



**Health
Futures**
UTC

Exclusions Policy

Reviewed and approved: April 2020

Next review date: April 2022

HEALTH FUTURES UTC

Exclusions Policy

1. Introduction

Students at Health Futures UTC (the UTC) are given the best possible education and support, whatever their background or ability and have the right to expect that their learning should not be disrupted by others and that they will be safe when under our care.

The UTC's ethos and policies emphasise principles of caring, cooperation and shared responsibility. However, on occasion, the behaviour of a student may fall below the standard expected and where this is part of a pattern of behaviour that has not been resolved through prior support and intervention or when an incident is sufficiently serious then exclusion from the UTC will be considered.

Health Futures UTC has the highest concern for the safety and wellbeing of the whole UTC community and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort and we aim to reduce the need for it as far as is possible. Occasionally, for serious incidents of poor behaviour, such as verbal or physical abuse to another member of the UTC community the Principal may resort to excluding students. Formal exclusion is the only legal means by which a student may be removed from the UTC site for a breach of the Behaviour Policy.

The UTC prefers where possible to use an Isolation Room as an alternative to fixed term exclusion. This policy outlines the UTC's use of exclusions and is supported by our UTC Behaviour Policy.

The law also allows the UTC to send a student home to change his/her clothes to comply with the dress code without an exclusion as long as parents are notified in advance. The time allowed will be no longer than is necessary for clothes to be changed and the absence from the UTC recorded as authorised. However, if the student continues to breach dress code to avoid school, the student's absence may be recorded as unauthorised.

2. Power to exclude

The Principal is the only member of staff within the UTC who can exclude a student, either permanently or for a fixed-term. In the absence of the Principal, a Vice Principal can make this decision.

3. Reasons for exclusion

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

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

- verbal abuse to staff and others
- verbal abuse to students
- physical abuse to/attack on staff
- physical abuse to/attack on students
- indecent behaviour
- damage to property
- misuse 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 UTC sanctions and other interventions have not been successful in modifying the student's behaviour.

4. Types of exclusion

4.2 Permanent exclusion

Permanent exclusion is an extremely serious sanction and a step taken by the UTC only as an absolute last resort. In most cases, permanent exclusion will be used in response to a history of persistent, disruptive behaviour and only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These include:

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

When an investigation is necessary the Principal will ask a member of the Senior Leadership Team to carry out this task and report back. Before reaching a final decision as to the sanction the Principal will:

- Review the evidence that has been submitted
- Review the student's record
- Consider relevant mitigating and aggravating factors
- Meet with the student and his/her parents
- Consult with senior members of his team
- Inform the Chair of Governors

It may be necessary for the UTC to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Pupil Discipline Committee to ensure that they are justified and fair.

Proof

The standard of proof currently applied in school exclusions is the **balance of probabilities**. However, the more serious the allegation, the more convincing the substantiating evidence needs to be, ie the evidence should indicate that it is distinctly more probable than not that the student has done what s/he is alleged to have done. This does not amount to requiring a criminal standard of proof ('beyond reasonable doubt') but it does mean that the Principal may need to rely on evidence of the student's past behaviour to prove the likelihood of his/her committing this serious offence. Thus, if a student is permanently excluded for bringing a knife into the UTC and threatening to stab someone, previous incidents of threatening behaviour or the possession of a weapon would be relevant, but not disciplinary matters of another nature, eg: possession of a controlled substance or general disobedience.

When the Principal recommends permanent exclusion to the Governors s/he will be satisfied that all the following criteria are met:

- There has been a serious breach of the UTC's Behaviour Policy
- There have been similar incidents in the past (unless this is a serious single incident)
- Strategies have been used to support the student to change/improve behaviour
- If the student remained at the UTC there would be serious risk to the education, welfare and safety of staff/students

The Exclusion Report

In advance of the Governors Disciplinary Committee a Vice Principal will prepare an exclusion report with numbered pages which explains why the student was excluded. The report will include:

1. Summary statement including basic information about the student.
2. An overview of the case including a detailed account of the reason(s) for the exclusion. The fact that the current DFE Exclusions Guidance has been adhered to. An indication of how the sanction that has been applied is consistent with the UTC's Behaviour Policy. A statement to the effect that the decision is consistent with the way that similar cases have been dealt with in the past and that others who may have been involved in the present exclusion have been dealt with in a manner proportionate to their involvement. The perceived consequences of allowing the student to remain at the UTC, in terms of the education and welfare of the student or others in the UTC and the impact on good order and discipline. Where appropriate a comment from the Principal of his/her duty of care and the need to balance the needs of the individual against the needs of the whole UTC community.
3. SEND record/profile if relevant, indicating a full range of behaviour modification strategies have been attempted without lasting success.
4. Witness statements and photographs of victims' injuries if relevant
5. Meeting notes
6. Letters re exclusions and exclusion record
7. Conduct log
8. Attendance record

4.3 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the UTC at the start of the exclusion period. If a student is excluded for more than 45 days in one UTC year, they will be permanently excluded.

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

A fixed-term exclusion can be changed into a permanent exclusion by the Principal if the circumstances warrant it. In this case, parents or carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian.

An excluded student has no automatic right to take a public examination on the UTC's premises. The Governing Body can decide whether or not to allow the student to sit the examinations and this will depend on the seriousness of the reason for exclusion.

5. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the UTC and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety within the UTC.

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

5.1 Alternative behaviour management strategies

Internal exclusion

If a student needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, s/he will be placed in another class or it may be necessary to place that student in the UTC isolation room or with one of the Heads of Year.

Mediation

If there is a conflict between two or more students, a member of the Pastoral team will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a student.

Restorative justice

This strategy is dependent on the co-operation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. It can be helpful for the student to repair the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Managed move

It may be in the best interest of a student to have a chance of a fresh start by moving to another school or Academy. This will only occur in consent with parents, the LA, the Principal. This will be facilitated through a member of the senior team with a brief for Inclusion and the Behaviour Partnership.

The UTC will do everything it can to ensure that the transition is as smooth as possible.

5.2 Looked-after children and young people

Health Futures UTC understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face. We work in conjunction with all relevant authorities to support looked-after children and try every possible means of keeping them in the UTC. The UTC, through our Child Protection Officer, will:

- involve the child's Social Worker as early as possible to help the UTC avoid exclusion
- work with the Foster Carer to improve the student's behaviour.

5.3 Students with special educational needs or a disability (SEND)

Students with SEND

We work hard to accommodate students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEND. The UTC will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Principal will use the time between the initial decision and the Governing Body's review to see whether a change of circumstances might enable the Academy to withdraw the exclusion. It may be the case that more support is needed for the student, or that it is

in the child's best interest that their Statement/Education and Health Care Plan (EHCP) be changed to name a different school, in which case the UTC will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Students with a disability

If a student with a disability is under consideration for exclusion, the Principal will ensure that all other possible outcomes have been tried. To justify excluding a student with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the UTC may be material and substantial justification, but only if reasonable adjustments have been made for the student's disability.

5.4 Ethnicity

Health Futures UTC does not discriminate against any person and our UTC ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the UTC following the process outlined in our Concerns and Complaints Policy.

5.5 Investigating the circumstances

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

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

- ensure that a thorough investigation takes place
- consider all the evidence, which will include witness statements and SIMs logs
- keep a written record of discussions, interviews and actions and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed
- encourage the student to give his or her version of events in a statement
- take into account the UTC's Behaviour 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.

5.6 Confidentiality

The UTC will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it.

5.7 Recording and notifying the decision to exclude

All exclusions will be formally recorded. Parents or carers will be informed in a timely manner once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. The decision will be confirmed in writing.

6. Reviewing a permanent exclusion

The Governors Student Discipline Committee will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a student being excluded for more than 15 days of an UTC term or missing a public exam. The Governors' Student Discipline Committee will look at the evidence and the records leading up to the exclusion and decide whether the Principal has made a fair decision and if exclusion is the appropriate sanction.

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

6.1 Notification of the Governors' Student Discipline Committee Decision

Parents will be notified of the outcome of the Governors' Pupil Discipline Committee decision in writing. This letter will also outline how parents can request a review by the independent panel at the UTC's expense if they are unhappy with the outcome of the Governing Body's review. The outcome will be one of the following:

- **Unlawful exclusion**
- If the Governors' Student Discipline Committee has found that the exclusion has been made unlawfully, it will not stand. The Governing Body will not investigate further. Parents who have a complaint about an unlawful exclusion should follow the procedures set out in the UTC's Concerns and Complaints policy to report it.
- **Upholding the exclusion**

If the Governors' Pupil Discipline Committee finds that the exclusion is fair and just, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

 - the decision
 - the reason for the decision
 - the parent's right to appeal to an independent appeal panel
 - the name and contact details of the person to whom to send a notice of appeal
 - the date by which a notice of appeal should be given
 - that the notice of appeal must set out the grounds for appeal
 - that the notice of appeal should set out any grounds for alleging disability discrimination if this is the case.
- **Reinstating the student**

If the Governors' Student Discipline Committee decides that it is appropriate to reinstate the student immediately or by a given date, support will be given to ensure that the student is reintegrated into the UTC.

A copy of the letter detailing the outcome will be uploaded to the student's record on SIMs along with any relevant papers.

7. During an exclusion

Although the UTC has made the decision to exclude a student, we maintain responsibility for the education of that child and will do everything that we can 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 student should complete at home under parental supervision. Students have access to Show my Homework (UTC Learning platform)

From the sixth day onwards, if the exclusion is fixed-term, the UTC 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 might be arranged at:

- An alternative Academy/school in the area
- a Personal Education Centre

If the child has a Statement/Education and Health Care Plan (EHCP), the alternative provision will meet those needs.

8. Following an exclusion

On returning from an exclusion parents will be invited to meet with a member of the Senior Leadership Team/Head of Year and the student to help reintegrate the student back into the UTC.

Monitoring Evaluation and Review of Policy

The Principal will report to the Governors relevant aspects of the working of the policy as appropriate.

Signed by

_____ **Chair of Governors** **Date:**

_____ **Principal** **Date:**

The Governors will review the policy every 2 years or as appropriate.