

Cambridge Academy for Science and Technology

Exclusion Policy

Owner:	Danielle Pacey
Review Cycle:	Annual
Approved by:	Local Governing Body
Approved on:	9 October 2024
Next review due by:	October 2025

1. Executive Summary

- 1.1 CAST is a learning institution which aims to provide positive life chances for all of its students. We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted and all reasonable adjustments made. The decision to suspend or permanently exclude is never taken lightly and careful consideration is taken of all the facts and the surrounding circumstances before reaching a decision to exclude. The only person able to exclude is the Principal or in the absence of the Principal, the next most senior member of staff on site
- 1.2 We recognise the detrimental impact on both the education and well-being of students and their families. We also recognise the impact of social exclusion, which can result from suspension or permanent exclusion of a student and will try hard to avoid this.
- 1.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate
- 1.4 We take account of the Equality Act and our duty not to discriminate against students for any reason
- 1.5 We also take account of our statutory duties in relation to SEND and the reasonable adjustments the school makes to ensure all students' needs are met to the best of the academy's ability
- 1.6 We aim to ensure parents and carers are kept up to date and suitably informed at all times

2. Legislation and Guidance

- The Exclusion Policy is written in line with the following areas of guidance:
- Exclusions – DfE Guidance
- United Learning Exclusions Policy
- 2010 Equalities Act
- SEND Code of Practice: 0 to 25
- CAST Behaviour Policy

3. Types of Exclusion

3.1 Suspension

This is a suspension from school for a fixed number of days. The pupil must remain at home up to the first 5 days (during which time the school should take reasonable steps to set and mark work for the pupil). For a suspension of more than 5 days, full time education provision commences from the 6th day and must be organised by the suspending school. A pupil may not be given a suspension for more than 45 days in a school year. A pupil is entitled to return to school once the period of suspension has ended.

A pupil may be suspended during lunchtimes for a fixed number of days. Each lunchtime suspension is equivalent to half a day's suspension. Arrangements will be made to provide a lunch if the pupil is entitled to free school meals.

Repeated use of suspension for children with an EHCP (and potentially those on SEN Support (especially those undergoing statutory assessment and likely to get an EHCP)) could be considered ineffective or failing to sufficiently meet a child's needs. There is an expectation that where this is occurring, schools should ensure the SENCO is involved as part of a behaviour intervention and planning process to elicit different approaches

to improving the child's behaviour. This may involve advice from colleagues / specialists such as an educational psychologist, speech and language therapist, literacy specialist etc.

Examples of behaviour that may lead to a suspension include the following:

- verbal abuse of staff or students
- physical abuse of staff or students
- indecent behaviour
- damage to property
- misuse of illegal drugs or other substances
- theft
- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- carrying and / or supplying an illegal substance
- carrying an offensive weapon* or banned item
- arson
- persistent poor behaviour contrary to acceptable behaviour outlined in the school behaviour policy
- bullying, including cyber-bullying
- A weapon is defined as any item made or adapted for causing injury

This is not an exhaustive list and there may be other examples of behaviour where the Principal or Assistant Principal judges that suspension is an appropriate sanction. Where a student is suspected of carrying an offensive weapon, or misusing / carrying / supplying an illegal substance, or being part of a group involved in such activity but the evidence is not sufficient, they will be given the benefit of the doubt on the first occasion. If there is a repeat of such concern, they will run the risk of permanent exclusion. Suspension will always be applied for the shortest time deemed possible as the academies recognise the impact missed days has on the long-term educational progress of the student/s involved.

The Principal may suspend a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

During a suspension of 5 or fewer days, work will be set by the academies for the student to complete at home. This work should be returned completed at the end of the suspension for marking.

For an exclusion of longer than 5 days, the academies will arrange full-time alternative educational provision from the sixth day of suspension.

Before the end of any suspension, parents / carers will be invited to attend a reintegration meeting at the academies with their son/daughter. The purpose of the meeting is to ensure that the student understands the reason for the suspension and is committed to preventing the behaviour that led to the suspension from being repeated. The academies will consider all further support if needed to help the student, including referral to the behavioural/pastoral support team within the academy for a behaviour support programme / positive intervention or to external agencies if appropriate.

During the first five days of any suspension, the parents of a suspended student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent / carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

3.2 Permanent exclusion

Permanent exclusion is an extremely rare sanction at the academies and always avoided wherever possible.

The decision to permanently exclude is taken only:

- (a) in response to serious breaches to the academies behaviour for learning policy
- (b) if allowing the student to remain would seriously harm the education or welfare of that student or others at the academies

A student may be permanently excluded where there have been repeated breaches of the behaviour for learning policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the academies have exhausted all available strategies for dealing with the student and is a last resort

There may be exceptional circumstances where, in the judgement of the Principal, it is appropriate to permanently exclude a student for a first or 'one-off' offence. These might include:

- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- serious bullying, including cyber-bullying
- possession of an illegal substance and/or supplying an illegal substance
- carrying an offensive weapon

Again this is not an exhaustive list and there may be other examples of behaviour where the Principal judges that a permanent exclusion is an appropriate sanction for a first or 'one off' offence.

CAST operates a zero-tolerance approach to the carrying of offensive weapons and the carrying and supplying of illegal substances. Any student who brings an offensive weapon or a banned item onto site, or who brings and/or supplies an illegal substance or banned item on site is likely to be permanently excluded. A student found in possession of these items on site also runs the risk of permanent exclusion.

The Principal will meet with the parent/s and student before reaching a decision to permanently exclude a student from the academy

4. *The Investigation*

Any investigation of the incident will be carried out in accordance with DFE guidance. The student at risk of exclusion will be given the opportunity to have his / her say wherever possible

Each case will be judged on the facts and the context considering:

- The degree of severity of the offence
- The likelihood of re-occurrence
- The student's previous behavioural record
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, harassment)
- Support provided
- The wider Behaviour Policy, SEND Policy and Equality Law obligations

5. *Principal's Decision*

5.1 The decision to suspend or permanently exclude is made solely by the Principal, or the Assistant Principal in their absence

5.2 There are five circumstances where a student may be required to leave the Academy site with the authorisation of the Principal / Assistant Principal:

- (a) where a decision has been made to exclude
- (b) where a student has committed a serious criminal offence outside the jurisdiction of the academy and it is determined by the Principal or Assistant Principal that it is in the interests of the community for the student to be educated off-site while investigations take place. (This is not necessarily an exclusion although suspension may be deemed appropriate by the Principal in such circumstances)
- (c) where, for medical reasons (such as contagion, risk to an unborn child), the presence of a student represents a serious risk to the health or safety of other students or staff. This not an exclusion
- (d) If a student is given permission by the Principal or Assistant Principal to leave the premises briefly to remedy a breach of the academy rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence
- (e) where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be screened. In this circumstance the student can be refused entry. This is not an exclusion but an unauthorised absence in the first instance, which could lead to exclusion following a full investigation

5.3 The decision to exclude a student is not taken lightly and the Principal or Assistant Principal will:

- ensure that a thorough investigation has been carried out
- consider all the evidence available to support the allegations
- allow and encourage the student to give their version of events (with appropriate support to do so when needed)
- keep a written record of the actions taken including the signed statements of witnesses
- be confident that the procedures detailed later in this policy have been carried out
- ensure SEND expert advice has been considered, with appropriate and reasonable adjustment made if deemed appropriate
- ensure that parents/carers have been kept informed throughout the process and consulted where appropriate

5.4 The standard of proof applied when deciding to suspend is 'balance of probabilities'. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

5.5 Suspension will not be used as a consequence for the following: minor incidents such as a failure to complete homework

- poor academic performance
- lateness or truancy
- breaches of academies rules on uniform or appearance except where these are persistent or in open defiance of such rules
- as a punishment for the behaviour of a parent / carer

5.6 Once the decision has been made to suspend, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection

6. Notification

Following any decision to suspend or exclude, the Principal must inform parents/carers, putting the decision to exclude in writing and stating the date the exclusion takes effect

The letter must also explain:

- the circumstances leading up to the decision to suspend or exclude
- why the Principal decided to suspend or exclude the student
- if relevant, what steps were taken to try and avoid the suspension or exclusion, details of any relevant previous warnings, suspensions or other disciplinary measures taken before the present incident
- the arrangements for enabling the student to continue his/her education including setting and marking the student's work
- the parent's right to see and have a copy of their child's record
- the parent's responsibilities to ensure their child is not in a public place in school hours during the first five days of a suspension
- if the exclusion is for a fixed period, the length of the suspension and the date and the time the student should return to the academy
- the arrangements for a parent interview at the end of the suspension to discuss the process of reintegration
- for Level 2 suspensions and Level 3 exclusions, the parent's right to appeal to the Independent Appeals Panel and the appropriate timescales and mechanism for that to happen as well as the fact that the governors will meet to review the decision
- or Level 1 suspensions, that if parents are concerned about the way in which the suspension was managed, they may write to the Behaviour Committee to ask it to review the process. This may be done by just one member of the Committee. The Committee cannot overturn the decision to suspend but may put a note on file

7. Role of the Local Governing Body

- 7.1 CAST has a Local Governing Body (LGB) which has responsibility for reviewing decisions in relation to suspensions. The Behaviour Committee consists of at least 3 members of the LGB, all of whom should be involved in reviewing Level 2 suspensions and 3 permanent exclusions. For Level 1 suspensions the Behaviour Committee need not meet in person and decisions can be delegated to one member of the Committee
- 7.2 The Behaviour Committee of the Governing Body will automatically review any suspension which results in a student being suspended for more than 15 school days in any term, or any permanent exclusion
- 7.3 The Behaviour Committee will automatically review all suspensions of children with EHCPs where this is the second or subsequent suspension for that child during their time in the school (not just in a given academic year)
- 7.4 Parents / carers have the right to appeal the decision to suspend their son/daughter. This process is common across United Learning and is different for different levels of suspension
- 7.5 Full details of how these meetings operate can be found in the following appendices and also within the DFE Guidance (2012) and the United Learning Exclusion Policy – Academies (2018) but the summary is contained below

Level 1 suspension (less than 15 days)

A parent / carer may request that the Behaviour Committee review the process within 50 school days of receiving notice of the suspension. The request should be made in writing and should set out the question(s) which they wish the Behaviour Committee to consider. The committee will respond in writing within 15 school days

The Committee will automatically review all suspensions of children with EHCPs where this is the second or subsequent suspension for that child during their time in the school (not just in a given academic year).

Level 2 suspension (more than 15 days fixed-term or where the suspension would result in a student missing a public examination or national curriculum test)

Principal meets with parents to discuss suspension. Behaviour Committee meets to review the suspension within 15 days of receiving notice of the suspension

Level 3 permanent exclusion

The investigating officer presents their findings to the Principal in regard to the alleged incident that has taken place. The Principal meets with parents/carers to discuss having completed the process fully and having consulted with others including the SEND expert if appropriate. If the decision is made to permanently exclude the student, parents/carers will be informed by the Principal both verbally and in writing

Following the Principal's decision to permanently exclude, the Behaviour Committee meets to review the decision within 15 school days of receiving notice of the exclusion

- 7.6 If the Behaviour Committee upholds the Principal's decision to permanently exclude, parents/carers may appeal to an Independent Review Panel. In addition, the Principal must consult with the Regional Director of United Learning and the Chair of the LGB (or his/her nominated Deputy as delegated) before the decision is implemented
- 7.7 An Independent Review Panel will consist of 3 people and will be chaired by a lay member and two independent members, one with governance experience, the other with headship experience. This panel will decide whether to uphold the decision to exclude a student
- 7.8 The Independent Review Panel can either uphold the decision to exclude the student or recommend that the Academy reconsiders the matter. They cannot, however, direct the reinstatement of the student
- 7.9 Parents/carers have a legal right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination)