**EXCLUSIONS POLICY**

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**WMG ACADEMY FOR YOUNG ENGINEERS**

# EXCLUSION POLICY

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1. **Introduction**

The WMG Academy for Young Engineers seeks to limit the time that learners spend out of learning and exclusions will therefore be used as a matter of last resort. However for serious breaches of the Behaviour Policy or where the learner remaining in the Academy would be seriously detrimental to the education or welfare of themselves or others at the Academy then exclusion will be used.

Exclusion is a disciplinary sanction which can only be used by the Executive Principal, or the Associate Principal acting in the Executive Principal’s absence, and will be used when all alternative actions have been considered.

This policy has been developed in line with legal requirements and statutory guidance of 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.

This policy should be read in conjunction with the WMG Academy for Young Engineers Behaviour policy.

1. **Aims**

The WMG Academy for Young Engineers seeks to reduce the incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline. Where possible, alternative sanctions will be used as outlined in the Behavioural policy to that of exclusion.

For serious breaches of behaviour then exclusion will be used after consideration of all the facts. It is the aim of the WMG Academy for Young Engineers to ensure that exclusion is used appropriately and that learners and their parents are informed quickly and with a clear rationale for the exclusion

with the LA and other agencies to support the student and try to avoid the need to exclude.

1. **Making a decision to Exclude**

The Executive Principal or the Associate Principal [in the absence of the Executive Principal] is the only member of staff who can make a decision to exclude a student. An exclusion may be made in response to a single serious breach or for persistent more minor breaches of the WMG Academy behaviour policy.

In making a decision to exclude:

Ensure that an appropriate investigation has been carried out

* Consider all the evidence available to support the allegations taking into account the Behaviour Policy, and Code of Conduct
* Consider the past conduct of the student

The Executive Principal has to be satisfied on the balance of probabilities that the student was responsible for the behaviour in question and that allowing the student to remain at the WMG Academy would have the potential to seriously harm the education or welfare of student or others.

In the most serious cases permanent exclusion may be appropriate.

Where the academy considers that a criminal offence may have been committed it reserves the right to inform the Police and other agencies as appropriate.

Any student, parent or guardian may appeal the decision to exclude in line with statutory guidance.

1. **SEND and LAC students**

When considering whether to exclude a student with SEND, the WMG Academy pays due regard to Government guidance issued in April 2012 which states that schools should try every practicable means to maintain a student with SEND in school and should seek local authority and other professional advice as appropriate.

The academy would permanently exclude students with SEND statements only in exceptional circumstances. The guidance sets out that academies should make every effort to avoid excluding students who have SEND, including, where appropriate, by asking a local authority to consider carrying out a statutory assessment.

The guidance further states that, where a student with SEND is excluded, the Executive Principal should work with the local authority to see whether more support can be made available or whether an SEND statement can be changed to name a new school. If either of those options is available, the Executive Principal should normally withdraw the exclusion.

Where a student is in the care of the local authority the academy will engage positively.

An emergency annual/interim review may be called, as appropriate to support SEN or LAC students.

1. **Informing Parents/Carers**

The Associate Principal will inform the parents/carers of the decision to exclude their child immediately and no later than the end of the working day stating the period of exclusion and the reasons for it.

A letter will be sent to parents providing them with the following information:

* the reasons for the exclusion;
* the period of a fixed period exclusion;
* parents’ right to make representations about the exclusion to the governing body and how the how this should be made;
* parents are legally required to ensure that their child is not present in a public place during academy hours without reasonable justification, and that parents may be given a fixed penalty notice or may be prosecuted if they fail to do so;
* time, date and member of SLT who will be leading the reintegration meeting;
* If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:
	+ the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
	+ the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
	+ the address at which the provision will take place; and
	+ any information required by the pupil to identify the person he/she should report to on the first day.
1. **Reintegration meetings:**

Following an exclusion, there will be a reintegration meeting with the parents, student and member of the Senior Leadership Team. Students will not be allowed to return to the academy until this meeting has occurred. This is an important part of the process of ensuring that students are receiving appropriate support to modify their behaviour and that there is no reoccurrence of the incident.

The reintegration meeting will be lead by:

* Assistant Principal after the first exclusion
* Associate Principal after the second exclusion
* Executive Principal after subsequent exclusions.
1. **Governor Behaviour Panel**

Any learner who has a fixed term exclusion will be required to attend the Governor behaviour panel who will convene every half term. This will consist of a minimum of 2 Governors and the Executive Principal. Parents will be expected to attend along with their child. Governors will discuss the exclusion and the ongoing behaviour of the learner.

1. **Length of exclusions**

Learners may be excluded for fixed periods which do not in total exceed 45 days in any one academic year. Work will be provided for Learners who are on fixed term exclusion for the first 5 days of any one exclusion. On the 6th day alternative provision will be put in place. Learners will not be excluded for an indefinite time period.

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. The Executive Principal will contact the parents again in writing to explain the reasons for the change.

The Executive Principal or Associate Principal may withdraw an exclusion that has not yet been reviewed by the Governing Body.

1. **Informing the Governing Body and the Local Authority**

The Executive Principal will inform both the Governing Body and Local Authority of the following exclusions:

* a permanent exclusion (including where a fixed period exclusion is made permanent);
* exclusions which would result in the pupil being excluded for more than five academy days (or more than ten lunchtimes) in a term; and
* exclusions which would result in the pupil missing a public examination.

For a permanent exclusion the Associate Principal will inform the “home” Local Authority of the learner to make arrangements for the learner’s provision from and including the sixth day of exclusion.

1. **Permanent Exclusion**

Permanent exclusion will be used as a last report and will usually be taken in response:

* to a history of persistent, disruptive behaviour where a wide range of strategies to modify the Learner’s conduct has been unsuccessful;
* if allowing a Learner to remain in the academy would seriously harm the education or welfare to the Learner or other Learners and staff in the academy;
* to extremely serious ‘one off’ incidents.

The exclusion panel of the Governors will meet to consider any permanent exclusion and any representations made by the parents. The meeting will be held within 15 working academy days of the date of notification by the Associate Principal.

1. **Governors Exclusion Panel**
	1. **Constitution of the Governors Exclusion Panel**

The Exclusion Panel will have 3 to 5 members and they will appoint a Chair. The Chair has the casting vote. The Clerk to the Governors will minute and call the meetings. The parents can make representation, or in the case of a permanent exclusion a “home” Local Authority representative should be present. Where a Learner has a statement of Special Educational Needs then an SEN expert from their statementing local authority should be invited.

* 1. **Right to Appeal**

Parents/carers have the right to ask the Governors to review a Fixed Term Exclusion. This will be done by the Governor Exclusion Panel for the WMG Academy for Young Engineers.

* For exclusions of 1-5 days parents have no right to a formal hearing of the Exclusion Panel. However, in the rare occasion that this may occur, the Exclusion Panel will review the reasons for exclusion and write to the parents with the outcome. They will do this within 15 academy working days.
* For exclusion of 5.5 days to 15 days then parents have the right to a request a formal hearing of the Governor Exclusion panel within 7 working days of the exclusion and the WMG Academy for Young Engineers will seek to hold this within 20 working days.
* For exclusions of more than 15.5 days or more in one term then, the Governor Exclusion Panel will be held to review the exclusions and will take place between 6 and 15 days (the total number of 15.5 days of exclusion being reached).
	1. **Procedure of the Governor Exclusion Panel**

The Clerk to the Governors will be responsible for setting up a meeting of the Governor Exclusion Panel and informing all parties.

Prior to the Panel, the Executive Principal/Associate Principal will prepare a report that:

* States the reasons for exclusion;
* Evidence supporting the exclusion;
* The Learner’s previous record of behaviour;
* Support that has been provided by the WMG Academy for Young Engineers;
* The report will be circulated to parents and the Governors beforehand;
* Parents should advise the Clerk to the Governors if they are bringing another party to support them at the meeting.
	1. **Exclusion Panel Hearing Format**

The Governors will appoint a Chair of the Governors Exclusion Panel who will conduct any hearing in the following format

* Invite the Executive Principal and Associate Principal to join the meeting;
* Invite the parents and Learner (secondary aged Learners can be invited) to join the meeting;
* Chair will outline the purpose of the meeting and the procedures to be followed;
* Chair invites the Executive /Associate Principal to present the case for the exclusion;
* Family have the opportunity to question the Executive Principal and Associate Principal;
* Governors have the opportunity to question the Executive and Associate Principal
* Executive Principal and Associate Principal has an opportunity to question the family;
* Chair asks the Executive Principal to summarise the case for the exclusion;
* An opportunity for final comments from the parents;
* Executive and Associate Principal and family leave the meeting;
* Governors discuss and reach a decision;
* The Governor Exclusion Panel will decide whether to uphold the exclusion. In the case of a permanent exclusion, the Clerk to the Governors will inform the parents of their right to appeal to an independent appeals panel, The WMG Academy Trust is responsible for arranging independent appeals;
* Parents must register their appeals with 15 working days of the academy of the Exclusion Panel’s decision and the independent appeal panel must meet within 15 working days of the WMG Academy of the parents’ notice of appeal being lodged. The decision is final and binding on all parties;
* Parents have **no** right of appeal to an Independent appeals panel for a fixed term exclusion.
	1. **Notification of the Decision**

The Clerk to the Governors will notify the parents and the home Local Authority of the learner of the Panel’s decision within one working academy day of the date of the hearing, giving the reasons for the decision. If the Governors’ Exclusion Panel decides to reinstate the Learners, in the case of permanent exclusion, they will not attach any conditions to this. A note of the Governor Exclusion Panel views on the exclusion together with a copy of the Executive/ Associate Principal’s exclusion letter will be placed on the Learner’s record.

1. **Roles and Responsibilities**
	1. **The Chair of Governors of the WMG Academy will:**
* Ensure that there is an exclusion panel for the WMG academy who will hear appeals on exclusions;
* Ensure arrangements are put in place for any Learner who, as a result of their exclusion, will miss a public examination;
* For permanent exclusions, the Governing Body will consider the exclusion and decide whether the Learner should be reinstated.
	1. **The Executive Principal will:**
* Consider all of the facts and evidence from the investigation;
* Consider the balance of probabilities when deciding on an exclusion;
* Consider the Behaviour, Equal Opportunities, Safeguarding and Anti-bullying policies of the WMG Academy;
* Complete WMG Academy Exclusion Form (see appendix 1)
* Ensure that an exclusion letter is written and posted out to parents. A record of the exclusion must be recorded on the MIS and on the Learner’s records;
* Inform the Clerk to the Governors of all exclusions exceeding five days singly or cumulatively in a term;
* Inform the “home” Local Authority of a Learner for a permanent exclusion;
* Inform the Chair of Governors if an exclusion of a Learner will lead to them missing a public examination;
* Ensure that a Learner will not be sent home during the Academy day unless the parents have been informed by SLT;
* Report termly to Governors on exclusions within WMG Academy for Young Engineers.

Only the Executive Principal or the Associate Principal [in the absence of the Executive Principal] can exclude a pupil.

* 1. **The Assistant Principal, as the WMG Academy’s senior pastoral manager will:**
* Monitor all potential exclusion cases and appraise the Executive Principal of developments;
* Involve relevant agencies as appropriate;
* Meet with parents/carers of the Learner to discuss their behaviour before it reaches exclusion or further exclusion and discuss stages of intervention and support;
* Conduct a thorough investigation, which leads to the recommendation to the Executive or Associate Principal on whether to exclude. The Learner concerned will be given an opportunity to explain and will be required to sign a written statement;
* Find out if the exclusion will lead the Learn to missing a public examination and ensure that the Executive Principal is aware;
* Arrange work for the Learner until they can be collected from the Academy and for the duration of their exclusion;
* Attend the Exclusion Panel hearing of the Governors;
* For Learners at risk of permanent exclusion, start a pastoral support plan;
* Follow up reintegration meetings taken by all SLT staff.
1. **Monitoring, Review and Evaluation**

This policy will be subject to review in January 2019 taking into account feedback from learners, parents/carers, teachers, and other stakeholders.

The Associate Principal will provide a termly report to the Governing Body on reports on exclusions at the WMG academy and actions to reduce the incidents of them.

**Linked Policies**

* Behaviour
* Safeguarding

**Appendix 1**

**Exclusion Form**

|  |  |
| --- | --- |
| Name of Learner |  |
| Investigation documentation attached |  |
| Reason for exclusion |  |
| Length of exclusion in days |  |
| First and last day of exclusion |  |
| Date and time of re-integration meeting |  |
| Other Agency Involvement(Name, date and nature of involvement) |  |
| Missing a Public Examination (Y or N). Please provide details for exam |  |
| LAC (Y or N). Inform LA |  |
| Member of staff leading re-integration meeting |  |
| Work sent home (Y or N) |  |
| Authorisation by Principal Dated |  |
| Letter done by EADated |  |
| Entered on MIS (name of staff member) |  |
| Behaviour/Pastoral contract reviewed (Y or N) |  |

**Appendix 2**

 **Re-Integration Meeting**

**Date……………………………………….**

**Student………………………………….**

|  |
| --- |
| **Reason for exclusion** |
| **No. of days his exclusion No. of days this term** |
| **Notes of meeting** |
| **Actions** |
| **Present****PARENT/S CARER/S****SIGNATURE/S****STAFF SIGNATURE/S** |
| **delete as appropriate****Warning given Final warning given**I understand what has been said to me and I will work hard to make sure that it does not happen again.I understand that I have been given a warning and that I could face a Governors disciplinary panel if I continue to misbehave.I understand that I have been given a final warning and I could face a permanent exclusion.**STUDENT** **SIGNATURE** |