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## **Exclusion Policy**

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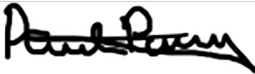
## Sporting Chance Newport CIC **Exclusion Policy**

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<b>Policy Owner:</b>	Directors
<b>Queries to be directed to:</b>	Directors
<b>Signed:</b>	
<b>Dated:</b>	05/10/2021

This policy will be reviewed on an annual basis. Sporting Chance Newport CIC reserves the right to amend this policy, following consultation, where appropriate.

<b>Date created:</b>	October 2020
<b>Date of last review:</b>	October 2022
<b>Date of next review:</b>	October 2023

## Sporting Chance Newport CIC **Exclusion Policy**

### **1. Summary**

This Exclusion policy covers in detail the following areas:

- Principals
- Action following the Decision to Exclude
- Informing other bodies
- Duration of Exclusion
- Pupils Returning from FTE
- Appeals
- Monitoring and Reviewing

### **2. Who is the policy for?**

#### **Purpose**

The policy is designed to outline Sporting Chance Newport CIC's approach to exclusions within the statutory framework as defined in The Exclusion from Schools and Pupil Referral Units by The Welsh Government. It outlines where Sporting Chance Newport CIC applies its own additional guidance and policies, which complement and reinforce the statutory guidance.

The principal legislation to which this guidance also relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The Education and Inspections Act 2006;

Sporting Chance Newport CIC seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school. Sporting Chance Newport CIC is committed to the philosophy and practise of inclusion with the avoidance of exclusion wherever possible. Therefore, we believe our policy should be an overarching policy, true to the school's vision and aims.

### **3. Who is this policy for?**

Directors, School Management Board, Local Authorities, Commissioners, independent review panel and individuals appointed as a special educational need's experts.

### **4. Policy statement**

#### **Principles**

1. 'Exclusion' is a sanction used by Sporting Chance Newport CIC only in cases deemed as serious breaches of the code of conduct and behaviour policy. Sporting Chance Newport CIC will seek to work with commissioners and other agencies in finding an alternative education provision if a pupils complex needs leads to the following continuing despite appropriate support and intervention being put into place:

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- a) Serious and persistent verbal or physical assault of a pupil or adult;
- b) Persistent and repetitive disruption of lessons and other pupils learning;

Interventions will be shared with commissioners and put into place on programme and/or through the use of other agencies for:

- c) Possession or the use of drugs or other controlled substances;

A pupil may be at risk of exclusion from Sporting Chance Newport CIC for:

- d) Behaviour that put the pupil or others at risk or serious harm;
- e) Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions (including the use or possession of weapons).

2. A Fixed Term Exclusion (FTE) from Sporting Chance Newport CIC can only be authorised by the Directors and The School Management Board

Any decision the Directors make to exclude a pupil must be;

- **Lawful**
- **Rational**
- **Reasonable**
- **Fair**
- **Proportionate**

When establishing the facts in relation to a possible exclusion, the Directors and The School Management Board, will always apply civil standard of proof i.e. on the balance of probabilities.

We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.

The school will always have due regard to its public sector equality duty.

We will not exclude any pupil for non-disciplinary reasons.

Exclusion will never be used informally or unofficially. This is against the law.

The Directors, however, have the right to direct a pupil for education off-site to improve behaviour.

Where practical, the Directors will give the pupil an opportunity to present their case before taking the decision to exclude.

3. Sporting Chance Newport CIC regularly monitors the number of Fixed Term Exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that the underlying needs of individuals are being fully met.

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### **Action Following the Decision to Exclude**

1. A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand why the sanction has been implemented.
2. Following any exclusion of whatever type of duration, the Directors will:
  - Inform the parents of the period and nature of the exclusion
  - Give the reasons for the exclusion advise the parents about rights of representation about the exclusion to the governing body of Education Board and how these representations may be made.
  - Take account of his/her legal duty of care when sending a pupil home following an exclusion. 'Holding' arrangements until the pupil can be collected may be necessary.
  - Make arrangements to provide suitable full-time education from the sixth day onwards for pupils who have been given a fixed period exclusion lasting longer than five days. Once alternative provision has been arranged from the sixth day of the exclusion, the Directors must by law inform the parents without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start.
  - If the excluded pupil is in year 11 and has completed all public examinations, no alternative educational provision after six days is necessary.
  - This information will be put in writing and will be sent either by e-mail, by text, by delivering a letter directly to the parents, leaving it at their known address or by posting it to this address. The information can also legally be sent home with the excluded pupil, but in this case, we will always send a duplicate copy by a reliable alternative method.  
The information provided to parents will be clear and free of unnecessary jargon.
  - Where the excluded pupil is of compulsory school age, the school will also notify parents without delay and by the end of the afternoon session that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without justification and that they may be given a fixed penalty notice if they fail to do so.
  - Parents must be informed where a fixed term exclusion has been extended or converted to a permanent exclusion. In such cases, the Directors must write again to the parents explaining the reasons for the change and providing any additional information required.
3. The School Management Board will be informed of the number of exclusions on a half termly basis.

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### **Informing Other Bodies**

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the Directors will also:

- Notify the Local Authority (LA) and/or Commissioner giving the details of the exclusion and reason for it
- Notify the School Management Board giving the same details
- For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Directors must also inform the 'home authority' of the exclusion without delay.
- If any exclusion of even one day would cause a pupil to miss a public examination, the Directors will inform the LA and/or commissioner and the governing body.

In addition, 14 days of a request the school will report information about any exclusions within the last 12 months to the Education Secretary.

### **Duration of Exclusions**

The Directors may exclude a pupil for one or more fixed period not exceeding a total of 45 days in any one school year or permanently.

If a pupil is excluded for lunchtimes only, each lunch time counts as half a day.

The Directors may exclude a pupil permanently if he/she judge the circumstances warrant it.

### **Pupils Returning from a Fixed Term Exclusion**

All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent/guardian. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent/guardian and Sporting Chance Newport CIC. Pupils may also be expected to bring a letter of apology with them where this is deemed necessary or appropriate.

### **Appeals**

All correspondence regarding an exclusion from Sporting Chance Newport CIC will inform parents/guardians of their right to appeal to the School Management Board against the decision to exclude. This procedure is clearly set out in the statutory guidance.

The person who should be contacted to initiate an appeal is the Directors and The Complaints Officer.

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### **Monitoring & Review**

1. The impact of the Exclusions Policy will be reviewed by the School Management Board.
2. The Directors will provide the School Management Board with regular monitoring reports which will help it to evaluate the effectiveness of the Exclusions Policy and the procedures within.
3. The Exclusions Policy and its procedures will be reviewed and amended in the light of such an evaluation and in consultation with representatives of all School Management Board Members.

We ensure that all members who serve on a discipline committee have received training to help them discharge their duties. A clerk to the discipline committee is also appointed.

The committee can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.

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### **5. Policy requirements**

The Directors and School Management Board will follow this policy regarding any decision to exclude a pupil from school.

#### **Appendixes**

##### **1) Sporting Chance Newport CIC Exclusion Procedure**

#### **The Powers of the School Management Board**

The School Management Board may review all the various categories of exclusions and will consider any representations made by the parent of the excluded pupil.

The School Management Board has no power to increase the severity of the exclusion. It can, however, uphold an exclusion or direct the pupils reinstatement, either immediately or by a particular date.

However, in the case of a fixed term exclusion that does not bring the pupils total number of days of exclusion to more than five days in a term The School Management Board cannot direct reinstatement and is not required to arrange a meeting with parents.

#### **Discipline / Appeals Committee**

The School Management Board has established a discipline/appeals committee to which it delegates it's functions in respect of exclusions. (Hereafter referred to as 'the committee')

The committee consists of at least three of The School Management Board Members,

We ensure that all members who serve on a discipline committee have received training to help them discharge their duties. A clerk to the discipline committee is also appointed.



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The committee can hear more than one appeal at a single sitting, so long as it complies with the statutory time limits related to each one.

If one of the committees has knowledge of the pupil(s) involved in the exclusion, he/she should step down.

The chair of The School Management Board has a casting vote in all cases where an even number of School Management Board Members are considering the case.

If the exclusion could result in a pupil missing public examination, the committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of The School Management Board will consider the exclusion and decide whether to re-instate the pupil (these are the only circumstances in which the Chair alone will review an exclusion).

When this occurs, the parents also have the right to make oral representations. If possible, the chair of The School Management Board will have the advice of the clerk or an LA officer. The committee or chair of The School Management Board may agree to allow the pupil back on to the school premises for the sole purpose of sitting an examination, but they are not obliged to do so.

### **Convening an Appeal Meeting**

#### **Fixed Term Exclusions of 5-15 Days**

If the parents of an excluded pupil, make written representations:

- The committee will consider them
- No statutory time limits apply to the consideration of such exclusions
- The committee has the discretion to agree to a meeting to discuss the exclusion, if this is requested by the parents
- In the case of a fixed term exclusion of more than 5 but not more than 15 school days, the committee, once having agreed to hold a meeting will hold that meeting between the 6th and the 50th school day after receiving the notice of the exclusion from Directors.

#### **Longer Fixed Term Exclusions and Permanent Exclusions:**

- Should the exclusion be for more than 15 days, or the total of fixed term exclusions be more than 15 days that term, or if the exclusion is a permanent one, the committee has a duty to convene a meeting to be held between the 5th and the 16th school day after the date of receipt of a notice to consider exclusion.
- The parents, Directors (and an LA officer if the school chooses) will be invited to the meeting at a time and a place convenient to all the participants within the statutory time limit. The parent and the school may each be accompanied by a friend/advisor.
- The committee will ask for any written statements including witness statements in advance of the meeting.



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- The clerk will circulate in advance of the meeting any written statements and a list of those who will present at the meeting to all parties including the pupil if it is known that he/she will be present.

N.B. if a pupil has a number of lunchtime exclusions in any one term which add up to more than 5 school days, the rules above also apply.

### **Prior to the Meeting**

The School Management Board Members should;

- Not discuss the exclusion with any party outside the meeting
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on her behalf.

### **Conduct of the Meeting**

The meeting will be conducted as follows:

- No party to the review will be alone with the committee before, during or after the meeting
- The clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold an exclusion or re-instate the pupil.
- The school representative, usually the Directors, will present the school's case.
- He/she can be questioned by all other parties
- The parents will be asked to give their reasons for appealing
- Very often it is the friend/advisor (who may well be a lawyer) who presents the parents' case
- The parents and the pupil, if present, will still be asked if they have anything to add
- The other parties may question the parent and/or comment on what the family has said.
- If present, the LA representative will provide information on support for pupils in the LA and how similar incidents have been dealt with by other schools, and can be questioned on these, but may not comment on the specific case being discussed.
- The school sums up their case.
- The parents or their representative sum up their case
- All the parties except the committee and the clerk leave
- The committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the pupil. The more serious the allegation, of course the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

### **The Decision – Fixed Term Exclusions**

The clerk may help the committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards.

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In reaching that decision, the committee should be mindful that the government does not allow that exclusion is justified for:

- A breach of uniform or appearance, except for persistent defiance
- Minor incidents such as failure to complete homework or to bring in money owed
- Poor academic work
- Lateness or truancy
- Pregnancy
- Misdeeds by a child who has special educational needs, except for very serious offences

In the case of fixed term exclusion, it is possible that the exclusion may already have expired, and the pupil is back in school. In that case:

- The committee will decide whether the Directors decision to exclude the pupil was justified, based on the evidence
- The outcome should be added to the pupils record for future reference
- In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the committee should simply record whether or not they believed that the Directors decision as justified.

This view should be recorded and sent to the parents.

If the fixed term exclusion is still operative:

- The committee will decide whether or not the Directors decision to exclude was justified.
- They can either uphold the exclusion, which will have to run its course or
- Direct the pupils reinstatement either immediately or on a named date
- The committee through the clerk must inform the parents and the Directors of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the Directors to reinstate the pupil.
- The school has in place established procedures both for the return to school of a pupil whose fixed term exclusion has been upheld, and for the reinstatement of a pupil whose exclusion has been overturned. On their return, a pupil first has a meeting with the Directors or another senior member of staff, responsible for the student's welfare, along with his/her parents.

### **Permanent Exclusion**

Sporting Chance Newport CIC follow government guidance which sets out reasons why it would normally be inappropriate to reinstate a student. These are:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying illegal drugs
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rule.

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When the committee decides to uphold a permanent exclusion, a letter to the parents will state:

- Their reason for the decision
- The right of the family to appeal to an Independent Review Panel, together with the name and address of the person to whom any request for a review should be sent
- The date by which any request for a review should be lodged
- That any request for a review must set out the grounds on which the request is made
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a First Tier Tribunal or County Court
- If the committee decides to overturn the exclusion, again as with Fixed Term Exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the governing body's views on the exclusion will be placed on the student's record with copies of relevant papers.

### **Independent Review Panels**

We advise parents that they can request a review of the decision by The School Management Board to uphold a permanent exclusion. Sporting Chance Newport CIC is responsible for managing and training independent panels concerning cases of permanent exclusion. An independent panel can uphold an exclusion but cannot overturn The School Management Board. The panel can recommend that The School Management Board reconsiders its decision, taking account of the findings of the panel. If the panel has grounds for believing that The School Management Boards decision was flawed, they can direct the governing body to reconsider their decision.

Sporting Chance Newport CIC may appoint a clerk to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions.

Sporting Chance Newport CIC must ensure that all panel members and clerks have received training within the two years prior to the date of the review.

If requested by parents, Sporting Chance Newport CIC must appoint an SEN expert to attend the panel and will cover the associated costs of the appointment (regardless of whether the school recognises that a pupil has SEN).

### **Follow Up**

Where an application for an independent review has been made within 15 school days the pupil will remain on the school roll until the review has been held and its outcome known.

The Directors will, however, remove the name of a permanently excluded pupil from the school admissions register if:

- 15 days have passed since the parents were notified of The School Management Board Committee decision to uphold permanent exclusion.
- The parents have stated in writing that they will not be applying for an independent review.

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- If the parents go on to make a discrimination claim which is upheld by either a First Tier Tribunal or the County Court, pupil must be re-instated.

### Parenting Orders

Under the Anti-Social Behaviour Act 2003, LAs have powers to apply for a parenting order to help address children's behaviour in school. If necessary, we will request the LA to make an application for a parenting order if we feel it necessary to help us address a child's behaviour in school.

A parenting order is a court order which compels parents to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.

Parenting orders will only be considered following a permanent exclusion or a second fixed term exclusion within 12 months, particularly if parents have not responded to the opportunity to meet with us or the governors committee.

### 2. Equality Impact Assessment

Sporting Chance Newport CIC is committed to always: avoiding the potential for unlawful discrimination, harassment and victimisation; advancing equality of opportunity between people who share a protected characteristic and those who do not; and, foster good relations between people who share a protected characteristic and those who do not.

An Equality Impact Assessment (EIA) is a tool for identifying whether or not strategies, projects, services, guidance, practices or policies have an adverse or positive impact on a particular group of people or equality group. While currently only public bodies are legally required to complete EIA's, Sporting Chance Newport CIC has adopted the process in line with its commitment to continually improve equality performance.

### 1. Summary

<b>This EIA is for:</b>	Exclusion Policy
<b>This EIA is for:</b>	Paul Parry - Director
<b>Date of assessment:</b>	October 2020
<b>Assessment approved by:</b>	

<b>Objectives and intended outcomes</b>
This EIA has been completed in order to ensure that the implications and potential impact, positive and negative, of the Sporting Chance Newport CIC Exclusion Policy for all staff have been fully considered and addressed, whether or not staff members share a protected characteristic..

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### 2. Potential Impacts, positive and negative

Equality Area	Positive	Neutral	Negative	Summary
Age		X		The policy applies equally to all members of staff regardless of age. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their age.
Disability		X		The policy applies equally to all members of staff regardless of health/disability. It is not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their disability.
Pregnancy & Maternity/Paternity		X		It is not considered that the policy positively or negatively impacts on pregnant women or on staff on maternity or paternity leave.
Race (incl. origin, colour and nationality)		X		The policy applies to all members of staff regardless of their race, origin, colour or nationality. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively in these respects.
Gender and Gender Re-assignment		X		This policy applies equally to all members of staff regardless of their gender at any given time. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of gender.
Sexual Orientation		X		This policy applies equally to all members of staff regardless of their sexual orientation. It's not considered that the policy includes any guidance or rules that may impact either positively or negatively on any member of staff because of their sexual orientation.

### 3. Negative impacts and mitigations

Negative Impact	Mitigation	Owner
None		



[www.sportingchancegroup.org.uk](http://www.sportingchancegroup.org.uk)

