



## Exclusion Policy

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### Introduction

The DfE has published revised guidance on exclusions and the statutory requirements head teachers, governing bodies and other relevant professionals 'must have regard' for when excluding a child or young person from a school, Academy or pupil referral unit, either as a fixed term or permanent exclusion.

YEAT will act in accordance with this DfE guidance, particularly in reference to:

### Ethos

Whilst recognising that exclusion can have its place within the continuum of consequences to challenging behaviour; it should always be seen as a serious response and, in the case of fixed term exclusion, an opportunity to organise additional interventions and provision which can then form a key part of a reintegration strategy. Any decision to exclude a pupil **must be lawful, reasonable and fair and as such, schools should never undertake 'casual' or unlawful exclusions such as sending pupils home to 'cool off' for part of a day. Similarly, the threat of exclusion must never be used to influence parents to remove their child from the school.**

Permanent exclusion should only be used as a last resort in response to serious 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 in the school. Only the headteacher can exclude a pupil and this must be on disciplinary grounds. The headteacher must also take account of their legal duty of care when sending a pupil home following exclusion. The Department of Education stress that permanent exclusions should only be used as a last resort, 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 pupils or others in the school.

### **Preventative approaches**

Where persistent patterns of behaviour lead to repeated fixed term exclusions or the potential risk of permanent exclusion, YEAT schools will work collaboratively, discussing the pupil's needs with their area Education Development Adviser: Social, Emotional & Mental Health (SEMH) and/or with their local Behaviour & Attendance Collaborative (secondary) or Enhanced Mainstream School (SEMH) (primary). Such collaboration should focus on exploring the range of solutions open to the school in managing the behaviour of the pupil, for example through risk assessment and individual provision mapping in order to plan school-based strategies and interventions, and/or referral for support from the Collaborative or EMS. Consideration should also be made as to whether or not use of the CAF process would be appropriate.

The Local Authority would also request that schools make contact as soon as any permanent exclusion is imminent in order to discuss the specifics of the individual case and to explore whether any alternative outcomes may be possible. Headteachers should also be mindful that where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, whether exclusion is providing an effective sanction.

### **Vulnerable pupils**

As previously stated, exclusion should always be regarded as a serious consequence or final resort, and this is especially pertinent when the pupil is from certain vulnerable groups, such as being a child looked after or having a disability or special educational need. In such instances it is important that the school contacts the LA and takes particular care to examine the DfE guidance, cross-referencing for that particular need as well as adhering to all statutory duties under the Equality Act (2010). Schools should also be mindful of any emerging patterns or trends for pupils from specific vulnerable groups or with other protected characteristics. It could also be helpful to discuss strategic planning with any relevant Enhanced Mainstream School (EMS) or MEA Hub School.

### **Procedural Fairness**

YEAT will pay due regard to the procedural requirements and timescales outlined within the DfE guidance.

### **Body of evidence (Civil Statement of Proof)**

The school needs to be clear that, on the balance of probabilities, the pupil actually did do what he or she is being accused of. It is essential that the pupil being excluded has the opportunity to provide their version of events and that this is recorded as a statement. This will also involve schools in carrying out a thorough investigation and in taking witness statements from both adults and other pupils involved or present.

## **A reasonable and proportionate response**

Schools should ensure that any exclusion is reasonable and proportionate with regard to the incident and/or behaviour of the pupil. Again, contact with the Local Authority can act to confirm how other schools have responded to similar incidents or behaviours. Schools should also consider whether there were any causal or mitigating factors that should be taken into consideration when deciding to exclude.

## **Involving excluded pupils and their parents/carers**

It is important that the school continues to try to engage with the excluded pupil and their family throughout the exclusion process, that they are given the opportunity to voice their perspective, invited to any meetings and know how to access additional support, such as Parent Partnership officers, to assist them through the process. This will also include, as appropriate, the right to progress to an Independent Review Panel and information on their rights regarding requesting the involvement of an SEN expert (for Permanent Exclusions).

## **Decision to exclude**

Yorkshire Endeavour Academy Trust recognises that, at times, it may be necessary to exclude a pupil, either permanently or for a fixed period of time. Such a decision is never taken lightly and any decision to exclude will be taken as a last resort in line with YEAT's behaviour policy.

## **Statutory Guidance**

Where the decision has been made to exclude a pupil, this will be done in line with the statutory guidance provided by the DfE *Exclusion from maintained schools, academies and pupil referral units in England (September 2017)* which is available on the following website:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)