusion>

What are the legal obligations on a school when excluding a pupil?

When a Headteacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion
- the length of the exclusion
- the parents' right to put forward their case about the exclusion to the Trustees,
- how they should go about doing this and how the pupil can be involved
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Is there a limit to the number of times my child can be excluded?

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more and also, they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools.

Lunchtime exclusions

Where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

Scrutiny of the exclusion: Can I question the decision to exclude my child?

Parents have the right to make their case about the exclusion of their child to the Trustees. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the Trustees must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

For all permanent exclusions, the Trustees must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term or will miss a national curriculum test (e.g. a key stage 2 test taken at the end of primary school).

For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15, the Trustees must consider reinstatement within 50 school days if the parent asks it to do this. If the Trustees decide not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the Trustees' decision.

Information on school discipline and exclusions issued by the Department for Education can be found here: <https://www.gov.uk/school-discipline-exclusions/exclusions>.

What can I do if I feel my child is being discriminated against in the exclusion process, for example because he/she has a disability?

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the Trustees. If the Trustees decide not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the Trustees decision. When making their request parents can ask for a Special Educational Needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion: www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm.

The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an Independent Review Panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through http://www.childrenslegalcentre.com/index.php?page=education_legal_practice.
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <http://www.autism.org.uk/services/helplines/school-exclusions.aspx>
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

Arrangements for my child after exclusion: Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion. From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age).

In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements).

If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a national curriculum test, they should raise these with the school.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education provided from the sixth day of exclusion (unless they have arranged a suitable alternative).