



Exclusion Policy

Approved by:

Date: 17th June 2022

Version Number: 1.4

Last reviewed on: 12 July 2023

Next review due by: 12th July 2024

Contents

Legal Status	Error! Bookmark not defined.
Applies to	Error! Bookmark not defined.
Relevant Documents	Error! Bookmark not defined.
Availability	Error! Bookmark not defined.
Exclusions.....	3
Serious Offences and Exclusions	3
Fixed Penalty Exclusion and Permanent Exclusions	Error! Bookmark not defined.
Procedure to be followed.....	4
Responsibilities of the School	5
Appeals	6
Encouraging Positive Behaviour at Heathgates Academy	7
Monitoring and Review.....	7

Introduction

Legal Status

Heathgates Academy recognises its duty under the [Education and Inspections Act 2006](#) to establish and maintain a behaviour policy for the school that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the [Education Act 2002](#).

We also comply with [The Education \(Independent School Standards\) Regulations 2014](#) and have regard to the [DfE guidance 'Exclusion from maintain schools, academies and pupil referral units in England' \(2017\)](#).

Heathgates Academy acknowledges the obligations associated with the [Children Act 1989](#), the [Human Rights Act 1998](#) and the [Equality Act 2010](#). We also follow current DfE guidance '[Keeping children safe in education](#)' (2021), '[Working together to safeguard children](#)' (2018), HM Government advice '[What to do if you're worried a child is being abused](#)' (2015), and the Local Safeguarding Children Board's policies, procedures, guidance and protocols.

Applies to

- the whole school, out of school care and all other activities provided by the school, inclusive of those outside of the normal school hours;
- all staff (teaching and support staff), students on placement, the proprietor and volunteers working in the school.

Relevant Documents

- Safeguarding Children - Child Protection Policy
- Positive Behaviour and Anti-bullying policy
- Remote Learning Policy

Availability

This policy is made available to parent/guardian/carer, staff and pupils in the following way: on request a copy may be obtained from the School Office.

Exclusions

Ultimate sanctions at Heathgates Academy are Fixed Term and Permanent Exclusions. Neither sanction is used lightly. Only the Head Teacher has the power to exclude a child from school.

Exclusion would only be used as a last resort, in response to a serious breach, or persistent breaches, of the behaviour policy; and where allowing the child/pupil to remain in school would seriously harm the education or welfare of the child/ pupil or others in the setting.

If the Head Teacher excludes a child, the parent/guardian/carer are informed immediately, giving reasons for the exclusion. At the same time, the Head Teacher makes it clear to the parent/guardian/carer that they can, if they wish, appeal against the decision to the Proprietors. The school informs the parent/guardian/carer how to make any such appeal.

Serious Offences and Exclusions

Serious offences are those that may have a significant impact on the individual pupil or others in the school. Examples include:

- extreme or persistent bullying, racism or harassment;

- stealing;
- extreme or persistent violence, actual or threatened, against a pupil or member of staff;
- extreme misbehaviour which is deemed outside the remit of the normal range of positive behaviour management strategies and sanctions;
- persistent and repetitive disruption of others learning;
- sexual abuse, assault or activity;
- smoking, illegal drugs (possession and/or use) or alcohol (consumption or possession)
- significant vandalism;
- carrying an offensive weapon.

Fixed Term Exclusion and Permanent Exclusions

Our school will apply its behaviour policies in a consistent, rigorous and non-discriminatory way and all areas of application of these policies will be monitored routinely.

There are two types of exclusion: Fixed Term and Permanent.

Fixed Term Exclusion: These exclusions are usually for a short period and the child/pupil returns after the exclusion period has expired.

Permanent Exclusion: This means the pupil cannot return to the school and the contract with the parent/guardian/carer would be terminated.

At Heathgates Academy it is not our intention to permanently exclude, however, if a pupil is permanently excluded, we would inform the referring/placing authority to secure a placement that better meets the needs of the child.

The Decision to Exclude

Fixed Term Exclusion - Exclusions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the child/pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others.

Permanent Exclusion - The Head Teacher and Directors hold joint responsibility for taking the decision to permanently exclude a child/pupil. Permanent exclusion is used as a last resort, when all other reasonable steps, as outlined in the Positive Behaviour Management Policy have been taken.

The usual reason for exclusion would be a continuing pattern of incidents that breach the school's behaviour policy, however, a child/pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy.

This could apply in the event of serious or threatened violence against another child/pupil or member of staff or malicious accusations against another child or member of staff. The decision to

exclude a pupil must be reasonable and fair. Pupils are never discriminated against on the basis of protected characteristics; age, disability, gender, race, religion or belief, sex or sexual orientation.

Neither sanction is used lightly. If the Head Teacher excludes a pupil, the parent/guardian/carer are informed immediately, giving reasons for the exclusion. At the same time, the Head Teacher makes it clear to the parent/guardian/carer that they can, if they wish, appeal against the decision to the Proprietor. The school informs the parent/guardian/carers how to make any such appeal. It is the responsibility of the Proprietor to monitor the rate of exclusions, and to ensure that the school policy is administered fairly and consistently.

Procedure to be followed

- Parent/guardian/carers must be informed immediately by phone with a follow up letter.
- A copy of a sheet entitled 'Advice for Parent/guardian/carer' will be attached to the letter.
- Parent/guardian/carers must be notified of their right to appeal.
- In the case of a fixed term exclusion
 - Heathgates Academy will ensure that arrangements are in place for work to be sent home.
 - Arrangements will be made for a return to school interview that includes the parent/guardian/carer.
 - A re-integration support plan will be put in place.
- In the case of a permanent exclusion
 - The letter sent to the parent/guardian/carer or referring/placing authority will be notified the fact it is a permanent exclusion. In this letter ;The reason for the permanent exclusion; The parent/guardian/carer or referring/placing authority right to put views in writing to the proprietor (governing body); The parent/guardian/carer or referring/placing authority right to go to a meeting of the proprietor (governing body) and put parent/guardian/carer or referring/placing authority views in person.
 - A meeting with the proprietor which will have a panel of representatives who will act as the governing body. Also in attendance will be the Head Teacher, parent/guardian/carer and the representative of the local educational authority or referring/placing authority.
 - During this hearing it will be decided if not to reinstate the pupil into school or reinstatement of the pupil immediately or on a particular date.

All cases of exclusion will be treated in the strictest confidence on a need to know basis and are not to be discussed outside the school

Responsibilities of the School

If the School commences an investigation which may lead to a fixed term exclusion or to permanent exclusion the Head Teacher must inform the parent/guardian/carers without delay.

Before resorting to exclusion the School will normally try alternative solutions (for example, a restorative justice process - whereby the harm caused to the 'victim' can be redressed). This will ideally be done by telephone and the telephone call will be followed by a letter within one school day. The letter will include information about:

- the nature of the offence and the results of any investigation to date;
- that the sanction of a fixed term exclusion or permanent exclusion may be imposed;
- the parent/guardian/carers' right to state their case to the Head Teacher and if that is not satisfactory then to the proprietor and whom they should contact to do this, including the latest date that the parent/guardian/carers may give a written statement to the discipline committee;
- the parent/guardian/carers right to see their child's school record and the Head Teacher must comply with such a request within 15 school days, although in exclusion cases compliance should be prompt.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

A specific incident affecting order and discipline in the school may be such a reason. The decision to exclude for a fixed term will be notified to the parent/guardian/carer in writing with reasons. If the School determines that a child should be excluded for a fixed period, the Head Teacher will provide the parent/guardian/carer in writing with information as to:

- the period of the Fixed Term Exclusion;
- the arrangements, such as setting work, to allow the child to continue their education during the Fixed Term Exclusion.

If the School decides (after completing the investigation or as a result of new evidence and further investigation) that it is necessary to extend a fixed period Temporary Exclusion or to convert it into a Permanent Exclusion, the Head Teacher will write again to the parent/guardian/carers with the reasons for this decision. The decision to exclude a pupil permanently will only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or is an exceptional 'one-off' offence has been committed. parent/guardian/carers co-operation forms part of the contract between the school and all the parent/guardian/carers at the school. The correspondence will be easily intelligible and in plain English.

The decision to exclude a pupil permanently will only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or is an exceptional 'one-off' offence has been committed. Person with parental consent co-operation forms part of the contract between the school and all the person with parental consent at the school. The correspondence will be easily intelligible and in plain English.

Appeals

If parent/guardian/carers wish to appeal the exclusion then they must do so in writing to the Proprietors, in writing, within one week of the letter notifying the parent/guardian/carer of the exclusion. The Proprietors will establish an Appeal Panel to consider the appeal.

The Appeal Panel will normally convene within three weeks of the receipt of the letter requesting the appeal. The parent/guardian/carer may bring a representative to the meeting. All letters and documents relied on by the Head Teacher, shall be made available to the parent/guardian/carer prior to the hearing. The parent/guardian/carer or their representative may ask questions of the Head Teacher or may raise any relevant matter for the consideration of the Panel. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence either of the parent/guardian/carer or their representative, or in the absence of the Head Teacher, who is the Proprietor. At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend:

- The exclusion is confirmed
- The exclusion is rescinded
- The exclusion be rescinded and replaced with an alternative sanction.

However, the final will always rest with the School Proprietors, who may or may not accept the recommendations of the panel.

The recommendation shall be communicated to the parent/guardian/carers and the Head Teacher. Every child has a right to confidentiality – it will be kept in the strictest confidence and only disclosed to those who need to know. We appreciate that such sensitive matters must be dealt with in confidence. If the School decides (after completing the investigation or as a result of new evidence and further investigation) that it is necessary to extend a fixed period temporary exclusion or to convert it into a permanent exclusion, the Head Teacher will write again to the parent/guardian/carers with the reasons for this decision.

Encouraging Positive Behaviour at Heathgates Academy

Is an attachment aware and trauma informed school and positive behaviour management strategy as core values in our school. we will always be child centred and work to help all children thrive in an environment that is safe and welcoming and positive for all

- requires all staff to use positive strategies for handling any unacceptable behaviour by helping children find solutions in ways that are appropriate for their ages and stages of development;
- acknowledges that such solutions might include, for example, acknowledgement of feelings, explanation as to what was not acceptable and supporting children to gain control of their feelings so that they can learn a more appropriate response;
- ensures that there are sufficient resources and activities available so that children are meaningfully occupied without the need for unnecessary conflict over sharing and waiting for turns;

- supports each child in developing self-esteem, confidence and feelings of competence;
- avoids creating situations in which children receive adult attention only in return for unacceptable behaviour;
- explains the effect of unacceptable behaviour, making it clear to the child that it is the behaviour that is unacceptable, and not the person.
- has a therapeutic/attachment aware methodology to education in recognition of our pupils complex needs; that we embrace the P.A.C.E approach (which utilises the principles of DDP) to managing and support the social, emotional and behavioural needs of our pupils.

When children behave in unacceptable ways, we help them to understand the outcomes of their actions and support them in learning how to cope more appropriately. We provide opportunities for children to learn how to interpret and cope with feelings, listening to them and offering the necessary support to enable them to verbalise their own frustrations, hurts and disappointments.

Monitoring and Review

The Proprietor along with the Governing Body will undertake a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.