



Horizons Specialist Academy Trust
Providing infinite opportunities

Exclusion Policy

Reviewed and approved by CEO: 17 June 2020

Date of next Review: Spring term 2021
COVID-19 Addendum: June 2020

Responsible officer: Executive Principal

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1. Introduction

Horizons Specialist Academy Trust (HSAT) is committed to ensuring that all Academies within the multi- academy trust are fully accessible, inclusive, welcoming and respecting of the diversity of children and young people, staff, local communities and visitors.

This policy is underpinned by the commitment of the Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

All staff work hard in our Academies to ensure that the ethos and environment supports pupil and student learning and success. Exclusion is a sanction used only as a last resort, and we strive to reduce the need for exclusion as far as it is possible.

This document outlines the Trust's policy in relation to exclusions and applies to all Academies within the Trust and is supported by the individual Academy's Behaviour Guidelines.

2. Confidentiality

The Trust Board, Academy Councils and all staff will deal with cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and any breach of this may result in disciplinary action.

3. Aims

The aims of exclusion are to:

- Prevent disruption to classes.
- Protect the educational, emotional and physical welfare of pupils/students and staff.
- Reinforce the discipline of the Academy.
- Involve parents/carers and pupils/students in discussing the pupil/student's future behaviour.
- In the event of lengthy fixed term exclusions, establish targets for improvement in identified areas.

4. Power to exclude

The Chief Executive Officer is the member of staff within the Trust who authorises the exclusion of a pupil/student, either permanently or for a fixed term.

5. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the HSAT. Various alternative strategies to manage behaviour as outlined in each Academy's Behaviour Guidelines will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety in any of our Academies

If it is decided that exclusion is necessary, the parents/carers of the pupil/student will be notified, and the circumstances surrounding the exclusion will be formally recorded.

6. Reasons for exclusion

There are two main reasons for exclusion: a serious breach of the Academy's Behaviour Guidelines, or a situation where it is feared that the safety and wellbeing, or education, of other pupils/students is at risk.

In line with the Academy's Behaviour Guidelines, the following actions constitute unacceptable behaviour and may result in permanent or fixed-term exclusions:

- verbal abuse to staff and others
- verbal abuse to pupils/students
- physical abuse to/attack on staff
- physical abuse to/attack on pupils/students
- indecent behaviour
- damage to property
- use of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which Academy sanctions and other interventions have not been successful in modifying the pupils/student's behaviour.

7. Types of exclusion

Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the Chief Executive in accordance with the Trust Board's Exclusion Policy and in line with the Academy's Behaviour Guidelines, only as an absolute last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion for a first offence is the only option. These include:

- serious, actual or threatened violence against another pupil/student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson

An Academy might involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Trust Board to ensure that they are justified and fair and have been dealt with in accordance with the policies and procedures agreed by the Trust Board. The Chief Executive Officer (CEO) can withdraw an exclusion that has not yet been reviewed by the Trust Board.

Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the CEO at the start of the exclusion period. If a pupil/student is excluded for more than 45 days in an academic year they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the Academy's Behaviour Guidelines. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than detention but does not warrant permanent exclusion.

An excluded pupil/student has no automatic right to take a public examination or National Curriculum tests on the Academy's premises. The Trust can decide whether or not to allow the pupil/student to sit the tests in another Academy within the Trust, however, this will depend on the seriousness of the reason for exclusion.

8. Exclusion of pupils/students from specific groups

The Trust recognises that exclusion rates for certain groups of pupils/students are consistently higher than average. These include the following groups of pupils/students:

- Special Educational Needs (SEN)
- Free School Meals
- Looked After Children
- Certain Ethnic Groups

All Academies within the Trust will ensure that any additional support needed to identify and address the needs of pupils/students in these groups to reduce exclusion is implemented.

The Trust also recognises there are certain groups of pupils/students with additional needs who are particularly vulnerable to the impacts of exclusion namely SEN and looked after children.

The CEO will, as far as possible, avoid permanently excluding any pupil/student with an Education, Health and Care (EHC) Plan or a looked after child.

The Academies within the Trust will engage proactively with parents/carers in supporting behaviour of pupils/students with additional needs. In relation to looked after children, the Academy will co-operate proactively with foster carers, social workers and the Local Authority (LA) that looks after the child.

Where an Academy has concerns about the behaviour, or risk of exclusion, of a pupil/student with additional needs, an EHC plan or looked after child, it will in partnership

with others consider whether additional support or an alternative placement may be required. This will involve assessing the suitability of provision for a pupil/student's SEN. Where a pupil/student has an EHC plan, consideration should be given to requesting an early review or interim/emergency review.

9. Investigating an Incident

Disruptive behaviour or actions that may warrant disciplinary action will always be investigated before the decision to exclude is made, unless there is a threat to the safety of students or others.

Before the decision to exclude is made, the CEO will:

- ensure that a thorough investigation has been undertaken
- consider all the evidence available when looking to support the allegations
- encourage the student to give his or her version of events
- consider the Academy's Behaviour Guidelines, equal opportunities policy and relevant equalities legislation
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Trust Board who may later have a role in reviewing the decision)
- ensure written records of discussions, interviews and actions are retained along with copies of written records made by other members of staff
- ensure that witness statements are dated and signed if possible.

10. Recording and Notifying of the Decision to Exclude

The CEO must inform the Chair of the Trust's Board of Directors and the Local Authority (LA) within one day of:

- all permanent exclusions
- exclusions which result in the pupil/student being excluded for more than 5 school days in one term
- exclusions which result in a pupil/student missing a public examination or national curriculum test

For all other exclusions the CEO must notify the Trust's Board of Directors and the LA once a term.

Notifications must include the reasons for the exclusion and the duration of any fixed term exclusion.

The CEO must also, without delay, provide parents/carers with the following information in writing:

- The reasons for exclusion;
- The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents/carers' right to make representation about the exclusion to the Pupil Discipline Committee and how the pupil/student may be involved in this;
- How any representations may be made;

- Where there is a legal requirement for the Pupil Discipline Committee to consider the exclusion, that parents/carers have the right to attend a meeting, be represented at the meeting (at their own expense) and to bring a friend.

11. During an exclusion

While the CEO makes the decision to exclude a pupil/student, the Trust will maintain responsibility for the education of that child and will do everything possible to minimise the disruption to their education.

For the first five days of any type of exclusion, the Academy will set and mark work that the pupil/student should complete at home under the supervision of the parent/carer.

From the sixth day onwards, if the exclusion is fixed term, HSAT will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs.

Alternative provision may be arranged at:

- another Academy within the Trust
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has an EHC plan, the alternative provision will meet those needs.

12. Review of an exclusion by the Trust Board

The Pupil Discipline Committee of the Trust Board will review fixed-term exclusions of any length on request of parents/carers who feel that the sanction is unjustified. For fixed term exclusions of less than 15 days, parents/carers who wish to request an appeal should do so, in writing, to the Governance Operations Manager, HSAT. Parents/carers will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents/carers can provide written statements or evidence that they might have relating to the exclusion however, any documentation must be received by the Governance Operations Manager in advance of the meeting. The Governance Operations Manager will ensure copies of any additional documentation is shared with the Committee and the CEO. There will be an opportunity during the meeting for parents/carers to ask questions of the other parties.

They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil/student being excluded for more than 15 days in one term or missing a public exam. The Committee will look at the evidence and the records leading up to the exclusion and decide whether the CEO has made a fair decision and if exclusion is the appropriate sanction in accordance with the Academy's Behaviour Guidelines and The Trust's Exclusion Policy.

The Pupil Discipline Committee will meet within 15 school days of the notification to exclude

and will consider the interests and circumstances of the excluded pupil/student, including the circumstances in which the pupil/student was excluded, and have regard to the interests of other pupils/students and people working at the Academy.

The Pupil Discipline Committee must also consider representations made by parents/carers and the CEO.

When establishing the facts in relation to an exclusion decision, the Committee must apply the civil standard of proof, in other words, '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'. In the light of their consideration, the Committee can either:

- Uphold an exclusion: or
- Direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil/student has already returned to school following the expiry of a fixed term exclusion or the parents make clear they do not want their child reinstating, the Committee must consider whether the CEO's decision to exclude was justified based on the evidence.

The Committee must also note the outcome of their consideration on the pupil/student's educational record, along with copies of the relevant papers for future reference.

In cases where the Committee consider parents/carers representations but does not have the power to direct a pupil/student's reinstatement, they should consider whether it would be appropriate to request that the CEO place a copy of the findings on the pupil/student's educational record.

The pupil/student concerned is encouraged to attend if they are able to fully understand the proceedings. HSAT believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The members of the Pupil Discipline Committee will have appropriate training to fulfil the role, and notes will be taken of any review proceedings.

Parents/carers will be notified within one school day of the outcome of the meeting.

The decision of the Pupil Discipline Committee in relation to a fixed term exclusion is final and there is no further right of appeal.

13. Right to an independent review of a permanent exclusion

In respect of permanent exclusion, the outcome letter will confirm to parents/carers their right to request a review by an independent panel if they are unhappy with the decision of the Pupil Discipline Committee.

Parents/carers must request an independent review within 15 school days of being notified of the Pupil Discipline Committee's decision. The Trust will not consider any requests for a review received outside of the legal time frame. The review will be arranged within 15 days of receiving the request from parents/carers and the cost will be borne by the trust.

The independent review panel can make one of the following decisions:

- Uphold the exclusion
- Recommend that the Trust Board reconsiders their decision
- Quash the decision and direct the Trust Board to consider the exclusion again

The decision of the independent review panel is binding on the pupil, parents, CEO, Trust Board, CEO, and the LA.

14. The CEO's duty to remove a permanently excluded pupil/student from the school roll

Pupils/students who have been excluded will remain on the roll of the Academy until the 'effective date' of the permanent exclusion (i.e. the 16th day after the Pupil Discipline Committee's decision or when the parent/carer notifies the Independent Review Panel provider of their decision not to pursue an independent review). After this date the CEO must remove a pupil/student's name from the Academy admissions register. The LA is legally obliged to provide full time education from the 6th day, following notice of permanent exclusion.

Where an application for an independent review has been submitted within 15 school days, the CEO must wait until the review outcome has been determined or the review abandoned before the Principal removes the pupil/student's name from the Academy's roll.

Whilst an excluded pupil/student's name remains on the Academy's admission register the pupil/student should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil/student attends it, an appropriate attendance code should be used. Where a pupil/student is not attending alternative provision, they should also be marked with the appropriate code.

15. Changes to the school exclusion process during the coronavirus (COVID-19) outbreak

The arrangements came into force on 1 June 2020 and apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates). The arrangements also apply to:

- permanent and fixed term exclusions occurring before 1 June which have not yet been considered by the Trust board of the academy
- permanent exclusions occurring before 1 June which have been considered by the Trust board, if they have chosen not to reinstate the pupil/student and the time limit to apply for a review of this decision has not passed
- permanent exclusions occurring before 1 June where a parent (or student aged 18) has requested a review of the Trust board's decision, but this has not yet happened

Any exclusions covered by the arrangements will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted.

An exclusion should be taken as having 'occurred' on the first day of the exclusion (not the date when the decision to exclude was made or communicated).

Remote Access Meetings

When the Trust board or independent review panel (IRP) has to meet to consider an exclusion, it can do so via telephone or video-conference software ('remote access') as long as certain conditions are met.

The conditions are that it is not reasonably practicable for the meeting to take place in person, within the usual timescales, because of coronavirus (COVID-19), and that the Trust board (or arranging authority, if the meeting is an IRP) is satisfied that:

- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

It is the responsibility of the academy Trust board (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

The Trust board or arranging authority should assess the facts of the case, the circumstances in which a meeting in person could be expected to take place, the needs of the intended participants (as far as this is possible), and the latest public health guidance when determining whether it would be reasonably practicable to meet in person.

Arranging a Remote Access Meeting

The Trust board or arranging authority should explain the technology they propose to use to participants and should make sure that the participants (particularly pupils/students and their families) know that they do not have to agree to a meeting to be held via remote access if they

do not want to. They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Though all participants must have agreed to the use of remote access, where a parent or pupil/student has given their agreement for a meeting to be held via remote access, the other participants should make reasonable efforts to accommodate that preference unless there is a clear reason not to.

The normal requirements for who must be invited to the Trust board or IRP meeting remain in place. However, those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions stated above.

The Trust board, arranging authorities and panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly. If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the Trust board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to the Trust boards, arranging authorities or IRP. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the local authority/academy trust must appoint one and cover the cost as normal. Parents may bring a friend or representative, as normal.

Though the Trust board and IRP must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

Timescales for meetings of the Trust board

If it has not been reasonably practicable for the Trust board to meet in person within the original time limit for a reason related to coronavirus (COVID-19) or remotely for a reason relating to the other conditions for a remote access meeting, the time limit for the meeting will be extended.

The time limit for the Trust board meeting will not be extended if it has already passed before 1 June. The government appreciates that it may not have been possible to meet the normal time limits over recent months, due to the disruption caused by the coronavirus (COVID-19) outbreak and the health risks of holding meetings. The Trust board should arrange for overdue meetings to take place via remote access, if the conditions for such a meeting are met, or in person as soon as it is safe and practicable to do so.

If a time limit for a meeting has been extended, the governing board should reassess at regular intervals whether it is reasonably practicable to meet in person and, if it is, should arrange to do so without delay, in light of the need to minimise uncertainty for pupils/students and their families as far as possible.

Meetings to consider permanent exclusions, and fixed period exclusions resulting in the pupil/student missing more than 15 school days in a term

If a pupil/student is permanently excluded or receives a fixed period exclusion which results in them having been excluded for 16 or more school days in a term, then the Trust board should try to meet to discuss reinstatement within 15 school days. If it has not been reasonably practicable for the Trust board to meet face to face within 15 school days for reasons relating to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting, the limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

Meetings to consider fixed period exclusions resulting in the pupil/student missing between 6 and 15 school days in a term

If a pupil/student receives a fixed period exclusion which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or student, if aged 18 or above) chooses to make representations about the exclusion, then the Trust board should meet to discuss reinstatement within 50 school days. If it has not been reasonably practicable for the Trust board to meet face to face within 50 school days for reasons relating to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting, the limit will be extended to 60 days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

Timescales for application for independent reviews of exclusions

Where the Trust board declines to reinstate a pupil/student who has been permanently excluded, parents (or the excluded student, if they are 18 years old or above) can apply for a review of the Trust board's decision.

For exclusions covered under these arrangements, the deadline for applications has increased to 25 school days from the date on which notice in writing of the Trust board's decision is given to parents, or directly to the student if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil/student from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

Timescales for meetings of independent review panels to consider permanent exclusions

If it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19), and it has not been reasonably practicable to meet by way of remote access for a reason relating to the other conditions for a remote access meeting, the timescale for the meeting will be extended to 25

school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19).

The time limit for an IRP meeting will not be extended if it has already passed before 1 June. The government appreciates that it may not have been possible to meet the normal time limits over recent months, due to the disruption caused by the coronavirus (COVID-19) outbreak and the health risks of holding meetings. Arranging authorities should arrange for overdue meetings to take place via remote access, if the conditions for such a meeting are met, or in person as soon as it is safe and practicable to do so.

The CEO and Statutory Principals hold and retain the right to exclude a pupil/student if any additional Health and Safety requirements necessary in working to support a COVID-19 secure status for HSAT's academies are not adhered to.