



Exclusion Policy

September 2021

Date of Next Review – September 2022

Responsibility for Review: Director of Care, Guidance and Support

Date of Last Review: September 2021

1.0 Policy statement

The Apollo Partnership Trust is committed to providing optimum learning opportunities for all its students and supporting this provision through all difficulties experienced by students. Any fixed term or permanent exclusion in this context is a major decision and will be made within clear parameters. All decisions will be lawful, reasonable and fair. The Trust pays due regard to the principal legislation, namely:

- the 2011 Education Act
- the School Discipline Regulations 2012
- the Education and Inspections Act 2006
- the Education Act 1996
- the Education (Provision of Full-Time Education for Excluded Pupils) Regulations 2007, as amended by the Regulations 2014

2.0 Scope and purpose

2.1 This policy covers all students across the Apollo Partnership Trust. We are mindful not to discriminate against students on any basis. Students with identified special educational needs and disabilities (SEND) will need more support to meet expectations, although they must not present a health and safety risk to staff or students and must be within the control of the academy. The Heads of School/Headteacher will pay due regard to the SEND Code of Practice when excluding a student with an identified need.

2.2 A student may be excluded for one or more fixed-term periods (up to a maximum of 45 school days in a single academic year) or permanently. Students can be excluded for full days or parts of a day or from the premises at lunchtime if behaviour at this time is disruptive.

2.3 If considering a permanent exclusion, the Head of School/Headteacher may exclude on a fixed term basis for five days in the first instance to fully investigate any incident that may lead to the permanent exclusion. The academy has the duty to make an arrangement for education from the first day of exclusion.

2.4 The purpose of this policy is to provide clarity for all stakeholders.

3.0 Roles and responsibilities

3.1 The Head of School/Headteacher

Only the Head of School/Headteacher has the power to exclude a student and this is only on disciplinary grounds. When establishing facts, the Head of School/Headteacher must apply the civil standard of proof: 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

The Head of School/Headteacher has the right to direct a student to off-site education. A permanent managed move as a preventative measure or as an alternative to permanent exclusion should involve the agreement of the family. Parents will be informed initially by telephone and, if possible, in a face-to-face meeting. This will be followed up with a letter.

The Head of School/Headteacher must notify the Local Governing Body immediately in the case of a permanent exclusion or where an exclusion extends beyond five days. They must also inform the Local Authority of any permanent exclusion.

3.2 The parent/carer

The parent may write to the Governing Body to ask them to review a fixed-term exclusion, although the Local Governing Body does not have the power to overturn such a decision if it is less than five days. Parents do have the right to be informed of any fixed-term exclusion and the right to attend a Pupil Disciplinary Panel (PDP). A parent may make representation if a fixed-term exclusion is more than five days. The parents have a duty to ensure their child is not in a public place at any time during the school day. Failure to comply with this could lead to a fixed penalty notice or prosecution. In the case of a permanent exclusion, a meeting will be arranged and the parent may arrange representation and/or bring a friend. Parents have the right to apply for a review by an independent review panel within 15 days of the notification. Parents have a right to appeal a decision if they feel it is disability discrimination.

3.3 The Local Governing Body

The Local Governing Body PDP (comprising a minimum of any three Governors) must hold a Hearing within 15 days of receiving notification of a permanent exclusion.

The PDP must also hold a hearing if parents / carers appeal a fixed term exclusion, although they cannot overturn such a decision if it is less than five days.

The PDP will follow all protocols outlined in “Exclusion from maintained schools, academies and pupil referral units in England”, statutory guidance for those with legal responsibilities in relation to exclusion (September 2017).

3.4 Trustees of the Apollo Partnership Trust

Trustees will maintain oversight of exclusion rates through the termly CEO report.

3.5 The Local Authority

In the case of a permanent exclusion, the local authority must arrange suitable full-time education no later than the sixth day of exclusion.

3.6 An independent review panel

An independent review panel does not have the power to direct the Governing Body to reinstate an excluded student. If they consider the Local Governing Body’s decision is flawed, it can direct the Governing Body to reconsider its decision.

4.0 Prevention and procedures

4.1 The academy will not exclude a student unless it is absolutely necessary to do so and if there is felt to be no other viable alternative, such as in response to serious or continuous breaches of the academy discipline policy or if allowing the student to stay would harm the education or welfare of other students or staff.

4.2 Other than in the case of serious one-off incidents, the permanent exclusion of students will be the final sanction at the end of a lengthy series of procedures, which may include:

- verbal reprimands and restorative work
- counselling from staff within the academy
- lunchtime or after-school detentions
- report to a specific member of staff
- supported individual study
- a review of the curriculum provision
- removal from class / change to sets and / or classes

- fixed-term exclusions
- Pastoral Support Plans
- referral to Student and Adolescent Mental Health Service and SEND specialist providers
- referral to the North West Leicestershire Learning and Inclusion Partnership (NWLIP)
- application of an Educational Support Plan (EHCP)
- work with Children and Families Wellbeing Service
- in the case of looked-after children, liaising with the Virtual School Head teacher
- managed moves

4.3 Additionally, for some students securing an alternative provision is an option. Both our primary and secondary academies work within local behavioural collaboratives. In the case of on-going difficulties, the parents will have been involved in meetings with middle and senior leaders, including the Head of School/Headteacher.

4.4 Parents will be informed as regularly as possible and encouraged to support the academy. If it is felt that the normal disciplinary actions of the academy are having little effect, then the student will move on to the Pastoral Support Plan. This will be specifically designed to counteract those misdemeanours causing the most problems. The academy may offer counselling support to any student seen as at risk of exclusion and, if appropriate, involve relevant external agencies. If there is no improvement, or there are persistent lapses in the student's behaviour, then parents will be called in again. A formal warning should be issued at this stage, and the student will be informed that their place at the academy is at risk. If there is no measurable improvement, the student will be referred to the Head of School for a final warning.

4.5 All stages of the procedure are documented, and parents are always informed of any action taken by the academy. It should be noted that, in order to progress to this stage, the student must have seriously contravened academy regulations, either by a one-off exceptional circumstance where either the law is broken or the student is 'beyond the control of the school' or by persistent disruptive behaviour. In such cases, the Head of School/Headteacher may take the decision to exclude the student for a number of days (a fixed term exclusion).

5.0 Reintegration

Following any exclusion, the academy will take reasonable steps to meet with parents and students to ensure there is clarity around the reasons for the action and also to discuss the student's reintegration. This meeting will be chaired by the Head of School or, in his or her absence, another senior member of staff. At the meeting, the strategy for reintegration and managing the student's behaviour will be discussed.

6.0 The decision to permanently exclude

There will be exceptional circumstances where, in the Head of School's judgement, it is appropriate to permanently exclude a student for a first or 'one-off' offence. Such offences might include:

- serious actual or threatened violence against another student or member of staff
- sexual or racial assault
- supplying or using an illegal drug
- carrying an offensive weapon

7.0 Review of policy

This policy is reviewed every three years or as required by legislation by the Performance and Standards Committee, amendments to the Policy to be recommended to the Trust Board.

We will monitor the application and outcomes of this policy to ensure it is working effectively.

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