
Exclusions and Appeals Policy

Key Requirements and Legal Duties

The UTC Exclusion Policy is based on the guidance in *Exclusion from maintained schools, Academies and pupil referral units in England guidance* DfE (2017). The principal legislation to which this guidance relates is:

- 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;
- the Education Act 1996; and
- the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

Key Principles

- Students at Sir Simon Milton Westminster UTC are provided with a safe, stimulating and productive learning environment.
- The Exclusion Policy should be read in conjunction with the Behaviour Policy of the UTC, both of which are designed to promote a consistency of approach to students' behaviour management across the UTC, to reinforce good behaviour and encourage self-esteem.
- Students have the right to expect that their learning should not be disrupted by others.
- Exclusions will normally remain a last resort after a range of measures have been implemented to improve a student's behaviour.

Expectations

All members of the UTC are expected to behave as they would in the workplace and as such all are expected to:

- Show respect to each other at all times;
- Show respect for their environment on and off-site at all times;
- Show respect for their own and others' property and belongings;
- Follow all Health and Safety rules to ensure that the College is a secure and safe environment for all;
- Work to the best of their ability at all times;
- Conduct themselves in a professional manner which would be the norm in an industrial workplace.

Behaviour which falls short of the principles listed above will be liable to sanction, including exclusion. The expectations apply to the UTC itself and off-site provision.

Context

Sir Simon Milton Westminster UTC strives to provide a safe, professional and productive learning environment in which students can enjoy learning, thrive and achieve. The College also seeks to reduce the number of exclusions. The Behaviour Policy emphasises that the College environment is one of co-operation and shared responsibility. However,

some incidents of unacceptable behaviour may not be satisfactorily resolved through the normal channels and exclusions may have to be considered as a last resort.

The UTC regularly monitors the number of fixed term exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

The UTC will adhere to current Government legislation/Statutory Guidance in relation to the exclusion of students who are vulnerable and/or have SEND.

The Exclusion Process

In addition to serious breach of the Behaviour Policy, exclusions (whether internal, Fixed-Term or Permanent) may be used in response to any of the following examples of unacceptable conduct:

- Physical assault against a student;
- Physical assault against a member of staff at the UTC or offsite, or other stakeholder;
- Verbal abuse/threatening behaviour against a student;
- Verbal abuse/threatening behaviour against a member of staff at the UTC or offsite, or other stakeholder;
- Bullying;
- Racist and other discriminatory abuse;
- Sexual misconduct;
- Drug and /or alcohol-related behaviour;
- Damage;
- Theft;
- Persistent disruptive behaviour;
- Weapons-related.
- Using the school IT resources to download inappropriate, offensive or racist material.
 - Deliberately misusing, hacking or interfering with the school IT resources with the intended effect of seriously impeding others' ability to use the resources.

This is not an exhaustive list and there may be other situations where the Principal judges that exclusion is an appropriate sanction. The Principal, or member of staff acting as Principal, must take the decision to exclude a pupil, and this must be on disciplinary grounds.

Internal Exclusion

Internal exclusion is used to diffuse situations that occur in the UTC that require a student to be removed from a certain class or activity, or have restricted freedom at lunchtime or the end of the College day, but may not require removal from the College day in its entirety. Students may be placed in internal exclusion for the following reasons:

- Committing a serious misdemeanour;
- Continued failure to respond to other sanctions.

Students will be provided with suitable work during the period of internal exclusion.

Fixed Term Exclusion

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period.

The decision to exclude a student will be taken by the Principal in the following circumstances:

- a) In response to a serious breach of the Behaviour Policy of the UTC;
- b) If allowing the student to remain at the College would have the potential to seriously harm the education or welfare of the student or others in the College.

A student who has been excluded will have the reason for his/her exclusion explained to them by the Principal so that they understand the nature of their misbehaviour. The UTC will enable and encourage pupils to take part in the exclusion process, taking into account their age and ability to understand.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A fixed-period exclusion does not have to be for a continuous period. The length of time for the Fixed Term exclusion may be from half a day to five days dependent upon the severity of the offence. A fixed-period exclusion can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as half a school day for statistical purposes.

The UTC will take reasonable steps to set and mark work for pupils who receive a fixed term exclusion up until the fifth day. The UTC will arrange alternative educational provision from the sixth day.

The UTC takes into account the document entitled 'Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014' which came in to force on 5th January 2015. The effect of the amendment is that consecutive periods of exclusion are considered as one continuous period for the purposes of making arrangements for the provision of suitable full-time education for a pupil of compulsory school age who is excluded for a fixed period on disciplinary grounds. Regulation 2 of these Regulations provides that "the relevant day" as defined in regulation 3(3) and 4(3)(b) of the 2007 Regulations (the day from which suitable full-time education must be provided for a pupil excluded from a relevant school or a pupil referral unit) is the sixth consecutive school day of exclusion, regardless of whether the pupil has been excluded for one or more fixed periods.

Therefore, where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

The Principal will inform the Governing Board of any exclusion which would result in a pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term and any exclusion which would result in the pupil missing a public

examination or national curriculum test, whether this be during a fixed period exclusion or as a result of a permanent exclusion. Notifications must include the reason(s) for the exclusion and the duration of any fixed-period exclusion. Details on procedures relating to permanent exclusions are included below.

The Pastoral and Standards Manager will ensure that reasonable steps are taken to send academic work to the student. It is the responsibility of parents and carers to ensure that work is completed and returned to the UTC. The UTC will advise parents, carers and excluded pupils and aim to agree a reasonable time-frame and method for work to be returned. The UTC will take reasonable steps to ensure that the work is marked and returned during the reintegration interview, or as soon as possible afterwards.

Where a vulnerable student has been excluded, the Principal will ensure that the Vice Principal (also the Designated Safeguarding Lead) and the SENDCO are informed, and that steps are taken to ensure that the work set for the student during the exclusion period is suitable for the student's needs, and that the reintegration interview addresses the student's specific needs.

Contact with a Parent / Carer during/after Fixed Term Exclusion

Once a decision to exclude for a fixed term has been taken, the UTC will immediately contact the student's parent(s)/carer(s) by telephone and arrange collection and supervision of the student. The welfare and safety of the student is the prime consideration. The parent(s)/carer(s) will be informed of:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
 - The Principal will notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Principal will notify the parents of the days on which their duty applies.
 - When notifying parents about an exclusion, the head teacher should draw attention to relevant sources of free and impartial information as recommended by statutory guidance

The UTC will in the first instance notify parents via telephone or in person. Written notification will also be given by letter, or by electronic means, if parents/carers have given permission for this kind of notice to be given by electronic means.

If alternative provision is being arranged, then the following information will be included with this notice where it can reasonably be found out within the timescale and if not, within 48 hours of the start date of the alternative provision:

- the start date for any provision of full-time education that has been arranged for the child 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 they should report to on the first day.

If a child is excluded for a further fixed-period following their original exclusion, or is subsequently permanently excluded, the Principal will inform parents without delay and issue a new exclusion notice to parents.

Students Returning from Fixed Term Exclusion

All students returning from Fixed Term exclusion are required to attend a re-integration meeting at the UTC, accompanied by a parent/carer. The notice of this meeting will be given to parents/carers as soon as possible. If a parent/carer fails to attend the meeting, the UTC will keep a record of the meeting, and share its content with a parent/carer at the earliest opportunity. The meeting will seek to:

- Emphasise the importance of parents/carers working with the UTC to take joint responsibility for the student's behaviour;
- Discuss how behaviour problems can be addressed and resolved;
- Explore wider issues and any circumstances which may be impacting on the student's behaviour;
- Establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in a partnership between the student, parent/carer and the UTC.

A Senior Leader, and in some cases the Pastoral and Standards Managing will be present at the meeting. Depending on any additional needs of the pupil, the SENDCO and/or Teacher Responsible for Looked after Children may also be present at the meeting. In some incidents, on the return from a Fixed Term exclusion, students will be introduced back into their normal lessons during a phased integration.

Permanent Exclusion

The decision to exclude students permanently is a serious one and will be taken by the Principal and only:

- a) In response to a serious breach or persistent breaches of the UTC Behaviour Policy.
- b) If allowing the student to remain at the College would seriously harm the education or welfare of the student or others in the College.

The Chair of Governors will be informed on the same day of the production of the exclusion letter for any permanent exclusion, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

There are two main types of situation in which permanent exclusion may be considered.

The **first** is where a student exhibits a build-up of disruptive behaviours over time and continues to display persistent and defiant behaviour in spite of sanctions and the use of other strategies. The student and parents/carers will be notified that should such behaviour continue, permanent exclusion is likely to result when the next incident occurs. In this respect it is a final, formal step in a concerted process for dealing with disciplinary offences and adverse behaviours.

The **second** is in the exceptional set of circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a student for a first or 'one-off' offence, regardless of previous disciplinary history. These circumstances may include:

- Serious actual or threatened violence against another student, a member of staff at the UTC or off-site or a stakeholder;
- Sexual abuse or assault;
- Possession of or supplying an illegal drug;
- Carrying an offensive weapon.

Offensive weapons are defined in the Prevention of Crime Act (1953) as 'any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.' In order to protect the safety of the UTC community, the usual practice of the College is to automatically permanently exclude a student if there is an incident which involves an offensive weapon and/or knife crime.

This list is not exhaustive but serves as an illustration of the severity of the offence. There may be other situations where the Principal judges that permanent exclusion is an appropriate sanction given the extreme nature of the incident and the incumbent harm to the education and welfare of the student or others in the College.

Where the UTC considers a criminal offence may have taken place, it reserves the right to inform the Police and other agencies as appropriate.

Making a Decision to Permanently Exclude

Before deciding whether to permanently exclude a student, the Principal will:

- Ensure that an appropriate investigation has been carried out;
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy;
- Give the pupil an opportunity to present their case before taking the decision to exclude.

The principal means for this will be the holding of a meeting with the student, where practical, to allow him/her to give his/her version of events.

The Principal has to be satisfied on the 'balance of probabilities' that the student was responsible for the behaviour in question. The Principal will always look at the particular circumstances of each case. In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the UTC Behaviour Policy;

b) The effect that the student remaining in the College would have on the education and welfare of other members of the College community.

Contact with a Student, Parent, or Carer during/after Permanent Exclusion

If the decision to permanently exclude is made, the student will have the reason for his/her exclusion explained to them by the Principal (or his/her representative) so that they understand the nature of their misbehaviour. If the parent/carer is unable to meet the Principal (or his/her representative) on the day of the Permanent Exclusion they will be required to do so the following College day.

The UTC will immediately contact the student's parent(s)/carer(s) by telephone and arrange collection and supervision of the student. The welfare and safety of the student is the prime consideration. The parent(s)/carer(s) will be informed of:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
 - The Principal will notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The Principal will notify the parents of the days on which their duty applies.
 - When notifying parents about an exclusion, the Principal will draw attention to relevant sources of free and impartial information as recommended by statutory guidance and will inform parents of the appeals process.

The UTC will in the first instance notify parents via telephone or in person. Written notification will also be given by letter, or by electronic means, if parents/carers have given permission for this kind of notice to be given in this way.

Educational Provision

During a Permanent Exclusion the UTC has a duty to arrange suitable full time educational provision from and including, the fifth consecutive day of the exclusion. The Local Authority has a duty to arrange full-time education from the sixth College day.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority. In addition, where a pupil has an Education Health and Care plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement. In the case of a

looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

The UTC aims to help minimise the disruption that exclusion can cause to an excluded pupil's education. In particular, in the case of a looked after child, the UTC will take steps to work with the local authority to arrange alternative provision from the first day following the exclusion.

Where it is not possible, or not appropriate, to arrange alternative provision for any student during the first five school days of an exclusion, the UTC will take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside of the College.

Behaviour Outside the UTC

Students who breach the Behaviour Policy of the UTC whilst on College 'business' such as education/training at other providers, trips and journeys, sports fixtures or a work-experience placement will be dealt with in the same manner as if the incident had taken place at the UTC.

For incidents that take place outside the UTC and not on College business, this policy will still apply if the behaviour has the effect of bringing the reputation of the UTC into disrepute or if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. This includes behaviour in the immediate vicinity of the College or on a journey to and from the College, and work experience.

Roles and Responsibilities

The Vice Principal is responsible for monitoring the implementation of the policy, including recording and analysing the profile of excluded students, in line with the aims of the policy.

The Principal is responsible for ensuring the fair and consistent implementation of the policy and for all decisions on whether or not to exclude a student. The Principal may delegate to other senior leaders the arrangements for the support for students in danger of exclusion and for the reintegration of students returning to the UTC after a Fixed-Term exclusion.

The Governing Body is responsible for deciding whether or not to confirm the Principal's decision to exclude a student and arrangements for any appeal.

Appeals

All correspondence regarding an exclusion from the UTC will inform parents of their right to appeal to the Board of Governors 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 Clerk to the Governors.

Monitoring, Evaluation and Review

The Principal will monitor the implementation and effectiveness of this policy, review it every two years, or more frequently if required to do so in response to legislation/Statutory Guidance and report to the Governing Body.

The policy will be promoted and implemented throughout the UTC.

Related Policies

- Behaviour Policy
- Home-UTC Agreement
- Anti-Bullying Policy
- SEND Policy

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Mike Finn – April 2017
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